



PLANNING COMMISSION MINUTES
Regular Meeting
June 5, 2008

West Hollywood Plummer Park Community Center – Rooms 5 and 6
7377 Santa Monica Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Chair Guardarrama called the meeting of the Planning Commission to order at 6:32 P.M.

2. PLEDGE OF ALLEGIANCE: Steven Afriat led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Bernstein, D'Amico, DeLuccio, Hamaker, Yeber, Vice-Chair Altschul, Chair Guardarrama.

Commissioners Absent: None.

Staff Present: Jennifer Alkire, Associate Planner, Francisco Contreras, Associate Planner, John Chase, Urban Designer, Susan Healy Keene, Community Development Director, Jory Phillips, Acting Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, June 5, 2008 as presented. **Moved by Vice-Chair Altschul, seconded by Commissioner DeLuccio and unanimously carried.**

5. APPROVAL OF MINUTES.

A. May 15, 2008

ACTION: Approve the Planning Commission Minutes of Thursday, May 15, 2008 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

MICHAEL POLES, WEST HOLLYWOOD, commented on the future availability of water and infrastructure.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 8822 Cynthia Street. (Valadon Hotel)

Conditional Use Permit 2008-002:

Continued from Thursday, May 15, 2008. Jennifer Alkire, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, June 5, 2008.

She stated the applicant is requesting to modify Conditional Use Permit 89-12 to allow a full bar for use of hotel guests and invitees of guests on the top floor and roof deck. The request is for 305 square-feet of indoor bar/lounge and approximately 2,500 square-feet of outdoor bar/lounge use on the roof of the existing hotel.

She detailed the history of the property and spoke on alcohol sales and service in the indoor dining area, outdoor patio/terrace, and pool spa area. She described the parking ratios.

Staff recommends denial of the request because the proposed intensification of use does not meet parking requirements in Section §19-28-040 of the West Hollywood Zoning Ordinance.

Chair Guardarrama opened public testimony for Item 9.A:

STEVEN AFRIAT, LOS ANGELES, applicant's representative, presented the applicant's report. He detailed the history of the project site and spoke regarding on-site parking, mini-bar license, roof-top amenities, alcohol service, hotel and occupancy tax, noise issues, definition of restaurants and nightclubs, landscaping, and fencing around the pool area. He stated the proposed pool hours; last call for alcohol shall be at 10:30 P.M., and pool area shall be vacated by 11:00 P.M., seven days a week.

He stated the drink service at the pool area will only be available to hotel guests and their guests. Room key requirements will be needed to gain access to the pool area.

Vice-Chair Altschul commented and questioned employee access to the pool, mini-bar service, and billing practices for alcohol at the pool.

STEVEN AFRIAT, LOS ANGELES, applicant's representative, stated any employees caught allowing anyone into the pool area, other than guests', would be immediately terminated, mini-bar service is not conducive to business traveler's lounging by the pool, and detailed expense accounts for billing purposes. He spoke on square footage.

Commissioner Yeber commented on and questioned the possible intensification of use.

Commissioner Hamaker requested clarification regarding food service, parking and alcohol licensing.

Commissioner DeLuccio questioned the additional parking.

Commissioner Bernstein disclosed for the record he made a site visit and had conversations with the applicant and his agents about matters contained in the staff report.

Commissioner DeLuccio disclosed for the record he made a site visit and had conversations with the applicant about matters contained in the staff report.

Commissioner D'Amico disclosed for the record he made a site visit.

Vice-Chair Altschul disclosed for the record he had conversations with the applicant about matters contained in the staff report; with the exception of room charges.

Chair Guardarrama disclosed for the record he had conversations with the applicant about matters contained in the staff report.

BRANT RUTENBERG, WEST HOLLYWOOD, opposes staff's recommendation of denial.

YVES ALBIER, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

NANCY K. TAYLOR, FLORIDA, has concerns regarding this item. She spoke on alcohol licensing AND tax revenue.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

ENRIQUE LOPEZ, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

GASTON PFLUEGL, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

PATRICK NAESSENS, WEST HOLLYWOOD, has concerns regarding this item. He spoke on neighborhood noise issues and parking.

CINDY PRESSLEY, WEST HOLLYWOOD, opposes staff's recommendation of denial.

STEPHAN SEPERNIA, WEST HOLLYWOOD, supports staff's recommendation of denial.

STEVEN AFRIAT, LOS ANGELES, applicant's representative, presented the applicant's rebuttal. He spoke on noise issues, pool hours, neighborhood impacts, room key access and room charges.

Commissioner D'Amico questioned the possible movement of the entrance.

STEVEN AFRIAT, LOS ANGELES, applicant's representative, stated for the record there are no final plans for moving the entrance at this time.

Commissioner Yeber questioned the parking situation.

ACTION: Close public testimony for Item 9.A. **Motion carried by consensus of the Commission.**

Commissioner D'Amico commented on the dualities of an urban environment.

Vice-Chair Altschul moved to: 1) deny the application.

MOTION FAILS. No second.

Commissioner Bernstein commented on room charges, noise issues and alcohol service.

Commissioner Bernstein moved to: 1) deny staff's recommendation of denial; 2) approve the application with the following conditions: a) change Condition 2 (staff report, page 6 of 11) to allow operations until 11:00 P.M.; b) remove the following sentence from Condition 4 (staff report, page 7 of 11) "*All purchases made at the roof top bar or dining room shall be charged to the account of a registered guest;*" c) eliminate Condition 6 (staff report, page 7 of 11).

Seconded by Commissioner DeLuccio with the following amendments: a) five-foot fencing (screening) shall be around the perimeter of the rooftop deck area; b) six month review by the Director of Community Development; c) sales of alcohol shall not exceed the sale of food.

Commissioner Bernstein agreed to these amendments.

Commissioner Hamaker stated her concerns regarding the parking situation and how the use runs with the land.

Jennifer Alkire, Associate Planner, staff reiterated all conditions for the record: 1) six month review of the conditional use permit; 2) hours of operation until 11:00 P.M.; 3) amplified sound, audible from any point outside the hotel is prohibited, and ambient music is permitted, provided it cannot be heard at any point outside the hotel; 4) use of the rooftop deck is restricted to registered guests, and invitees of registered guests only; 5) the following sentence has been removed: *"All purchases made at the rooftop bar or dining room shall be charged to the account of a registered guest;"* 6) use of the outdoor rooftop deck is restricted to seated guests only; 7) Section 6 has been [deleted] from the conditions; 8) operator of the hotel shall not allow patrons queue outside of the hotel for entrance into the roof deck area; 9) five-foot fencing (screening) around the perimeter of the rooftop deck area; 10) 50% sales from the rooftop deck area would be from food, and no more than 50% sales from alcohol; and 11) a room key entry system shall be implemented.

Chair Guardarrama commented on the ambiance of the hotel and parking.

Commissioner D'Amico requested an amendment to the conditions: a) hours for weekday service shall be until 9:00 P.M. for a period of six months and/or a year, after which time, a modification can be applied for additional hours until 11:00 P.M. with proper noticing to the Director of Community Development.

Commissioner Bernstein modified the requested amendment to read: a) shall be reviewed at the end of the six month review period at a hearing of the Director of Community Development; and b) the Director of Community Development is encouraged to allow an expansion of hours, assuming there are no problems.

Commissioner DeLuccio agreed to this added amendment.

ACTION: 1) Bring back draft Resolution No. PC 08-818 with the following amendments and conditions for approval as a Consent Calendar item: a) six month review of the conditional use permit at a hearing of the Director of Community Development; b) hours of operation shall be until 11:00 P.M.; c) amplified sound, audible from any point outside the hotel is prohibited, and ambient music is permitted, provided it cannot be heard at any point outside the hotel; d) use of the rooftop deck is restricted to registered guests, and invitees of registered guests only;

e) the following sentence has been removed from Condition 4: *“All purchases made at the roof top bar or dining room shall be charged to the account of a registered guest; f) use of the outdoor rooftop deck is restricted to seated guests only; g) Section 6 has been [deleted] from the conditions; h) operator of the hotel shall not allow patrons to queue outside of the hotel for entrance into the roof deck area; i) five-foot fencing (screening) around the perimeter of the rooftop deck area; j) 50% intake from the rooftop deck area would be from food sales, and no more than 50% from alcohol sales; k) a room key entry system shall be implemented; l) at the end of the six month review period, assuming there are no problems, the Director of Community Development shall be encouraged to allow an expansion of hours; and 2) Close Public Hearing Item 9.A. Moved by Commissioner Bernstein, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:*

AYES: Bernstein, D’Amico, DeLuccio, Yeber, Chair Guardarrama.
NOES: Hamaker, Vice-Chair Altschul.
ABSENT: None.
RECUSED: None.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:30 P.M. AND RECONVENED AT 7:45 P.M.

- B. 1136-1142 N. La Cienega Boulevard.
Demolition Permit 2006-038, Development Permit 2006-052, Tentative Trace Map 2006-020:**
Applicant is requesting to demolish two single-family structures and construct a fourteen-unit courtyard condominium project.

Staff requested a continuance.

ACTION: Continue to Thursday, July 17, 2008. **Moved by Vice-Chair Altschul, seconded by Commissioner DeLuccio and unanimously carried as part of the approved agenda.**

- C. 8120 Santa Monica Boulevard. (Walgreen’s Mixed-Use Project)
Demolition Permit 2005-040, Development Permit 2005-052, Lot Line Adjustment 2005-003:**
Applicant is requesting to demolish an existing 16,112 square-foot commercial development for the construction of a mixed-use project with approximately 13,820 square-feet of retail space and twenty-eight residential units, including six inclusionary units, for the properties spanning four lots located at 8100-8120 Santa Monica Boulevard and 1051-1057 N. Crescent Heights Boulevard, West Hollywood, California.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Guardarrama: All right, Item 9C. Demolition Permit 2005-040, Development Permit 2005-052, Lot Line Adjustment 2005-030, sorry, 003. It's for Walgreen's at 8100 to 8120 Santa Monica Boulevard and 1051 to 1057 North Crescent Heights Boulevard. The Planner is Francisco Contreras. And there has been a request by staff to continue this item to a date uncertain given new evidence that has come forward and I was just hoping to hear from the City Attorney as to the issue of what we can do here this evening as far as the public hearing and whether or not we should take public testimony.

Hogin: Okay, thank you and good evening again. So you have before you a properly noticed public hearing and in...during the comment period on the mitigated negative declaration, the staff received four detailed comments than they're accustomed to and now the hearing has arrived and we are still analyzing and preparing our responses to those comments. And the staff feels, and I concur, that the Commission will not really have in front of it all of the information that it needs to make a decision on this project until after we've had an opportunity to provide you with a complete analysis of the comments that came in on the mitigated negative declaration. So, no one at this table believes that you're able to make a decision tonight. So that leaves you with two choices. You can continue the hearing either to a date certain, which I think is staff's preference, or to another time and we'll re-notice it. And at that time we'll have in front of you all the information you need to make a decision, have the hearing, gavel to gavel like we're used to, or you can open the hearing tonight and do as much as you want to knowing that it's incomplete. You can hear the staff report, but staff's going to have more to say later after we've analyzed the comments. You can take the public comments knowing that these are people who unfortunately have not yet had the benefit of staff's analysis of the comments and so it's a little premature. So, you know, I don't mean to spin it, but lawyers tend to do it. The upside of letting people speak tonight on it is that they'll get a chance to say whatever it is that they've come to say and if there are new things that staff needs to additionally analyze, we'll be able to take that into account. Alternatively, of course, they're able to communicate through e-mail or letters in the interim. And the upside of continuing it is it creates a much more tidy hearing for everybody who is participating has in front of them at least the complete staff analysis. So I hope...I know it's a long-winded answer, but I wanted to tell you everything.

Guardarrama: All right. So what I'm hearing from you is that we need to make a decision whether we will take public testimony this evening. We will definitely be having another hearing in the future that will be complete. So the question is whether at this point with incomplete evidence and an incomplete staff report whether we should open it up to public comment. All right, so....

DeLuccio: I have a question. What...is there a date that they...is staff recommending a date certain or is it a date uncertain and it will be re-noticed again?

Contreras: *That's a date uncertain and it will be re-noticed again, correct.*

DeLuccio: *Okay.*

Guardarrama: *So we don't know when it will come back and is there a consensus to hear or not hear public testimony this evening?*

DeLuccio: *I'd like to hear public testimony.*

D'Amico: *I would like to ask a question before I (TALKING OVER).*

Guardarrama: *Oh, go ahead.*

D'Amico: *Christi, is the, is the topic about which people can speak based on the EIR or is it the...anything having to do with this property. This is a regular public hearing. The EIR comment period is in fact closed. I mean....*

Hogin: *The latter except that it's not an EIR, it's an MND, but yes, everything is (TALKING OVER).*

D'Amico: *Thank you. Excuse me for...okay, so this is a pub...this...if we were to, they, meaning the public would, would speak on any matter having to do with this project...could.*

Hogin: *If you open it up, yes.*

D'Amico: *Okay, thank you.*

Guardarrama: *All right, Allen, did you have a question?*

Bernstein: *No, I, I have an opinion, but not a question.*

Guardarrama: *All right. Barbara?*

Hamaker: *In the staff report received a couple of days ago, an Addendum to that, mention was made of a May 30th letter and I don't think, unless I'm missing something, we saw a copy of that. Is that correct and will that, that just...we don't need to have that until the next time. It mentioned in a letter from the Law Offices of Songstad & Randall, LL...you know the letter I'm referring to?*

Contreras: *Yeah, that should've been included in the big huge packet. It...*

Hamaker: *So it's in the big one?*

Contreras: *Yes.*

Hamaker: *Not the little one, okay.*

Contreras: *Yeah, it's, it's probably the third attachment to that.*

Hamaker: That's a memo. No, that's June 4th. That's what I have. I...okay, then....

Contreras: Right, it's in the larger of your packets.

Hamaker: Okay. So I, so I have it somewhere.

Guardarrama: All right, Commissioner Yeber, do you have an opinion?

Yeber: Well, I sort of feel like Christi. I mean, there's upsides to both sides. I am concerned about the disconnect between what we hear tonight and then when we eventually hear it, which could be a month from now, two months from now, depending on what this new evidence shows and, you know, I don't...I would like to have all that information as fresh as possible when I'm making, you know, that, you know, decision on such an important project. So that's my only concern.

Guardarrama: I agree with you. I, I think that a public hearing should, if we can, keep it to one meeting, so all the evidence is before us at, at one particular time and if evidence is incomplete now, I, I don't agree that we should be collecting evidence from the public if our public record isn't even complete.

Altschul: And I support that position too.

Guardarrama: I realize that the time is valuable of people that came out, but I also think that the process needs to be as fair and as judicious as possible. Allen, do you have anything to add?

Bernstein: Yeah, I, I actually...I don't agree. I, I think the people have very strong feelings on both sides and if they've shown up and wish to speak, I'm willing to sit here and listen. I just would if we went forward with the hearing encourage people to realize they will be commenting on an incomplete staff report and if they still feel the need to speak, I would hope they might be able to keep their comments brief, but they've made the effort to be here and it doesn't bother me to listen if they'll...based on all that, a strong need to still speak.

Yeber: Can...just one comment though. Christi did say that this was an opportunity for everyone in the public to be able to, you know, start...add additional material to that staff report, their comments can come from e-mails or letters to staff regarding the project, which I think may be more helpful if we have that in our packet as opposed to the comments we get tonight and then trying to remember what some of those comments were, you know, at a later date.

Guardarrama: Donald, do you have an opinion?

DeLuccio: *I'm...I tend to be willing to hear testimony this evening. I, actually I understand where some of the other Commissioners are coming from also. People did come out this evening, if they do want to speak, that's fine but we are...but we do have an incomplete record here. I can't even find the letter from May 30th and, and this is...will be coming back to us again and then we will be hearing the testimony all over again and so I tend to want to hold off, but if, but if people did want to speak this evening, they did come out.*

Guardarrama: *Okay, but...*

DeLuccio: *What?*

Guardarrama: *You have to pick one or the other.*

DeLuccio: *Well, I, I, I think what I'm saying is that I am willing to hear what people have to say this evening 'cause they did come out.*

Guardarrama: *All right. So you would prefer hearing testimony?*

DeLuccio: *Yes.*

Guardarrama: *John D'Amico?*

D'Amico: *I, I'd also like to hear what they have to say.*

Guardarrama: *And Barbara?*

Hamaker: *Well, if I say I don't want to hear what they have to say, I definitely will be egged. And I do, I do want to hear what people say. I just don't want to be screamed at and lectured at and told that, you know, I'm a terrible person if I vote for this project, so....*

Guardarrama: *All right. Well, you can't really tell them what to say. All right.*

Female: *Mr. Chairman, could I have a point of order here? None of the hearing (TALKING OVER).*

Guardarrama: *No. I'm sorry, I'm sorry....*

Female: *None of the hearing aids were available for the hearing impaired and if they can't hear you, how are you supposed...you can't even hear them because they don't know what you're saying. There's no give and take and that is not fair. Hearing-impaired people are supposed to have assistance. Ms. Dobrin's been coming to these meetings for some 30, 40 years or more. She has a hearing aid. She can't hear because she doesn't have the assistance. I have tried every single one of them on, nowhere can I hear you. I've turned the dial all around. That's against the law, it's illegal, it's a violation.*

Guardarrama: *All right, we...I understand. Would you please....*

Female: *She needs a hearing aid.*

Guardarrama: *Ma'am, would you please take your seat. You have made your point.*

Female: *When is she going to get some assistance so she can hear?*

Guardarrama: *You have made your point. Please take your seat. Thank you.*

Altschul: *Perhaps we could, perhaps we could arrange for a sign person to be called immediately to sign for Ms. Dobrin.*

Female: *She doesn't read sign.*

Altschul: *Oh.*

Guardarrama: *All right.*

Hogin: *Apparently they're having some technical difficulty with the, the hearing assistance that we always have available at the time, so let's all make a point to speak as loudly as we can and directly in the microphone and, and get this issue resolved. And then while I have the floor, may I just throw in that if you want, you can waive the staff report and just....*

Guardarrama: *Yes. All right.*

Altschul: *Question. Would it help if Ms. Dobrin brought her chair further forward?*

Guardarrama: *All right, there seems to be consensus for hearing public testimony this evening. Public testimony will be limited to two minutes a speaker and I'm going to walk over now and get the speaker slips. All right. And...Nancy, feel free to keep adjusting while we go forward. Mr. Elliott, Todd Elliott, you've filled out a speaker slip for the Applicant. Would you like to make any points?*

Altschul: *Wait a minute, have we established the time for speakers?*

Guardarrama: *Yes, two minutes per speaker.*

Altschul: *Thank you.*

Elliot: Good evening Commissioners, Todd Elliott, City of Los Angeles resident. I'm with the Law Firm Truman & Elliott and we represent Pacific Development Partners, the developer in this project. Thank you very much for the opportunity to address the Commission this evening. I just want to let you know that we concur with the staff's recommendation to continue the matter in order that some procedural issues be resolved. Some of the public comments that were made to the mitigated negative declaration suggest that there might be harm to the environment. Nothing could be further from the truth. We're certain that all of the impacts to the environment can be mitigated and we're very pleased to have this matter continued for a short period of time while the staff and the City Attorney's Office analyzes the comments that have been made in the public record. We have a wonderful project and we're...I've worked very diligently with the city staff and neighbors to try to address all their concerns. So again, we don't mind waiting this short time while there's further analysis done. If you have any specific questions about the project, I am here to answer them. We also have Larkin O'Hurley, the architect, and we welcome the opportunity to return to present the full project to you. Thank you.

Guardarrama: Thank you. Timothy Carlyle to be followed by Norma Kemper.

Carlyle: Commissioners, my name is Tim Carlyle, I'm an attorney with the Law Firm of Songstad & Randall. I'm a resident of the City of Laguna Beach. I represent Fritz Holscher who is the owner of 1045 and 1047 North Crescent Heights Boulevard (TALKING OVER).

Guardarrama: And if you could speak into the mic, sir.

Carlyle: I'm trying, but it kept alluding me.

Guardarrama: All right. You could actually take it out of there and hold it if you like.

Carlyle: We believe that...did you hear that other information for the record?

Guardarrama: Yes.

Carlyle: We believe that the appropriate review for this project is an EIR. I also would point out that in the materials that were presented in the package that we submitted, a traffic memo that comments on the traffic report that was prepared and that was not included in the materials that you have, at least that were passed out, or to the public. We believe that an EIR is needed to properly evaluate the impact of this project, which include esthetics, noise, air quality, hazardous materials and waste. The initial study actually failed to note that the site is listed as a spills, leaks investigation clean-up site. There are other impacts, water quality, traffic and circulation land use including massing, the effects on the adjoining neighborhood, the use of eminent domain for the benefit of a private developer. You know, there are all these impasse, impacts,

pardon me, can perhaps be properly mitigated and can be or would be amenable to design solutions, but we think the proper level to determine that would be an Environmental Impact Report. An EIR must be prepared before the City approves the proposed project because we believe that substantial evidence supports the fair argument that there may be numerous significant adverse effects from the project as we have identified in our materials. Thank you.

Guardarrama: *Thank you. Norma Kemper to be followed by Dennis Grant.*

Kemper: *Norma Kemper, resident of West Hollywood and I would just like to show you this map of the toxins that are...and can you show it to the camera also? I live in the neighborhood of this development. As Mr. Elliott so eloquently said, he believes that these toxins or any toxic material could be easily mitigated. I'm just curious as to why this wasn't brought to our attention before. I mean, why did we have to go down to the Water Board and find out about this open investigation? The other thing I'd like to say is, it's just...it's too big. The size and scope of this project is too big for this small lot. It's going to impact our neighborhood, our neighborhood livability. We already have traffic issues. There were last year 29 accidents on Santa Monica and Crescent Heights, and that's a rather large amount of accidents. So the other thing, we, we have met with the developers. Nice people. We like them. The development, they...I know they tried their hardest to, you know, to make the development look nice, but it does not fit with the neighborhood. Also, it will impact Havenhurst. There's no way that their large truck go down Havenhurst without affecting that street and right now two cars can't pass each other on that small narrow (VOICE CUT OUT). And the other thing, one of the things that we were really very concerned about was the, the neighborhood business. We did not want to lose them because a very wise man once said, if you lose your neighborhood business, you lose your neighborhood and your community. Thank you.*

Guardarrama: *Thank you. Dennis Grant to be followed by Rod Wingfield.*

Grant: *Good evening, thank you for the chance to speak, speak tonight. I want to point out, just looking at it briefly, there's one other document that we submitted that is missing from this set of documents. In November, we submitted two documents, a letter expressing very specific concerns about the project and a petition with 1,100 signatures. The petition is in here, but the, the initial letter is not. And I think that that letter is very important because the, the developer has met with the community and say that they have, they have changed the project and they have met many of the neighbors' concerns, so I think that that document is very appropriate to review and should be included in this document. Specific to the environment, we were definitely very shocked and surprised and a little worried when we discovered the information. There's no mention of it in the staff report that there's a PC contamination field under the site and what's really troubling is we went down to the Water Quality Control Board and discovered thousands of pages of documents about contamination at this site and not one word that we understand was mentioned to the City by the developer. In fact, there are documents that specifically talk about Pacific Development Partners and meetings with them and clean-up plans. So it is*

really upsetting that it hasn't been disclosed. How bad is it? What's the best way to deal with it? What about the contamination on...in neighboring sites? It's under Crescent Heights Boulevard. It's under our houses on Havenhurst. So if it's mitigated at the site, how does that affect and what's going to be done about the, the rest of it? So, in short, I feel very strongly that anything other than an Environmental Impact Report would be really a shame. Thank you.

Guardarrama: Thank you. Rod Wingfield to be followed by Jule Ross.

Wingfield: Good evening, Rod Wingfield, resident of West Hollywood. I live at 1046 Havenhurst Drive, the house that is right behind this property. So, first I do want to concur with, with the people who have spoken so far. We're all part of a neighborhood group called WEHO Neighbors and we have heard from the developer, we've heard from Robert Colonian on behalf of the developer and, and Walgreen's, and in fact, in my personal situation, they are trying to work with us to alleviate some of...or mitigate some of the issues pertaining to our specific residence. But as a member of WEHO Neighbors, I would like to request you guys consider doing an EIR for the following reasons. There's a loading dock that is very close to neighboring residential, that one primarily mine I will say, but that is in a conservation overlay zone and I think that when you consider things like natural light and noise, it would address those issues as well. The ability for trucks to enter the alley from Havenhurst, the presence of toxic or contaminated soil containing PC and other chemicals, the history of the site with respect to the previous gas station and disposal pits from a car repair shop that was there is yet unknown and that was in documents that we researched ourselves at the Regional Water Control Board. So I think that and along with a lot of other comments that you guys already have, comments that we made, so I'll leave it to you guys to read it, are the reasons. Specifically, I just want to add that WEHO Neighbors collected over 1,100 signatures from residents of West Hollywood, electronic and written, conducted several events to make sure that we were bringing together the wishes of WEHO Neighbors and that membership group and I do believe with a majority, in fact in our last meeting it was, you know, 40 no on this and zero yes, that we would like you to at least consider doing an EIR before you move forward on this. Thank you.

Guardarrama: Thank you. Jule Ross to be followed by Bill Ford.

Ross: Good evening, my name is Jeweal, I live at 1253 Havenhurst. I'm part of this organization WEHO Neighbors probably 'cause I've lived in WEHO for eight years and I, I work in West Hollywood, also off of Melrose and I travel this corridor from, you know, Santa Monica to Melrose every day. I'm there in rush hour every day and in the evening, going north on Crescent Heights is a bottleneck. It'll sometimes take four or five lights to get from...to get one and a half blocks and so even after reading the development plan of, you know, expanding that street, it's impossible for that area not to be a bottleneck with the traffic that's there now. I don't...I'm not a lawyer, I don't know the rules of how a City approves planning or whether they can...whether they have to approve a plan just because they meet some rules, but I know that this neighborhood is not in favor of this development. We had a demonstration on this, on this block, you

know, where it was 50 of us who showed up, but car after car after car, you know, honked our horn...honked their horns in support of this project. Neighbor after neighbor after neighbor walked up to ask us, what are we talking about? Oh, I've heard about this. I'm not for this. And so I would plead with this Commission to (A) do an Environmental Report on whether this...on whether chemicals are affecting this neighborhood and to just maybe walk that neighborhood. If you walk five blocks in one direction and five blocks in the other direction, there is not a single development of this size and scope. It doesn't fit the nature of the community. I mean, I walk and I work out and I've been a part of this community for years and I don't understand why we need a drugstore here when there's another drugstore four blocks away or another drugstore eight blocks away. For me, I'm not a lawyer, but it just doesn't make common sense and I would hope that you will listen to the neighbors in this neighborhood.

Guardarrama: Thank you. Bill Ford to be followed by Graciela, I'm sorry I can't pronounce your last name.

Ford: Hi, my name is Bill Ford, I live on...at 1021 North Crescent Heights about a 100 yards south of the intersection of where the project's proposed to be. I own a condo, I've lived in it for 13 years now. I've obviously seen a lot of changes in West Hollywood over that time and obviously, the last gentleman...what everyone's touching on is the traffic impact of this. You know, Crescent Heights is a very unusual thoroughfare in the sense that it's a big street the way Fairfax and La Cienega is, but it's also a gateway to the Valley. So it's actually a much more important thoroughfare. You know, I walk...I have two dogs, I walk them four times a day along there and, you know, like the last guy was saying, the traffic heading north, you know, it takes four to five cycles to go through during rush hour. This is before this is...this monstrosity is going to be dumped on us. You know, so it really is a...it's going to have a trickledown effect beyond the borders of West Hollywood as far as traffic goes. You know, I mean, you know, Crescent Heights turns into Laurel Canyon Boulevard. It goes over the hill, you know. It's a major...it's like the 405 there in the morning, you know, lanes full coming down. It's a, it's a huge, it's a huge road. The other problem I have initially with, on kind of a bigger level is that, you know, West Hollywood has always sort of prided itself as being the creative city. You know, it's civic model is that of an urban village and I really believe that this project violates that, that esthetic of, you know, small businesses that people can walk to, restaurants, unique shops and stuff like that, you know, you...basically what you have is a big box store closing down an entire...taking away a city block, you know. West Hollywood is, is where that...when that civic model works, you know, of an urban village, like if you look at Santa Monica Boulevard between, you know, Robertson and San Vicente, it's beautiful along there. You know, there's café's, places to eat, you know, shady sidewalks. You know, that's what the promise of West Hollywood is and, you know, we really trust the City Government in West Hollywood to, you know, to, to safeguard that, that promise and I feel like that's...you know, you guys need to work with us on it.

Guardarrama: Thank you. Graciela I apologize, what's the correct...how do you say your last name?

Iparraguirre: *Iparraguirre.*

Guardarrama: *Okay. Thank you.*

Iparraguirre: *Graciela Iparraguirre, West Hollywood resident. I'd like to ask the Commissioners to vote no on the Walgreen's proposed development. This is going to be a 65 feet tall Mastodon looming above our neighborhood. Because of City Hall's demented endless growth policy, a developer was pressured to add housing to the original Walgreen's project. The project is going to bring an outrageous amount of traffic and noise to our neighborhood from store trucks. Cars from employees and customers and cars from apartment tenants and visitors and help bring to a crawl our already congested Santa Monica Boulevard and Crescent Heights. Also, that lot was used for a gas station decades ago and for a cleaners at present. So, I think an EIR is pertinent even before considering this project especially because this is a toxic site and because of the severe traffic impact. Please vote no on this project. Thank you.*

Guardarrama: *Thank you. Jason Lowen to be followed by Terry Leftgoff. Jason, it starts with an L, lives on Sweitzer. All right, Terry Leftgoff to be followed by Bill Kroger.*

Leftgoff: *Good evening, my name is Terry Leftgoff, I'm a resident of West Hollywood and I've been retained by West...WEHO Neighbors as an Environmental Consultant to review the Walgreen's project and the purported MND and in part, I'm responsible for some of the new evidence that came to light tonight. My comments dated May 29th have been submitted into the record. There are detailed and covered issues including hazards, traffic, air quality, geology, noise and esthetics, among others. I believe my comments document findings supporting the preparation of a draft EIR under SEQUA. In the alternative, I would also note substantial notice and circulation issues, which are also detailed in my written comments that impaired a full review as required. Consequently, we also request the City re-notice and circulate the MND again with complete supporting documentation for a review and comment period in compliance with SEQUA. The most troubling finding involves the discovery of an undisclosed toxic hazard at the project site. There are two known overlapping and comingling toxic contamination zones that underlie the project site. These zones involve many years of documented levels of PCE, petroleum hydrocarbons and other volatile organic and inorganic compounds in ground water, subsurface soils and soil gases. And you'll find two maps within our comments that, that point out those zones, one of which is the one that was blown up tonight. Without this information, the initial study is deficient in its duty and it cannot describe and assess reasonably foreseeable impacts as required by SEQUA. We consider this omission to be very serious. A complete description, understanding and full disclosure of the extent and magnitude of this contamination is necessary as part of an environmental assessment. We believe this information triggers a number of mandatory findings of significant that would mandate the issuance of an EIR. It is possible the contamination, if left undisturbed, may be acceptably resolved by natural attenuation. Alternately, it's possible that once disturbed, the entire field may require excavation, but we won't know unless there is an EIR done. Thank you.*

Guardarrama: Thank you. Bill Kroger to be followed by Randy Lipwick.

Kroger: Hi, my name is Bill Kroger, I'm a resident of Los Angeles and I live about two and a half blocks south of this development. I'm very against it. I, the...I think the traffic in that area is just horrendous as it is right now. May as well just close off the neighborhood and make it into one gigantic parking lot. I also think that the street Havenhurst is just too narrow to ride any ingress or...any traffic to go in or out of this unit. It's too large. They want to put the...another drugstore. We already have five drugstores a block west where you reach La Cienega and approximately a half a mile to the north on Fairfax and Sunset. We don't need another drugstore in this area. We also have a lot of mom and pop stores in this area. We have 20/20 Video among other, other things, which probably will be closed down. There's enough signs on Santa Monica Boulevard that have places for lease and putting this development in is just going to make more places go out of business and it's going to run down the neighborhood a lot more. And I'm very against it. I think the traffic, like I said, it's just horrible. Toxic waste that's come up is just...I can't understand how they would be able to excavate this and just dust that would come up from former...the locations that were there before the gas station or the dry cleaners and the other problems that are involved there. I just don't believe that they should be allowed to (VOICE CUT OUT) further with it. Thank you.

Guardarrama: Thank you. Randy Lipwick to be followed by Louis Eafalla.

Lipwick: Hi, my name is Randy Lipwick and I moved to West Hollywood in 2001 and I bought a duplex on Havenhurst and when I moved in there, the street was marginal to say the least. And since I've moved in, it seems like many of the neighbors have fixed up their homes really nice and made it really charming. And that's kind of why I moved there 'cause it was just a charming area and with this whole thing with Walgreen's that came up, I mean, it's shocking that a building of that size would be put on that corner compared to what's below there, just small duplexes, small units, and, you know, looking at the drawings and the perspective drawings, the building itself would look great on Sunset, but I think where it's located on the corner of Crescent Heights is just too massive and with 28 units, and I don't want to repeat everything everyone has said because it's exactly how I feel as a neighbor in the neighborhood. It's just...it's so bad and if any of you would walk around and lived in the neighborhood, you would know what it's like to know that something like that may be going up in the neighborhood and you would be outraged and wouldn't want it there either. And 28 units? It's just, it's just a bad idea, I think. So without saying anything else, I'm finished.

Guardarrama: Thank you. Louis Eafalla to be followed by Lynn Modrak.

Eafalla: Hello, my name is Louis Eafalla. I've been a resident of West Hollywood for 16 years and a resident on Havenhurst Drive for the past 10 years. And since I'm probably one of the last speakers, I don't want to go through every...all of the other points that everybody made. I agree with them. The parking is already...the traffic is already a nightmare there (VOICE CUT

OUT). So I'm opposed to this project. My biggest concern right now and what I'm most troubled about is the fact that ER...as a Council, I believe it is your duty for the residents of this city to demand an EIR. The consequences of the toxic toxins that are underground could be devastating, at the risk of sounding dramatic, but it's a very serious issue that I think has to be addressed before one shovel breaks ground on that project. The design itself, it's not a bad design and it's like Randy just said, I don't think it's suited for that corner in West Hollywood. I think it's too big. The design itself, it's a beautiful building. Nothing against the developers or the designers who have done it. They've made a lot of changes and that's commendable. I just don't think it's the right fit, but again the point I'd like to make is that I would like to see an EIR (VOICE CUT OUT) project. And the designs are beautiful, particularly the little floating balloons that are going across in, in the drawings there. You know, I saw them just this morning. I was, I was stuck in traffic, so it's a nice touch. Anyway, thank you and look forward to see what happens next with this project.

Guardarrama: Thank you. Lynn Modrak to be followed by Anson Snyder.

Modrak: This is a first. Hi, I'm Lynn Modrak, I live at 937 Havenhurst. I've been here about 18 years. I just have been following all of your notes. Thanks for listening to us again. I appreciate that. As an educated adult, I want to have this project (VOICE CUT OUT) look over the environmental impact. I asked (VOICE CUT OUT) Commissioners and Planners, what does the environment (VOICE CUT OUT) do? And what kind of impact? Environment to me is quality of life. I as a person, I live in a (VOICE CUT OUT) apartment. I adopted and thank God the City of West Hollywood. They listened, put stops at Romaine, Havenhurst. They used to (VOICE CUT OUT) take the shortcut to Melrose, (VOICE CUT OUT) know how it is, all the shortcuts just to get across town. And that's the best part about this, you all listen and I hope and I (VOICE CUT OUT). The size of this project is so big, you're talking 28 units. They're all going to get two cars to park. It's 56 cars, okay, put 56 cars on Crescent Heights, stack them up then they're allowing 128 spaces for a max out let's say opening day. You'll have cars parked on a two lane highway south of Crescent Heights probably I would imagine if you do the numbers right, Santa Monica to Melrose. Imagine that gridlock just at that one box corner at five stories. I...to me, the (INAUDIBLE) of all of that, the downsizing this, I think is a must, the E...the Environmental, Environmental Report (VOICE CUT OUT). I really thank you for listening. That's why I moved here and ask yourself, environmental impact report (VOICE CUT OUT) tossed out words all the time, but I'm from Glendale and that's an old sleepy town that grew up really fast, but the people spoke and they also listen. Thank you.

Guardarrama: Thank you. Anson Snyder to be followed by Michael Poles.

Snyder: Commissioners good evening and thank you for taking this testimony this evening. I'm Anson Snyder, resident of the City, lived for five years at 1229 Havenhurst and over the past year while relocating, I've done the 1000 block of Havenhurst. I had the opportunity of reading the staff report today of what was presented. I want to say staff did a great job. They really walked

through all the issues and it was well worded. And I understand the environmental issues that have been presented and I think it's smart that the developer is moving forward to walk through those to bring them forward. In my world as a banker at Wells Fargo, I've financed probably 60 plus Walgreen Stores nationwide. One down in Lakewood that was an operating Chevron in the morning at 12 Noon. My developer, we closed the deal, hook, deed and title and it was going to be moved over into a Walgreen's. There were environmental issues. I did the one at Lincoln and Washington over in Marina Del Rey. Was a warehouse. Also in that, in that center has a dry cleaning store. There are certain toxins that are used. The process that's going through right now and it's probably already been walked through by this team with their phase one or other environmental reports is a normal process. Go through the County, you go through the Regional Water Board and you come up with a remediation plan. Nothing that was presented is alarming to me and I've done quite a few of these. I think what I've seen from this development team and from Walgreen's, who's the owner of the property, is that they continue to work with the community, with the neighbors and with the City, write a developer plan that's going to work. What I saw with the mix of housing, with the setback, with the parking, with the traffic mitigation, they're really working with the City. Great project. Hope it goes forward. Thank you.

Guardarrama: *Thank you. Michael Poles to be followed by Jeanne Dobrin.*

Poles: *Michael Poles, resident of West Hollywood.*

Guardarrama: *Did you want us to take a picture of you while you're (TALKING OVER).*

Poles: *If you wish. Since when does this body really need to have the citizens come up and talk about having an EIR? You have a non-delegable responsibility to this community to safeguard the health and, and welfare of this community by having an Environmental Impact Report completed before the projects are presented to you. Now we have allegations of contamination and you have, you have a task before you to either debunk it or prove it and then do something about mitigating it. That's your responsibility and it's non-delegable. Thank you.*

Guardarrama: *Thank you Mr. Poles. Jeanne Dobrin to be followed by Nancy Taylor.*

Dobrin: *Jeanne Dobrin, resident of West Hollywood. I regret the loss of the neighborhoods, several neighborhoods and businesses are gone. I object to the left turn lane out of the exit on Crescent Heights to go north on Santa Monica Boulevard. I read the sad and dismal story by Terry Leftgoff on the dereliction of staff failing to meet guidelines and deadlines in the enviro...of the environmental qual...California Environmental Quality Act. These violations are all too true. The staff's memo rather...is rather disingenuous when it, it's in your report when it glosses over the reason that they have...they extended the period for another 11 more days and also that they're having this discussion tonight. They're*

glossing over something that was very bad. I regret that the staff's conclusions did not feel that this proposal merited a California Impact, Environmental Impact Report, which has also been lacking in many other major developments in West Hollywood. I am sorry to say that I feel that Walgreen's Company is a cheat company and we read today about the millions of dollars that they're going to have to pay various states by giving people the expensive prescriptions when the lower cost ones were violate...were, were prescribed and also when I used to go to Walgreen's with a one dollar coupon, they would give me a 65 cent credit and I complained about that and they wouldn't do anything about it. So I called the Corporate Office because they're getting a dollar from the manufacturer and they were shocked and they said, "Oh, well, we'll look into that and call you back." I never heard from them again, but I do notice that when you go now with a dollar coupon, they give you a dollar. But they tried to get away with the 65 cents. I think that this company can be a benefit for the City of West Hollywood, but for all the reasons that I told you above, I think it is a sad and dismal story. Thank you.

Guardarrama: Thank you Ms. Dobrin. Nancy Taylor, who will be our last speaker.

Taylor: So I have to sum all this up then. Nancy Taylor, I am...I have an apartment at 1248 North Crescent Heights Boulevard, Number Two, last September. I used to own 1047 North Crescent Heights Boulevard, the first house south of Santa Monica. It used to be painted red a long time ago. I lived there from 1975 to 2004 then I moved to Cedar Key, Florida, but I have an apartment here that I come two or three months a year. So anyway, since I pay my landlady and she pays her taxes, I've, I've been here a long time and a community activist, I feel I have the right to come back here even though I'm not a resident here any longer. So, losing my time. When I lived there, the street was not that busy. I could cross the street when I'd walk up to Mt. Olympus and back, you know, 6:00, 7:00 in the morning, it'd take me an hour and I'd come back. Was no big deal. You wouldn't even have to check. There wouldn't be any problem to back out of the driveway either. But about five years, about 1980, the Valley people discovered the route right down Crescent Heights to L.A. and it became a highway and it was totally different. Parking on the street, there was a lot of accidents right in front of my house. They crashed into my trees that I parked there twice and knocked them down. I replaced them, the City replaced them once, that's the third time. Crashed into one of my tenants' cars, had to have that fixed up and then somebody came to visit me. Of course, I'm the first house there, the first place the cars parked and it's dangerous. If this Walgreen's goes in, they're going to have to either extend the hours when the lanes...when the parking is restricted on the north and south, south of Santa Monica, south of Santa Monica Boulevard on the east and west side to Crescent Heights. You know, it's restricted parking. You can't park there until after 9:00 in the morning going south and north that's restricted in the afternoon hours when they're returning. With Walgreen's going in there and these lanes and all, oh Lord have mercy. It's going to be terrible. There has been pollution there for a long time. I was a Clean Water Activist with the Sierra Club, I tried to get the Water Pollution Control Board to cite the...

Guardarrama: Thank you, Ms. Taylor.

Taylor: ...City and the owner, it's been going on for a long time.

Guardarrama: Thank you, Ms. Taylor.

Taylor: Don't....

Guardarrama: Thank you. All right, that was our last public speaker and this public hearing is continued to a date uncertain. Everyone who spoke tonight will have again the opportunity to speak when this matter comes before us for a full public hearing and there will be a renoticing so everyone will have the opportunity to find out when that is. I'd like to thank everybody for coming out and let's move on to Item 13. Director's Report.

(ITEM 9.C. OFFICIAL RECORDING ENDS).

10. **NEW BUSINESS.** None.
11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.
13. **ITEMS FROM STAFF.**

A. Director's Report.

Susan Healy Keene, Director of Community Development, stated the City of West Hollywood has been selected to receive a 2008 Los Angeles Section of the American Planning Association Award for Innovation in Green Technology. This award is for the West Hollywood Green Building Program. The Los Angeles section of APA will be honoring the City of West Hollywood on Tuesday, June 17, 2008 at a ceremony at SciArc. It also makes the City eligible to submit for the State APA Award. She thanked the Green Building Subcommittee.

She stated the City of West Hollywood is no longer in an official Flood Zone. The Federal Emergency Management Association (FEMA) has officially stated there are no longer any parcels located in the City of West Hollywood which must carry flood insurance.

She updated City Council actions at the last meeting on Monday, June 2, 2008, regarding the Historic Survey Update and the Garden Court Criteria. She announced a new Historic Preservation Commissioner was appointed by City Council, Paul Rice.

She stated there will be two upcoming items on the Director's Hearing on Tuesday, June 10, 2008, 8512 Santa Monica Boulevard (Benvenuto), and 9089 Santa Monica Boulevard (Tri Bar and Grill).

The next Planning Commission meeting will take place at Plummer Park Community Center, Rooms 5 and 6 on Thursday, June 19, 2008.

B. Planning Manager's Update.

Jory Phillips, Acting Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the Senior Advisory Board and condominium development.

15. ITEMS FROM COMMISSIONERS.

Commissioner D'Amico requested clarification on the process regarding Environmental Impact Reports.

- 16. ADJOURNMENT:** The Planning Commission adjourned at 8:50 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, June 19, 2008 at 6:30 P.M. at Plummer Park Community Center, 7377 Santa Monica Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 17TH DAY OF JULY, 2008.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR