



PLANNING COMMISSION MINUTES
Regular Meeting
November 20, 2008

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

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Sue Buckner led the Pledge of Allegiance.

3. ADMINISTER THE OATH OF OFFICE

Councilmember Duran administered the Oath of Office to Roberta Sue Buckner.

4. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Jennifer Alkire, Associate Planner, Francie Stefan, Senior Planner, Heather Waldstein, Senior Contract Planner, John Chase, Urban Designer, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.

5. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, November 20, 2008 as presented. **Moved by Chair Altschul and unanimously carried.**

6. APPROVAL OF MINUTES.

A. None.

7. PUBLIC COMMENT. None.

8. ITEMS FROM COMMISSIONERS.

Commissioner Yeber welcomed Commissioner Buckner.

Commissioner Hamaker welcomed Commissioner Buckner.

Commissioner Guardarrama welcomed Commissioner Buckner.

Vice-Chair DeLuccio welcomed Commissioner Buckner.

Commissioner Bernstein welcomed Commissioner Buckner.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

**A. 507-509 N. Orlando Avenue.
Demolition Permit 2007-032, Development Permit 2007-051, Tentative
Trace Map 2008-002, Negative Declaration:**

Request to demolish two existing single-family dwellings on separate adjacent parcels to construct a four-story, nine-unit condominium building over one level of subterranean parking.

[VERBATIM TRANSCRIPTION]

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Altschul: *Item 10A, Demolition Permit 2007-32, Development Permit 2007-51, Tentative Tract Map 2008-02, and Negative Declaration. The Planner is Michael Barney. The address is 507 to 509 North Orlando and Demitri Samaha is the Applicant, and may we have the staff report please, Michael?*

Keene: *I'd like to start if I may, Chair Altschul. Good evening and good evening Commissioners. You will see in Staff's recommendation there are two decisions before you and I would like to address the first one, which is an interpretation of the Zoning Ordinance, General Plan. I received a letter from an adjacent property owner requesting an interpretation of the Zoning Ordinance and General Plan on September 11th, 2008, and under the rules of interpretation in the Zoning Ordinance, someone can request an interpretation from the Director of an interpretation made by staff. This particular request as noted is, how does the Review Authority make the final determination of the number of stories allowed in the R3C District? After the Planning Commission continued the item the last time, the neighbor reviewed the plans and had questions regarding it, specifically concerned about how the height was determined because the General Plan language has some inconsistency in it. When the General Plan was originally adopted, it included very specific language regarding height limits and the Zoning Ordinance adopted specific language to reflect these policies. Over time the General Plan and the Zoning Ordinance were modified by the City Council to become less detailed in limitations on height in the R3 Zone, R3C Zone and currently the Zoning Ordinance does not include a limitation on the number of stories in the R3C Zone. But in the same General Plan on page 17, there is a statement that says, and I quote, "Residential areas characterized by a mix of two and three story buildings will be permitted to within a range of height from 25 feet to two stories to 45 feet and three stories depending upon the predominant existing height." And that's really where some of the question in this interpretation lies. The City has allowed four story buildings in the R3C Zone because specific language elsewhere in the General Plan detailing how to measure height was modified by City Council in 1991, where it eliminated a reference to stories and instead stated that the height may vary according to height averaging formulas that were outlined at that time in the City Zoning Ordinance. Furthermore, in 2001, the City Council modified the Zoning Ordinance to eliminate that height averaging, so right now there is no longer a provision in our Zoning Ordinance that – to specifically restrict heights based on the heights of surrounding buildings. So since 2001 and that removal of the height averaging, City has approved projects in the R3C Zone that have been four stories without using a height averaging method. So this has been the interpretation of staff that in fact we do not, we do not follow the predominant height as originally called out in the General Plan and the language on page 17 is not consistent with what we now have in our Zoning Ordinance. I received another letter in October from the same neighbor asking, requesting another interpretation and the*

interpretation was regarding the Green Building Incentive. The project that's before you tonight is the first project to meet the requirements of the incentive for reaching the 90 points available in the Green Building Ordinance and so the question that is before you tonight as part of the interpretation is, can this incentive allow an additional unit on top of the maximum allowed density of the Zoning Ordinance? And the interpretation here is that, yes, it can. The Zoning Ordinance states that these high achieving buildings under the Green Building Ordinance may be allowed one additional residential unit not to exceed 700 square feet without having to provide the additional parking that would otherwise be required for the unit. This is, this is a bonus, an incentive to encourage people to use these Green Building guidelines and in fact to use the maximum that we have outlined Green Building Incentives. The neighbor believes that because there is no specific language stating that an additional unit is allowed, that the number of units allowed by the underlying zoning cannot be increased, cannot increase the density of site. But in fact what staff is saying and since this is a fairly new revision to the Code, the Green Building guidelines or Ordinance, that is the intent that there would be an additional unit provided, that is what the incentive is here. Additionally, the second letter in October asked if the Green Building Incentive can be combined with the courtyard standards. There are – there is specific language in the Code in other areas that says which bonuses cannot be added on to bonuses, where you can't have two bonuses for instance. There's no such provision in the Green Building Incentives or section of the Code and so staff's interpretation is yes, that you can have a Green Building Incentive and combine it with other incentives that an Applicant requests as part of the courtyard standards. I know that's a lot of information and I'm certainly happy to answer any questions you may have about those interpretations.

Altschul: *Thank you, Susan, and before there are any questions, Mike Jenkins, as City Attorney, do you have any other comments to add to Susan's statements? Okay, are there any questions of staff at this time? All right, there being none, I understand that our approach at this particular point is to discuss and entertain the motion whether to or whether not to agree with staff's determination and I suspect that it would be prudent to do that in two sections. Number one, discuss or – and vote on the determination on the building height and then secondly, to discuss and vote on the determination with respect to the Green Building Incentives. Does anybody have anything to say or discuss about the building height interpretation? Donald?*

DeLuccio: *I think the interpretation by the Director is correct. I personally have different feelings in regards to when we eliminated the height averaging from the Ordinance, but we're going by what's in the language of the Ordinance right now and the current Ordinance and it does, I believe it does permit for the interpretation as been described by the Director, so I would make a motion, if I may, that in regards to the building height that we accept the interpretation of the Director.*

Altschul: *Is there a second?*

Hamaker: *I second.*

Jenkins: *Mr. Chairman? I might just suggest that because this is kind of an unorthodox procedure that you solicit public comment before you take action on the motion.*

Altschul: *Thank you, Mr. Jenkins. Would you please withdraw your motion?*

DeLuccio: *I will.*

Altschul: *Would you please withdraw your second?*

Hamaker: Yes.

Altschul: And now do we have any speaker slips? And this is only on the item, not on the project itself, but only on the staff's interpretation of the building height. There's about 25 or 30 speaker slips here. We will limit time to two minutes per person. Demitri Samaha, you are the Applicant, if you wish to comment on the staff's interpretation of the building height at this time. Mr. Samaha? Not here. David Kellen?

Hamaker: He's here.

Altschul: Oh, I'm sorry.

Samaha: Yeah, I would like to.

Altschul: Please. Only on that one item please at this time Mr. Samaha and you have up to two minutes.

Hamaker: Chair, just to – may I ask just for a point of clarification on this? Are we going to be hearing from 30 people about the project as well as about the height and the –

Altschul: Yes, ma'am.

Hamaker: Could I suggest that we perhaps limit this testimony to one minute?

Altschul: That's a very good suggestion. Without objection, the speakers' time on this item on the building height interpretation and the green building interpretation, these incentives shall be limited to one minute.

Samaha: No problem.

Altschul: Everybody. Thank you, and I would please request that when you get up to speak that you not move the microphone because apparently there's some problem with it tonight that when you move it, it creates static. Continue please, Mr. Samaha.

Samaha: Yeah, good evening Commissioner and Chair. Yeah, in front of you this evening is this building on 507-509 Orlando and according to our understanding of the zone that you're allowed to have a four-story building and we have researched that our self and look at similar building in the same area under the same zoning and that has already been allowed by the City and I believe by you as well for the zoning. So, we're here to say that it's been allowed and that's our understanding on the height. And that's the only thing we addressing at this point, right?

Altschul: Yes, sir.

Samaha: Okay, that's it, thank you.

Altschul: David Kellen?

Kellen: I'm David Kellen, I'm the Architect for the project and we've –

Altschul: Your city of residence please?

Kellen: Oh, Santa Monica. And we do feel that staff is correct in allowing us to have the four story building.

Altschul: *Simon Rutberg, do you wish to speak on this particular segment of the item?*

Rutberg: *I'm Simon Rutberg, I live in West Hollywood. I refer to another building where four stories was permitted. I live two doors away, two buildings away from that on Kings Road. I can honestly tell you that it's so totally out of character with the block. There was an apartment building much larger than this as far as units that is just north of this four-story building. It was an open building, lots of sunlight, everything. It is now in the 24-hour shadow. They have no sunlight at all. Though I live two buildings away from this four-story building, I live on the second floor, I have a patio I used to go outside and –*

Altschul: *Sir, this is not on the interpretation item, if you would confine. You will have your chance when you speak on the item itself on the proposed (TALKING OVER).*

Rutberg: *Oh, I'm sorry, I'm a little confused (TALKING OVER).*

Altschul: *We're only discussing whether the staff's interpretation of the General Plan is in fact in accordance with what it should be.*

Rutberg: *Okay, thank you, I'm sorry.*

Altschul: *And if everybody else that we call will keep that in mind. This is what we're soliciting comment on at this time. Sven Toorvald?*

Jenkins: *Mr. Chairman?*

Altschul: *Yes.*

Jenkins: *Mr. Toorvald had requested the interpretations. Might I suggest that because he was the one who requested, that you give him the usual amount of time?*

Altschul: *Ten minutes?*

Jenkins:: *No. Three minutes or –*

Altschul: *Three minutes.*

Jenkins:: *Yeah.*

Toorvald: *Thank you, Chairman. Sven Toorvald, West Hollywood resident. Yeah, the request is really, and I think the Director made a distinction very well, was that in the General Plan it says – my question was, how does the Reviewing Authority make that process? It wasn't a question of how high it's allowed, but how do you make the determination and whether or not it's to – the determination is made based on the surrounding structures. And so in the General Plan, it said based on the predominant existing height, meaning that the Reviewing Authority, being yourselves, that that is taken into consideration. I guess my big question was just to get to the main point of that it's not a guarantee of four stories that, that the Applicant is automatically guaranteed four stories if they ask for four stories. That was basically – I thought the Director made it very clear to me by the interpretation what she said and that's kind of the gist of the request. Thank you.*

Altschul: *Thank you, Andrew Glass? Pass. David Franco? Pass. Megan Hornaday?*

Hornaday: Pass.

Altschul: Pass. Gabrielle Tracy?

Tracy: Pass.

Altschul: Thank you. Candellyn Tyner?

Tyner: Pass.

Altschul: Andrea Tobey?

Tobey: Pass.

Altschul: Wendy Braitman?

Braitman: Pass.

Altschul: Betty Glover?

Glover: Pass.

Altschul: Jeffrey Hornaday?

Hornaday: Pass.

Altschul: Martine Harley?

Harley: Pass.

Altschul: Dan Greenberger?

Greenberger: Pass.

Altschul: Lois Munera?

Munera: Pass.

Altschul: Judy Shioshita?

Shioshita: Pass.

Altschul: Mark Hammer?

Hammer: Pass.

Altschul: Lynn Balsamo?

Balsamo: Pass.

Altschul: Lynne Kirste?

Kirste: Pass.

Altschul: Lauren Meister?

Meister: Pass.

Altschul: And that's all the speaker slips that we have on the building height issue. Well, that's all the speakers we have on the whole thing, but this would conclude the public testimony on the building height issue. Donald, did you wish to remake your motion?

DeLuccio: I'll make a motion to accept the interpretation of the Director in terms of the building height.

Altschul: Barbara?

Hamaker: I'll second.

Altschul: Any discussion? There being no discussion, David would you call the roll?

Gillig: Vice Chair DeLuccio?

DeLuccio: Yes.

Gillig: Commissioner Hamaker?

Hamaker: Aye.

Gillig: Commissioner Yeber?

Yeber: Aye.

Gillig: Commissioner Guardarrama?

Guardarrama: Yes.

Gillig: Commissioner Buckner?

Buckner: Aye.

Gillig: Commissioner Bernstein?

Bernstein: Aye.

Gillig: Chair Altschul?

Altschul: Yes.

Gillig: Motion carries.

Altschul: Thank you. We'll now move on to the second interpretation of the staff, the interpretation on the Green Building Incentive. We will call again the speakers that have turned in slips on this item to see if anybody wishes to comment on the Green Building Incentives, and the staff's interpretation thereof and each speaker would be allowed up to one minute with the exception of Mr. Toorvald, who will be allowed up to three minutes. Demitri Samaha?

Samaha: *I just want the record to reflect that I agree with the staff, you know, explanation for the Green Ordinance, that we agree with it.*

Altschul: *Thank you, David Kellen?*

Kellen: *I, I would like to just add that the Green Building Incentive and the courtyard, a courtyard building go hand and hand as a politically correct building.*

Altschul: *Thank you, we're going to take just a couple of minutes or a couple of seconds break here while Ken switches out the microphones. Anybody else other than Mr. Toorvald? Mr. Toorvald, please go ahead.*

Toorvald: *I'm sorry, I didn't know how this, this was going to be the procedure. I'm sorry for –*

Altschul: *That doesn't seem to be working. Ken?*

Toorvald: *-- Ordinance. It does mention it, but in this particular one, it's not mentioned. I know I spoke to staff and they said it was intended and I did a – I researched all the staff reports and all the notes from all the deliberations on it. It was mentioned twice, once for one and once again, but it was never actually written into the resolution. That's why the question came. I just wanted to clarify to make sure that was actually part of it. Thank you.*

Altschul: *Thank you, Mr. Toorvald, is there anyone else that wants to speak only on the staff's interpretation of the Green Building Incentive? Ms. Dobrin?*

Dobrin: *Jeanne Dobrin, resident of West Hollywood.*

Altschul: *That's not working. Please --*

Dobrin : *I support – is this working?*

Altschul: *No.*

Dobrin: *Okay, thank you. I support what the previous speaker has said.*

Altschul: *It's not working.*

Dobrin: *She just told me it's working. What –*

Altschul: *No, she told you it wasn't working.*

Dobrin : *I am Jeanne Dobrin. I am a resident of West Hollywood. I support the previous speaker. I also have another problem. It seems that every time the City wants something different like the Green Building or 15 years ago the courtyard housing, there's another incentive and it's the incentive for stepping back (TALKING OVER).*

Altschul: *Ms. Dobrin, this is not appropriate at this time.*

Dobrin : *I, I am speaking about the Green Building.*

Altschul: *Only as it applies to this project and the interpretation –*

Dobrin: *I am speaking about that.*

Altschul: *And the interpretation that the staff gave on this project and on this request. Please confine your –*

Dobrin: *This gentleman has just told us that it was not mentioned, but the staff that it is intended. I feel that an intention is not written in stone and so therefore I agree with him tremendously and not only that, I feel that the City should have green buildings on everything and we should stop this incentive, incentive, incentive, incentive on top because we're going to get a City that's way out of whack. I support what he said.*

Altschul: *Thank you, is there anyone else that wishes to address this on the Green Building Incentive interpretation? If not, we'll close the public testimony portion of this particular item on the interpretation. Is there any discussion or would anybody like to make a motion?*

Hamaker: *I'll move to accept the Green, the interpretation.*

Altschul: *Is there a second?*

Bernstein: *I'll second.*

Altschul: *Thank you, is there any further discussion?*

DeLuccio: *I'll just make one comment if I may?*

Altschul: *Please.*

DeLuccio: *When we're talking about residential and this particular zone, we're not even talking about any FARs, correct, For Areas Ratios? That's – that has to do with commercial development in the city.*

Keene: *That's correct.*

DeLuccio: *So I don't – so one additional unit based on a Green Building Incentive would have – that to me is confusing it with commercial when you have Floor Area Ratio and in this case we don't, so it wouldn't matter if you have – if it qualifies for an additional unit, it has nothing to do with, you know, an additional Floor Area Ratio, is that correct?*

Keene: *It's not related to Floor Area Ratio because we use density, we use a different measurement in residential.*

DeLuccio: *Thank you.*

Altschul: *Are there any other comments or questions? There being none, please take the roll David.*

Gillig: *Commissioner Hamaker?*

Hamaker: *Aye.*

Gillig: *Commissioner Bernstein?*

Bernstein: *Aye.*

Gillig: *Commissioner Yeber?*

Yeber: Aye.

Gillig: Commissioner Guardarrama?

Guardarrama: Yes.

Gillig: Commissioner Buckner?

Buckner: Yes.

Gillig: Vice Chair DeLuccio?

DeLuccio: Yes.

Gillig: Chair Altschul?

Altschul: Yes.

Gillig: Motion carries.

Altschul: Thank you. We'll now proceed to public hearing 10A with respect to the Application and the entitlement itself. It's 507 to 509 North Orlando. The Applicant is Demitri Samaha. Michael Barney is the Planner and may we please have the staff report?

Barney: Yes, good evening, and thank you Chair, Commissioners. The proposal before you this evening is again a request to demolish two existing single family dwellings and construct a new nine-unit courtyard residential building of approximately 12,237 square feet above subterranean parking using the courtyard incentives (INAUDIBLE).

Altschul: Can we take a couple of minutes to see that that's taken care of, Ken? We'll take a three minute break.

Barney: Thank you. What I was saying was this is a request to demolish two existing single family dwellings and construct a nine-unit courtyard residential building of approximately 12,237 square feet above subterranean parking using courtyard incentives and design standards. It was returned to the Applicant by the Planning Commission on May 1st, 2008, for a redesign. A Negative Declaration was prepared pursuant to the California Environmental Quality Act. The proposal is for 507 and 509 North Orlando Avenue, two adjacent parcels which is located on the west side of Orlando, one parcel north of Rosewood Avenue at the border between West Hollywood and the City of Los Angeles. Adjacent to the north and south of the property are single family dwellings with multi-family dwellings to the east and west in a predominantly multi-story, multi-family neighborhood. This slide shows the plan of the existing conditions with the two adjacent single family homes. The Planning Commission suggested to the Applicant that they look again at the possibility of opening up the entry to the sky, decrease the size of the units, increase neighborhood compatibility and move the trash and recycling location. The Applicant chose to open the entry to the sky, relocate the trash and recycling, reduce the size of the units, add balconies for compatibility and voluntarily added solar panels to the rooftop. Please note that I incorrectly stated in the staff report on page 11 of 15 that the Applicant has chosen to deviate from the courtyard standard from the passageway being open to the sky. That was carried over from the original report. My apologies. Here is a chart that shows the decrease in size of the units for the original design. All units have been substantially reduced. The Applicant has chosen four of the six courtyard incentives from the Courtyard Housing Standards. One being 50 percent of the on-site parking

spaces as compact and one of the two guest spaces as compact. Two, the driveway ramp slope will be 20 percent with five percent – excuse me, five percent slopes for the driveway approaches. And then three and four are front yard and rear yard projections into the respective setbacks. The Applicant has also chosen one Green Building Incentive for high achieving projects and that's the additional unit above what is allowed in the Zoning Code for the RC3 Zone, and that's unit number three. Here is the plan, this is a footprint for the proposed ground floor plan. The project parking will be located in a subterranean garage. With eight two-bedroom units and one single unit, the Applicant is required to provide 16 parking spaces that include handicapped and two spaces for guests for a total of 18 parking spaces. An additional parking space has been voluntarily provided for the green building incentive unit, bringing the total amount of proposed spaces to 19. All spaces will be single space parking except for two tandem spaces for four cars. Here is the east elevation showing the size of the proposed project in relation to the adjacent properties to the north and to the south. Since the Planning Commission packet was published, more accurate plans than which are in your packets were submitted. The primary changes reflect the voluntary, not required, rooftop solar panels and the correct location of the trash and recycling units on the landscaping plans. Conditions listed in the Memorandum can be included in the resolution. So the image on the left is the rooftop plan with voluntary solar panels. The image on the right is the landscaping plan and in the upper right is the accurate proposed location for trash and recycling. The property is located in the residential R3C Zone, which allows for a maximum of eight units on a lot size of 10,399 square feet. The Applicant is requesting nine units with a green building incentive unit. The project complies with the private and common open space requirements. Lastly, here are some photos of the surrounding neighborhood around Orlando, Croft and Kings Road. This proposal meets the requirements for this site and the surrounding R3C Zone neighborhood, complies with the requirements of the Municipal Code and will provide an additional seven new residential units along Orlando Avenue. After the staff report was due, I received opposition comments by telephone of the project because of potential traffic congestion and they also believe that it is too big for the neighborhood. A response to public comment letters is included in the staff report as well as a Memorandum that was provided for you prior to the start of this hearing. John Chase, the City's Urban Designer, is here to speak with you about the project's architecture compatibility and afterwards we are available for questions. Thank you.

Chase: Excuse me. This is a courtyard project that is divided into an eastern and a western section. That are separated except for an open – the front section is separated except for an open three-foot wide walkway at the third story level. This opening through the project leads to the courtyard at this end of the building. On either side of the building, another side of the opening, one-story base project forward from the face of the building into the front yard setback permitted as an incentive in the Courtyard Housing Section Zoning Code. The north wing of the project has an additional setback at the second story. These elements are size and proportion to relate to the remaining single-family houses on the street as being more similar in height, scale and proportion. Similarly, there is a one-story projection into the rear yard. Larger windows are concentrated in the east and west facades, while north and south units have somewhat smaller units in size and a greater ratio of wall to window area. The building is designed as a simple set of rectangular volumes differentiated by surface color presented as a sculptural composition. These volumes are also animated by corner windows, overhangs, indentations, changes in wall plane and syncopated asymmetrical placement of the clear anodized aluminum windows. The compatibility of the building is based on the immediate neighborhood in West Hollywood, which has many modernist buildings with simple stucco walls, flat roofs and right angles in their design. The building is broken down to be more compatible with the different size of the building's neighborhood by the courtyard, the division into bays, both north/south and east/west, building is a series of setbacks, windows of various size and placement, and the use of color to defer the different sections of the buildings. It's also

broken up by horizontal balconies with horizontal metal rails. There is also landscaping to bring the building into scale with the neighborhood including canopy trees, and there's also landscaped screening at the side yards to the project with bamboo and ginkgo trees. The building is a more highly developed and articulated version of the multi-story modernist buildings that dominate this block of Orlando Avenue. At the same time, it incorporates architectural elements that are similar in scale to the remaining single-family houses on the block. Thank you.

Altschul: *Thank you, and before we proceed any further, I – let's take a couple of minutes for the Commission or anybody else that wishes to look up the models. And John, John Chase, I assume that the model on our right and the audience's left is the current, the model of the current proposal and the one on the left was the prior iteration, is that correct? Current?*

Chase: *Current, original.*

Altschul: *Thank you. Anybody that wishes to look, please do. If everyone will please take their seats, we'll proceed. Are there any disclosures?*

Guardarrama: *I have a disclosure.*

Altschul: *Excuse me. Can we be – may we please sit down now. Joe?*

Guardarrama: *I met with Sven Toorvald yesterday and before when we originally heard this project. We discussed matters. They're in the staff report. We discussed – we met on the actual proposed site and discussed the building outline and different impacts that the building would have on his property.*

Altschul: *Any other disclosures? Allen?*

Bernstein: *It was identical to Commissioner Guardarrama, I met with Mr. Toorvald. We discussed matters contained within the staff report and he brought up some of his specific concerns about how the building if built as designed would affect his property.*

DeLuccio: *I have a disclosure actually. I actually was invited to meet with Mr. Toorvald. I didn't have an opportunity, but we did greet each other at the end of the last Commissioner meeting, but we had no discussion of substance.*

Altschul: *And I have the same disclosure as Joe and Allen. Any other disclosures? There being none, Design Review Committee Report. Joe?*

Guardarrama: *The Design Review meeting went fairly well for this Applicant the second time around. In general, the Commissioners were pretty happy that the courtyard entrance was open to the sky and it appeared that the building steps back at the front, sort of making it a little bit more palatable for the two properties immediately adjacent to it to the north and to the south. So in general, the Design Review Subcommittee felt like the Applicant and the Applicant's architect heard what the Commission had to say at its previous hearing.*

Altschul: *Thank you. All right, there – are there any other questions for staff at this time?*

Yeber: *I just have a quick question.*

Altschul: *Marc?*

Yeber: *Michael, I was looking through the report, does it list the amount of permeable space in the report?*

Barney: *The list of permeable space would be within the plans.*

Yeber: *Within the plans, okay.*

Barney: *But not, not written in the staff report.*

Yeber: *Not in the staff report. It may have been in the original too, right? It may have been – because usually you guys list permeable surface in the staff report.*

Barney: *I can look into that and get back to you.*

Yeber: *Okay, thank you.*

Altschul: *There being no further questions, we'll open the public hearing and we have just upwards of 25 speaker slips, so there will be two minutes per speaker and we'll begin with the Applicant, who will have 10 minutes and then five minutes at the end for rebuttal, and the Applicant includes all of your team, Mr. Samaha. You and Mr. Kellen and anybody else who represents the developer. Between you, 10 minutes combined.*

Samaha: *Okay, thank you again. And thank you Mr. Barney. Thank you Mr. Chase.*

Altschul: *Name and city of residence please.*

Samaha: *Yes. Demitri Samaha, resident of Sherman Oaks, California. So we like to cover some things that goes back to May 1st when we were here for the first hearing. And at that time we listened very carefully to the neighbors and we listened very carefully to the Commissioners and their suggestions. We left here and we went back and had many meetings about how to make this building very lively to what's on this street. And I want the records to just maybe, and I might've misheard it, but I want to be corrected because the property to the north is not a single-family resident. It's a three-unit multi-family and the property to the south of this property again is a duplex, multi-units, not a single-family. So I want that on the record to please reflect that. So after many meetings that we've had regarding this, we redesigned the building to make it a lot less bulkier so it's not the bulky building that it was before. We shaved about approximately 4,000 square feet off the building. We, you know, made the building light and what I mean by that is that if you really look at the new design, the way the building steps back from the first floor to the second, even to the third, even to the fourth floor, especially on the corners, the building is designed to let the light go through. And the three very important places where it does that is on the north/south – sorry, north side, the south side, the middle of the building as you're looking west and also in between the buildings. Because if you look very carefully at the plans right now, we're really not building one building, we're actually are building three different buildings. We're building two buildings in the front and they're open all the way around. They're not like, you know, an apartment building or a, you know, big bulky building, and then we're building one building in the back. So if you look at the sun study, we, you know, we could see that the sun actually goes across both buildings to the north and to the south and makes it very light, makes it, you know, more house-like as well. On September 8, we had a neighborhood meeting where we invited all the neighbors to, you know, come to and meet with us and talk to us about any concerns they have and I want the record to reflect that only two neighbors, two neighbors that showed up that had any concern about this building. Two neighbors, and that's the neighbor to the north and, I'm sorry, I forgot the other neighbor's name. What we did in the last few days before this hearing, we decided to go around the*

neighborhood on Orlando, on Kings Road, on Sweetzer, on Rosewood, on Harper, on Westmont, and we were able to get 18 signature, probably 19 of people supporting this project. We showed them the project, they love it, they like this project and we got those signature of those neighbors and their names right here that I'd like to turn in right now. Just to just, you know, sum up what I have to say is that we are building a green building, we're building a very sensitive building to the neighborhood and we are very happy with this design that we have and now I would like to turn this over to David Kellen for a few minutes just to go over some of the major things that he's changed with the project that makes it more viable. So David, if you please step up.

Altschul: How much time does he have left, David?

Gillig: (INAUDIBLE).

Kellen: David Kellen from Santa Monica. You know, I think most of what we've been talking about has already been stated, both by Planning and the Commission. I would like to say more than anything else, I am really glad that we went through this process. I think this new building is a much better building. I think given the comments we got from the Planning Commission and the neighborhood has really made this a much more sophisticated building. Thank you.

Altschul: Thank you. Anything further Mr. Samaha?

Samaha: Yeah, I would just like to be fair and add just one more thing. As I look at these pictures there and I see that building in the middle there, that building – I don't know, what is that building supposed to relate to, but the building we've designed looks nothing like that building. So, I just don't know what that picture over there represent.

Altschul: That's it?

Samaha: That's it.

Altschul: Thank you, and you will get time to rebut after the rest of the public testimony. Simon Rutberg? Up to two minutes. Simon Rutberg?

Rutberg: Yes, thank you. Simon Rutberg, West Hollywood. Board number five, that's the building I was referring to. That's a four-story. Though it does not represent anything that they're building, it's just an example of the height compared to the other building next to it. I live again two buildings away from there. I have no sky anymore. I used to have a nice patio. One reason I moved because I had a patio and I could see the sky. I have no sky. Also, a four-story building is actually five when you think that there's an elevator shaft up there. That's really five stories. All I see now is the shaft, which is what I consider I got, the shaft. I think it's a very lovely building by the way. I really think it is. It should be on, somewhere on a big lot in Beverly Hills, maybe on Highland, which is a terrible street to be on, but this is totally out of scale. I really would dread to be the person who lives just south of this building. I go by there, I live on Kings Road. I go by there and this is a mammoth consid – next to this little one-story building, very attractive building. The two they're tearing down look very nice as well, but I think we cannot know what it is we have until you actually see how out of scale it is. There are many, many other apartment buildings on that block, by the way, both sides of the street, and this is just – it doesn't belong. It just doesn't belong. It's a nice building, it just doesn't belong. The fact that I live two doors away from this monstrosity down there, it just – and everybody on the blocks thinks it's absurd, but it's there. There's nothing we can do and there's only four units in that one domineering the entire block. It is five buildings, it's not – excuse me, five, it's four. It just doesn't belong. This is a nice residential area. It's just

totally out of place. It's out of character. It's like somebody moved a piece of something, a mountain into the middle of the block. It's a neighborhood. I moved into this West Hollywood because I really liked the quietness. Am I on?

Altschul: Yes, thank you.

Rutberg: Okay, thank you very much.

Altschul: Thank you. Sven Toorvald to be followed by Andrew Glass.

Toorvald: Thank you Chairman, Commissioners, Sven Toorvald, West Hollywood resident, President of West Hollywood South Residents Association. I live next door to the project on the north side. I have a single-story house in the front, two ground floor studios mid lot and a unit on top of the garage in the back of lot. I'd like to start with the changes that were made. The front entrance is open.

Hamaker: Excuse me, Mr. Toorvald, can I interrupt you? Can I ask you to speak a little bit slower? I'm having a hard time comprehending. I hear you, but I'm not getting your words, so just slow down just a little bit.

Toorvald: I'm sorry, I try to pack it into two minutes, sorry.

Hamaker: I understand. Thank you.

Toorvald: Yeah.

Altschul: Yeah, would you start the time over, and we'll give you a little bit more time, Mr. Toorvald.

Toorvald: Thank you very much. Yeah, so I'd like to start with the changes that were made. The front entrance was opened. Railings were added around the building. The top right corner was notched out and lastly a ninth unit was added. You know, beyond that, nothing was done to address the specific primary concerns, three of them, that the residents had before, during and after the last meeting. Number one was the scale, number two was the bulk and number three it was the courtyard inasmuch as it affected the first two. I have to stop and say, when I showed the new plans to the residents up the block and I reported back to them after meeting with the Applicant, now there was kind of across the board frustration with the unwillingness to – by the Applicant to accommodate any of our concerns. First and foremost and what I'll talk about tonight is just the height. Yeah, it's a four-story building in between two single story houses. On board number six there, the top left, that's the architect's drawing, that's to scale. Yeah, our biggest concerns are the sides of the building. Yeah, they just go straight up. The windows are flush with the walls. They go up 45 feet. Suggestions of stepping it in on the sides just helping, just to help alleviate the towering effect over the houses, those suggestions were not taken and just for perspective, because it's next to a corner lot, when this is finished it will be surrounded on all sides by six one-story buildings. Everybody on this side of the street is two stories or less. In the entire zoning district, there's not one four-story building in between two single-story houses. There's not one three-story building in between two single-story houses. I don't think that's an accident. I think there's a reason why in the entire history of West Hollywood and L.A. before that, that the powers that be haven't signed off in this type of configuration, the flat lands, because without something mitigating the sides, it just really stands out in a negative way. One solution that was floated – I mean do I think a four-story building can be built? Yes, I do, but because it's a unique situation, I think something – a unique design has to be used and I don't think we've achieved it. One solution that was floated, just to break the log jam was on the top right over there, the board over there. It comes from Kings Road a little bit south.

Altschul: Put another minute and a half on the clock please.

Toorvald: Thank you very much, yeah. That was a possible solution that was floated. It's – you can see there are three buildings side by side. They're all built in a staircase fashion, one story in the front, two stories in the middle and three stories in the back. Now what that would do here – and they keep the front setback. In our situation, what that would do is help the single-story houses in the front because in his, using the courtyard design, he's built out in front of the houses, so the mass of the building is actually next to the houses and as it goes up in the back, that would also accommodate the developer's desire for more units. You know, so in that way, kind of, everything would win. And I'm not saying copy that design exactly by no means, but it was just offered up as a possible solution along with others to kind of find a place that we can move forward to as a resolution. And just one last thing, to a person, all the residents on the block, you know, aren't against building out of hand. You know, we recognize that it has to be bigger, it has to have more units, you know. All we're asking is that it be a little more sensible and we have to add units, but we're just asking don't add them all with this one project. That's all. Thank you very much for your consideration.

Altschul: Andrew Glass to be followed by David Franco. Two minutes.

Glass: Andrew Glass, City of West Hollywood. I've lived in West Hollywood for about five years and I also work around the corner that is an elementary school that has approximately 450 students. So there's a lot of traffic concerns. I spoke at the last meeting. I'd like to talk about the building's mass and bulk. The staff report says compatibility for this proposed project can be made because the project reflects the scale, bulk and mass of existing structures in the vicinity of the subject project. The report then goes on to support this by using a building on the next block over on Croft, the more structures across and up the street and then widens its reason into the entire Zoning District. I'm on that street every single day. I have two small children and the traffic on that street is absolutely outrageous. School buses go down the streets. It's unsafe. Having such a large building on that street, and first of all, it's not a – you could call it a duplex, you could call it whatever, but that house on Orlando and Rosewood is a house and then there's a house on the back, so it's two single houses. But I really want to talk about how big the project is and how it's going to impact my life. I'm just a renter. I'm the small person here, but I have family. I'm vested in this community and you could say two residents showed up, but I'm here and was at the last meeting and we're all upset about this. We're very, very angry. Thank you.

Altschul: David Franco to be followed by Megan Hornaday.

Franco: Thank you very much. My name is David Franco. Thank you Chairman. Former West Hollywood resident, now I live in Los Feliz. Again, I want to talk about the residential design guidelines. Throughout this process up until tonight, residents have brought up the guidelines many, many times and each and every time the response has been they're only guidelines. Well, I just want to point out board number four. My concern is, the middle picture, it's the picture that says here's not how to design a multi-family building in between two single-family houses. But it does not conform to the style of the existing neighborhood. What's scary is that it looks exactly like the picture of this project, only this one is twice as tall. I know they're only guidelines, but I'm assuming they're there for a reason, if only as a starting point with which to find some type of a solution. Excuse me. I thought it was clear, it was – but I thought it was clear that the Commissioners suggested following this path for a solution. I'd also like to point out board number one. The staircase buildings on Kings Road, the same thing that Sven was pointing out a few minutes ago, they have multiple units and they fit in the surrounding

neighborhood. I also think this type of configuration would also work with what we're considering here tonight. Of course, I'm not suggesting copy this style, but doing something within it and making it work where I think would be a really good idea. That's all I have to say. Thank you.

Altschul: Thank you, Megan Hornaday to be followed by Gabrielle Tracy.

Hornaday: Thank you Chairman. My name is Megan Hornaday, West Hollywood resident. I have concerns about the accuracy of the sun study done by the Applicant. The study was requested by Commissioner Yeber to answer concerns about whether or not sunlight would actually reach the courtyard floor because of the building's height. The sun study presented by the Applicant leaves out one significant part of the design and alters two others, all of which have a considerable impact on the result. First, the third floor overhang and walkway, which span the entire west end of the courtyard was left out. As a consequence, the study gives the appearance that the sun hits the courtyard floor during five months of the year when it does not. If you add in the overhang, there's only one time period when the sun actually hits the courtyard floor at the noon hour during the summer. All put together, the courtyard floor will be in shade for 10 months out of the year. Second, the study shows the front of the building having the same front and rear setbacks as the adjacent houses and it does not. The courtyard design builds out into the front and rear setbacks. And lastly, the study shows the north side break of the building being directly adjacent to the neighbor's patio and it is not. The break of the building is farther forward and there are two flights of stairs inside it. The neighbor's patio gets no sun from the break in the building and as the architect has stated and the sun study says. (AUDIO CUTS OUT) building and because of numerous concerns for us for the neighborhood, I feel that accurate information should be considered. Thank you.

Altschul: Gabrielle Tracy to be followed by Candellyn Tyner.

Tracy: Thank you Chairman. Hi, my name is Gabrielle Tracy. I'm a L.A. resident. I spoke at the last meeting. I have concerns about this building being a courtyard building. I don't mean to be flip, but looking at the design, I don't really see what makes this have to be a courtyard building. On the face of it, the design takes every opportunity to use five of the six courtyard incentives to their absolute maximum, but when any leeway presented or otherwise has been given for compliance to the basic standards, the design has chosen to provide the minimum or failed to meet them completely. It begs the question why not make it a regular building? I know the Code allows alternatives to the standard requirements if by doing so it achieves a better design, but in our case, I don't see how not fulfilling these basic standards makes the building a better design, when these are the very things that make it a courtyard building, at least not the unique kind that the courtyard section encourages. How is not having sunlight in the courtyard making this a better design? The architect's own sun study says the ground floor for the courtyard will be in complete shadow for 10 months of the year. The courtyard's upper stories are required to be stepped back, but they're not. The design is over its encroachment limit. The planting in the courtyard is almost half of the 35 percent minimum allowable and the courtyard's width is at its minimum. I do recognize the choice of the courtyard is the Applicant's prerogative, but in this case the courtyard incentives have been used to expand the footprint scale and bulk of the building so much that it's become an issue for the surrounding residents. It's not open like the L or U-shaped buildings you see around town, so residents can't interact with neighbors or even admire the kind of courtyard the courtyard section is supposed to promote. Instead, we got the walls of the building, four stories straight up stretching front to back. This building seems only to have used the courtyard incentives to swell its size, not create an amazing courtyard. I want to be able to support this project, but I can't. I may meet some of the actual numerical requirements, but I don't think it meets the spirit and intent of what a West Hollywood courtyard building should be. I request that you deny the application.

Altschul: Thank you, Candellyn Tyner to be followed by Jeanne Dobrin.

Tyner: Thank you Chairman, Vice Chairman, Commissioners. My name is Candellyn Tyner, Los Angeles resident, and that was my son Sebastian causing all the havoc. I wanted to talk to you about this building and the green program. I think the building green is right. Things to do and I'm happy – it's the right thing to do and I'm happy that West Hollywood is requiring it. I wish all cities did. Unfortunately this project I feel there are two unintended consequences with the program. The first problem comes from this project being given points to provide daylight to 50 percent of the inhabitable spaces. In this case, as the architect said in a neighborhood meeting and confirmed with his sun study, the height of the building will put the neighbor's property in shadow for 10 months out of the year and I know the whole light and shade issue is an ongoing debate, but in this case the City is giving points for providing something by taking away the same thing from the other neighbor. The second concern comes from combining the green program with the courtyard incentives. Both programs offer breaks from the parking requirements. This program has used the courtyard parking incentives to their maximum and then gone over and beyond that by using the parking incentives in the green program. Combined, he's able to add a unit over the baseline density without providing parking for it. I read the green program and while it does say it's permissible to add a unit without providing parking, nowhere does it say this unit can be built over the baseline density. Nowhere. Staff says that's what it was intended, but if it was intended, no offense, it should've been written in that way and it wasn't. Ultimately I think the green program is the best way to move forward in the future, but in this case please consider that the building were lowered to two stories which maximum it is. Thank you for your consideration.

Altschul: Question, ma'am. Question, Ms. Tyner. The sun travels from east to west, the property directly to the north, how is it adversely affected if the sun still travels from east to west?

Tyner: If the sun's traveling from east to west and the building is to the north?

Altschul: Yeah. No, I'm asking you, not –

Tyner: Well, actually I've been waiting quite a long time to speak and now I have to go and feed my son. So I could stay here and talk to you about it –

Altschul: I'm sorry –

Tyner: -- but I'm going to need to leave and leave it up to Sven here to answer that question for you because I need to be –

Altschul: Thank you.

Altschul: Thank you.

Altschul: And your son is adorable.

Tyner: Thank you.

Altschul: Jeanne Dobrin to be followed by Andrea Tobey.

Dobrin: *Is this working now? Yes or no? Hello? Well, I'll have to, I'll have to be born taller. Jeanne Dobrin, resident of West Hollywood. First of all, this building is – these are all incentives. This building is going to ask for a 20 percent slope for the underground garage. The City's standard is 15 percent. The next thing is that it's going to have – allow 50 percent compact spaces and some of them are tandem. Let's be serious. 50 percent compact spaces. This type of thing compact spaces belongs back in the 1980's and the early 1990's. For the past decade, we have seen cars grow larger and larger and larger. This should not be allowed to have that kind of compact spaces. The building also, as people have said, is absolutely monstrous in size. Another thing is that in order to get the four stories, they're going to have 45 feet plus a nine foot extension above that, which is 54 feet, which is really more than five stories. I think that there's too many discrepancies in this particular project and I feel that the Planning Commission, which has discretionary approval should go against it. I also urge all of the citizens here and listening to it to attend Commission of City Council meetings to speak in protest against these constant, constant changes to the Zoning Ordinance allowing bonuses and waivers for this, for that, for this, for that. The City – what the City should be doing is saying all new buildings constructed have to meet green standards. They should not be getting compact spaces simply because they're giving a green building or some other type of bonus in some kind of a way. It doesn't make sense. It's like saying black is white and it is not. I disapprove of this project and I support what all my previous speakers have said.*

Altschul: *Andrea Tobey to be followed by Tory Duchene.*

Tobey: *Good evening, my name is Andrea Tobey, I'm a former resident of West Hollywood, now living in Santa Monica. You know, actually in its own way this building reminds me of the McMansions that are cropping up in my neighborhood and that would be residential buildings that are ridiculously out of place because of their scale. They've been built up and out to the very edges of the property lines and they're completely out of proportion with the neighboring structures and that's really what we're talking about here. I seem to remember the last meeting, the height and bulk for a lack of a better word of this project were the major concerns of the neighborhood residents and this redesign simply has not gone far enough to address those issues. This building is simply still way too big. The little California bungalows on either side are going to be seriously dwarfed and overshadowed by this building and to pretend that the residents of the bungalows are not going to be negatively affected I think is terribly irresponsible and really reprehensible. You know, it's certainly possible to build a larger building in between two smaller ones with the right design, but this simply again is not the right design. They haven't gone far enough. It seems to me that if this building were brought down and stepped in on the sides and substantially in the front that that would be a reasonable compromise and defined solution. Therefore, I urge you to deny the application in its present form. Thank you.*

Altschul: *Tory Duchene to be followed by Wendy Braitman.*

Duchene: *Hi, thank you Chairman, Commissioners. My name is Tory Duchene and I'm a West Hollywood resident and I do live next door to this project on the north side. I have a real concern about the side of the building that faces us. The doors to the three units of my building are a common area patio and our only pedestrian walkway that faces south. Right now the building is to build the side wall straight up 45 feet and this wall stretches from front to back. There is a break in the building, which is filled with a staircase. And I'd also like to point out board number five is a picture of a four-story building next to a two-story building there on the right side. It's from Kings Road on our same 500 block just one block east. As you can see, like this project, the side of the building does go straight up four stories and stretches front to back. All the walkways, doors and balconies of the two-story building next door face this wall. This is exactly what we're considering here tonight on Orlando except in our case we're a one-story building.*

What you can't see well in the picture is the left or south side of the building. It's L-shaped and is stepped back and articulated quite a bit. That side of the building is very nice and all we're asking for is with this project is the same consideration on both sides. Keeping the front setback and stepping back and in on the front end sides. I respect an owner's right to build out his property as he chooses and unfortunately in this case it seems there was no consideration paid to our building. My common area patio will be completely closed in with the trash collection area overlooking our front doors. I may not be an architect, but surely it can't be impossible to design a building that doesn't have a 45-foot wall overlooking the front doors of apartments and the only pedestrian walkway. If you consider the building as a standalone design with nothing around it, you get one impression, but when you add in a two-story one buildings which we must then the impression is completely different. I request that you deny the application. Thank you.

Altschul: Wendy Braitman to be followed by Betty Glover.

Braitman: Thank you Chairman. My name is Wendy Braitman and I'm a Los Angeles resident. I'd like to talk about the neighborhood petition. After this new design came out and no substantive changes were made to address the neighborhood concerns, we went back to the residents and got more signatures. 130 to date, 81 percent to be exact, and that includes all of the owners of the six one-story houses which will surround the building. This process was also a catalyst for the formation of the West Hollywood South Residents Association. Some say petitions don't have the impact that having a person in this room does. And I agree that having someone here is great. But the City recognizes 50 signatures as a meaningful threshold for action. So please consider the opinions of the 130 people on this petition. A lot of them weren't able to make it here tonight, but their voices are clear and I wanted to call attention to them. None of them are against building out of hand, they just want the changes that are outlined in the petition implemented in a fair and reasonable way. After all, they are the ones who must live with the results of any decisions which are made. Thank you for your consideration.

Altschul: Betty Glover to be followed by Jeffrey Hornaday.

Glover: Thank you Mr. Chairman and Commissioners. My name is Betty Glover and I'm a West L.A. resident. I've been living in L.A. for 40 years and have watched West Hollywood from its inception. Long before its inception, I remember taking the Red Line Car way back. To be honest, I think the City has done well for itself. It's unique, beautiful, and a desirable place to live. When I look at this building, I don't think it really fits in West Hollywood as it is. It's big. It's bulky between the two little houses. The architect notched out the top front corner of the building and then added projected railings, but this doesn't do anything to take away from the houses being dwarfed by the much bigger building. Well, it looks like a dressed up version of a boxy 70's building so prevalent in this area already. Of course, this location is problematic. It's hard to build here because of the small houses on either side. But it seems like this design only exaggerates those problems. It seems the choices that this design has been made for size and square footage and not for the neighborhood. And I'm glad West Hollywood has a compatibility ordinance to protect the unique character of the City and I think this building is a poster child for that ordinance. **Altschul:** Jeffrey Hornaday followed by Martine Harley.

Hornaday: Hi, thank you Commissioners. My name is Jeffrey Hornaday, I'm a West Hollywood resident. And you know, I've prepared notes, but the truth of the matter is everyone has said it more eloquently than if I read it like a laundry list. I think one of the main themes obviously is size and does it fit esthetically into the neighborhood. And when I look at that design and again not to say that the design itself in a vacuum isn't well executed, but if you drop me in front of that design, I wouldn't know if I was in San Jose, I wouldn't know if I was in Dallas, I wouldn't know if I was in Burbank and I certainly wouldn't know that I was in West Hollywood. You know, I was born here and there is a

sensibility, there's an esthetic value that you get walking through the neighborhood and just to justify that we can do this again because there's other, you know, 20th Century stucco monstrosities on other streets doesn't really seem to address what needs to really happen. It needs to go back to the drawing board and if you look at the designs side by side, other than it looking somewhat smaller in scale, it's exactly the same building and it has exactly the same esthetic issues and the same – it creates the same problems in terms of livability. So for the people on the street, I hope you win. Thank you.

Altschul: *Martine Harley to be followed by Dan Greenberger.*

Harley: *Thank you Chairman, Commissioners. My name is Martine Harley, Malibu resident. I have been asked to speak on behalf of Jeannie Ferry, a West Hollywood resident who lives in the house next door to this project on the north side. She had to work tonight. Dear Commissioners, I'd like to talk about two things first. The first is the number of decks this building now has, 14. That's 14 decks for nine units. In the last meeting, Commissioners suggested a reduction in the size of the units to lessen the size of the building. In this current design without changing the building's height or courtyard size, the units were reduced in size, but then even more space was put back with six new decks and the doubling and tripling of the size of the decks that were already there. They also added another unit, all of which have actually increased the footprint of the building. The overall square footage available to each unit now has actually increased. I realize a building can have as many decks as it wants, but I bring this up because the main concerns of the residents brought up was the towering height and bulk of the building next to the small houses. And this feels like a cosmetic alteration without really addressing the actual concerns of the building's bulk. I live in a one-story house and the thought of a 45-foot wall, which goes straight up with a projecting balcony overhead being the first thing I see when I walk out my door is overwhelming. The second thing is personal. I used to live at 540 North Orlando, just up the street. I like West Hollywood and this area in particular and that's why when I moved, I moved just down the street. I'm not against building altogether, I just feel the developer is not considering the neighborhood. An overwhelming majority of residents, 130 people on this block, signed the petition asking for reasonable changes. I ask that you deny the application without changes. Thank you for your consideration.*

Altschul: *Dan Greenberger to be followed by Lois Munera.*

Greenberger: *Good evening. My name is Dan Greenberger. I'm a West Hollywood resident. I live at 506 North Croft Avenue, which abuts the property in question from the rear directly to the west and I am unfortunately one of those one-story houses. My backyard is heavily planted with trees and bushes and ground plants. I've spent approximately \$30,000.00 in the past year to make it even more green and lush and have succeeded I like to think in making the yard into a beautiful and serene oasis. The addition of a four-story building directly on top of it would first of all drastically reduce the amount of light and air hitting the backyard and the back of my house. Remember I am directly to the west of the proposed building. I don't know if I will lose all of my plantings, but my yard and my house will certainly be dwarfed by this gigantic building. Secondly, in the rear of the properties on Orlando, there are three fully mature trees which provide a barrier between those properties and my own. One of these trees is by far the tallest and most dense tree in the entire neighborhood and is not a palm by the way. These trees provide me and my neighbors on Croft Avenue with shade and oxygen and birds and squirrels and all the other nice things that trees do for us. To chop them down and replace them with more slabs of concrete would be a very sad thing indeed. I don't know if my neighbors and I will be able to prevent this massive building from gobbling up our neighborhood. I hope we will, but if not, I would at least implore the Commission to have some respect for the green in our community, green of the type that does not appear on*

dollar bills. Our neighborhood truly is an oasis in the middle of West Hollywood and I like to think that West Hollywood is an oasis in the middle of Los Angeles. All that can be lost one neighborhood, one property, one tree at a time. Thank you.

Altschul: Lois Munera to be followed by Judy Shioshita.

Munera: Good evening, thank you Chairman. I'm Lois Munera and I'm a West Hollywood resident and a member of the Board of Directors of the West Hollywood South Residents Association. I happen to live at 527 North Orlando, which is two buildings down. In the interest of perspective, I wanted to add a little information. I was surprised that these were condos to begin with because if you notice in our neighborhood, they have built buildings at 625 and 547 Kings Road, and on Flores, I'm sorry. And they have not yet sold and they have lowered the price numerous times yet. And then the other thing is, is the property at – across the street, which has been vacant for two years now, boarded up, looks horrible and it's not even been touched at that point, and that's at 500 North Orlando. And the other thing is the size. It's big. Everything else is small. They're homes. They're regular two-story buildings. That's big. And then the last but not least, one of my main concerns is it already looks like a freeway on Orlando going from, what is it, Third all the way to Santa Monica. It's a freeway. The kids cannot go outside. They cannot play and there's no more parking. We have a problem with the parking. Residents who live there cannot park. And I would like that to be taken into consideration. The traffic and the parking and the fact that it's big compared to everything else. And I ask please, really think about your decision. Please.

Altschul: Judy Shioshita followed by Mark Hammer.

Shioshita: Thank you Chairman. My name is Judy Shioshita, Los Angeles resident, and I attended the last meeting for this project. I'd like to talk about two possible solutions. Ones that were presented to the developer. The first is on board number two. It's a picture of 480 North Orlando, one house south catty-corner. It's quite a bit bigger than what it was before, but as you can see, they kept the front setback and stepped back the second story, which brings in the neighboring house. It looks like it was designed with the neighborhood in mind and fits in. Another possible solution is there on board number three and this was suggested at the last Commission meeting and also presented to the developer. As you can see, it's the architect's basic design, but this one keeps the front setback of the adjacent houses and then steps back the building at two stories and then goes up higher in the rear. It could even go up to three stories and still accommodate the extra units. This solution would also help the new building fit in and be more compatible with its surroundings. Excuse me. Again, I'm not saying copy the exact design, but I think it's a direction to go for a solution. I request denying the application and thank you for your time and consideration.

Altschul: Mark Hammer followed by Lynn Balsamo.

Hammer: Hi, Mark Hammer, West Hollywood resident, 523 for 16 years. In the last neighborhood meeting, one of my concerns were that I was bringing up was traffic and parking and the amount of parking – what was needed for the building and the Applicant really didn't want to hear my concern, so I hope the Commissioners will listen to my concerns this evening. I've lived there for a very long time, so I've seen the neighborhood change quite a bit and the biggest concerns that I have is number one is the parking situation. Unfortunately the buildings when they were built back in the 50's and 60's, they didn't have as many parking spots and more people, more kids, more cars. So unfortunately, we have many more cars on the street as well as now we have all the residents or all the retails on Melrose as well as Beverly, everybody parks in our neighborhood because it's not permit parking, so I hope to work with Transportation over the next few months to get this rectified and get permit parking in our area or some type of

restricted parking, as well as speed bumps, just due to the fact that our street is a highway. I mean, if you want to come and stay on Orlando anytime, let me tell you, you stay there for a few days, you'll know exactly what we mean. The traffic flies up and down the street and I agree with some of my neighbors by saying that the compact spaces for this huge building is a little ridiculous. I mean, I have two cars myself for me and my partner and it's hard for us to find parking, so – and we have a nine unit building and we have five spots available in the building. So I hope you guys will at least listen to mine and my neighbors' concerns on this Applicant. Thank you.

Altschul: *Lynn Balsamo to be followed by Lynne Kirste.*

Balsamo: *Thank you Chairman and thank you Commissioners. My name is Lynn Balsamo and I'm a Santa Monica resident. I'm formerly a Board of Directors member for the West Hollywood Chamber of Commerce and so I'm a little bit familiar with the competing needs of, you know, the demands of growth and then wanting to preserve the character of the community. West Hollywood has a wonderful character and charm, and this group obviously wants to preserve that. And so I'd like to talk about the changes, one of the changes that was made, the opening up of the front entrance. I would like to point out that this was one of the original requirements of the courtyard design standards for the project and it was not met and it was only met after the first meeting that was held. So I bring this up mainly though because that's -- the opening of the front entrance was not really a concern of the residents. The residents were more concerned about the bulk and the size of the building. So the scale and bulk and courtyard design we feel are being used to give cover to some of the other things that the building otherwise could not have done. One example is the parking example. Without the parking incentive, the Applicant simply could not fit the required number of parking spaces into the garage. It calls into question whether or not a lot of this size really should be made to handle this size of structure. So again, it's a little bit tough to see that there have been major improvements when some of these changes are on a smaller scale. The height is still the same. The side walls are still the same. They're flat and they go straight up. The outer bulk has gotten bigger and there has been the concern raised about sunlight. So –*

Altschul: *Thank you.*

Balsamo: *I disagree with the staff's recommendation and urge the Commissioners to deny the application.*

Altschul: *Thank you. Lynne Kirste to be followed by Lauren Meister.*

Kirste: *Hi, I'm Lynne Kirste and I'm a West Hollywood resident. I live at 541 North Orlando and I was at the meeting six months ago and at the time I objected to the size and the height of this building and that seemed to be what most people that lived in the neighborhood were objecting to and so the panel suggested, one of the suggestions was better neighborhood compatibility for this project and I just don't see that that's actually happened. I feel that the architects have made other kinds of changes about solar panels and things, which are great. I'm an environmentalist, that's wonderful to have a green building, but the size and height and bulk of the building are basically unchanged. I mean, I think when you look at these two models, it's kind of hard to tell them apart from any distance, you know. I'm sure there's little changes in there, but they kind of look the same. And that's what we objected to the first time and I think that's what we're objecting now. When I got here, I was trying to figure out how to express what I meant and the woman I'm sitting next to, I pointed out, oh, you know, she's here for another reason and I said, well, this is my street and these are the building – this is the building we're under discussion, and she just looked over there and said, oh, that's not neighborly, and I said, you're right, that's exactly it. It isn't neighborly. We live in a*

neighborhood, it's not just the houses that are right next door, it's the whole street. It's the whole area and this doesn't enhance our neighborhood. This feels like an imposition on our neighborhood. You know, this is a place where you can, you know, kids – you know, they draw in colored chalk on the sidewalk and people walk their dogs and I walk down the street and I see the palm trees over the little houses and now all of a sudden there would just be this big monolith blocking everything out. So it just doesn't feel right. And the other thing I just wanted to mention is the green aspect. You know, I am an Environmentalist. I'm very glad they're trying to build a green building here, but there's another kind of green and that kind of green is trees, space, sunlight, birds. You know, that's neighborhood green. And energy efficiency comes from high density. I live in an eight unit building and it's only two stories high, so it can be done on a much smaller scale to have that kind of efficiency. In fact, that's more efficient. Thank you.

Altschul: Thank you, Lauren Meister to be followed by Elyse Eisenberg, who will be our last speaker.

Meister: Lauren Meister, resident of West Hollywood. Good evening Commissioners. I wasn't going to speak on this item, but I think it raises some broader issues which need to be addressed, if not now then in our General Plan rewrite. When the City removed height averaging, we saw a notable increase of the development of large condominium projects and unfortunately the loss of affordable rental housing, as well as the loss of charming single-family homes and duplexes. I would venture to guess that there is a direct correlation between the increase of these types of developments and the removal of height averaging back in 1991. The City's implementation of the Interim Ordinance, AKA Moratorium, is not a long-term answer to the development issues we are currently facing. I think that one of the answers is putting back height averaging without losing maximum height restrictions. It seems to me that it kept more balance in the residential neighborhoods with new developments. I also think that instituting transitional zoning and giving the newly approved compatibility ordinance some real teeth would help. I hope the City will consider this in their General Plan rewrite. Thank you.

Altschul: Elyse Eisenberg.

Eisenberg: Thank you Chairman and Commissioners. Elyse Eisenberg, resident of West Hollywood. I also wasn't going to speak on this property tonight, but listening to the proposal, my concern was again about the parking. I don't understand how there can be any compact parking incentives on any property, commercial or residential, in West Hollywood when all of the surveys and the biggest issue facing the City, according to all the General Plan input you're getting is the fact that parking is an issue. I don't know how in a condominium building parking spaces you can say some units are going to have compact parking and to allow an extra unit that has no parking in an area that already doesn't have enough parking and tandem. These are two things that I would recommend that the City Planners look at and initiate a discontinuation of any property, commercial or residential, to have compact or tandem spaces because they all discourage – you know, they are – what is the word I'm searching for, they're misused in terms of the developers in order to squeeze more spaces in when the reality is, like in a commercial property, people ignore compact designation and the parking is the number one issue that residents are coming in and saying, and if they had the appropriate parking spaces, these buildings, as everyone has said before, would be smaller in size and more appropriate in scale on these small lots. And I support what everyone is saying about the size of this building being inappropriate in terms of scale and also in terms of the General Plan feedback. It's been apparent that residents across the City are resisting these oversized developments coming into neighborhoods. You saw a neighborhood organize into a neighborhood association to fight the inappropriateness and this happened in my neighborhood as well. We organized to fight inappropriately scaled projects. And thank you.

Altschul: Thank you, Elyse. That concludes the public testimony other than a rebuttal of Mr. Samaha. You will have up to five minutes if you need it for rebuttal.

Samaha: I appreciate a lot of the concerns that everybody brought this evening. The unfortunate thing is that a lot of the people really didn't take a really hard look at the plan or they didn't understand the plan. Examples, the green unit which is 700 square feet was provided with a parking space even though it didn't need a parking space. Most, 50 percent of the compact spaces are the same width as a regular space, they're just shorter. We are making smaller cars now, so I don't know how does that impact anything, so I missed that point. Everybody kept saying that the walls go up straight from the bottom to the top. Very untrue. Nobody really looked at the plans. You know, the building goes 25 feet in the front, steps back, the walls don't go straight up, they go straight up in one place, but not everywhere. There's a – to the north there's a, you know, there's a big space in between that separates the building to let the light go through then there's a building in the back, but the walls don't go up straight and down. The sun study, somebody came up here and started talking about sun study and everything was so rehearsed and read off a speech and was all untrue and one of the speeches I noticed looking, was the same speech that somebody did on May 1st without even looking at where this is. So it's very disappointing that these people are here, you know, keep saying the size, the this, the that, but all of it was kind of rehearsed and not really sincere. So, very disappointing, extremely disappointing. The only point I'd like to make to the Commission is that I know this City very well and this block has buildings are very compatible to this building. A lot of buildings are very compatible, bigger, bulkier. This street is south of Melrose, north of Beverly near La Cienega. We're building a green building. We building a building that is going to be healthy to live in, spacious, that is energy efficient, that is green, that is the future of what buildings in my opinion should be like. I'm a developer and all the developments I'm doing, whether they're in the City of West Hollywood or other city, they are going to be green and they going to conserve energy and they going to be friendly. So we're not asking for any variances. We are following the zoning. I believe we're doing the right thing and I'll leave it up to you to make the decision. Thank you very much.

Altschul: Thank you, Ms. – wait, just a second Mr. Samaha, we have a question.

DeLuccio: I could ask staff, but I'll ask you, what is the dimensions of the property? How many square feet is it, the lot?

Samaha: The lot is – it should be on the plan. They should be very close to about 11,000 square feet.

DeLuccio: To some – what is, what is it, is it 50 feet wide by 150?

Samaha: Oh, no, no, it's more like 85 feet wide by whatever is it deep that makes it about 11,000 square feet.

DeLuccio: 11,000 square feet?

Samaha: Yes, sir.

DeLuccio: Maybe staff knows the –

Barney: 10,399 square feet. It's 80 feet in width and approximately 150 in depth. But I'll have to check on that.

DeLuccio: Thank you.

Altschul: Thank you. A question? Marc? No? Thank you Mr. Samaha.

Samaha: Thank you.

Altschul: That will conclude and close the public testimony portion of the public hearing. Discussion? Anybody want to start? Joe?

Guardarrama: I made these comments before, but I'd like to make them again. When this item was before us last time, I had some very specific concerns that the courtyard standards were being abused to increase the building envelope and not really deliver any benefits to the public. After the Design Review Subcommittee meeting and after hearing the Applicant's presentation, my concerns for the most part have been alleviated particularly with the entrance to the courtyard being open to the sky, particularly with the light and air passageway being carved in between the front two buildings and the back building, and also the addition of balconies that sort of give a relationship from the units to the street. And finally, I think the front of the building has been notched out to a point where it's a much more compatible building with the neighborhood, especially when you look at some of the buildings directly across the street and further down Orlando that are much more brutal to the neighborhood than this one.

Altschul: Allen?

Bernstein: I also had the same problems with the original designs and I was not on Design Review when it came back as a redesign, but I think that many of my concerns were answered, particularly in terms of opening it up and giving the neighbors, who I appreciate showing up and speaking passionately and eloquently, a courtyard. One that it sounds like they're not too thrilled about, but nonetheless, a courtyard. There are challenges with the courtyard incentives. They tend as courtyards as I said in May to push the mass out and up and that is not always desired for info architecture, but that is what the incentives are and I don't believe that it's our role here on Planning to redesign the zoning that is currently existing and I think the Applicant has brought in something that does represent what goes on on that block and I would also just feel the need to point out that when you purchase a property in an R3C3 neighborhood on that block, you purchased the right to redevelop your property, according to these standards, and the fact that an owner chooses not to I don't think is inherently a reason to provide – to deprive other owners of that opportunity. It's a trade-off when you move into an R3C, it's hard to say tonight, block. I also as a separate thing would say that I really appreciated that the units are smaller. I did not like how large the units were. The developer last time made reference to the idea that they could be live/work units. I had questions about the traffic study based on the fact that the traffic study didn't seem to presume that people would be living and working in that way in their units. These units are I believe much more in scale with that neighborhood and I also have been as part of this process to this block many times and most of the buildings there look to be 30, 20 to 30 feet – I'm sorry, 30 to 40 feet tall. That seems to be the common mass except for the ones right there. I think this is satisfactory and if the Chair would entertain a motion, I would at this point move the staff's recommendation.

Altschul: Is there a second?

Yeber: Second.

Altschul: Further discussion? Donald?

Yeber: Yeah, I'd like to add a few comments.

Altschul: Donald first and then you. Go ahead.

DeLuccio: Well, Marc, you can go now. I'll, I'll (TALKING OVER) to you. I'm fine. Since you second the motion.

Yeber: All right, yeah, you know, it's unfortunate that the project is situated between these two single-family houses. However, if you zoom out beyond these two houses and take a more macro view, you'll see, you'll have a different perspective. And I point to the aerial that's on page four of 15 and yeah, I see the six remaining single-family houses, but the neighborhood, especially the immediate neighborhood, the block, that particular block, the next block over, and that's north of Rosewood, is predominantly multi-family. One of the speakers said that there were no four-story on the block, but the evidence shows otherwise and I've been to this block and I know I've seen several. The prevailing height tends to be three, three and a half and some four in that neighborhood. Someone else mentioned about neighborhood sensibility. I'm not sure what that means today. I sort of feel like it's lost. If there was any sensibility, it was lost well before the City became a City, when it was in the possession of the County. There are a lot of buildings in that area that were developed back in the 60's and 70's, you know, well before the City of West Hollywood came to be. I'm not convinced that cars associated with eight units has a significant impact on traffic or parking. Parking is always a problem whether you add two more units or you add eight more units in almost every neighborhood of the City and I hope that our General Plan will look at that. I agree with some of the speakers that it's not the best courtyard project. I had problems initially with the courtyard and the spirit of the courtyard, but it's a better project than what was originally presented to us and that's why I agree with Commissioner Bernstein in terms of forward – moving the staff recommendation forward.

Altschul: Donald?

DeLuccio: Okay, thank you. I've been on this Commission a long time, as Chair Altschul has been, and it was in 2001 that we actually – the Zoning Ordinance changed where the height averaging was removed and I was not a supporter of that. Then in 2005, the project on 612-616 Croft came before us and that ultimately got approved. I don't know if it was built or not, but it was not a very good design. I think now we're sitting here today in 2008 and this design, whether you're a supporter of it or not, is much, much better than the design was for Croft. Somebody suggested, one of the residents, that perhaps it's too bulky. I tend to think it still is kind of too bulky, but I don't think moving the bulk back, making it small in the front and moving the bulk more to the rear of the development here, or the property line would work in my opinion. I think the developer did break up the building. There is actually three buildings now, so from the street, it does open up the building and it does make it less bulky. I think we're going to be going through the General – we are going through the General Plan process right now and I'm glad that people – it takes something like this for you to mobilize and hopefully you will continue to stay in the process and you – and we'll see the General Plan, the new General come through and ultimately get approved and you will lobby the City Council to take height averaging out of the Zoning Ordinance. Because I'm a supporter of taking it out, but it is in right now so it does allow four stories. We up here need to work within the Zoning Ordinance and what is in the Zoning Ordinance. These are discretionary permits, so if we feel it's not compatible, for example, a design's not compatible, that is a reason to deny a project. But at the same time, we need to look very closely at what's in the Zoning Ordinance and follow that Zoning Ordinance, whether me, myself, or fellow Commissioners believe that is – that should be in the Zoning Ordinance, but right now in the Zoning Ordinance is four stories and that's something that I need to take into consideration, but I am kind of mixed over the project. I tend to think it is still kind of bulky and I don't think the design's using the courtyard design and the incentives. I think they're

kind of – I think it turned out to be kind of inferior in the way they've used them. I think they did use it for a plus to open up the project, but at the same time, I think it's not in the true sense a courtyard project to me. So I'm kind of torn how I'm going to vote on this.

Altschul: Barbara?

Hamaker: Yeah, I agree with my fellow Commissioners somewhat, but I'd like to make some comments as well. First of all, Michael, did I – am I correct in reading or hearing that he has reduced the square footage by about 4,000 feet from the original?

Barney: It's approximately about 200 square feet per unit.

Hamaker: Per unit, okay, so it was.

Barney: And turn to the slide if you'd like. Looks like --

Hamaker: Okay, thank you. I think that that, that the developer has succeeded in greatly reducing the bulk. I kept hearing speakers say that it was still just as bulky as it was and I'm looking at actually two different projects. I wasn't on Design Review, so I didn't see it go through that process, but he has made considerable setbacks from the front and that makes a huge difference on a street like Orlando, which is very narrow. I used to, and don't be mad at me, but I used to commute down Orlando in the 80's and 90's and I know how narrow it is and I'm really familiar with the street, all the way up from Santa Monica Boulevard down to Third. And in all the time I've been on the Planning Commission, I don't think I've ever seen a five-story building that I really loved, but I've also never seen anyone demolish a one-story building and build another one-story building. It just isn't happening. Life moves forward and cities grow larger, not smaller, and people, as one of the other Commissioners said, have a right to buy a lot and build on it and they're not building down, they're building up. And from my perspective, I live in a little one-story, 80-year-old guesthouse on the east side, so I love my old house, but they're not building them anymore and I would never live in one of these apartment buildings if I had my choice. So I really feel for everybody's feeling of upsetness and uncomfortableness with this project, however what I do like very much is that he is providing almost all single stall spaces. He's only having two tandem spaces, which is pretty rare, which means if he wanted to he could have more parking in there, but they would be tandem. I like to think of compact spaces as encouraging people who are buying huge Hummers to buy smaller vehicles, so I like to think positively about the idea of compact parking spaces. There was a lot of talk about the developer taking advantage and people misusing and a lot of distrust on both sides and I think that we've learned to do that living in the culture that we live in and I would like to think that over the years on this Commission I try and fight myself distrusting other people. Sometimes I can't overcome that feeling, but I did – I do really feel that everyone here is upset about their neighborhood changing, but everybody's neighborhood is changing. We go through these cycles every 20 or 30 years where there's a lot of development and I think we've come to the end of that for right now and this is, you know, one of the last probably years where we'll see a lot of development. I don't also rarely see buildings that do setbacks from the side. It seemed like people kept wanting this to become a cone-shaped development where you would go in and in on the sides as well and I don't think that's going to happen. He's building this building for the people that live in it primarily, not for the neighborhood. What the Design Review process does is help developers design it more for the neighborhood, which I think in this case they did. And so for all of what everyone has said, I am in favor of this project.

Altschul: Sue?

Buckner: *Just so that I can hear my voice in this room I think for my first meeting. I too had some concerns particularly about the size of the building, but when I looked at the aerial map, it would appear that although there are a few single-family homes left and particularly around where this building is going to go, most the buildings on both sides of Orlando are multi-unit, family units and very large buildings. And so to me it doesn't appear that building another multi-family building in that area is really out or incompatible with what's going on on Orlando and in the surrounding area. I understand and if I were one of the people who is living in one of the single-family units around this, I understand and have a lot of compassion for your concerns and for how you feel. It's going to interfere with your enjoyment of your own property. I'm also concerned with the incentives. The thing that bothers me more than almost anything is the fact that the setback on the rear of the building is only seven feet I believe now and that seems like it's really almost like an encroachment on the property behind it. But overall, I mean I've been listening to what my fellow Commissioners have said, I've listened to everybody who spoke here and there's been a lot of concern by the neighbors and I do think that, you know, we, we need to understand that there has been development around there and the few little smaller homes that are there, it looks like they're just getting, they're just part of this development in the area. We're living in a City. There's a lot of people who want to live here. There's a lot of incentive to build up to accommodate the needs of people wanting to move into this community. I just hope that we build buildings that are open and green. I'm a little concerned about the size of this, but I'm going to go along I think with approving this at this time.*

Altschul: *And I'm a little bit surprised at Mr. Samaha in a couple of his statements. First of all when he characterized some of the people who testified as being insincere. I totally felt the opposite. I believe everybody that came here tonight was totally sincere and very, very, very well spoken and very, very heartfelt in their beliefs and in what they have to say. And to mischaracterize that I think is wrong and I think is certainly not in the best interests of working together as a community. Secondly, whether people come to these meetings and this process reading from notes, sounding like they're reading from a script or talking off the top of their head, it doesn't matter. All that matters is that they're here, that they're participating and that they understand that they're welcome here, and that as part of the process, it makes this a better city. So please as a developer, don't scorn that. Be grateful for it, as we as a city are grateful for it. The sun travels from east to west, so the contention that people to the north and people to the south are totally obliterated from any sun doesn't seem reasonable, but I haven't seen the sun study so it just doesn't seem logical. Also, if you look at the property to the north of this project, Mr. Toorvald's property, you've got a single lot with four units. The subject property is two lots with basically eight units plus an affordable, which is probably more of a liability to the developer than it is an asset. So it's equal in terms of density. It certainly isn't equal in terms of height, but it certainly is equal in terms of density and it is in terms of if you were talking rentals versus rentals, it's certainly equal potentially in terms of gross product. So I don't know that there's much room for complaint here. I think that – I was on the Design Review Committee when the first iteration appeared and it appeared much too massive, much too bulky and much not like a courtyard. The second presentation is certainly less and if you would during the break come on up and look at it from the angle that we are looking at it, you can see where it has been shaved down and that there's not only just a miniscule, but a significant reduction in the massing of this building. So I think what they did in terms of putting the trash bin where it is, although Mr. Greenberger I'm sure wouldn't agree, in terms of opening up the courtyard and in terms of reducing it approximately 4,000 square feet and I don't think what the reduction is, is only in the interior of the units, I think you can certainly see that there is a reduction in the footprint in the common areas. So when the developer says a 4,000 square foot reduction, I certainly*

tend to believe him. So all that being said, I think this is a much better project than it was. I agree with some of the comments with respect to the fact that yes it is high, yes it is bulky, yes it is not the most wonderful courtyard I've ever seen, but I think it certainly is adequate and meets the standards and at this point, can we take a roll call?

Gillig: Commissioner Bernstein?

Bernstein: Aye.

Gillig: Commissioner Yeber?

Yeber: Aye.

Gillig: Commissioner Hamaker?

Hamaker: Aye.

Gillig: Commissioner Guardarrama?

Guardarrama: Yes.

Gillig: Commissioner Buckner?

Buckner: Aye.

Gillig: Vice Chair DeLuccio?

DeLuccio: No.

Gillig: Chair Altschul?

Altschul: Yes, and we'll take a five minute break.

Gillig: Motion carries, six ayes, one no.

Altschul: Oh, just a second. Do you want to talk about the appeal process?

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 waiver of fees.*

//wci:rg

(ITEM 10.A. OFFICIAL RECORDING ENDS).

**THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:40 P.M.
AND RECONVENED AT 8:55 P.M.**

B. 8135 Norton Avenue

Tentative Tract Map 2008-005:

Applicant is requesting the conversion of a three-unit apartment building into three condominium units.

Vice-Chair DeLuccio requested clarification regarding the site posting.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 08-839 as presented; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING TENTATIVE TRACT MAP 2008-005 (MINOR LAND DIVISION NO. 70825), FOR THE PROPERTY LOCATED AT 8135 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 10.B. **Moved by Vice-Chair DeLuccio, seconded by Chair Altschul and unanimously carried.**

C. 732 N. Doheny Drive.

Demolition Permit 2008-001, Development Permit 2008-004:

Applicant is requesting to demolish an existing single-family residence and construct a new four-story, 3,925 square foot, single-family residence with a 1,357 square-foot garage.

Staff requested a continuance in order to allow time for the applicant to address issues pertaining to compliance with the Zoning Ordinance.

ACTION: Continue to Thursday, December 4, 2008. **Moved by Chair Altschul and unanimously carried as part of the approved agenda.**

D. 9040-9056 Sunset Boulevard.

Draft Environmental Impact Report.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: Next is Item 10D, Draft Environmental Impact Report. Public comment on the Draft Environmental Impact Report only. It is the location of 9040-9056 Sunset Boulevard. The Applicant is N. David O'Malley, represented by James Arnone of Latham & Watkins. There has been a bit of a glitch in the circulation of the Draft EIR. John, do you want to comment on the process from this point on?

Keho: Right, we have extended the comment period by four days to December 4th, so that way the Planning Commission can receive the full hard copy of the EIR and have adequate time to review it. We can continue to receive comments today and all the way through the end of the Planning Commission meeting item on this on December 4th.

Altschul: And the way we're going to proceed is anyone who is here on this item to speak and comment on this Draft Impact, Draft EIR may do so tonight. If you speak tonight, you will not be able to speak on December the 4th, or December the 1st. If you do not speak tonight, you will be able to speak on December the 1st. In between, even if you do speak, you may submit additional comments in writing and I would request that staff please take a list of the people who do speak and make – have the list alphabetically included in the packet for the next hearing so we will know who has spoken and who has not. Now, can we have the staff report from Heather?

Yeber: Excuse me, Chair.

Waldstein: December 4th.

Altschul: December the 4th, sorry.

Yeber: Thank you.

Waldstein: Good evening Chair and members of the Planning Commission. I'm the Project Planner for the Sunset Doheny Hotel Project. Tonight we are receiving public comments on the Draft EIR for the Sunset Doheny Hotel Project. In attendance tonight is the EIR Consultant, Luci, sitting to my left, as well as the Applicant's representative. I will begin the presentation with the first eight slides describing the project and the Applicant's requested entitlements. Then Luci will continue the presentation, which will speak specifically to the EIR process, the Draft EIR's content and the impacts and how the public can comment on the project. To date, staff has received numerous letters from the public on the Draft EIR. Staff would like to thank all those in attendance tonight that are going to comment and who have already submitted comments. Your comments will be responded to in the Final EIR. Just to note, the comment period for this Draft EIR, which John just noted, will be extended to the close of the Planning Commission on December 4th, and all comments must be submitted by that time. The proposed project site is at the southeast corner of Sunset Boulevard and Doheny Drive. The project is bound on the south by Harratt Street, on the west by Doheny Drive and on the north by Sunset Boulevard. The site is approximately 1.37 acres in size. This aerial photograph depicts the site's location in the western portion of the City. The project site is located in close proximity to the City's northern and western boundaries with the cities of Los Angeles and Beverly Hills respectively. The entire site is located within the Sunset specific plan area with the northern portion of the site designated as a portion of Target Site 7D and the portion fronting Harratt Street designated as Site 7E. The uses surrounding the project site are a combination of residential and commercial, predominantly the commercial along Sunset Boulevard. Residential use is to the south, east, west and north, just north of the Sunset Strip and there's a single-family residential neighborhood. The proposed project is 268,805 square foot mixed use project which consists of 102 hotel rooms, 46 factual ownership market units, 20 condominium units, approximately 37,490 square feet of commercial uses comprised of both retail and restaurant uses, a lobby lounge, conference meeting rooms and a spa. Looking at the top elevation on the left-hand side of the top elevation, this is the east elevation by the way, on the left-hand side is the portion of the project that fronts Harratt Street and then on the right-hand side which would front Sunset Boulevard. This site – the building height for the project is 58 feet along Harratt Street and will gradually transition to a height of 126 feet at the northern portion of the project. These two 3D views of the project, the top one is looking northeast towards the project site and the bottom 3D view is from the intersection of Sunset/Doheny looking southeast. The Applicant is requesting the following entitlements as shown on the screen, both this slide as well as the next. Some of the entitlements are legislative including a General Plan Amendment and Specific Plan Amendment to revise the boundaries of Site 7D and 7E, and designate as an expanded target site to allow an FAR of 4.07. The Sunset Specific Plan currently allows for a target site such as 7D and FAR of

2.75 and an additional density bonus of .1 for a total FAR of 2.85. The proposed FAR of 4.07 would exceed the allowable FAR by 72,218 square feet of floor area. These are the additional entitlements that are being requested. That concludes my portion of the presentation. I'm going to hand it over to Luci. Like I said, the Applicant's representative is also here, so he may get up to speak during the public comment period.

Hise: Thank you. Good evening Chair, members of the Commission. The objectives for this evening's meeting are to talk about the purposes of CEQUA, to discuss what was analyzed in the EIR and then also to get comments and then make clear what the process is, where we've been, where we are tonight and what the remaining steps are in the EIR process. The basic purposes of CEQUA are provided in CEQUA Guideline Section 15002 and the basic purposes are to inform decision makers and the public about the project and potential environmental impacts, identify ways to avoid or reduce the impacts through changes to the project, mitigation measures or alternatives, and then another basic purpose is that if a project's to be approved with significant impacts disclosed, then the agency needs to explain their rationale as to why they choose to approve the project. In addition, the CEQUA process provides an opportunity for the agency or agencies and public to comment on the environmental issues that are related to the project. This slide presents the flow chart in the CEQUA process and you can see where we are, we're in the right-hand column, Public Review of the Draft EIR. It's a 45-day review period that began on October 17th and as staff has said has been extended to December 4th. The left-hand column, we've been through all those stages. The NOP, the Notice of Preparation, and the scoping meeting occurred in January 2007, and as I – and then the EIR was released October and then after the close of the comment period, all the comments will be responded to and a Final EIR will be put together. At that point, that will be reviewed by the different agencies and then the project and the EIR typically go forward through public hearings. There is various types of impacts when we talk about CEQUA. There's no project in less than significant impact, the first two categories up there, and those are impacts that are identified through the initial study process. So those issue areas are not analyzed in the EIR. For example, for this project, agricultural, biological, cultural resources were all scoped out of the EIR, population and housing and also recreation. They show up in one of the sections in the EIR called Effects Found Not to be Significant, so it's not that they're ignored, but not analyzed. The other two categories, Less Than Significant with Mitigation and the Significant Impacts, are the ones that we'll be focusing on this evening. The EIR contains 10 issue areas that are analyzed and the project analyzes construction and operation. I want to just touch on the structure of the sections because it's important relative to thresholds. Each section in the EIR has existing conditions or regulatory framework, project design features that relate to that issue area, significant thresholds, and then the impact analysis, both the project and cumulative. Then any necessary mitigation measures to try to reduce impacts that have been identified and the level of significance after mitigation. The thresholds are important because that is what the project is measured against. It sets the threshold that if the project analysis shows that the impacts exceed that, then the document would conclude that there's a significant impact. So now to discuss the findings in the EIR, if you could go to the next slide please. This lists the issue areas where there's less than significant impacts. You'll see on these slides, the next series of slides that the same topic may show up twice. For example, esthetics, views and shade shadow, it's less than significant. There are also other issue areas, visual quality that will show up in another slide and I'll show you – and I'll tell you why. Air Quality Operation is less than significant, but construction shows up in another slide. So these are the issue areas where there's less than significant impacts and then if we can go to the next slide, these are less than significant impacts with the incorporation of mitigation measures. That's the mitigation measure, so what's happened is, through the analysis, a significant impact was identified, mitigation measures were identified and then with the incorporation of mitigation measures, the conclusion is that it's a less than significant environmental impact. With all the issue areas that were identified, in the end there are three issues that where there are

significant and unavoidable impacts and that's to say that even with the incorporation of mitigation measures, the impact still remains to be significant. These are Air quality and its construction. It's a regional emission, a daily regional emission. During construction, the project would exceed the nitrogen oxides that the threshold that is established by the South Coast Air Quality Management District, and also localized PM 2.5 and PM 10 would be exceeded during the excavation of the project, and that would be primarily for the residential uses adjacent to the site. Noise during construction would also exceed the thresholds and that would be for the residential uses to the southwest of the site. And then traffic and circulation, there is significant impacts at three intersections and two roadway segments, and that table below summarizes what they are. And just to put it a little bit into context, there were 20 intersections that were studied and 11 roadway segments that were analyzed, and the traffic study analyzed the weekday a.m. and p.m. peak, as well as the weekend peak period. And then in addition, the project would also contribute to cumulative impacts in these three issue areas. So in summary, there's these three issue areas where there are significant and unavoidable impacts and what that means is that if the project is to be approved, there would be a need to have an adoption of a Statement of Overriding Considerations. Then I want to touch on alternatives analysis, which is a key point for CEQUA in the CEQUA process and what the guidelines require is that we look at a reasonable range of alternatives to compare the project to. In this case, there's four alternatives that are analyzed; the no project, no build, which is required under CEQUA, a project with consolidated site bonus and with expanded target site option. The third is a project with expanded site option and without consolidated site bonus and then the fourth is a mixed residential commercial use and the next slide provides a summary of those alternatives and looks at by the site 7D and 7E, the amount of square footage and the residential units that would occur as well as building heights and required parking to try to help put it in a little bit more understandable way than just the text in the EIR. And then – oh, I'm sorry, just on alternatives real briefly, one of the requirements under CEQUA is looking at the alternatives and there's a table in the document that provides a summary of the impacts relative to the project, and then under CEQUA we have to look at what the environmentally superior alternative is and in this case, the no project/no build is considered environmentally superior and CEQUA says if that's the case then you still need to compare the remaining alternatives and identify which one of the development ones is environmentally superior. In this case, it turns out to be alternative three. The process, the Draft EIR is available in a number of different places. It's at City Hall, at the library, the West Hollywood Library, and also on the City's website, and then if people do want copies of it, it is available upon request by calling the City. And then Heather is the contact person for the project. As she indicated, she's the Project Planner. And then our last slide is just again the public comments, that the comment period started October 17th and has been extended to December 4th at the close of the Commission public hearing. And then again, any comments that are submitted or presented tonight will be part of the record and will be responded to in the Final EIR as well as comments that are submitted during the time frame in writing, by letter, by fax to the City. And that concludes my presentation, thank you.

Altschul: Thank you, are there any questions for either Heather or the – I'm sorry, your name again?

Hise: Luci.

Altschul: Thank you, Luci, from the –

Hamaker: Yes, Luci, I have a question about the air quality during construction impact that you mentioned. I'm curious, obviously there have to be hundreds of developments developing in the Los Angeles basin, when that kind of air quality impact is measured, is it measured in combination with what else is going on, although I don't know how in the heck you would know what else is going on, as far as the cumulative impact in the air in the Los Angeles basin? Am I making sense?

Hise: *I believe you are, and I will get into all the ins and outs on the air because I don't do the modeling. It's done through modeling. The construction is looked at based on assumptions and in this case it's a very conservative set of assumptions and the modeling is done looking at the worst case day. So it's picking really the absolute worst and saying is on that day will there be a significant impact. So when a significant impact is disclosed, it's not to say that it's happening for that entire construction period. But the analysis for the project itself is done for the project and then in cumulative, it's not modeled in the same way because there isn't a way to be able to do that.*

Hamaker: *Right. The second question on the same subject is, would those particular elements that you mentioned, and I'm not familiar with what they are, how long do they last in the air? I mean, do they hang around for hours or days or how long do they last and what is the dissipation, if you know, and then do they spread to other communities? I'm thinking in terms that, you know, when you hear there's a train wreck and a chemical spill. And I mean, this is just – obviously we have a lot of developments in West Hollywood, but that just occurred to me to ask those questions.*

Hise: *Yeah, and that's actually one that I'd prefer to leave for the technical people to address.*

Hamaker: *Okay.*

Hise: *Again, that's not my area of expertise and it would be better answered by the technical (TALKING OVER).*

Hamaker: *Okay, great, so we'll wait. Thanks.*

Hise: *Yeah.*

Altschul: *Any other questions at this time? All right, then we will open the comments to the public and call Dr. Stewart Atkins.*

Atkins: *I'll defer mine to December 4th.*

Altschul: *Elyse Eisenberg?*

Eisenberg: *Thank you Chairman and Commissioners. I'm Elyse Eisenberg, resident of West Hollywood. I'm also Chairman, a Chair of West Hollywood Heights Neighbor Association and also representing them. We are keeping an eye on the projects being developed up and down Sunset Boulevard because we are extremely concerned about the increased traffic impacts on all of the proposed, entitled and proposed developments that are happening from one end of Sunset to the next. I'm going to head off with my summary at the top here. I am going to request that the Commission deny any Zone Text Amendments for this project and deny this project as is, and we are recommending that you pursue Alternative Three as, you know, allowing the developer to develop the project, but something within reason for Sunset. Going through the Sunset Specific Plan, it doesn't seem that this project achieves the goals of the plan and I made a bunch of notes on what the Sunset Specific Plan mentions. One of the big things was because of the traffic impacts. When the Sunset Specific Plan was written in 1996, they allowed for an increase in traffic capacity of 7%. Well, I think it's apparent to everyone who lives in the City we have way surpassed 7% and when this was zoned, it was assuming much less traffic. So when we go through the General Plan, again even though there are no immediate plans to change the Sunset Specific Plan, I would request that the City, the Planning Commission and the City Planners consider that these projects do not have to be built out to their maximum potential and in fact one of the statements on the Sunset*

Specific Plan states that all target sites, the goal is not to have all target sites built out to capacity and this is one of the target sites. One of the other things that the Sunset Specific Plan mentions is that there was an intention to have a transit shuttle going from Sunset and Doheny to Sunset and Crescent Heights to alleviate all of the proposed traffic from the commercial uses from one end to the other. You have a lot of office space at this end of Sunset and a lot of the restaurants are at the other end of Sunset close to Sunset Plaza and the newly proposed restaurant at Crescent Height – at La Cienega and beyond, and the people who are working in the 9000 and 9200 and if this is a hotel, we'll all be commuting down to that area during mealtimes and that is what is contributing to a great extent the traffic impact by the City. So you've got that additional concern there. There was supposed to be a cap of 200 – oh, is that it?

Altschul: *That's it, Elyse. Thank you.*

Eisenberg: *Okay. I'll send written comments. Thank you.*

Altschul: *And our final speaker, Kirk Pereira.*

Pereira: *Hello, my name is Kirk Pereira and I'm the President of the Homeowner's Association for Doheny West Towers. I'm joined by the Vice President, the Treasurer and the Secretary and so I'm kind of ill-prepared because we just basically heard about this yesterday through our manager. And we are located right across the street and a little bit south, pretty much right across the street from this proposed –*

Altschul: *Mr. Pereira?*

Pereira: *Yes?*

Altschul: *If you would prefer to wait and defer your comments until December 4th, you might be better prepared.*

Pereira: *Okay, but – okay, all right. I'll defer until December 4th.*

Altschul: *Thank you. There being no further speaker slips, are there any other questions of staff? If not, this item is continued until December the 4th. Thank you.*

//wci:rg

(ITEM 10.D. OFFICIAL RECORDING ENDS).

E. 538-540 N. Huntley Drive

Administrative Permit 2007-019:

Applicant is requesting to legalize one of two illegal units and convert the second illegal unit into an addition. The property is eligible to legalize only one unit.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: *Next item is Item 10E, Administrative Permit 2007-019. The subject property is at 538-540 N. Huntley Drive. The Applicant is Truman & Elliott representing Mara Suchy. And Donald, you have something to say?*

DeLuccio: *I will be recusing myself at this time. I live within a 500-foot radius and I'm leaving for the evening, so everybody have a good Thanksgiving.*

Altschul: *You too. We'll wait just a couple of minutes until the room clears out. All right, we'll proceed with the item. Francie, is this your last meeting? Francie Stefan will give the staff report and this will be Francie's last meeting. She's leaving to take a position in Santa Monica.*

Guardarrama: *I wish you all the best, Francie, but I hope you come back.*

Stefan: *Thank you. Thank you.*

Guardarrama: *You know, others have been known to do the same.*

Stefan: *Yes, there's a precedent for that for sure. And I'll be so grateful when I come back. You have no idea. So thank you, I'll start the staff report on this item. The request before you tonight is to legalize one of two illegal units on the property located at 538-540 Huntley Drive. Normally these applications for legalization are reviewed and approved or denied by staff. In this case, in consultation with the Applicant and at the --*

Altschul: *Can you hold it just a minute? Jeanne, I don't know where you are, but all I can hear is you – talking. Go ahead please.*

Stefan: *So at the request of the Applicant, this item, and consistent with the Zoning Ordinance, this item has been referred to the Planning Commission for review. So I want to just show a few photos of the site so you can get a sense for it. This is the front of the garage where the illegal unit being requested for legalization is located. It's a bit of a funny angle, but this is looking, you can see that property is located just south of Melrose on the east side of Huntley Drive, so you're looking eastward here. If you look in the north, or the uppermost corner of the photo, you can see the duplex unit and then the attached illegal unit in the back and the illegal detached unit and the garage. I'll go to a site plan that's a little easier to see. So, here north is up. You see in green the two legal duplex units that were constructed. Behind those in red is the illegal attached unit and then the other red is the illegal detached unit. This shows you a little bit of the floor plan of the unit being requested for legalization. As you can see, it's essentially a one-bedroom unit with a loft. The dotted line that you see on the site plan is indicating the line of the loft above and a little bit of a stairwell going above. It's a one-bedroom, one-bathroom unit that's approximately 750 square feet. So you can see the original floor, the original footprint of the garage was expanded for that extra bedroom and the bathroom. Loft floor plan there. This is the floor plan of the existing attached unit, so where you see that doorway is where it attached – sorry, is the doorway to the outside so it faces the backyard. That's also a one bedroom, one bathroom unit. And as you see proposed here, this property happens to only be eligible to legalize one of the two illegal units because of the zoning of the property and that's set forth in the Zoning Ordinance. So they're proposing that the attached illegal unit be turned into a sitting room and extra bedroom, so this is what they would propose to do by taking out the kitchen and opening a doorway to the main unit, to one of the duplex units. Just a few photos. We didn't have a ton, but you see on the left-hand side the front of the garage, on the right-hand side is looking at the duplex from the rear looking towards – looking at the building from the rear. A few photos of the interior of the garage. These photos were taken during a Code Enforcement inspection a few years ago, so it is currently vacant and doesn't look exactly like this, but it gives you a sense for the layout. You see the stairway going up to the loft and looking on the right-hand side looking to the rear to the one bedroom. This is an exterior photo on the left and exterior photo of the one bedroom addition of the garage and an interior photo of that bedroom. These three are all photos kind of on the left, the*

hallway looking towards the garage door and then the bathroom and more of that sort of main living area and the loft and the kitchen. During this – this application has been with the City for a number of years. Due to a number of factors, including the Applicant's request for additional time to deal with some litigation issues that they had on the site, and also due to fluctuations in the request, it has oscillated between a request for legalization of the attached unit and legalization of the detached garage unit. During the time of the application being with the City, we did a number of inspections and over time noticed additionally illegal structures being constructed on the site, so what you see before you right now is some photos of the additional illegal construction or construction without permit that was done for a washer and dryer enclosure that is in part a portion of the driveway. So these were submitted by the Applicant as what they proposed to do. They would – they propose to remove the garage door and replace it with just a standard pedestrian door and some windows in the front. Minimal changes to the other side. You can see here they're removing a side door and then the other two would remain exactly the same. So I just want to describe a little bit of the legalization procedure. I'll go really briefly. It is something that's in the Zoning Ordinance. The City is in its third amnesty program for these types of units. We have approved a number of them at the staff level and many of them in garages. However, not many that are like this site in which they have two illegal units on them and have to choose between the two. That is very unusual and something that we haven't seen that I know of in any other case. So that raises some interesting questions and I'll get into that as I go into some of the other issues. One of the key factors in the legalization code is that it has to exist as of January 1st, 2000. This – both units comply with that. It has to meet a preliminary building code inspection. Both of the units met that. It's something that the Building Inspector does just to look to see whether it's technically feasible to legalize them, so both of them meet that. And then it goes into some issues about parking. There is a provision in the code that does allow for the loss of parking in order to legalize units. However, there is subsequent language which states that the City should maximize compliance with all standards of the code and in the legalization procedure. It does say, and furthermore, the language of the code states that the City may allow loss of parking. It doesn't compel the City to say that we have to allow loss of parking, it says we may if we choose looking at the whole condition of the site to think that that was in the best interest of the City and most compliant. So based on those pieces of the language of the code, staff has analyzed this – the whole situation of the property to say that we didn't feel that legalization of the garage unit met the standard and the intent of the code with regard to parking and therefore is recommending denial of this application. In the case that the Planning Commission would agree with that recommendation, the Applicant would have an opportunity to, number one, appeal the decision to the City Council. If it was denied at the City Council level, they would have an opportunity to then apply for legalization of the other unit that's attached to the house if they so choose or if they so choose to remove both units. So those are their kind of options if they, you know, depending on what the Planning Commission should decide. I forgot what I was going to say. We have John Berndt here as well from Code Enforcement who's gone to the site with us on numerous occasions and has extensive knowledge of the history of this site. As you know, this item was continued from an earlier meeting to allow a meeting with neighbors so that they could go to the site. That did indeed happen on October 18th. Unfortunately, City staff was not available to attend, but we did get reports and included reports on the meeting from both the neighbors and the Applicant about what they felt the key issues brought up were. In general, many of the issues are ones we've talked about here. There was concern about the condition of the site and the maintenance of the site, and the condition of the garage unit and its habitability. And just to address that, I just want to state that should – while the condition may not be great as it's currently vacant and it may have been vacant for a certain amount of time and degraded as a result of that, the City did review it or did visit the site on numerous occasions with the Building staff or Building – the Building Inspectors and should it have been in dangerous condition at any of those times, we would have taken

action at that time. So we didn't believe there was anything that was life threatening during any of those site visits. And with that, I just will summarize. We are recommending denial of this application. It is a bit complicated so we're definitely here for any questions if you should have them.

Altschul: Any questions of staff? Francie, it's not unusual on this street or indeed in this area to have two separate buildings on a lot with three habitable units, is it?

Stefan: I can't say with – definitively because I haven't looked at that issue. I mean, in this neighborhood, yes, it's not simply single-family on every lot. There are a number of cases in which people have either legalized units or had originally constructed duplexes. Like this one was built in the 1920's as a duplex and there are I'm sure a number of properties on the site, on the block that are like that.

Altschul: Okay, thank you, any other questions of staff at this time? If not, we will open the public hearing. We'll be with the Applicant. Todd Elliott you will have up to 10 minutes if you need it and then rebuttal.

Elliott: Good evening, thank you Commissioners. I have presentation materials, but rather than – they're so small that rather than put them up on chairs, I've put a copy at the back table and given one to Mr. Gillig. Thank you, my name is Todd Elliott, I'm a resident of the City of Los Angeles. I represent the Applicants, Mark and Mara Suchy, who are the owners of the property. The drawings that I've given you show two color illustrations which are similar to the staff report, but I can give you a little bit, a better idea of the layout of the property. I think it's clear from the staff report and I certainly agree with Ms. Stefan that the Applicant or the property owner has the ability to legalize one unit at the property. I included in my packet a letter from the City dated December 31st that says that as such the legalization of the attached unit is clearly the superior alternative, but I'm here this evening in hopes of persuading you that legalizing the garage unit, which is almost 750 square feet or we've rounded it down to 700 square feet, is the superior alternative to legalizing a 450 square foot unit. If you look at the drawings that I provided you, you're going to see that the, I'm calling it the green unit, the existing unit that's approximately 450 square feet, it is basically one large room with a bedroom. Part of that is part of the original construction of the building, which is from the 1960's actually, not the 1920's. The reason that we are asking to legalize of course the larger unit is to have – for two reasons, really to have a seamless fit. We want the tenants of I'm calling the existing occupied green unit to be able to move into the 700 square foot unit once it's completed and we also want them to have the most livable space possible. Clearly having, for a young couple, 700 square feet, a loft bedroom is a superior alternative and the occupants of the space will be the same. Whether they occupy the existing unit or the proposed unit, it's the same tenant who would be occupying and moving to the larger unit. I should also add, while it's not really germane, they will pay the exact same rent whether they occupy the current or the proposed unit, but in this instance, if you were to allow the larger unit to be legalized, they would have a much greater amount of space. I think the staff report is very accurate, but one issue that it doesn't focus on is the practicality. We don't believe that this garage would if removed attribute to any greater loss of parking at this location for a couple of reasons. It's an 80-foot driveway and in order to adequately utilize the garage, and I have included some pictures along with my drawings, would require that the tenants at the property have to maneuver vehicles down an 80-foot driveway all the way to the back of the property and that just is not realistically going to happen. It doesn't happen throughout West Hollywood. People typically park their cars in driveways because many of the properties are constructed with extremely large driveways and garages at the rear of the property. We have proposed an additional parking space as part of the legalization of the unit to be created on site so that there actually could be three parking spaces for the three units at the property. I've also included for your review a chart which compares this proposed legalization with the legalization of the property next door, which my firm handled, and the property at 337 Westbourne, which the Commission had questions about. In each instance, you would see that in each case

there is a garage unit that's been eliminated allowing only for parking off street in the driveways. In each case, it's an R1B Zone and at 534 and 538 Huntley, there's three units. At 337 Westbourne, there's two units. So I think what we're trying to illustrate in a chart is worth a thousand words, but that simply said what this property owner is asking for is consistent with what other property owners have been granted in this general neighborhood. Again, I won't belabor, but I think there's a human reality here. We can legalize one unit and we want to make it very best unit for the tenants who will occupy the unit and we seek the approval of the Planning Commission to allow that to happen. I'm happy to answer any other questions that the Commission has.

Altschul: *Thank you, the next speaker is Grady, I'm sorry I can't read the last name.*

Beard: *Oh, I'm sorry, sir, Beard.*

Altschul: *Please.*

Beard: *Thank you, Mr. Chairman, Commissioners. My name is Grady Beard. I live here in West Hollywood. I live right on Huntley. I live in the little tiny illegal attached unit in the back. My bathroom is in the closet. My wife Brandi and I live there currently with our little dog Bunny. We want to speak in support of legalizing the garage for us. We've lived here since 2005. This is obviously the best place in Los Angeles to live. We're – we realized how lucky we are to live here and that's why we don't mind living in our little 450 square foot piece of West Hollywood because it truly is fantastic. We pay \$1,050 a month in rent and that will stay the same for us if they move us to the larger unit. We've had conversations with Mark and Mara numerous times as things have gone back and forth, as one unit became legal, one unit wasn't legal. We've been in kind of limbo the past three years and I really do think that the garage would be a better layout for us. They'd put in French doors that would open up to the backyard. We really do think it would help us out quite a bit. We've been told that other developers in West Hollywood, when they build affordable housing, the minimum size is 650 square feet. We live in 450 currently. If we had to move, we would be totally devastated. We love this neighborhood very much. We walk everywhere. We have one little blue car. It will stay the same. Most the people park, the guys that live in front of us park on the property and we have our one little blue car. We don't really contribute to the parking problem I don't think very much. And once they've completed the repairs, we could move five feet into a brand new beautiful living space. You can imagine how disappointed we were when we were told that the Housing staff did not want us to live in the new garage unit, when all the garages around us have been converted successfully and they're beautiful. We just find it very strange that some people can live in a converted garage, but we cannot. Actually it would improve our situation. We think it'd improve our tenants in front of us. They wouldn't have to hear us all the time. Please approve the request. Help us out to move into the nicer unit and I appreciate your time very much. Thank you.*

Altschul: *Lauren Meister?*

Meister: *Lauren Meister, resident of West Hollywood and President of West Hollywood West Residents Association. West Hollywood West Residents Association supports staff's recommendation to deny the Applicant's request. First, it is unusual to have more than two units on a lot. We're zoned R1B, which allows for two units on a lot and we are also a neighborhood conservation overlay zone. There are 600 single-family homes out of 1,000 units in our neighborhood. Second, the garage is not habitable. This garage, I could blow on the back room and it would've fallen down. The neighbors who are invited to look at the property were appalled by the conditions that we found at this property and how they differed from representations that were previously made. The garage in question is not a unit at all, but rather an intact two-car garage that just happens*

to have plumbing attached, a scary room that appears structurally unsound tacked on to the back intruding the rear setback an illegal winding staircase leading to a space they called the loft, which we couldn't get anyone to go up those stairs to look to see what it really was. Given that the garage unit is an unimproved garage, we do not feel it should qualify for legalization. Luckily there is no tenant currently living in the garage, so no one would be displaced. We were unable to look at the other illegal unit, the one attached to the house, so I can't really comment on that, but it would've been nice since we did go there with intentions to look at that as well. Neighbors who were invited to look at the property couldn't believe that there were actually four or five illegal structures on the premises. The two illegal units, one which features a large terrace, also apparently built illegally, and two large sheds tacked on to the main building. One was referred to as a laundry area and the second as a storage shed. We detected an odor of gas in the supposed laundry room and we did let the owners know that. We just – we think that Francie made the right recommendation and we hope that you will deny this application. Thank you.

Altschul: *Terry Leftgoff? And apropos of nothing related to this hearing, Terry, I read your commentary on the No on 8 campaign. I thought it was brilliant.*

Leftgoff: *Thank you. It's supposed to be published tomorrow. Thank you. My name is Terry Leftgoff, a resident of West Hollywood and Vice President for the West Hollywood West Residents Association. I'm also a homeowner in the 500 block of Huntley Drive. I'm here to support staff's recommendation. We submitted notes of our report on the neighborhood meeting. I hope you've had a chance to see them. They were included in the packet. We also submitted comments at one of the many previous hearings that didn't happen. Those comments dealt a lot with the parking problems that this property has created over all these years. West Hollywood West, as you may know the mission is to protect and enhance the quality of life in our neighborhood. We're very pleased at how this section of Huntley has undergone a significant up-cycling whereby surrounding older duplexes have been torn down and replaced by new single-family homes, increasing the value and desirability of the neighborhood. Properties in the immediate vicinity of this property have undergone wholesale reconstruction for the betterment of the neighborhood at tremendous personal investment, while this one property is notable for going in the opposite direction. The owners seem to be very nice. However, in the 14 years that they've owned this property, this property is probably eligible for listing as one of the most singularly unattractive properties on this street. It is considered an eyesore and it is slum-like. That's how the neighbors describe it. Further, it has particularly ugly curb appeal, front entry and neglected landscaping. It's been that way the whole time the property owners have owned it. The neighbors who met at this neighborhood meeting, of which there were close to a dozen, feel that this property should not be rewarded under the discretion provided under the Legalization Ordinance and it should be ineligible for any extra legalization. We recommend first that staff recommendation be supported and our, over our two recommendation is really that the best course of action is to remove both of the illegal units and the shoddy tacked on room and sheds and return the intact two-car garage and driveway to parking use. Given the protracted history of violations at this property over that entire time, we believe the temptation is too great for the addition to be returned back into an illegal use. One note about the driveway as Mr. Elliott referred to. Most of our driveways happen to have been built when the houses were originally built in the 20's. They are very few modern driveways like this one. I happen to have a more recent driveway. Mine is more narrow than this one. This is a very ample driveway and it's modern. It's very easy to get back to that garage. It should be returned to use. Thank you.*

Altschul: *Thank you, Jeanne Dobrin. She'll be our last speaker.*

Dobrin: *Jeanne Dobrin, a resident of West Hollywood. I first wanted to say that the loss of Francie Stefan is a very severe loss to this City. I consider her probably one of the top Planners that I have known in the 24 years of this City's existence and eight more years when I worked for the County. She is really up there. I just hate the thought that she's leaving and I would beg her to come back. I support her report and the denial.*

Altschul: *Just a second.*

Dobrin: *I feel that –*

Altschul: *Just a second, hold up, Jeanne. Start her clock over again.*

Dobrin : *I don't know what you said, but it doesn't matter. I don't hear too well, you know that. Anyhow, I feel that after I heard and looked at this property that this was a Third World property. In fact, any minute I expected to see a video of a child in rags with big eyes drinking contaminated water and an American volunteer begging to help these people to live in an environmental decent existence to get some help. I can't believe that this property grew up like Topsy. In fact, I was shocked by the things that I heard, but I was laughing at the same time. I also read in the report that most developers when they have a neighborhood meeting want to seduce the people who come there with sweet words and sometimes sweet food too, but instead these people instead had no chairs, no meeting set up, no way to be shaded from the hot sun. So I guess they're just about as careless in addressing, getting something redressed for themselves as in putting this property together. Mr. Elliott is a very, very experienced litigator and lobbyist in various places including the City of West Hollywood, but even he can't make this place look like a rainbow. It's really just a first class dump and it doesn't meet the standards. They'd be very lucky to get one of the illegal units made legal and as far as the third one, there is no way that you can do it. Please help the people of West Hollywood West to maintain the lovely atmosphere that is there. Thank you. West Hollywood West Residents Association. Only residents can belong to it.*

Altschul: *You have up to five minutes for rebuttal, Todd.*

Elliott: *Thank you, Mr. Chair, I'll just try to be brief. I want to remind the Commission that the point of legalization means that any and all code violations at the property have to be remedied. This matter has been going on for a long time and as part of the legalization of the unit, as was the case with the property next door at 534, the unit legalized will have to be completely brought up to code and any other violations at the property will have to be remedied. I do want to note again that it's the same people who live there now who have been there for more than five years and tenants before them that will move into the larger improved units. So I can't see any argument that there would be any increased parking exacerbation from legalizing one unit as opposed to another. One would be a one bedroom of 400 and change square feet, the other would be a one bedroom of 700 and change square feet. Probably the one other policy argument that I'd like to make is that I think this is a great neighborhood, but it's a neighborhood that should include renters as well as homeowners. And part of what we encourage in the City of West Hollywood is diversity and this property, although has been neglected, will improve as a result of the legalization of the unit. The quality of life will be better for the tenants and the neighborhood. So I really encourage you to deny the staff recommendation and support our Applicant's request to legalize the garage unit at the property and I'm very happy to answer any questions that you have. Thank you.*

Bernstein: *I have a question.*

Altschul: *Question, yes, Allen.*

Bernstein: *Mr. Elliott, you expressed that if the illegal to legal motion was approved there was a parking space that could be added, but I'm not sure I see where that would take place.*

Elliott: *Okay, if you take a look at the color drawings that I submitted and you'll see the drawing on the left side of the packet that I gave you, there's a blue strip that illustrates where the driveway is currently. There's currently two parking spaces there if you park all the way up in the driveway. We're proposing to move the gate which is there back so that both cars could park in front of the gate and then if you look immediately to the left, it's not illustrated in blue, but there's a proposed third parking space. That area is used now for parking, but is not legal.*

Bernstein: *Okay, when – Mr. Chair, when the other Commissioners are done, I have a question to ask of Code Compliance, but if other people have questions of Mr. Elliott, I'm done.*

Altschul: *Thank you, Mr. Elliott. That'll conclude –*

Yeber: *I have a question. I have a question of Mr. Elliott.*

Altschul: *Go ahead.*

Yeber: *So just to understand, I see on that same drawing three spaces, two of them are tandem, for three units. Is that correct?*

Elliott: *That is correct.*

Yeber: *So does that mean a tenant in unit one would have to move his car so that the car for tenant two could remove, you know, move out? How does that work logistically?*

Elliott: *It works currently. There are three tenants at the property and typically you can find three cars parked at this property.*

Yeber: *In that configuration?*

Elliott: *Yes, if the gate is open.*

Yeber: *Okay, thank you.*

Altschul: *How many parking spaces are there at 534 Huntley? You don't show that on your matrix.*

Elliott: *At 534 Huntley, there's a similar driveway, so theoretically it's my interpretation under the code. The Planning Manager may disagree that you could park two cars tandem –*

Altschul: *That's not the question. How many parking spaces are there at 534 Huntley?*

Elliott: *There's one parking space currently.*

Altschul: *And two legal units? Three legal units?*

Elliott: *That is correct.*

Altschul: One parking space off street?

Elliott: Correct.

Altschul: And this would provide three parking spaces off street for –

Elliott: That is correct.

Altschul: -- three units if in fact that was the case, right?

Elliott: Yes.

Altschul: And at 337 Westbourne, how many off street parking spaces are there?

Elliott: I don't know the answer to that.

Altschul: Ms. Meister?

Meister: Excuse me?

Altschul: How many parking spaces are there at your place, off street?

Meister: I would say two to three tandem.

Altschul: Two to three?

Elliott: The answer was two to three tandem.

Meister: Depending on how big the car is. I have a Smart car.

Male: There's only two units there.

Altschul: Two, two SUVs and a Smart car, huh? Okay, thank you.

Elliott: You're welcome.

Altschul: That'll close the public testimony portion of the public hearing.
Comments? Questions?

Bernstein: Disclosures?

Altschul: Disclosures?

Bernstein: I'd like to disclose that I had conversations with Mr. Elliott about matters contained within the staff report and nothing else.

Guardarrama: Ditto.

Altschul: Ditto plus I went and looked at the property and my – and it was just I believe yesterday that I went and looked at the property. No, maybe it was today, I don't know, but you know, I didn't see a mess. I saw at least from the curb a rather neat and well manicured front elevation. Any other disclosures?

Hamaker: Yeah, I – exactly the same as yours. I actually went last week not realizing it had been continued and so I saw a very nicely manicured front area with a gate with a black background to it and I tried to peek through without looking like a peeping Tom, but I didn't see any people and I really couldn't see anything. But it was a very nice – I mean, I come from the eastside. I don't expect mansions that are manicured with millions of dollars worth of landscaping, so I thought it was an absolutely lovely house.

Yeber: And I have no further discussion, further disclosures beyond what was disclosed at the prior meeting when this came before us.

Altschul: Okay, there being nothing further, who wants to start?

Bernstein: I have a question of staff.

Altschul: Please.

Bernstein: I just was curious, could the proposed third parking space be legalized and also just because I don't understand it, if we were to not go with staff's report and to legalize the garage unit, how could an additional bedroom be absorbed into the existing duplex legally, because wouldn't that create additional parking requirements?

Stefan: The way the additional parking space has been proposed and the front yard setback does not meet the code requirements, no. Currently you cannot do what's proposed with regard to additional parking in the front yard.

Bernstein: So you could do it, but you couldn't legalize it, the parking?

Stefan: No.

Bernstein: Okay and the other thing about the additional bedroom?

Stefan: It wouldn't increase it because of the requirement for two and three bedroom units being the same, so adding it would not impact that.

Altschul: When I walked down that street, I saw quite a few residences with brick sort of grass-crete over the front yard and cars parked on them. I seem to recall some years ago, the requirement that the front yards not be concreted over, I think more than 45 percent, was that the rule then?

Stefan: And now.

Altschul: I was I think changed or was it not?

Stefan: No, it's still a requirement of the City, but it's --

Altschul: That 45 percent of the front yard be permeable?

Stefan: Yep. Well, maximum, I think it's maximum 45 percent may be impermeable, so 55 percent has to be permeable.

Altschul: Fifty-five percent needs to be permeable. There's a lot of violations on that street.

Keho: And the other thing about the parking spaces, we allow for cars to park in the front yard setback if they're on a driveway that leads to a garage. So this third space would be in front of the house and not leading to a back garage area.

Altschul: As are quite a few of these spaces on that street that I – half to three quarters of a block that I walked. Barbara?

Hamaker: I had -- Francie or maybe for code enforcement, the – a question about a comment that was made by a member of the public calling it an unimproved garage. So I guess a generic question would be, are we allowing legalization of garages to be turned into dwelling units where we're only bringing in garages that have been dwelling units prior and obviously this was a dwelling unit. Whether we would say it was habitable or not now by its rundown condition, it was at one time. So we are considering this unit a potential – it was a unit in other words, it's not a pretend unit that is really a garage?

Stefan: Correct. The key thing that determines eligibility for this program at all is that the unit was in existence prior to a cutoff date, which is about eight years ago.

Hamaker: Okay, thank you.

Altschul: Joe?

Guardarrama: Under our existing code, one unit on this property is entitled to be legalized. I disagree with staff that the best unit to be legalized is the tiny unit in back of one of the duplex units. I think it's the garage and I think it's the garage because it provides a better living space and if I had to choose between the two, I would definitely choose to live in the garage unit rather than the small unit behind the duplex. I think that this garage were it a car garage would probably be used more for storage than for the parking of cars and that's just been my experience. It's very anecdotal. I don't know if it's even, you know, if it carries any weight, but in this neighborhood, people don't use their garages to park cars. And that being said, I'd like to direct staff to bring back a resolution approving the garage unit.

Altschul: Second. Any further discussion?

Hamaker: Yeah, I have – oh, Marc, you go ahead.

Yeber: Well, I just, I have a question. Does this kind of move, and maybe John Keho, you can help us out, how does this set a precedent? I'm worried about how this could be viewed for – basically this may open the flood gates and anybody who has a garage that might be illegally inhabited right now could be legalized. I mean, where do we stand in the long term?

Keho: Well, again as Francie indicated, the legalization program requires that there be evidence on record that it was occupied on I think it was January 1st, 2000. So that's really the key and so if someone had evidence that a garage was occupied then, this decision really wouldn't impact that because they could submit the application anyway. I think what's unusual about this application is that there are two units that, you know, that were illegal and they could've only legalized one and so there was a decision as to which one of those is to be legalized. So that's what's unusual about this and if the Commission approves this, what's that – that's kind of telling us is that if there's a choice, then we might want to take a look at the unit that's a better livable space than the other one.

Altschul: *And I think that was very well put –*

Yeber: *Thank you.*

Altschul: *-- and I think that in my opinion is the reason to do it.*

Hamaker: *Can I just ask now, if this is – where are we saying the car – that the cars would have to park or would be allowed to park?*

Keho: *They would be parking on the driveway.*

Hamaker: *Okay and not in the adjacent pad that's there.*

Keho: *Right.*

Hamaker: *Correct, okay, good, thank you.*

Altschul: *Any further –*

Bernstein: *Yeah, there's one thing that continues to trouble me. It's this third green unit which if I'm doing the math right, there should be four parking spaces for two one-bedrooms and a two or three bedroom and clearly there are only three. I can see the logic behind Commissioner Guardarrama's motion, but I really can't see maintaining this additional bedroom when there isn't sufficient parking for what we're proposing and we're proposing adding an additional bedroom on top of that. It troubles me.*

Guardarrama: *But – well, the way I see it, is that the current tenants and the current load is already being maintained by the street and by this driveway and so we're just shifting where people live from one part of the property to the other.*

Bernstein: *But presumably we're bringing in a third bedroom, so I think we're bringing in – I get that in the code there's no difference between two and three bedrooms, but what I'm pointing out is there isn't sufficient parking right now here for two one-bedrooms and a two-bedroom.*

Guardarrama: *Well, the way I look at it is that if the code doesn't make a differentiation between two and three bedrooms parking than we shouldn't infer that as a Commission we should make that policy choice.*

Altschul: *And I think that the horse was let out of the barn with respect to the parking on the 337 Westbourne. I think that was certainly not in the best interest of the City in the way it was processed and that it required a variance to get accomplished, but nevertheless, the cars are probably on the street. So putting the cars on the street or a couple of the cars on the street or even one car on the street at 538 to 540 Huntley I don't believe is any different than what we did at 337 Westbourne and whether fortunately or unfortunately, I think so much of West Hollywood West parks their cars on the street. Their garages were built in an era that cannot accommodate, you know, today's cars, perhaps tomorrow's because we'll all be driving Smart cars. And so I don't see why these people should be disadvantaged when they have a unit, in fact two units that go back before, what is it, 2000? And can legally be legalized and it's always been the policy of the City to legalize units for residents and for habitability whenever possible and especially rentals and when you encourage rentals in what are basically upscale neighborhoods, I think this is a wonderful addition to the City. So I would be very supportive of this legalization. Anybody else?*

Hamaker: I'd like – I'd also like to say, oh, my God, my thought just went out of my head. Oh, go ahead, Marc. I'll think of it.

Yeber: Let me take – chime in. I just wanted some clarification or for mind, in the 337 Westbourne, if I'm not mistaken that was family related and an elderly couple and we weren't dealing with a --

Altschul: The use runs with the land.

Yeber: -- additional car. And secondly, I guess what I'm hearing from you John is that you're changing your tune because you weren't in favor of that legalization and so now you're changing your tune, so I'm a little, you know, surprised.

Altschul: Not surprising because if you give it to one, then you should give it to everybody.

Yeber: So that was my comment earlier then. Then basically we've opened the flood gates after that.

Altschul: That's right, in my opinion.

Hamaker: My brain kicked into gear. So assuming this passes or if it passes, what's the process, and this is just curiosity on my part, to bring it up to code? Is it a combination of code enforcement or does Building & Safety oversee this? What is the process by which this garage unit by all practical purposes in the photographs look pretty bad.

Stefan: Typically it's a function primarily of the Building & Safety Division.

Hamaker: Building & Safety?

Stefan: In this case, I would have to say and given the extensive experience with the property I would expect that there'd be some involvement from code enforcement staff, but the lead would still be taken by Building & Safety.

Hamaker: So they have to pull, take out permits to do construction and bring it up to code and then have somebody come out and inspect it and make sure that the wiring is okay and the stairs are safe and the – there's insulation and there's certain codes it has to be brought up to?

Stefan: Yes, that's correct.

Hamaker: Okay, thank you.

Altschul: Any other comments? Joe?

Guardarrama: No, go ahead.

Buckner: No, I, I was thinking that the larger unit would be more desirable as a rental unit because people – I mean, 450 square feet isn't a lot of space for even one person let alone a family and so long as the garage could be brought into compliance with appropriate restrictions and requirements, I think it would be a more appropriate place. I do – I am concerned, I know that the parking situation all over West Hollywood, even where I live, people have gar – on site parking and they still park out on the street and they're always fighting for the – for our guests who are coming to visit for on-street parking. I don't know how to encourage people to use their on-site parking in the City so

that we don't have this issue even, but apparently in that neighborhood people are parking illegally and the City doesn't have to prove it. They could actually do three or four cars down that driveway and they just have to be a little bit more cooperative with the tenants on the site and I think that is possible so that they could have this.

Altschul: Thank you, Marc?

Yeber: Yeah, just I guess my last comment is, you know, I'm sort of on the fence here with this. I'd like to see it work out, but at the same time, you know, making a comparison to some of the other projects especially the Westbourne project, this is not compelling like that one was and I can't find a reason to go against staff's report on this one and so that's why I'm having trouble here.

Altschul: I think the compelling aspect of it is there because the Westbourne project, yes, it was an elderly couple who were the parents of the owner but if the owner sells the property tomorrow, next month or 10 years from now, and you know, six hippies or six rockers move in to each one of those units, they still have the use because the use runs with the land. So as I said, the gates are open. Are there any other comments? Allen?

Bernstein: Just a question or a concern, since it appears what way the wind is blowing, since both the Applicant and the current tenant of the unit that looks like it's going to be eliminated have suggested that they are fine with the tenant being moved from their to be eliminated unit into the newly legalized unit at the same rent, could we add that as a condition when they bring that back? Is that not something that can be conditioned?

Hamaker: What did you want to condition on?

Bernstein: Well, since part of what – I mean, to respond to Commissioner Yeber's point that the inherent sympathy of Westbourne was different, the reality is the inherent sympathy is you have a lovely couple that's been living in a very small unit for five years that believes they're moving into a larger unit at the same rent.

Altschul: I don't believe that can be included as a condition, but let's defer to our City Attorney.

Jenkins: I think it's complicated by the fact that under our rent stabilization ordinance they're not permitted to evict tenant and so I suspect that the answer is that they would have to offer them the other unit if they eliminated the smaller unit. Because unless you acted not to legalize either unit, in which case they would be obligated to remove both units and because the City would be obligating them to eliminate both illegal units, then the tenant could be evicted. If you legalized the garage unit and you required them to eliminate the smaller unit, then I think they would be required regardless of any condition to move the tenant into the larger unit.

Buckner: Is this a rent stabilized unit?

Jenkins: I don't know the answer to that question, but it should be.

Buckner: However, I may be incorrect on this, when a tenant – there was an issue before the Rent Stabilization Commission where a tenant moved from one unit to another unit in the same building and that basically meant that that was no longer stabilized at the same rent. Could be wrong.

Jenkins: *Well, in this case, the smaller unit would be eliminated and I believe I heard Mr. Elliott say that the rent would stay the same when they move into the larger unit and I think would be required in this instance. The MAR would shift to the other unit.*

Bernstein: *Before we vote I would say that I wasn't here for the Westbourne legalization and it does seem to set a peculiar precedent that if something is inherently sympathetic, we legalize but then if that is the case, I would point out there is a sympathy argument here as well.*

Altschul: *Joe?*

Guardarrama: *Sympathy played no part in my decision in Westbourne. That was an oddly shaped piece of property and I believe that the City had a little bit of, not liability, but it may have – there was a little bit of evidence that it led the property owner down a path that caused that property owner to build that garage. In this case, while that evidence, you know, was not completely substantiated, that's the sense I got. In this case, one unit on this property can be legalized under our code. We are just choosing which is the better one. That's it. There's no precedent being set for future applicants.*

Hamaker: *Just like to make one cautionary statement about any derogatory remarks about hippies by anyone on this Commission because they are my brethren.*

Altschul: *And you are an aging hippie.*

Buckner: *And many of us may have been hippies.*

Hamaker: *With dyed hair.*

Altschul: *I used to dye mine. Any further comments? There being none, let's have a roll call. This is a motion, again to remind everybody, is to direct staff to bring back a resolution allowing the legalization of the garage as a unit.*

Gillig: *Commissioner Guardarrama?*

Guardarrama: *Yes.*

Gillig: *Chair Altschul?*

Altschul: *Yes.*

Gillig: *Commissioner Bernstein?*

Bernstein: *Aye.*

Gillig: *Commissioner Buckner?*

Buckner: *Yes.*

Gillig: *Commissioner Hamaker?*

Hamaker: *Yes.*

Gillig: *Commissioner Yeber?*

Yeber: *No.*

Gillig: *Motion carries, five ayes, one no, one recused motion.*

Altschul: *Thank you.*

//wci:rg

(ITEM 10.E. OFFICIAL RECORDING ENDS).

11. NEW BUSINESS.

A. 2009 Planning Commission Meeting Dates.

ACTION: Officially adopt the following Planning Commission meeting dates for calendar year 2009:

Thursday, January 15, 2009
Thursday, January 29, 2009 (Special Meeting)

Thursday, February 5, 2009
Thursday, February 19, 2009

Thursday, March 5, 2009
Thursday, March 19, 2009

Thursday, April 2, 2009
Thursday, April 16, 2009

Thursday, May 7, 2009
Thursday, May 21, 2009

Thursday, June 4, 2009
Thursday, June 18, 2009

Thursday, July 2, 2009 (Cancelled)
Thursday, July 16, 2009

Thursday, August 6, 2009
Thursday, August 20, 2009

Thursday, September 3, 2009
Thursday, September 17, 2009

Thursday, October 1, 2009
Thursday, October 15, 2009

Thursday, November 5, 2009
Thursday, November 19, 2009

Thursday, December 3, 2009
Thursday, December 17, 2009

Moved by Chair Altschul and unanimously carried; notating the recursion of Vice-Chair DeLuccio.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. General Plan Update.

Susan Healy Keene, Director of Community Development, stated staff is finalizing the technical reports and will begin the draft of the General Plan shortly.

B. Director's Report.

Susan Healy Keene, Director of Community Development, thanked Francie Stefan, Senior Planner for her work on the General Plan and wished her well. She welcomed Commissioner Buckner.

C. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission. He thanked Francie Stefan, Senior Planner for her work on the General Plan and wished her well. He welcomed Commissioner Buckner.

15. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the Los Angeles County Board of Supervisors, financial responsibility and upcoming developments.

16. ITEMS FROM COMMISSIONERS.

Commissioner Yeber wished Francie Stefan, Senior Planner, all the best.

Commissioner Hamaker wished Francie Stefan, Senior Planner, all the best.

Commissioner Guardarrama wished Francie Stefan, Senior Planner, all the best.

Commissioner Buckner wished Francie Stefan, Senior Planner, all the best.

Commissioner Bernstein wished Francie Stefan, Senior Planner, all the best.

Chair Altschul wished Francie Stefan, Senior Planner, all the best.

17. **ADJOURNMENT:** The Planning Commission adjourned 10:18 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, December 4, 2008 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 15TH DAY OF JANUARY, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR