

1 BEFORE THE PLANNING COMMISSION
2 OF THE CITY OF WEST HOLLYWOOD
3 COUNTY OF LOS ANGELES, STATE OF CALIFORNIA
4 In the Matter of Planning Commission Agenda

5

6 Address:)

7 West Hollywood Park Auditorium)

8 647 N. San Vicente Boulevard)

9 West Hollywood, CA)

10)

11 DATE OF MEETING: October 4, 2007

12 PLANNING COMMISSION:

STAFF IN ATTENDANCE:

13 Joseph Guardarrama, Chair

Susan Healy Keene, AICP,

14 Kate Bartolo, Vice Chair

Community Development Director

15 John D'Amico, Commissioner

John Keho, AICP, Planning Manager

16 John Altschul, Commissioner

Christi Hogin, Assist City Attorney

17 Donald DeLuccio, Commissioner

David Gillig, Comm. Secretary

18 Barbara Hamaker, Commissioner

PUBLIC SPEAKERS: VARIOUS

19 Marc Yeber, Commissioner

20

21 ABSENT:

22 None

23

24

PLANNING COMMISSION MEETING
October 4, 2007

Guardarrama: All right, let's get started. Francisco, would you lead us in the Pledge of Allegiance please?

Contreras: I pledge allegiance to the flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Guardarrama: Okay, David, roll call please?

Gillig: Good evening, Commission Yeber?

Yeber: Here.

Gillig: Commissioner Hamaker?

Hamaker: Here.

Gillig: Commission DeLuccio?

DeLuccio: Here.

Gillig: Commissioner D'Amico?

D'Amico: Yes.

Gillig: Commissioner Altschul?

Altschul: Yes.

Gillig: Vice Chair Bartolo?

Bartolo: Yes.

Gillig: Chair Guardarrama?

Guardarrama: Here.

Gillig: And we have a quorum.

1 Guardarrama: All right. Approval of the agenda, before we
2 approve the agenda, I'd like to suggest two
3 changes. The first one would be to move Item 9E to
4 the consent calendar and have it be Item 8C and
5 also to, as the agenda suggests, continue Item 9D,
6 which is Sunset Beach, to our next meeting of
7 October the 18th.

8 DeLuccio: I'll make a motion for approval.

9 Hamaker: Second.

10 Guardarrama: All those in favor?

11 All: Aye.

12 Guardarrama: None opposed. Approval of the Minutes from
13 September the 20th, 2007?

14 DeLuccio: I'll move the Minutes.

15 Hamaker: Second.

16 Guardarrama: All those in favor?

17 All: Aye.

18 Guardarrama: Any opposed? None.

19 **ITEM 6. PUBLIC COMMENT.**

20 Guardarrama: Okay, let's move on to public comment. We have one
21 speaker, Joseph Clapsaddle.

22 Clapsaddle: Good evening Commissioners, my name is Joseph
23 Clapsaddle. I'm a resident of West Hollywood and
24 Chair of the Chamber of Commerce, West Hollywood

1 Chamber of Commerce Board of Directors and I'm here
2 tonight first of all to say congratulations to you
3 Joe. This is my first time to see you in the Chair
4 seat and we wish you all the, the best during your
5 term. I'm kind of like the bride groom at the
6 altar because my purpose in being here this evening
7 was to introduce you to the new President of the
8 Chamber of Commerce, Sharon Sandow, who has been
9 delayed and she will properly make her own comments
10 later, but we're very proud to have her as our new
11 leader and she looks forward to working with you.
12 She comes with a broad background in Planning and
13 community activism. So have a good evening and
14 thank you very much.

15 Guardarrama: Thank you Mr. Clapsaddle. We do have one more
16 speaker, Allegra Allison.

17 Allison: Allegra Allison, West Hollywood. I have...hi. We're
18 all autumnal now. It's like the weather just
19 changed instantly. She's got a beautiful face. So
20 I have a couple of questions and an article that
21 I'd like to pass out that...on the Ellis Act since
22 there are a lot of people who have been evicted and
23 in the City under the Ellis Act and there's been a
24 decision in the Appellate Court that's very

1 interesting that you all should have a look at. So
2 I'm going to give that to pass around to you. And
3 I have a question about the SKAG guidelines.
4 Everybody at every neighborhood meeting always
5 talks about how our City has to have density, how
6 density is our friend. And there are State
7 guidelines and that we have to abide by them and
8 aren't they actually just guidelines? And what are
9 the fines if there are fines? And, you know, maybe
10 Christi can answer that question, those questions
11 for us because it's always brought up. This is
12 what it, you know, as we have all heard, the third
13 densest city west of the Mississippi and we're
14 getting denser by the minute. And how far do we go
15 before that stops and do we have to meet some sort
16 of criteria or can we just pay a fine and put some
17 zoning measures into place that would stop our city
18 from being so over developed? That's it. Thank
19 you.

20 Guardarrama: Thank you, Ms. Allison.

21 **ITEM 7. ITEMS FROM COMMISSIONERS.**

22 Guardarrama: All right, items from Commissioners. Donald?

23 DeLuccio: None at this time.

24 Guardarrama: John D'Amico?

1 D'Amico: No.

2 Guardarrama: John Altschul?

3 Altschul: No.

4 Guardarrama: Marc Yeber?

5 Yeber: Yeah, just I wanted to do it now as opposed to the
6 end of the meeting, just to remind everyone out
7 there, all of us, that October is Breast Cancer
8 Awareness month and it's something that impacts all
9 of us, not just women. So you can pick up a pink
10 ribbon pin at City Hall, donate to a local charity,
11 encourage your mother or your wife, your sister to
12 go get a mammogram. Early detection is half the
13 battle. Thanks.

14 Guardarrama: Barbara?

15 Hamaker: No.

16 Guardarrama: Kate?

17 Bartolo: Nope.

18 Guardarrama: And I don't have anything either. Let's move on to
19 the consent calendar.

20 Altschul: Move it.

21 Guardarrama: Is there a second?

22 DeLuccio: Second.

23 Guardarrama: All those in favor?

24 All: Aye.

1 **9.A. 1211 VISTA STREET**
2 **Conditional Use Permit 2006-015**

3 Guardarrama: None opposed? All right, consent calendar passes
4 unanimously. First public hearing. It is
5 Conditional Use Permit 2006-015. It's 1211 Vista
6 Street. It's the Vista Child Daycare Center. The
7 Applicant is Shawn Bayliss and the Planner is
8 Robert Dostalek. Robert?

9 Dostalek: Mr. Chair, Commissioners, good evening. To start
10 off just to recap, the Applicant is requesting to
11 expand an existing large family daycare home, which
12 currently accommodates 12 children during the
13 daytime and up to 14 children after school into a
14 child daycare center with the ability to
15 accommodate up to 30 children at all times. Sort
16 of the background, at the direction of the Planning
17 Commission, the project was continued at the June
18 21st, 2007 meeting for the Applicant and staff to
19 explore alternative loading and unloading zone
20 configurations. The project was again continued at
21 the September 20th, 2007 Planning Commission
22 meeting. Notices of a continuance for these
23 meetings were posted to fulfill the noticing
24 requirements. Subsequent to the June meeting, the

1 Applicant collaborated with Planning and
2 Transportation staff and ultimately submitted a
3 revised site plan configuration, which accommodates
4 the staff parking and loading and unloading areas
5 on site. To speak to the parking, the child
6 daycare center would be required to provide three
7 parking spaces. The revised proposal illustrates
8 two staff parking spaces in the existing garage,
9 which is outlined in purple on the slide, which has
10 been converted into a classroom without permits.
11 The third staff parking space would be located to
12 the south of the existing garage in a yard area
13 proposed to be resurfaced with grass pavers, again
14 delineated in purple on the slide. Condition
15 Number 9.2 was added to ensure the garage is
16 maintained for sole use as a garage for staff
17 parking and to prohibit the use of the structure
18 for use as a classroom or for human habitation. In
19 addition to the need to provide required on-site
20 parking spaces, a child daycare center is required
21 to provide an adequate passenger loading area. The
22 Applicant has provided a revised alternative in an
23 effort to satisfy this requirement and to address
24 the prior concerns expressed by staff, the

1 Commission and neighboring residents. The proposed
2 circulation schemes would operate in the following
3 manner: In the mornings, the gates securing the
4 property would be opened and staff would park on-
5 site. A staff monitor identified by the red flag
6 on the slide would be placed outside to assist in
7 the loading and unloading of the children and to
8 direct vehicles through the property. The parents
9 would use one of two paths of travel to load,
10 unload their children. Regular size vehicles would
11 enter the driveway from Vista Street and pull
12 around to load and unload the children in the rear
13 where the monitor would assist as identified in the
14 circulation pattern in green, the green arrows on
15 the slide. Once the child has been loaded and/or
16 unloaded, the parent would pull forward and turn
17 right on to Lexington Avenue. This would create a
18 constant forward motion with enough room to allow
19 four to six cars to cue in line on site, removing
20 this function from the public right of way. Now in
21 the event if a vehicle is too large, such as an
22 SUV, the parent would load/unload their child by
23 using the Lexington Avenue entrance. The monitor
24 would stop any vehicles on site from moving forward

1 to allow the larger vehicle to pull into the second
2 available parking space to unload or load their
3 child. Once the larger vehicle is in the space,
4 the normal loading and unloading procedure would
5 continue. Once the child of the larger vehicle has
6 been loaded or unloaded, the monitor would stop any
7 moving vehicles and allow the larger vehicle to
8 execute a three point turn and pull forward to make
9 a right turn on to Lexington Avenue. Once the
10 morning unloading is complete, the play equipment
11 and surface cushions would be set in place after
12 being stored. Condition Number 9.4 is added, which
13 limits the hours in which the play equipment can be
14 in the driveway and unloading areas and requires a
15 pre-approved storage location. This proposal
16 removes all staff parking and all loading/unloading
17 activities from the street and places it on-site.
18 In addition, the proposal would also require the
19 removal of an existing palm tree and Jacuzzi
20 located in the rear portion of the yard. The
21 proposal would also require yard surfacing
22 improvements and a 10 to 12-foot curb cut on
23 Lexington Avenue. In response to the revised
24 circulation plan, the potential for cueing of cars

1 for this project in the Vista Street and Lexington
2 Avenue right of ways adjacent to the property would
3 be minimized, as the Applicant proposes to
4 accommodate all of the loading/unloading activities
5 on-site. The project could intermittently affect
6 the traffic flow on Vista and Lexington Avenues
7 from cars making left and right turns into the
8 adjacent property...into the subject property, excuse
9 me, from both the east entrance for average size
10 vehicles and the south entrance/exit for larger
11 vehicles and SUVs. However, with the inclusion of
12 Condition 10.2 requiring a six-month review by the
13 Planning Commission, transportation staff will have
14 an opportunity to monitor the potential impacts of
15 traffic circulation for Lexington Avenue and Vista
16 Street. In addition, Condition 9.3 is added to the
17 resolution to ensure a staff member is present at
18 all times during morning and afternoon loading and
19 unloading to assist the parents and children and to
20 direct vehicles when necessary. Also to ensure the
21 parents, staff and other users of the child daycare
22 center are advised of and understand the proper
23 execution of the loading/unloading plan. Condition
24 Number 10.1 is added to require the preparation of

1 a notice, Child Care Contract and/or Handbook,
2 which clearly describes and illustrates to the
3 parents and guardians of the attending children the
4 specific loading and unloading procedures for this
5 child daycare center. Further, the proposal
6 necessitates an additional curb cut on the north
7 side of Lexington Avenue. To ensure compliance
8 with the regulations administered by the Department
9 of Transportation and Public Works, Condition
10 Number 5 is added to require the preparation and
11 submission of a street and parkway improvement plan
12 and also to be responsible for any fees associated
13 with the loss of an on-street parking space.
14 Additionally, to ensure all project components are
15 included on the final plans, Condition Number 7.1
16 is added to require the submission of a final site
17 layout and improvement plan prior to commencement
18 of the proposed use. In summary, upon review of
19 the revised plan by Planning and Transportation
20 staff and with the inclusion of the recommending
21 conditions including the six-month review, the
22 project can now be supported, as the Applicant was
23 able to create a plan which keeps all staff parking
24 and vehicular loading and unloading activities on

1 site. As such, and with the ability to make the
2 required findings, staff can now recommend that the
3 project be approved. Lastly, since the time the
4 Staff Report was released, staff received one item
5 of correspondence which is attached to the memo
6 dated October 4th, 2007. And that concludes
7 staff's presentation and we welcome any comments or
8 questions.

9 Guardarrama: Thank you Robert. Does anyone have any questions?

10 Altschul: I do.

11 Guardarrama: Barbara?

12 Hamaker: Yeah, I have a couple of questions. Is the
13 Applicant going to say anything or should I ask
14 them of you?

15 Guardarrama: The Applicant has filled out a speaker slip.

16 Hamaker: Okay, should I...what, should I just wait? Okay.

17 Guardarrama: John?

18 Altschul: Am I correct in assuming that since my recollection
19 was that all aspects of this application were
20 indicated by the Commission to be favorable with
21 the exception of the transportation plan and
22 circulation plan, that the subject and discussion
23 tonight should be just limited to that, Christi?

24 Hogin: Yeah, that's what you're asking people to look at.

1 There may be people who want to weigh in on, before
2 you make a final decision on some of the other
3 parts, and you've already deliberated on, but yeah,
4 that's the focus tonight is this transportation
5 plan.

6 Altschul: Thank you.

7 Guardarrama: Okay, no...if there are no more questions of Robert,
8 we'll move on to public comment. We have reopened
9 the public testimony portion of this public hearing
10 from our...the last time we took this matter and what
11 we are discussing this evening is this
12 transportation plan, which is the new information
13 that we have since our last meeting. So if you
14 guys would like to keep your public comments
15 focused on that topic? Mr. Bayliss, you'll have
16 five minutes to speak and the public will each have
17 two minutes to speak. At the end of the public
18 comment, you'll have an opportunity to rebut of
19 three minutes.

20 Bayliss: Sure. Thank you, my name is Shawn Bayliss, Los
21 Angeles, California. I'll keep it brief. First of
22 all, I want to thank staff, Mr. Keho, Ms. Slimmer
23 and of course Robert. He's our fourth and favorite
24 Planner on this project. I'd like to really say

1 thank you because everyone collaborated on this and
2 I think...well, I don't think, I...I'm pretty positive
3 that we've created the only daycare facility, child
4 care facility in West Hollywood that now has all of
5 its staff and all of its loading and unloading on-
6 site. So we're, you know, pleased with that. I
7 think it facilitates everything that was definitely
8 asked for and required, and I guess in that spirit,
9 Mr. Altschul, that's about all I can say, since
10 we're focusing on those aspects.

11 Guardarrama: Thank you Mr. Bayliss. All right, Barbara?

12 Hamaker: Yeah, I have a question of you, Mr. Bayliss. I
13 just want to make sure, in the Staff Report under
14 Operations, you're loading in the morning and then
15 picking up in the afternoon is an hour and a half
16 period of staggered picking up and dropping off.
17 So of the 30 children, do...would you anticipate a
18 cueing of lots of people dropping off right at
19 7:00? It seems to me that's a huge amount of time,
20 which I think is a positive aspect of it so that
21 there isn't a lot of traffic at one time. Can you
22 give me some sense of how that...?

23 Bayliss: Sure. No, you're, you're definitely correct.
24 Within a span of about an hour and a half, with the

1 focus of it being probably in about an hour the
2 majority of the parents will show up, all of them
3 within an hour and a half. We're fortunate because
4 right now I believe six of the students are dropped
5 off by walking. They live in the neighborhood.
6 They aren't even any cars available or used, and we
7 feel that that trend will continue. That being
8 said, now with the, with the plan that we have
9 here, there's going to be about four to six cars
10 that can cue behind, more than plenty, we feel, at
11 any one point. I don't ever see any more than two
12 or three cars showing up at one time, but in case
13 twice as many show up, six cars, we can handle it.

14 Hamaker:

And do you anticipate an orientation where if this
15 is approved the parents will be...

16 Bayliss:

Yes, there's going to be a contract that's signed.
17 The operator Natalie who owns the facility already
18 has parents sign a contract agreeing to the rules
19 that she has. This will be added to those rules
20 along with visual showing what the traffic plan is,
21 what's expected of them and how to operate it. I
22 also believe it's part of the conditions. It's
23 added in. Now the instruction manual will be a
24 part of that and we were...we suggested that

1 beforehand anyway.

2 Hamaker: Right. Thank you.

3 Bayliss: Sure.

4 Guardarrama: All right, does anyone else have a question for Mr.
5 Bayliss? No, all right, hearing none, let's move
6 on to public comment. Our first speaker is Eleanor
7 Zee to be followed by, excuse me if I mispronounce
8 your name, Leufor Semenova? All right.

9 Zee: Hi, my name is Eleanor Zee. I lived in West
10 Hollywood since 1969. At that time, it wasn't yet
11 West Hollywood. I helped make it West Hollywood
12 and I've been very active with the coalition of
13 economic survival to make this a city. I am so
14 against the 30 extension of children, not against
15 the children, the teacher, because of one word,
16 congestion, congestion, congestion, congestion.
17 Come down the street the day of the market in
18 Plummer Park, see what happens. According to this
19 gentleman John D'Amico, it's just a lot of traffic.
20 That's what he told me. It is very serious
21 problems going on on Vista Street, which I spoke to
22 Buddy about, with the robberies, burning of an
23 American flag and, and I'm not blaming the nursery,
24 but the more people you get in there and it just on

1 that corner particularly, on Lexington past Fiesta
2 Hall, you have nothing. It's a two-way street.
3 Nobody on this Commission even suggested, make it a
4 one-way street to stop what goes on there. Now,
5 you know, I come from New York, so I come from a
6 bigger city than this and it is so absurd that
7 nobody informed us, otherwise 49 of us would've
8 been here tonight had we known about September
9 20th. We did not know. So they said to me, if you
10 go, you can speak in our behalf and this is not
11 against children. There's a wonderful nursery
12 school in Plummer Park. Then on the other side of
13 the street, the synagogue just bought a building
14 across from this particular nursery school and they
15 plan to have a daycare center too. So that's what
16 goes on with that. I wish you'd really consider it
17 not...it is congestion, congestion, congestion,
18 congestion...

19 Guardarrama: Thank you Ms. Zee.

20 Zee: ...and chaos.

21 Guardarrama: Thank you Ms. Zee.

22 Bartolo: I want to ask her a question.

23 Guardarrama: Oh, someone has a question for you. Someone has a
24 question. Commissioner Bartolo has a question.

1 Bartolo: Hi, have...oh, hello, no problem. Have you had the
2 opportunity to review the proposed transportation
3 loading and unloading plan?

4 Zee: (INAUDIBLE).

5 Bartolo: But have you analyzed it?

6 Zee: (INAUDIBLE), and I understand those graphics.

7 Bartolo: Can you go to the right? Yes, please.

8 Zee: I saw the graphics, I understand the plans.

9 Bartolo: Tell us why it won't work if you would?

10 Zee: Well...

11 Bartolo: In your opinion.

12 Zee: In my opinion, people love double parking, and they
13 say it only takes three minutes to drop a child
14 off, two minutes. With double parking on Vista
15 Street that comes up to Lexington is terrifying.
16 There are cars that's parked on the street, which
17 take up space, so then you drop a child...no child...I
18 have never met a child where you say you go inside
19 right now, you'll meet a nice lady and she's going
20 to play with you all afternoon. They want to be
21 with their mother. They want to be with their dad.
22 It's double parking. I...they don't feel like...

23 Bartolo: All right, so it's mainly the double parking.
24 Thank you. I appreciate it.

1 Guardarrama: All right. Ms. Semenova? To be followed by Reina
2 Keynigshteyn.

3 Semenova: I want to say, as a business with children, there's
4 no business just one person. It's consent with
5 everyone for us because it's early education, base
6 foundation of the future generation. And this is
7 the future of our city, state country, our planet.
8 Everyone from us think what our children eat,
9 drink, what air they breathe. We know that the
10 trees are the life of years and the air, and it is
11 really important to save every tree and grass
12 without that. The work with children is very
13 important, but very hard work. This work needs
14 support more than any other business and I know
15 business not, nothing, nothing and I want to say
16 that it is really children center, child center,
17 not just child care. Children get high quality
18 education, what is organized excellent. I'm sure
19 that she can give high quality education, not only
20 the 25 children, but even more. And I also don't
21 see any problem with parking. This property has
22 two parking spaces. If need more, City of West
23 Hollywood can help (INAUDIBLE) and give one or two
24 parking spaces, north or south (INAUDIBLE) free of

1 rent because this is not just her business. This
2 business, our City to care about the children. I
3 hope and believe that Planning Commission can make
4 a decision. Thank you for...

5 Guardarrama: Thank you, and for the record, will you please
6 state your name and where you live, your city of
7 residence?

8 Semenova: I am a resident of West Hollywood and I live close
9 at Plummer Park and close is this area, this
10 business.

11 Guardarrama: Okay, and your name?

12 Semenova: My name is Semenova Lyuba.

13 Guardarrama: Thank you.

14 Semenova: Thank you.

15 Guardarrama: All right, Reina? To be followed by Svetlana,
16 there's no last name.

17 Keynigshteyn: Good evening, I was here the first time when we
18 discussed the same questions and I was very
19 surprised that we still have to discuss basically
20 the same issue. In my opinion, it's extremely
21 important to let these people to perform their very
22 good job. So what I think, what they explained to
23 me was City offered to them that some kind of
24 parking what possible could be given to them on

1 their own territory, on the territory of daycare.
2 It seems to me a little bit off. This particular
3 matter would not be really approved by Health
4 Department. And of course I don't work for them, I
5 cannot say for 100 percent, but because I'm a
6 pediatrician and many times I have to deal with the
7 Health Department. I understand that this kind of
8 situation would not be approved from them. We all
9 understand that there is a lot of problems with the
10 cars, if they must be on the territory of daycare.
11 You just mentioned, it's going to be some soiled
12 places from the spots from oil. It's going to be
13 very bad air quality and it's actually dangerous
14 that somebody driving in and out all the time when
15 kids are here already. So the immediate risk is so
16 huge that probably it's not a good idea. But
17 again, because I think that it's, it's very, very
18 important to let these people work because the
19 community requires it and you saw last time how
20 many people came here. We all parents, we all have
21 kids, we understand that this is important. You
22 know, we should do something for them.

23 Guardarrama: Thank you very much. Svetlana to be followed by
24 Ivan Guzer or Guzev. One moment while we fix this.

1 Svetlana: I'm just a translator.

2 Guardarrama: All right. All right, go ahead.

3 Svetlana: (Translator) Good evening. Okay, so her niece is
4 going to that daycare and she thinks that this is
5 very surprising that in order to bring child to
6 daycare and drop him off, there is no better
7 decision than just to broke down the, the trees and
8 the, the gates in order just to bring child to the
9 daycare. She thinks that she's talking to the very
10 sophisticated, very smart people and very...and
11 people who really understand that situation and she
12 would like that to be approached in a better way.
13 She thinks that it's extremely dangerous if car
14 will go inside, make a turn, make a stop and make a
15 turn on the way out and after, after that, she
16 thinks that most important to just leave playground
17 alone and do not really use it for parking. Yes,
18 they...the kids will be deprived by the playground.
19 This is what she really believes that's important.
20 And she thinks that our priorities really think
21 about children and not about cars, but she thinks
22 that's really is a better decision. Okay.

23 Guardarrama: All right. Is she finished?

24 Svetlana: She thinks that it is not funny. She thinks that

1 it's better to (INAUDIBLE). She thinks that the
2 people who never had kids or they do not have them
3 now, they just don't understand probably what does
4 it mean to taking care of the child.

5 Guardarrama: Okay. And for the record, would you just state her
6 city of residence?

7 Svetlana: I think she lives in Los Angeles. You live in...
8 903 Vista Street.

9 Guardarrama: Thank you.

10 Svetlana: Los Angeles.

11 Guardarrama: In Los Angeles, thank you. All right, thank you.

12 Svetlana: Thank you.

13 Guardarrama: Ivan Guzev to be followed by Alexander Kleyman.

14 Guzev: I guess a couple of things first before getting to
15 this. I just wanted to talk about the traffic
16 situation. First of all, by the Farmers Market
17 that someone's mentioned here, there's barely
18 anyone at 8:00 in the morning at Farmers Market.
19 The street is empty. Also, keep in mind that
20 Fountain has a restricted left turn. I think at
21 7:00 a.m. to sometime during the day, you cannot
22 make a left turn on Vista, so there's barely any
23 traffic. About this plan...

24 Guardarrama: Can you speak into the microphone please?

1 Guzev: Oh, too tall, sorry. Yeah, yeah, as I was saying,
2 I heard...I hope you heard what I said, but about
3 this plan, I have a quick question, how many
4 parking spaces does the City lose right there
5 where...if you make a left turn to Lexington? How
6 many...didn't you mention like one and a half, one
7 parking space? So how come is it a problem? I
8 mean, with this plan, City completely loses the
9 parking spot, how about if you just allow the
10 kindergarten to, you know, use the parking spots
11 from 8:00 a.m. to 9:00 a.m. in the morning? I
12 mean, wouldn't that make a better idea? I think it
13 would, just my personal opinion. Also, as a lot of
14 people before me mentioned, it's really about for
15 kids, having all the cars right inside. Also kids
16 will not have any place outside to play. Kids will
17 have to stay indoors all the time. So, yeah, I
18 definitely appreciate you taking time and approving
19 the plan. It's, it's very appreciated.
20 Kindergarten needs to open its doors, but at the
21 same time, I think we need to think of something
22 else, maybe open the parking spot on Lexington,
23 just to allow them to drop kids off at 8:00 in the
24 morning. Since, as I mentioned, at 8:00, there's

1 really not much parking, not much traffic, sorry.

2 Guardarrama: Thank you, our next speaker will be Alexander...
3 David, when anyone comes up with a translator,
4 would you just give them double time since someone
5 has to speak twice? To be followed by Victor...I
6 can't read the last name, lives on Stanley.

7 Kleyman: My name is Alexander Kleyman. (Translator) He
8 thinks that the people who created this kind of
9 plan, they need to come to the site and make a
10 review of site in order to see the real situation
11 inside of the daycare. Thank you very much.

12 Guardarrama: Can...someone has a question for you.

13 Bartolo: I need to understand, is he opposing it or is he in
14 support of it?

15 Kleyman: Can you repeat please?

16 Bartolo: Are you...do you support it, the plan, or do you
17 oppose the plan? Thank you.

18 Kleyman: He, he wants to support it.

19 Bartolo: So you think it works? I don't want to put words
20 in your mouth. You support it. Thank you.

21 Kleyman: He...yes.

22 Guardarrama: And just for the record, if he could state his city
23 of residence?

24 Kleyman: It's West Hollywood. He lives in Los Angeles.

1 Guardarrama: Okay, thank you.

2 DeLuccio: Can I ask a question please? Chair, may I ask a
3 question? I'm a little bit confused. Can I ask
4 you a question? I'm hearing you, you are in
5 support of the project. Do you have concerns about
6 the circulation?

7 Kleyman: He...when I asked him what he thinks about
8 circulation, he said...no, he thinks about different
9 problems. He thinks that it's very dangerous when
10 cars go into the place where kids are playing.

11 DeLuccio: So the circulation, you mean, the cars would be
12 entering and then they'd be...on to the property and
13 then they'll be exiting off the property?

14 Kleyman: So basically he doesn't want, he's against the cars
15 entering the daycare.

16 DeLuccio: Okay. Thank you. Thank you.

17 Kleyman: Thank you very much.

18 Guardarrama: Okay, our next speaker is Victor, I'm sorry I can't
19 read the last name. To be followed by Jeanne
20 Dobrin.

21 Borovsky: It's Borovsky. I'm a resident of West Hollywood.
22 I live on 1420 Stanley. Good evening. In short,
23 this ridiculous project is just killing projects
24 for this facility, daycare center, kids, for kids.

1 It's...we don't need to be like very proficient in
2 the pediatric to know that the cornerstone of the
3 development of kids, it's playground. They need
4 to...space to play. Instead we're having to hear
5 just the garage. It's ridiculous. Would you agree
6 with me? Would you, would you concern if your kids
7 would...were attending this facility about their
8 safety, first of all? Just imagine for one minute
9 that your kid's attending this facility. Thank
10 you.

11 Guardarrama: Thank you. Jeanne Dobrin to be followed by Polena
12 Grinis.

13 Dobrin: Jeanne Dobrin, resident of West Hollywood for many,
14 many years. One of these persons who spoke to you
15 just now said, you think about children and not
16 about permits. It sounds rather mean of me, but I,
17 and I hesitate to stereotype, but is this person
18 not aware of laws in our city and our country must
19 always be obeyed? In the same way that they
20 testify about this particular thing, I'm going to
21 say that it's very possible this is a very
22 complicated circulation and parking issue, and in
23 the same way that they don't pay attention to the
24 Chair when he tells them to state their name of

1 residence and they ignore the fact that it's also
2 written in the report, not the report, but the
3 agenda here tonight. I feel that these people are
4 not going to pay that much attention to the, not to
5 the orientation, but they're going to be given
6 things to sign that they will have to abide by the
7 plan. And they just seem to ignore these things
8 and it's the exigency of the moment, which will
9 cause them, I think, to violate what is being...which
10 the staff and they have very carefully tried to
11 work out here, but it's too complicated. In the
12 page four of five in the report, it states that if
13 there is...that if there are SUVs, which we all know
14 are...don't tell me that. I wish they would all
15 disappear, but when there is an SUV, they have to
16 use another entrance and when an SUV is there,
17 there is another thing that they have to switch
18 around, as it says in page four of five, to
19 accommodate the SUV. I feel that this is too
20 complicated for the people who think only of kids
21 and not of permits to understand. Although
22 they...you're calling for a six-month review, I do
23 understand that that should find out if anything
24 has happened, but I think that the Code Compliance

1 Division should really be very careful and watch
2 this place because they have before when cited for
3 using the garage illegally, used the garage again
4 illegally.

5 Guardarrama: Thank you Ms. Dobrin.

6 Dobrin: Thank you.

7 Guardarrama: Polena Grinis to be followed by Ida Benditovich.
8 And if you could state your name and your city of
9 residence?

10 Grinis: My name is Polena Grinis.

11 Guardarrama: And you live at, in what city?

12 Grinis: (INAUDIBLE).

13 Guardarrama: Okay, thank you.

14 Grinis: (Translator).

15 Guardarrama: Excuse me, hold on. Can someone please turn their
16 cell phone off?

17 Grinis: (Translator) she knows Natalia like a very good
18 teacher. She has excellent daycare and if all of
19 you guys would have a young kid, you would be
20 enjoying to bring your kid to her daycare. So what
21 is really such a big deal about the parking? The
22 kids are getting out of the daycare, not at the
23 same time, but it takes sometime between 5:00 and
24 6:00 or sometime a little later. She thinks that

1 there is not supposed to be traffic or double
2 parking because kids are getting into daycare in
3 the morning and getting out of daycare in the
4 evening, not at the same time all of them. So
5 usually parents, sometimes they park on a side
6 street. It only takes couple of minutes to...a few
7 minutes to take kids out or bring them in. And she
8 didn't see this as a problem at all whatsoever.
9 She thinks that the daycare has excellent yard
10 where kids are playing. They use bicycles, they
11 use toys, they use little cars and it's not even
12 possible, supposed to be not possible in a good
13 mind even to think to take out of them this
14 excellent place where they...so they play. And she
15 thinks that if City could assist in order to get
16 maybe one or two parking space, maybe short parking
17 space like five minutes only from Plummer Park
18 because honestly, everybody else still parking.
19 They don't even go to Plummer Park. They use it as
20 a parking anyway. There is no security or somebody
21 who can restrict it and the parking spaces always
22 open and there are a lot of parking space anyway.
23 Except Monday when they have Farmers Market, but
24 still they, even this day, they have parking space

1 available because we all live there around and we
2 all see that all the time there are a lot of space.

3 Guardarrama: Okay, thank you. Ida Benditovich to be followed by
4 Natalya Koren.

5 Grinis: Thank you. Help Natalia please.

6 Benditovich: Good evening, ladies and gentlemen. I'm for the
7 first time on hearing. That's why I'm a little bit
8 shy. But I want to tell you that I know Natalie
9 (INAUDIBLE) during one year because I am a member
10 of the Ensemble of the West Hollywood Park and she
11 finds time to be with the adults people too. And I
12 used to be there in the daycare and I see what kind
13 of teacher she is. She is a...she is wonderful. She
14 has the way with kids and the kids love her. I
15 know there is a big waiting list that the parents
16 want to give their kids in her daycare. You know,
17 we have to think about the future and everybody,
18 everybody knows who has kids, he knows how it's
19 very important to leave the kids in good hands and
20 such good hands as Natalie. Good hands. She
21 did...she, she does everything for the kids, for the
22 kids because they...she teach them English. She
23 teach them dancing. She teach them singing. After
24 the daycare, they have a lot of activities, a lot

1 of activities. And so it's very important for the
2 parents, for the parents to go to work and to leave
3 the kids in good hands, such hands as Natalie, and
4 I hope that the City Hall will help her in her, in
5 her good idea. It's a good idea because she's
6 worried about the future, not only the parents, but
7 the future of our City. She's worried about the
8 future of Los Angeles and the America. That's all.
9 Thank you very much.

10 Guardarrama: Thank you and just for the record, could you...just
11 for the record, could you state your name and your
12 city of residence?

13 Benditovich: Huh?

14 Guardarrama: Could you state your name and your city of
15 residence?

16 Benditovich: My name is Ida Benditovich.

17 Guardarrama: And your city of residence?

18 Benditovich: Yes.

19 Guardarrama: Where do you live?

20 Benditovich: I live in West Hollywood.

21 Guardarrama: Okay, thank you.

22 Benditovich: Not far, not far from the daycare. I used to be
23 there in the daycare and I...

24 Guardarrama: Okay, thank you.

1 Benditovich: I love it.

2 Guardarrama: Thank you. All right, Natalya Koren to be followed
3 by Marina, there's no last name, but lives on
4 Lexington.

5 Koren: Good evening, my name is Natalya Koren. I live in
6 Los Angeles. Okay, this is my second time here
7 also and I'm...first of all, I want to thank
8 everybody for approval for these kids for daycare.
9 But I also want to say something about playground.
10 So Los Angeles, it's very a special city, everybody
11 in their cars and (INAUDIBLE), but nobody working
12 (INAUDIBLE) children. Children doesn't have enough
13 time to be on fresh air. So this is very important
14 as good nutrition and fresh air for children to be
15 strong and good when they grow up. So I think it's
16 not good idea to just cut playground because this
17 is the only place they can be on air, on fresh air.
18 Other, other times, they're at home, in the cars
19 and in the...inside the daycare facility. That's it,
20 so we need to find out some way to give this
21 daycare couple of parking spaces, maybe in Plummer
22 Park, maybe on side streets. Thank you.

23 Guardarrama: Thank you. Marina to be followed by Lev Velouk?
24 And Marina, if you could please state your name and

1 your city of residence for the record?

2 Onoko: Yeah, my name is Marina Onoko, I'm a citizen of
3 City of West Hollywood and I'm here with my child
4 Rebecca (INAUDIBLE) and we're on the list, on the
5 waiting list for this childcare facility and when I
6 first time came to this childcare facility, I was
7 fascinated because it was really well organized for
8 the children. It was created for children and
9 backyard with shade, with some trees, when all that
10 in our city not enough trees, not enough shade
11 especially in summertime when I plan Rebecca will
12 be in this childcare facility. It's very hot and
13 each piece of shade for us is very important and
14 if...when I saw this plan, I was really frustrated
15 because it means that no place for children, no
16 playground anymore inside of this house and this is
17 a special facility for the child. It's only one
18 option for them to be in a playground to go to the
19 Plummer Park. And I don't think that it's a good
20 idea to create inside though the backyard, this
21 circulation for cars. I disagree with this.
22 That's it.

23 Guardarrama: All right, thank you. Lev to be followed by Steve
24 Vernikov. And if you could please state your name

1 and your city of residence?

2 Velouk: Good evening. My name is Lev Velouk, I'm a
3 resident of City of West Hollywood. I am member of
4 Russian Advisory Board. I've been...I speak Russian.
5 This help me, okay? (TRANSLATOR) He's an Engineer
6 and the first time in his career that he sees such
7 an absurd drawing, I guess. He's saying that a
8 person who took that much time to create such a
9 plan is taking away air from kids by doing this
10 plan. And so he's saying that we should be giving
11 them parking on the street so that parents could
12 just come, drop off their kids and leave right away
13 on the (TALKING OVER). He's been working with
14 Natalie Mailer for a few years now with the Russian
15 Advisory Board. And they've been hoping for a long
16 time to open a children center together. Saying
17 that the City would not offer such a center for the
18 kids yet and that Natalie is working, doing all she
19 can to open it herself and if you guys won't help
20 her do that, then you're going to lose a center
21 that would be very good for kids. He's just asking
22 you to take the right decision.

23 Guardarrama: Someone has a question.

24 Velouk: Thank you.

1 Altschul: Sir, Natalie at the present time has the right to
2 have 12 children without any changes in the parking
3 plan. Let me finish. She's asking to have 30
4 children, so since the difference between 30 and 12
5 is about 18 children more, the law requires if she
6 is allowed to have 18 more, she have this parking
7 and circulation plan. Wait. My question is, would
8 you rather her be limited to 12 children and leave
9 things as they are or would you rather she be able
10 to have 30 children and adopt this plan?

11 Velouk: Every business is trying to expand and make itself
12 better.

13 Altschul: Okay, so he chooses not to answer the question.
14 Thank you.

15 Velouk: No, no, no (INAUDIBLE).

16 Altschul: No, no, no, thank you. Thank you.

17 Velouk: Okay, thank you.

18 Guardarrama: Steve Vernikov to be followed by, by Mark Binder.

19 Vernikov: Good evening. Just in response to your question to
20 this gentleman here, you're weighing the recreation
21 of children versus a legality of a circulation of
22 something that looks in the form of a drive-through
23 for McDonald's or In-N-Out. There's a couple
24 dangers to this that I believe would occur. You

1 have carbon monoxide, you have oil, you have
2 gasoline leaks, small but still dangerous when you
3 have open windows and kids playing inside. Even
4 the State Prison facilities contain times for the
5 prisoners to spend outside. This would eliminate
6 any time for any kids to play outside. Weighing
7 the options of 30 children versus 12 children on a
8 circular exit is kind of redundant because you guys
9 can just make that exit another loading zone, just
10 for one hour. That's all they need, one hour to
11 load and unload children. That's about it.

12 Guardarrama: Would you just please state your name and your city
13 of residence for the record?

14 Vernikov: Sure. My name is Steve Vernikov. I live in the
15 City of West Hollywood.

16 Guardarrama: Okay, thank you.

17 Vernikov: Thank you.

18 Guardarrama: All right, Mark Binder to be followed by Rael
19 Gedilov. Mark Binder?

20 Binder: Hello, how are you?

21 Guardarrama: Hi, would you just state your name and your city of
22 residence for the record? Thanks.

23 Binder: Sure, Mark Binder, West Hollywood, 7545 Hampton
24 Avenue.

1 Guardarrama: Okay.

2 Binder: Well, about this plan, it's...I think it's not so
3 good because first of all, it ruin the property.
4 Second of all, again, cars going to passing by and
5 through the property where the children usually
6 need to be playing probably. So I don't think it's
7 really good idea. Besides the point, it cost a lot
8 of money, which is...I know, that's not my business,
9 but owner going to cost money. Okay. I'm working,
10 I'm living practically on Hampton. It's the area
11 around the corner. I'm parking by sometimes at...I
12 can find a place to park, but I don't have to park
13 because I'm walking usually to this place and, and
14 I don't think it's a very good issue of...I mean, the
15 parking is an issue matter right now. That's all.

16 Guardarrama: All right, thank you. And Rael? Rael Gedilov?
17 Okay, great.

18 Gedilov: Hello, thank you for your time. My name Rael and I
19 do have children. I do have two children and my
20 children planning to go to this center. And I
21 totally agree with Alex because we going to give
22 (INAUDIBLE) to, to play more, to be in a quiet
23 environment and healthy environment because of the
24 cars. And what he's asking for, I think it's

1 possible to give him permission to do that. That's
2 my opinion. I don't know, it's up to you. That's
3 the only one thing I wanted to say. Thank you.

4 Guardarrama: Thank you and what's your city of residence?

5 Gedilov: West Hollywood, sir.

6 Guardarrama: Okay, thank you. Mr. Bayliss, that was our last
7 public speaker, if you want to rebut? You'll have
8 three minutes.

9 Bayliss: My leg just went numb. Apologize. Well, we've
10 definitely heard a lot of testimony here this
11 evening. Everyone obviously finds this daycare to
12 be so important, not only to their children but to
13 the neighborhood. We worked with staff. We know
14 that it's an imperfect plan. But it was the one
15 that...the only one that staff would support that we
16 could gain support for. So this is, this is kind
17 of where we find ourselves. So once again, you
18 know, I can state for sure that we would be the
19 only daycare facility in West Hollywood that has
20 all of its parking and all of its loading and
21 unloading on-site and not asking for anything from
22 the City of West Hollywood. So I would imagine
23 there's going to be more than a couple of
24 questions. Okay, go ahead.

1 Guardarrama: Donald?

2 DeLuccio: I have a question. Did you submit other plans to
3 staff besides this one?

4 Bayliss: In our...

5 DeLuccio: After they...after our last hearing, when you went
6 back, did you sub...besides this possible solution
7 whether are there possible solutions submitted to
8 staff to evaluate?

9 Bayliss: Sure, we discussed a few plans but they were...I was
10 verbally told that those wouldn't work. So it
11 became clear very quickly that this would be the
12 only plan that seemed to kind of fit within
13 everyone's guidelines.

14 DeLuccio: Okay, thank you, maybe, maybe staff can tell us
15 about a couple of those plans, Chair, when...after
16 the testimony.

17 Guardarrama: I don't think there's any more questions.

18 Bayliss: Okay.

19 Guardarrama: Robert? Robert, did you want to answer
20 Commissioner DeLuccio's question?

21 Dostalek: Mr. Chair, Commissioner, yes, the...as where we were
22 at at the last Commission hearing, the other plans
23 basically reverted back to utilizing either the
24 public right of way or Plummer Park facilities to

1 accommodate the parking and/or loading and
2 unloading requirements.

3 Guardarrama: All right. John?

4 D'Amico: Can I ask Robert a question?

5 Guardarrama: Yeah.

6 D'Amico: Robert, did, did the staff, did you or anyone look
7 at creating a roundabout where it says staff
8 parking and using the driveway for three parking
9 slots for staff of the daycare center? I know a
10 roundabout would require that two driveways be made
11 instead of one.

12 Dostalek: That was never proposed or analyzed.

13 D'Amico: 'Cause that would leave some open space for a
14 playground and three cars or at least two and a
15 roundabout.

16 Dostalek: Yes.

17 D'Amico: I'm just wondering if no other options were looked
18 at and clearly this group of people is, well, to
19 this Commissioner, not interested and doesn't want
20 this to pass, I'm not sure where we're left.

21 Keho: Well, this gets us back to, you know, our original
22 concern was that this is a small site and wanting
23 to increase the number of students on the site and
24 there's the requirement for additional cars and the

1 staff had worked with them previously and had not
2 been able to reach an agreement on an appropriate
3 plan that accommodated increased student capacity
4 and accommodated the increased number of cars that
5 were coming to this site. So staff had recommended
6 denial because those two things we felt did not fit
7 on this piece of property. Planning Commission
8 directed us to go back and see if there was any
9 other possible way to come up with a scenario that
10 could possibly accommodate this and this is the
11 best solution that we could find that could try to
12 accommodate the cars, the children and not cause an
13 impact to the public in the public right of ways.

14 Guardarrama: John?

15 Altschul: Well, I disagree with, Robert, on the issue of the
16 fact that nothing was proposed about what, what
17 John D'Amico calls a roundabout and I call a
18 semicircular driveway because at the last meeting
19 in June, I specifically requested that an
20 additional curb cut be looked at for a semicircular
21 driveway for the drop off and pickup and for them
22 parking staff cars. So I find it rather
23 discouraging that that was not looked at.

24 Keho: Again, the applicant could have proposed some

1 additional proposals. They did not propose
2 anything for us. We had to sit down with them. We
3 had to encourage them to come up with (TALKING
4 OVER).

5 Altschul: Well, does that, does that mean that our
6 suggestions aren't worth listening to?

7 Keho: No, it's not, but we were trying to address the
8 concerns and this is the concern that we felt at
9 the staff level addressed the concerns.

10 Altschul: You know, I don't know what to say. It seems to me
11 like a perfectly logical solution. And for it not
12 to be given any examination, I think...and I also
13 specifically remember saying that if you, if you
14 have to make another curb cut, that perhaps you can
15 put a two, two poles and a chain so that after
16 hours it can be...it can revert to being a parking
17 space that's used on the street. And apparently
18 none of that was heard.

19 Guardarrama: Yeah, Barbara?

20 Keho: The curb cut can be chained and it can go back to a
21 parking space at night on Lexington.

22 Altschul: Sure it can. But what about on Vista? That's what
23 we were talking about in June. Perhaps making a
24 semicircular drop off/pickup on the Vista Street

1 side and for some reason it was chosen not to be
2 looked at.

3 Keho: If you're talking about a semicircular driveway in
4 the front yard, the concern is that proximity to
5 the intersection and the impacts to cars stacking
6 and exiting at an intersection.

7 Altschul: How do you know, you didn't look at it?

8 Keho: Based on our Transportation Division's opinions of
9 traffic.

10 Hamaker: John...yeah, I just wanted to say, I'm...since I live
11 over there, I'm very familiar, John. That's a...that
12 intersection is a disaster because so many people
13 walk to the park from there and I don't think a
14 carriage lane at...I mean, a roundabout on Vista
15 would even be remotely possible. I'm not DOT, but
16 that would be my thought. I too am a little
17 confused by the testimony and I have a feeling that
18 some people don't really understand what's being
19 proposed, so Robert, if I can just...my understanding
20 is there will be no double parking at all, that
21 this proposal brings cars on to the lot so that the
22 children can actually be dropped off, not in the
23 public right of way anywhere and then exit. The
24 playground will be available be...in between the drop

1 off and pickup time, so between 8:30 a.m. and 5:30,
2 there are no cars going in and out.

3 Dostalek: That is correct.

4 Hamaker: Okay. Plummer Park parking lots, as much as we
5 would love them to be available, are not available
6 for this private enterprise, which would also
7 require staging and adults bringing the children
8 down the sidewalks and things like that. So those
9 were my questions. Are we into deliberation?
10 Should I say something or am I just asking
11 questions?

12 Guardarrama: We're still, we're still in questions.

13 Hamaker: Okay, so I, so I just want to...I think some people
14 are thinking that this is just a parking lot and
15 what we're doing is suggesting or what staff is
16 suggesting is that this is the...this has to be the
17 plan pre and post school, but during that time, the
18 playground will be activated again after the cars
19 are out.

20 Dostalek: You are correct.

21 Hamaker: Thank you.

22 Guardarrama: Donald, you had a question?

23 DeLuccio: Well, I don't know, I just wanted one
24 clarification. I'm really frustrated by this whole

1 process at this point. We...the reason we're not...I
2 understand we're not allowing them to do the pickup
3 and drop off on the public right of way because
4 it's a residential neighborhood?

5 Dostalek: Because there's the potential for cars to be cueing
6 within the public right of way and potentially
7 creating impacts to the flow of traffic.

8 DeLuccio: Is that because that is a residential neighborhood?
9 Is that the reason?

10 Keho: All the requirements for the business as far as
11 their requirements for drop off and, and parking
12 are to be accommodated on-site.

13 DeLuccio: But if this is a commercial neighborhood, there
14 would be the possibility to have...

15 Keho: Any business that's required to have loading,
16 whether it's trucks loading or unloading.

17 DeLuccio: Has to be done on-site?

18 Keho: On-site, correct.

19 DeLuccio: Is what you're...except what if it's a restaurant and
20 then you're, and you're dropping somebody off to go
21 into a restaurant?

22 Keho: There is some...

23 DeLuccio: That's valet?

24 Keho: That's correct, for valet services, but if it's new

1 businesses with...that we would anticipate stacking
2 such as this and new...and a new business, and in
3 addition because it is a congested street and it's
4 in a residential area, that they're supposed to
5 accommodate those uses on-site.

6 DeLuccio: And is the concern I'm hearing from the public
7 about pollution with the cars entering/exiting
8 would create a concern for pollution for the
9 children using as a playground afterwards? Is that
10 what I'm hearing?

11 Keho: That's what I've heard one or two people mention.
12 Again...

13 DeLuccio: Okay, I don't find this satisfactory at all. I
14 know we're not in deliberation and I, as much as I
15 really, really want this school to increase, I
16 cannot support this circulation plan.

17 Guardarrama: Okay, if there are no more questions for...oh, do you
18 have a question for Robert?

19 Yeber: I do. Robert, did...I actually...I too have some
20 concerns, but I don't...I think those concerns can be
21 addressed or worked out, but I was wondering if the
22 Transportation Department actually went to the site
23 and either did one of two things, looked at how the
24 current configuration is working, maybe go on...you

1 know, sort of unannounced just to see how people
2 are being dropped off and picked up. And then
3 secondly, to actually...do we have a traffic study
4 for that particular section of Vista Street and do
5 we know for a fact that potentially seven more
6 cars, seven or eight more cars could impact this
7 area further?

8 Keho: I don't know for a fact if Transportation visited
9 the site and I don't know, I don't believe we have
10 a traffic study. I guess I would like to make sure
11 that you understand when this suggestion was
12 proposed, the Applicant was in agreement with it.
13 So we fully presumed that the Applicant and the
14 Operator of the establishment were in agreement
15 with this plan and so the Operator would be in
16 agreement with this. And that...those were the
17 understandings that we were working on is that the
18 Applicant was proposing this and the Applicant was
19 in agreement with this and that's one reason why we
20 felt they're in agreement with it, we can support
21 it, we can move forward.

22 Guardarrama: Do you have a question? All right.

23 Altschul: I understand the thinking that if the Applicant is
24 in agreement with it. Perhaps the Applicant was in

1 agreement with them because there were no
2 alternatives and their backs were to the wall, but
3 I think that with the amount of talent that we have
4 in this Department and in the Transportation
5 Department, that something could've been, something
6 could've been devised or a plan could've been
7 proposed that would not cut off the playground. I,
8 I was extremely taken with the amount of community
9 members here who are number one totally supportive
10 of the school and number two totally supportive of
11 the fact that there needs to be a playground. This
12 is a rather large piece of property. You're not
13 talking about that many cars at any one particular
14 given time. There is, to my mind, no reason why a
15 plan cannot be devised that would satisfy everybody
16 here and their interests, which are basically the
17 children, the education, the right to have a
18 playground and the right to have an effective
19 pickup/drop off.

20 Guardarrama: So there's no question? All right, I'd like to
21 close the public testimony portion of the public
22 hearing and move on to Commissioner deliberation.
23 I'd like to start. This is a very tricky issue
24 because this essentially is a business in a

1 residential zone. The City of West Hollywood zoned
2 Vista and Lexington and the neighborhood around it
3 for residential purposes. That means houses,
4 people living, people sleeping and enjoying their
5 lives, and the Applicant decided to put a business,
6 which was her right under the County and the State
7 Law to put a business here, but it could only grow
8 to a certain point. Once it grows past a certain
9 number of students, she needs the City's approval.
10 And in my opinion, the Applicant worked very hard
11 with the City to come up with a plan, the only plan
12 that seems to have worked so far and from personal
13 experience, I grew up at a school where the
14 playground became the pickup and drop off area and
15 it worked fine, and so far I don't think I have had
16 any deleterious health effects from it or anything
17 like that. It was the only alternative that the
18 City could come up with and because of that and
19 because I support the good work that's going to be
20 going on in this school and I support there being
21 no double parking on neither Vista nor Lexington,
22 I'd like to move this item forward.

23 Hamaker: I'll second it.

24 Guardarrama: John?

1 Altschul: I agree with the motion and intend to vote for it,
2 but I would also like to perhaps add a, if there
3 isn't already a six-month review, which I think
4 there is, that there be a six-month review
5 specifically aimed at seeing if this plan cannot be
6 improved upon.

7 Guardarrama: Kate?

8 Bartolo: I'd actually like to query fellow Commissioner
9 D'Amico to get a better understanding of how his
10 idea might work because my question is, if we've
11 got an idea on the table that, just on the face of
12 it, seemed interesting to me, I, I'm not sure I
13 understand a reason not to take a little more time
14 and either...well actually, maybe it's enough to
15 assess it tonight and consider it or send it back
16 for a further study because what...here's my
17 perspective. There's a reason the state usurped
18 local authority on daycare. There's an urgent need
19 for daycare. We have to be sensitive to it. We
20 can't all live in a rarified environment where
21 everything flows perfectly, but we also have an
22 obligation to do the very, very best that we can
23 and really try to respond to it and my concern is
24 that I think this is a well thought out plan, but

1 on certain levels, I have a sense if you prevent,
2 try to prevent the double parking, you're going to
3 have people driving around and around in circles.
4 I think the prospect of people getting...arriving
5 within 15 minute intervals is incredibly well
6 intentioned, but I just know how my life works, I
7 can't imagine and with traffic, okay, being able to
8 meet that strict criteria of a 15-minute interval.
9 So I would...that's a long wind up to say,
10 Commissioner D'Amico, it's all yours. Tell me how
11 your idea could work differently.

12 D'Amico: Thank you, Kate. I...

13 Bartolo: No pressure though.

14 D'Amico: ...was merely wondering if the driveway that is
15 proposed for Lexington Avenue might be one-half of
16 a roundabout in that open space, which would...and my
17 concern is that there's going to be cars driving
18 through this site with children on it and number
19 one, the children are for the most part going to
20 have to get out of the car on the wrong side of the
21 building and then cross the traffic of which there
22 are now four or five anxious mothers and fathers
23 trying to get to work, interested about their own
24 children of course and maybe not so interested

1 about the children around them. Of course, they
2 will be, but it just seems like we're just making a
3 disaster and if I was dropping off some little kid,
4 I would avoid that and stop in the street and why
5 are we making a plan that can't be followed? So my
6 sense is, we should move it towards the busiest of
7 those three streets, Vista and Lexington and the
8 one to the west, which has just escaped me, and try
9 and make a plan that we believe people will follow.
10 You know, Ms. Dobrin I think made a very good
11 point. It's...there's no reason to make something
12 that is...that no one has any intention of following
13 and, you know, I live on a street in which people
14 are constantly pulling in my driveway and stopping
15 in front of my house and I...you know, they stopped
16 'cause it's easier to stop there and I think we're
17 just creating a place and a problem that if we
18 thought a little more about it and listened a
19 little harder to the community, we could solve it
20 in a better way. So...it's not...like I said, that's
21 not at all why I said that, but...

22 Bartolo: And actually for the record, they stop in front of
23 your house because they're gawking at how lovely it
24 is.

1 Guardarrama: Barbara?

2 Hamaker: Yeah, I think my concern and I really appreciate
3 everybody's caring about this. I think my concern
4 is losing the other parking space on Lexington and
5 also none of us made any real comments about the
6 Farmers Market, which of course I always go to and
7 Vista is an absolute nightmare, but the nightmare
8 starts after this daycare is already in place and
9 the parents are already at work. But that, I know
10 we're starting on the park master plan and I know
11 there's going to be work done, but I just wanted to
12 say that, that I think we're all aware of the
13 Monday Farmers Market issue there, which I don't
14 think is an issue with this particular plan. I
15 don't see parents running over children in this
16 lot. I just don't. There's going to be a teacher
17 there who takes the kid by his hand and takes it
18 inside and the children will be inside the
19 classroom until after the drop off period ends at
20 which point the playground materials will be taken
21 back out and they will get to go outside. I just...I
22 don't, I don't really see this as being a very busy
23 thing with SUVs running over children.

24 Bartolo: That would be a bad thing.

1 Hamaker: Yeah, that would be a very bad thing and I'm
2 assuming that there...I think there are three staff
3 people going to be there helping the children come
4 out and certainly they can get another parent or
5 two to come, you know, to come and help, you know
6 ferry the children in the school room if possible.
7 So I'm...I actually am in favor of this plan to see
8 if it does work.

9 Guardarrama: Commissioner Yeber?

10 Yeber: Well, as I mentioned earlier, I do think that this
11 plan does seem a little complicated. I do agree
12 with Commissioner D'Amico that it seems borderline
13 oxymoron to, especially the direction of flow of
14 traffic and dropping off children, but at the same
15 time I sort of feel like a lot of those measures
16 could be mitigated, like Commissioner Hamaker said,
17 you know, there's a monitor out there who is
18 directing the flow of traffic and making sure that
19 children flows...travel safely in front of vehicles
20 to get to the classroom. I do agree. I mean,
21 we're talking about nine hours of outdoor time.
22 There is easy material and architectural solutions
23 that can be put over, you know, whatever treatment
24 you have for the driveway to make a play area and

1 then easily removed. So I'm sort on the border
2 here. Also, just to remind everyone that everyone
3 talked about the loss of outdoor space and play
4 space, the whole reason that I was in favor of this
5 project, of its location is because it was across
6 the street from Plummer Park and I heard not one
7 person refer to Plummer Park as one of those places
8 that they would take the children for outdoor
9 activity. So this is also, you know, something to
10 consider in addition to the backyard area. So at
11 this point, I'm sort of on the fence. I'm not...this
12 is not the greatest plan, but I'd like to see the
13 day school to able to expand some.

14 Guardarrama: Donald?

15 DeLuccio: I agree with you. I agree. I, I don't know, this
16 is...this thing I think has got a little bit out of
17 proportion here. I think it's a little overblown
18 at this point. I'm wondering, I know that we've...I
19 think we closed the public testimony, but how do
20 they currently load and unload the children, do you
21 know, Robert?

22 Dostalek: Commissioner, perhaps we could refer to the
23 Applicant.

24 DeLuccio: I know it's not regulated right now, it's...but

1 it's...but I'm just curious how they currently do it.
2 I just don't see practical...when they will be doing
3 this. I think they'll continue to do it the way
4 they've been doing it and I have a feeling they're
5 doing it on the street right now. Is that correct?

6 Bayliss: Correct. Typically they use Lexington Avenue,
7 which you wouldn't think it always has parking
8 available, along Vista also.

9 DeLuccio: Yeah. I mean, I'm not going to vote for this. I
10 do want the school to open and if it passes this
11 evening, that's fine and we'll just see what
12 happens in six months from now. I, I just don't
13 think this is a practical plan.

14 D'Amico: I just have a question, was there a reason why the
15 traffic was supposed to enter from Vista and not
16 Lexington? Given that that would allow children to
17 at least get out of the car on the building side of
18 the driveway?

19 Keho: My recollection was that the Transportation
20 Division was concerned that the most congested area
21 was on Vista Street and so the idea was to get the
22 cars off of Vista and then exiting on to Lexington
23 because that was an easier flow than going the
24 other direction.

1 Guardarrama: Okay, if there are no further comments, David?

2 Gillig: Chair Guardarrama?

3 Guardarrama: Yes.

4 Gillig: Commission Hamaker?

5 Hamaker: Aye.

6 Gillig: Commissioner Yeber?

7 Yeber: Aye.

8 Gillig: Commissioner DeLuccio?

9 DeLuccio: No.

10 Gillig: Commissioner D'Amico?

11 D'Amico: No.

12 Gillig: Commissioner Altschul?

13 Altschul: Yes.

14 Gillig: Vice Chair Bartolo?

15 Bartolo: Yes.

16 Gillig: Motion carries. Five ayes, two nos.

17 Guardarrama: Okay, let's take a 10-minute break.

18 Gillig: The resolution of the Planning Commission just
19 approved, memorializes the Commission's final
20 action on this matter. This action is subject to
21 appeal to the City Council. Appeals must be
22 submitted within 10 business days, 10 calendar days
23 from this date to the City Clerk's Office. Appeals
24 must be in writing and accompanied by the required

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fees. The City Clerk's Office can provide appeal forms and information about fee waivers.

1 **9.B. 1026 N. OGDEN DRIVE**
2 **Demolition Permit 2006-018**
3 **Development Permit 2006-023**

4 Guardarrama: Okay, there's five of us sitting up here. That's a
5 quorum. Let's move on to Item 9B. Item 9B.
6 Demolition Permit 2006-018, Development Permit
7 2006-023. The address is 1026 North Ogden Drive.
8 The Applicant is Haya Morgenson...Morgenstern. The
9 Planner is Michael Barney.

10 Barney: Good evening. And thank you Chair, Commissioners.
11 The proposal before you this evening is a request
12 to demolish the existing single family dwelling
13 with a rear two-unit rental house and construct a
14 new five-unit residential building of approximately
15 12,358 square feet using the courtyard incentives
16 and design standards. The proposal at 1026 North
17 Ogden Drive is located on the east side of Ogden
18 approximately a half block south of Santa Monica
19 Boulevard. Located to the north and south of the
20 property are single family dwellings with multi-
21 family dwellings to the east and to the west, in a
22 predominantly multi-family neighborhood. To the
23 north along Santa Monica Boulevard are commercial
24 uses. The property is located in the residential

1 R3C zone, which allows for a maximum of five units
2 on a lot size of 6,288 square feet. The Applicant
3 is providing five units. The requirement for
4 private open space is 120 square feet for each
5 unit. The Applicant is providing between 284 and
6 497 square feet of open space and also meets the
7 requirements for common open space. The project's
8 parking will be located in a semi-subterranean
9 parking garage with five two-bedroom units. The
10 Applicant is required to provide 10 parking spaces
11 that includes handicap and one space for guests for
12 a total of 11 parking spaces. All spaces will be
13 single space parking. This proposal meets the
14 requirements for this site and the surrounding R3C
15 zone neighborhood and complies with the
16 requirements of the Municipal Code and will provide
17 five new residential units along Ogden Drive.
18 After the staff report was due, I received one
19 comment from a tenant in the neighboring multi-
20 family dwelling who is opposed to the project on
21 grounds that the construction would be disruptive,
22 the lack of parking, not interested in neighborhood
23 change and believes that the City needs more open
24 space than new construction and also tonight I

1 received a letter from a neighbor who isn't opposed
2 to the project, but showed concern regarding
3 construction mitigation and satellite television
4 view or the satellites of this home will be blocked
5 by the new construction. The Applicant is not
6 affected by the interim urgency ordinance because
7 the project was deemed complete prior to May 21st,
8 2007, or affected by the City's green building
9 ordinance as the project was deemed complete prior
10 to October 1st, 2007. And lastly, with the recent
11 change to the code on compatibility, a finding does
12 not have to be made as the project was deemed
13 complete prior to September 20th, 2007. John
14 Chase, the City's Urban Designer and I are
15 available for any questions. Thank you.

16 Guardarrama: John, did you want to give the Urban Design report?

17 Chase: The project is organized...if you could...yeah. The
18 project is organized so that the courtyard space is
19 along one side and the glass is focused in two
20 areas in the lower piece that projects forward into
21 the yard as is into the front yard setback as is
22 permitted under the Courtyard Housing Ordinance.
23 And then in a large area of glass that fronts on
24 the courtyard. So it is a (INAUDIBLE) volume

1 that's then curved along the courtyard, focused on
2 a large area of glass and then, and then shaded by
3 the metal trellis that hangs over the courtyard.
4 So the building steps down at the front so there is
5 in essence the appearance of a smaller building in
6 front of a larger building and there's a very clear
7 opposition of the solid areas of the building next
8 to the glass areas and the glass areas are very
9 large and very prominent creating a very, a very
10 dramatic façade and this is one of those projects
11 where the courtyard is on a narrow lot. So it's a
12 courtyard because they are permitted on these
13 narrow lots is generally along the side, as it is
14 in this building. Thank you.

15 Guardarrama: All right, thank you. Does anyone have any
16 questions for staff? No? All right. Before we
17 open up the public testimony portion of the public
18 hearing, does anyone have any disclosures? No?

19 Yeber: Just that I visited the site.

20 Guardarrama: Okay. All right, let's hear from...let's hear from
21 the Applicant. There is no speaker slip from the
22 Applicant, so I don't know exactly who to call on.

23 Morgenstern: Good evening, I'm Haya Morgenstern. I'm the
24 Applicant. I just wanted to highlight a few

1 features of this project. It is a veneer project
2 in the sense that it was built entirely within the
3 Code of the courtyard building and it complies
4 without requesting any variances of any sort. Open
5 spaces were mentioned before. We provide two to
6 three times more open spaces than required by the
7 courtyard code. Art, we decided to integrate the
8 art into the building itself so that it's a
9 permanent fixture and can never be removed and it
10 does provide for a very dramatic effect. The
11 parking is provided as semi-subterranean with two
12 stalls for each unit and each unit has access from
13 the back of the unit. Each unit also has rooftop
14 access and the...which is private and the rooftop
15 access is surrounded by parquet walls to minimize
16 any noise interference between the units and any
17 potential noise pollution to the neighbors. The
18 unit size is quite moderate compared to other units
19 in the area.

20 Guardarrama: All right. Would you mind please stating your city
21 of residence for the record?

22 Morgenstern: West Hollywood.

23 Guardarrama: Okay, great. And when you're finished with our
24 questions, can you fill out a speaker slip please?

1 Morgenstern: Sure.

2 Guardarrama: Thanks. Barbara?

3 Hamaker: I just have a question for you, can you describe
4 the elevator or the lift for the handicapped
5 accessible from the parking lot to the first floor?
6 Is there an elevator or a lift or...?

7 Morgenstern: I might need to refer to the architect (TALKING
8 OVER).

9 Hamaker: You have to speak into the microphone.

10 Morgenstern: I might need to refer to the architect in this
11 matter.

12 Hamaker: Okay, is he here?

13 Morgenstern: Yes.

14 Hamaker: Please. I'm just really concerned about the ADA
15 accessibility requirements.

16 Sander: Sure, Whitney Sander, Los Angeles Project
17 Architect. There is a lift in the southeast corner
18 of the garage that is accessed directly from the
19 handicapped space, which is the last one in the
20 garage so there's a 44...excuse me, there's a 60-inch
21 walkway in the back of the garage directly to that
22 lift.

23 Hamaker: It is...it's not an elevator, it's a lift that
24 someone could take a, either a wheelchair or a

1 walker into and it would..

2 Sander: Correct.

3 Hamaker: ...operate mechanically that way. Does it go any
4 higher or it only allows the person to be able to
5 get into the first floor of the three floor condo?

6 Sander: It's first floor only because all of the units are
7 accessed from that first floor, so there's no
8 second or third floor access to any of the units
9 and that complies with Code.

10 Hamaker: Gotcha, thank you.

11 Guardarrama: Mr. Sander, would you please fill out a speaker
12 slip?

13 Sander: Sure.

14 Guardarrama: Are there any more questions for the Applicant or
15 for the Architect? No? All right, let's open up
16 the public comments section then. Our first
17 speaker is David Hong. Mr. Hong, please state your
18 name and your city of residence for the record and
19 you'll have three minutes to make any comments.

20 Hong: My name is David Hong and I live at 1032 North
21 Ogden Drive in West Hollywood, and I lived at this
22 address since 1983. My home is directly next door
23 to the north of the property in this hearing. I
24 live in a single-family home, which includes two

1 children under the age of 11. I support the
2 project, but I have four concerns that I would like
3 to address. A, I have two digital satellite dishes
4 that are attached to the house and 12 feet above
5 the ground on the south side of the house next to
6 the project being built. A construction of three
7 story tall project exceeding 45 feet plus would
8 block the path of my satellite signals. I am
9 asking that the builder or developer and/or project
10 owner accommodate the relocation of my satellite
11 dishes to the north side of my house to be mounted
12 to an existing chimney at the expense of the
13 project owner where it would not be blocked by this
14 tall building. The approximate expense is
15 estimated to be about two hours of work and up to
16 \$175.00 to include labor and materials. My second
17 concern is the demolition of the buildings on the
18 lot. The building on the property were built in
19 the 1920's. They will contain lead paint. When
20 lead paint is disturbed, the lead will become
21 airborne and contaminate the air surrounding the
22 property. It will be harmful to young children and
23 the elderly who do live on all four sides
24 surrounding the property. As stated earlier, I

1 have two young children living in my home as well
2 as the elderly living in the surrounding apartment
3 buildings and single-family homes. I ask that the
4 developer make certain that during the demolition
5 the debris is hosed down with water and/or other
6 means to keep the lead particles and dust down. My
7 third concern is the dust and dirt that will be
8 airborne during the demolition and construction
9 that will fly everywhere. I ask that the developer
10 make every effort to contain the dust, dirt and
11 clean the area during the demolition and
12 construction process. This includes my property,
13 car, driveway and the neighborhood surrounding the
14 project. My fourth and last concern is the
15 construction bin and/or dumpsters that would be
16 parked on the street during street cleaning days
17 throughout the yearlong construction. With the
18 bins parked in front of the property, the two
19 properties to the north and south of the project
20 may not be cleaned properly because the turning
21 radius of the street sweeper will not allow a
22 complete sweep of the curbside. I asked that
23 accommodations be made so that the sweeper can
24 clean the street during the Tuesday street cleaning

1 days. Thank you.

2 Guardarrama: Thank you. Our next speaker is William Neish to be
3 followed by Jeanne Dobrin.

4 Neish: Good evening, my name is William Neish. I'm a
5 resident of West Hollywood. And I'm not very
6 familiar with this project and I'm not an
7 architect, but it does remind me of this sort of
8 architecture I don't like looking at, which is
9 looking like you have a sand pail and you pack it
10 with sand and then you turn it over and that's what
11 you're left with. I mean, it's so cheap looking.
12 It just...and I know there's no laws against building
13 something that looks unarticulated, but I wonder if
14 the Commission can explore in the future, I think
15 there are cities that have established different
16 varieties of what their character defining styles
17 are that have to do with their community and
18 approving designs that fit within those options and
19 I think it would be nice if we preserved, you know,
20 West Hollywood is beautiful and it's not as old as
21 some cities, but it is older than any of us and it
22 would be nice to keep the style that it has rather
23 than this look, which is just so plopped down and
24 it looks like it's waiting for the shingles or the

1 tiles or the whatever is going to eventually
2 arrive. It just looks so unfinished and sheer to
3 me. I don't like it. Thanks.

4 Altschul: I never would've known.

5 Guardarrama: Thank you Mr. Neish. Jeanne Dobrin?

6 Dobrin: Jeanne Dobrin, a resident of West Hollywood, of
7 course. It is not stated in the matrix how many
8 bedrooms are in the units, but I am going to assume
9 that there are two bedrooms, which require two
10 parking spaces. As we know, a three bedroom unit
11 still requires two parking spaces. The courtyard
12 standards allow a lot of waivers of the standard
13 code requirements and one of them is that there can
14 be 50, 60 percent of compact spaces. This bothers
15 me a lot because let us remember, compact spaces
16 are 7½ by 15. I think that about at least one-
17 third if not more of the cars out today, probably
18 one-third, are SUVs and resultingly some of these
19 SUVs exceed even 18 feet, which is the standard
20 parking space, not the compact, and they are
21 allowing that. This brings up a question to me,
22 having been in real estate for almost 50 years, how
23 are these dedicated spaces for the condominium
24 owners going to be assigned? Will it be through

1 the deed and what if somebody has got a compact
2 space, which they are going to use that, 50 percent
3 of these spaces, five of them will be compact
4 spaces. So therefore, what if somebody moves in
5 and has a SUV and they've got a 7½ by 15 spaces?
6 Perhaps the Commission can address that about how
7 that will be handled in the deed. I see that as a
8 problem. The slope ordinarily in West Hollywood is
9 15 feet. You've had developers come here and say,
10 "Oh, gee, we just want a little bit more." I for
11 one get very frightened when I'm in a garage that
12 has a slope of more than 15 feet because when I go
13 up the slope, I cannot see if there's a pedestrian
14 on the sidewalk. This...the courtyard housing allows
15 a slope of 20 percent, which is not five percent
16 more, it's multiplied and...but they are asking for
17 19.8 percent. I can see where the City is
18 recommending that this be approved because the
19 Zoning Ordinance Courtyard standard allows for
20 that. You haven't got a time here, so I don't
21 know what my time happening here. You just leave
22 this. Anyhow, I feel that if you should approve
23 this project with this 19.8 slope, that you insert
24 a condition that says, at the garage entry,

1 pedestrians, please watch out for outgoing cars,
2 because the people coming up the slope are not
3 going to see any pedestrians and the pedestrians
4 should have that protection. Thank you.

5 Guardarrama: Thank you Ms. Dobrin. Ms. Morgenstern that was our
6 last public speaker, so you'll have an opportunity
7 to rebut now. You'll have five minutes. Okay.

8 Sander: Whitney Sander, Los Angeles Project Architect. In
9 terms of the parking that is provided for this
10 project, the minimum depth of each parking space is
11 18 feet and the minimum width of each parking space
12 is 8. So, yeah, so we're actually exceeding the
13 code significantly and that should alleviate some
14 of the SUV concerns, which as a driver, I agree
15 with those concerns. As well, the slope of the
16 driveway is only for the middle portion of the
17 driveway. As your Code demands, there's an
18 adequate buffer zone before and after that slope,
19 which is three percent, so the drivers coming out
20 of the driveway should be able to negotiate that.
21 That said, we'd be happy to comply with signs if,
22 if such is necessary, is deemed necessary by staff.
23 And also the concerns of the neighbor to the north,
24 we're happy that he came out in support of the

1 project and we'd be delighted to make sure that his
2 concerns are taken care of. Thank you.

3 Guardarrama: Thank you. Does anyone have any questions for the
4 Applicant? No? Any question for the Applicant?

5 Yeber: Yes, actually I do have a...or the Project Architect,
6 either one.

7 Guardarrama: Mr. Sander there's a question for you.

8 Yeber: On the, the glass façade that also becomes part of
9 your art element, the Applicant Haya, Ms.
10 Morgenstern, mentioned that that would remain in
11 place, but yet your arts program says it can be
12 removed and replaced for future installations. So
13 I just wanted some clarity on that.

14 Sander: I'm not sure where that latter point comes from.
15 It's intended to be the glass of the building and
16 each, each panel of this glass, the four by 10's
17 will be specifically made for the project at great
18 cost to the Applicant. So we're not planning on
19 removing them, believe me. And that's the other
20 thing about it is, the idea is to make sure the art
21 remains. Sometimes when these buildings are sold,
22 if it's a statute next to the building, it gets
23 removed. And that was one of the concerns of the
24 Art Council that we agree with and one of the

1 reasons we wanted to integrate the art with the
2 building.

3 Yeber: Okay, so is that...staff, is that something incorrect
4 in the staff report then?

5 Chase: That would be a misunderstanding between staff and
6 the Applicant.

7 Yeber: Okay. Thank you.

8 Hamaker: I have one question, Joe. Just for...from a glass
9 person to...from a non-glass person, I'm assuming
10 that the glass is tempered and if somebody runs
11 into it, it won't break and slit their throats or
12 anything?

13 Sander: Yeah, a very good question. The glass is required
14 by Code, any glass that's within I think it's 18
15 inches of grade or 16 inches of grade has to be.
16 By the nature of this glass, the printed matter,
17 the redded...the red leaves are actually in a film
18 that's between, laminated between two layers of
19 glass, which complies as safety glass. We want to
20 take the extra step of making one of those layers
21 tempered for the very reason that you say, 'cause
22 tempered is actually stronger than just simply
23 laminated glass.

24 Hamaker: Uh-huh (AFFIRMATIVE). Another question, as far as

1 the potential for sun glare to reflect off of other
2 people's houses or blind people, is that a
3 possibility? How have you dealt with that?

4 Sander: From the glass itself?

5 Hamaker: Yeah.

6 Sander: The glass is actually in the first two stories and
7 I think there is...you can see from the landscaping
8 plan, there's going to be landscaping, some bamboo
9 on the north side...south side of the building where
10 most of that glare could occur, so it should be
11 blocked from the neighbors.

12 Hamaker: Okay. Thank you.

13 Guardarrama: Okay, if there are no further questions for the
14 Applicant? Okay. This closes the public testimony
15 portion of the public hearing and...

16 DeLuccio: And I'm going to move the item.

17 Guardarrama: All right, Donald.

18 Bartolo: I'll second it.

19 DeLuccio: And I want to compliment Michael, you did a great
20 job with the staff report, especially spelling out
21 all the courtyard standards and incentives. So
22 thank you. And John, you always do a good job.

23 Guardarrama: John?

24 Altschul: I think it's an excellent project and I think Mr.

1 Sanders, you accomplished something that we rarely
2 see here today. You answered all of Ms. Dobrin's
3 concerns, which will, which will certainly cause
4 her much consternation as she contemplates this
5 evening when she goes home.

6 DeLuccio: And I'm delighted actually the...I'm delighted that
7 the art is going to be the one percent you need
8 satisfied for the Arts. It's going to be on-site.
9 I really think you did a fabulous job incorporating
10 that into the project. And as far as, I know one...

11 Altschul: I didn't think I was finished.

12 DeLuccio: I'm sorry.

13 Altschul: That's all right.

14 DeLuccio: Were you finished?

15 Altschul: No.

16 DeLuccio: Oh.

17 Altschul: I also disagree with Mr. Neish. I think the
18 architecture is quite exemplary and I congratulate
19 you on that, Mr. Sanders. I would like to suggest
20 these mitigation measures that the next door
21 neighbor requested be added to the conditions of
22 construction that some condition be adopted or be
23 crafted. We probably have one as to how to deal
24 with the lead paint. We have one, do we? I don't

1 know if it's in this resolution, but there must be
2 one hanging around somewhere. But at any rate,
3 whatever it is, insert it. The same, I know we
4 have a condition for dust and air and how to take
5 care of that because I've heard it on other
6 projects. If we insert that. Also, that the, that
7 the developer, that the Applicant, the Applicant
8 make sure that every Tuesday that the area in front
9 of the project is as swept and hosed as the streets
10 on either side of the project, which can probably
11 be done by a hose, since the street sweeper can't
12 get there and finally that the next door neighbor
13 be recompensed up to \$175.00 for the relocation of
14 his dishes.

15 Guardarrama: Is that amenable to the maker and the second
16 motion?

17 DeLuccio: I don't know about the \$175.00. I actually, I
18 think that they need to work it out and he needs a
19 comp...it needs to be accommodated, but can we put
20 a...can we...Christi, can we put a value on that up to
21 \$175.00?

22 Hogin: You can impose conditions on a project that
23 mitigate an impact caused by the project and so if
24 the Commission finds that \$175.00 would help

1 mitigate that impact, then you can impose that
2 condition.

3 DeLuccio: We can. Okay, then I'm fine with that.

4 Guardarrama: Okay, how about the second of the motion?

5 Bartolo: Okay, fine.

6 Guardarrama: Okay. All right, Barbara, you had something?

7 Hamaker: Yeah, I just thought that the other condition could
8 be that we outlaw SUVs and disallow anyone who owns
9 one from purchasing a unit. I would definitely go
10 for that.

11 Bartolo: Oh, I second that motion. Hummers especially.

12 Guardarrama: John D'Amico, do you have anything? Marc?

13 Yeber: No.

14 Guardarrama: All right. I remember seeing this project in
15 Design Review and I was blown away with the care
16 that went into selecting the public art. This
17 particular Applicant had to go through a whole
18 series of hoops that she imposed upon herself just
19 to have the art be located where it is and it's
20 shocking to me that someone would put themselves
21 through that kind of angst for such a wonderful
22 public benefit and I really thank her for that.
23 And with that, can we have a roll call please?

24 Gillig: Commissioner DeLuccio?

1 DeLuccio: Yes.

2 Gillig: Vice Chair Bartolo?

3 Bartolo: Yes.

4 Gillig: Commissioner Yeber?

5 Yeber: Yes.

6 Gillig: Commissioner Hamaker?

7 Hamaker: Aye.

8 Gillig: Commissioner D'Amico?

9 D'Amico: Yes.

10 Gillig: Commissioner Altschul?

11 Altschul: Yes.

12 Gillig: Chair Guardarrama?

13 Guardarrama: Yes.

14 Gillig: Motion carries, unanimous.

15 Guardarrama: Take a five-minute break

16 **Item 9.C. 1342-1346 N. HAYWORTH AVENUE**
17 **Demolition Permit 2004-013**
18 **Development Permit 2004-012**
Tentative Tract Map 2007-007
Environmental Impact Report

19 Guardarrama: Okay, if everyone could take their seats? Let's
20 move on to Item 9C, Demolition Permit 2004-013,
21 Development Permit 2004-012, Tentative Tract Map
22 2007-007, and an Environmental Impact Report. The
23 Applicant is Truman Elliott, LLC, the location is
24 1342-1346 North Hayworth Avenue. The Planner is

1 Jennifer Noel. Jennifer? Hi.

2 Noel: Hi, thank you. Good evening Commissioners. This
3 item is, excuse me, this item is for the demolition
4 of a six-unit apartment complex and the
5 construction of a new four-story, 16-unit
6 condominium building with one level of subterranean
7 parking at 1342-1346 North Hayworth Avenue. The
8 property is located on the east side of Hayworth
9 Avenue between Fountain and Sunset Boulevard. The
10 project was submitted in May of 2004 and was deemed
11 completed on June 24th, 2004. The Applicant for
12 the project is not requesting any variances on the
13 project or any modifications and it complies with
14 all of the Zoning Code requirements for a multi-
15 family development. Because the project was deemed
16 completed in June of 2004, it is not subject to the
17 Interim Ordinance. It is not subject to the new
18 inclusionary housing standards, the green building
19 standards or the neighborhood compatibility finding
20 for development permits that were all adopted
21 recently. What makes this project somewhat
22 different from some of the other multi-family
23 developments that you see before you is the review
24 of the potential historical nature of the property

1 and subsequent Environmental Impact Report that was
2 prepared. During the course of the early review of
3 this project, evidence was provided to the staff
4 that the site might potentially qualify as a
5 cultural resource. If this were the case,
6 demolition of the building would constitute a
7 significant adverse impact, according to the
8 California Environmental Quality Act. There were
9 two reports prepared by different firms analyzing
10 the historical nature of the property and a third
11 firm conducted a peer review and in light of the
12 evidence presented found that the property did not
13 constitute a cultural resource. What this means is
14 that according to CEQUA, demolition of the property
15 does not constitute a significant adverse impact to
16 a cultural resource. The City was required to
17 disclose this information through an EIR process.
18 The EIR was prepared by Rincon Consultants who are
19 on hand this evening to speak about the EIR and
20 answering any related questions. There were no
21 other significant impacts identified in the initial
22 study conducted for the preparation of the EIR.
23 Because no significant unmitigatable impacts were
24 found for the proposed project, the Planning

1 Commission may certify the EIR and approve the
2 project without the need for the City Council to
3 adopt a Statement of Overriding Consideration. At
4 this point I can either continue on to a discussion
5 of development or we can take a moment if you have
6 questions right now for either myself or the
7 Consultant regarding the CEQUA process, we can do
8 that now as well.

9 Guardarrama: Does anyone have any questions regarding the CEQUA
10 process? No?

11 Noel: Okay. So the project, the Architect's firm Pew &
12 Scarpa has designed the project for the site at
13 1342 and 1346 Hayworth that is four stories in
14 height and contains 16 units. Of these units, 12
15 units are two-bedroom and four are one-bedroom.
16 There are 36 parking spaces required, I mean
17 provided on the plan, there are 34, I believe,
18 required. Of these 26 are in tandem configuration
19 and 10 are side by side. The project meets or
20 exceeds all of the Zoning Ordinance requirements
21 for a multi-family residence (INAUDIBLE)
22 developments including open space requirements,
23 permeable surface requirement, height and setback
24 requirements as well as density. The project does

1 not include any rooftop open spaces. The average
2 size of the two-bedroom units in the proposed
3 complex is 1,690 square feet. The average size for
4 one-bedroom units in the complex is 1,388 square
5 feet. And I'll now give it over to John Chase to
6 give you the Design report.

7 Chase:

8 Sorry about that Jennifer. Just so eager to give
9 that report that I just yanked the microphone away
10 from you. Sorry about that. This project, this
11 project is composed of a series of bands of windows
12 and screens placed next to, over and in front of
13 the windows. There's a...it's set back...try not to
14 make the microphone make really spooky noises here.
15 Sorry about that. Is set back above the first
16 story at the front façade. The common open space
17 is at the front and the overall idea of the
18 composition of the building is a series of strong
19 ordering of the window openings, a series of
20 stripes, a series of bands and the idea of the
21 screen is something that is partially transparent,
22 partially cloaks the building that is cut into that
23 acts as another skin. So it's almost at the front
24 like a series of layers. And that is the...that's
the set of architectural ideas that embodies the

1 building.

2 Noel: Thank you. Finally, I'd like to address a few
3 technical changes to the resolution since the
4 packet went out. Very minor. Condition 2.1 and
5 10.3 state...they contain a typo that says eight
6 units. I changed that to 16. As well as the Fire
7 Department provided...background noise...the Fire
8 Department has provided some...had provided their
9 comments and so some of those conditions on the
10 tract map resolution were changed. There were only
11 deletions. Nothing new was added in terms of the
12 Fire Department conditions. And that concludes the
13 report. Are there any questions?

14 Guardarrama: Does anyone have any questions for Jennifer? No?
15 All right, let's open up the public testimony
16 portion of the public hearing. We'll hear from the
17 Applicant, who will have 10 minutes to make his or
18 her presentation including the Applicant's
19 consultant and any of the representatives,
20 architects and so on. Our first speaker is going
21 to be Todd Elliott, but first let's do disclosures.
22 Donald, do you have anything?

23 DeLuccio: I did. I met with Todd today and I met with
24 Heavenly Wilson last Saturday on the site.

1 D'Amico: And I also met with Ms. Wilson on the site for...to
2 review the configuration of the buildings and the
3 property itself and met with Mr. Elliott on Monday
4 evening as well.

5 Guardarrama: John?

6 Altschul: I met with Mrs. Wilson and I've had several
7 incidental discussions with Mr. Elliott and several
8 incidental discussions with Mrs. Allison.

9 Guardarrama: Marc Yeber?

10 Yeber: Yes, I too met with Ms. Wilson at the site and I
11 also met with Mr. Elliott and also this did come
12 before my...the Commission, Historic Preservation
13 Commission just for comments on the draft EIR.

14 Hamaker: Yes, I met with Mr. Elliott and I visited the site.
15 No, I did not go into the internal workings of the
16 site, just the outside.

17 Guardarrama: Kate?

18 Bartolo: I spoke very briefly to Mr. Elliott by phone. I
19 met Ms. Wilson at the site and toured the site and
20 spoke at some detail with regard to the project.

21 Guardarrama: I too met with Mrs. Wilson and she provided me with
22 some supplemental materials, which were then
23 circulated to the entire Planning Commission and
24 I'm sure there is a copy of those materials at the

1 back table. I also met with Mr. Elliott and we
2 discussed the merits of the project as well as
3 discussed things that were in the packet. All
4 right, Mr. Elliott?

5 Elliott: Thank you, good evening, my name is Todd Elliott.
6 I'm with the Law Firm Truman & Elliott, and we
7 practice law at 626 Wilshire Boulevard in Los
8 Angeles. I'm very pleased this evening to be here
9 representing Grovewood Properties and to present
10 the proposed project to you at 1342-46 North
11 Hayworth. What I'm first going to do is explain
12 what is sitting in front of you. The renderings to
13 my left, your right, represent the existing
14 conditions of the project and then to my right,
15 your left, represent a rendering of the proposed
16 project and then the proposed project in the
17 existing conditions or I should call it future
18 conditions. There's also the model of the project
19 before you. I'm going to break my comments this
20 evening into two parts. The first intended to
21 supplement the staff's very good report about the
22 project and explain a little bit more about it and
23 then secondly discuss the Environmental Impact
24 Report. Originally, the project was conceived as a

1 Spanish design project, but after a few months, the
2 developer decided to retain Pew & Scarpa and to
3 submit a more modern design. The design challenge
4 that was before Pew & Scarpa was how to site a
5 multi-family project at the foot of the Sunset
6 Strip in between a six-story glass tower, which
7 many of you know is the Director's Guild of America
8 to the north and to the south the six-story Leland
9 Bryant historic structure that is an L-shaped
10 courtyard. And at the same time in creating this
11 project, pay homage to a street that in character
12 is a mix of different styles, is very eclectic and
13 is mainly two and three story buildings. So with
14 that, Pew & Scarpa came forward with what I term,
15 not theirs, a modernist, deconstructivist, almost
16 tree house style design. The proposed project
17 is...actually consists of two buildings separated by
18 walkways. The front building appears more as a one
19 to four family, single family dwelling or perhaps
20 two-story dwelling based upon its articulation.
21 The lower portion actually has a private patio for
22 the lower two units and the upper portion, which is
23 actually three stories in height, appears because
24 of a bay window to exist as one structure above a

1 datum line. The entire project is built on a
2 podium above subterranean parking. The bay window
3 unifies the front along with the intended screens,
4 which give the impression of a smaller project as a
5 reveal to what comes behind it, which is 12
6 additional units. The 12 units in the rear are
7 connected by both a...by two walkways and exposed
8 stairways and the staircases act in my mind like
9 tree branches connecting the two buildings. They
10 also explain the relationship of the people who
11 will be houses in the building to the pedestrian
12 street in front of it. Each part of the building,
13 as John Chase has explained, is subtly articulated
14 and in particular the units to the rear have open
15 space patios that face to the north to take
16 advantage of northern lights. The metal scrim in
17 the front utilizes what I call a light play, subtly
18 explaining the building behind it. The most
19 unusual feature of the building are the different
20 uses of common open space, which is described in
21 the staff report. The front...I'm sorry, private
22 open space, which is described in the staff report.
23 At the front of the building are two private open
24 spaces in a patio fashion acting almost like a

1 veranda. There's additionally two double story
2 balconies acting as private open space to two of
3 the units in the front and then as I previously
4 described, each of the units in the back has its
5 own private open space. Finally, in addition,
6 there's a semi private common space at the rear of
7 the building. The project does meet, we believe,
8 all of the intent of the Codes of the Zoning Code
9 and comply with the General Plan. There is the
10 required number of parking spaces for each unit.
11 One and a half or two in this case for a one-
12 bedroom unit and two for a two-bedroom unit and in
13 addition there are four guest parking spaces. A
14 bit about the EIR, everyone should know that this
15 building was originally on the list of the city's
16 1987 Historic Inventory list, but was at that time
17 passed over and was determined not to be eligible
18 as a local cultural resource. Subsequently, the
19 Applicant applied to build a building and the City
20 Staff undertook a historic review of the property.
21 The first report came back indicating that this was
22 not a local historic resource eligible building,
23 but might be potentially eligible at the State
24 level. A second resource report was undertaken,

1 which indicated that the property was eligible
2 neither at the local level nor the State level and
3 of course not at the National level. As a result
4 of the differing views of the experts, the staff
5 recommended that an EIR be prepared and an EIR may
6 be used under CEQUA to determine whether or not a
7 building or a site is indeed historic as defined by
8 CEQUA. The point of the EIR is to harmonize the
9 different points of view and to determine or fare
10 it out based on the individual reports below, what
11 is the status of the building. And as you know,
12 the EIR does determine that the proposed project
13 does not impact historic resources because the
14 existing building at the site is not a historic
15 structure. The job of the Planning Commission this
16 evening is to weigh the evidence that is presented
17 before you, both in testimony and of course in the
18 EIR and determine based upon that evidence whether
19 or not the EIR should be certified. I'd like to
20 remind you that evidence should be evidence that is
21 substantial. That means based in fact. We
22 anticipate the commentary here this evening will be
23 rather emotional, that there'll be a lot of pleas
24 of why this building should be saved, but we...and

1 we're not insensitive to the fact that six units
2 will be demolished, but 16 units will be built. I
3 ask of the Planning Commission simply that you
4 weigh the credibility of each piece of evidence
5 presented, who presents it and what substantial
6 evidence it contains. In summary, we would ask
7 that the Planning Commission certify the EIR before
8 you and likewise approve this project on its
9 merits. We also submitted today a letter, which is
10 not in your packet but which has been presented to
11 you, and a copy is available at the back table
12 summarizing our understanding of the EIR and also
13 asking that certain conditions be changed, which
14 staff has indicated have been changed. The only
15 one that still remains open that we'd like to point
16 out and we discussed a bit with the City Attorney
17 is that the fee schedule should be based upon the
18 fee schedule at the time that the tentative tract
19 map was deemed complete. Pew & Scarpa are here to
20 answer any questions you have about the design.
21 Our Historic Consultant Kaplan, Chin, Kaplan, David
22 Kaplan is here to answer any questions that you
23 might have about their report. And I of course
24 will answer any other questions about the project.

1 Thank you very much.

2 Guardarrama: Does anyone have any questions for the Applicant?
3 No? Okay. Let's hear from the public then. There
4 are a number of speaker slips, nearly 30 so far, so
5 we're going to limit the public testimony portion
6 of the public comment to two minutes per speaker.
7 Our first speaker is Christina Schuch.

8 Schuch: Good evening. I've lived on this street for 30
9 years and I go up in Palos Verdes Estates and I
10 used to think it was really fascistic that they
11 have an Art Committee. That's when I was younger.
12 And then I saw the wisdom of that because it kind
13 of kept a continuity of the neighborhood. This is
14 Palos Verdes Estates, not Palos Verdes Peninsula.
15 And I just feel that there are so few pockets and
16 so few streets to really represent old Hollywood.
17 I mean, like really historic old Hollywood. I
18 don't know if you're aware on this street that
19 Scott Fitzgerald died on this street in Sheila
20 Graham's apartment. The building across the
21 street, Bugsy Siegel had a whore house in the 40's.
22 Yeah, there's a really ugly glass building at the
23 top of the street, but that's Los Angeles. That's
24 not West Hollywood. And there's a very nice

1 building at the bottom of the street that's very
2 tall, but the rest of the street is pretty
3 copacetic. I mean, it has a certain tone and I
4 would invite you to go and look at the houses, or
5 the streets below Melrose and see how Nilly Willy
6 the architecture is there and I'm sure in the 60's,
7 those were great buildings when they put them up.
8 I mean, I bet they just thought they were the cat's
9 ass. But this building...I mean and it's not even
10 just the building, the trees alone warrant, if not
11 keeping the building itself, at least redesigning.
12 I mean, the design that they've come up with and
13 with all due respect to the former gentleman that
14 spoke, he's an attorney. It's his job to make you
15 want to build this. But as a resident of the
16 street, you know, we're very construction weary
17 from the building that's going up on Sunset. I
18 will also tell you that in times of construction,
19 vandalism goes up just off the chart. But more
20 than that, people from all over the world come to
21 drive these little streets and remember that, you
22 know, this happened here, I mean if you look at
23 movies that are made. David Lynch made...I know, I'm
24 going to rap it up, David Lynch made a movie on....

1 Guardarrama: All right, just finish your thought 'cause
2 everyone's going to get the same amount of time.

3 Schuch: David Lynch made a movie Mulholland Drive and he
4 showed streets just like that and this street is
5 really unique.

6 Guardarrama: Okay, thank you.

7 Schuch: Okay, thank you.

8 Guardarrama: And just for the record, could you state your name
9 and your city of residence?

10 Schuch: Christina Schuch, I live in West Hollywood and have
11 for 31 years.

12 Guardarrama: Thank you. Our next speaker is Thomas Fuchs to be
13 followed by Anna Ommanney.

14 Fuchs: Tom Fuchs, a city...a resident of West Hollywood for
15 40 years, 30 of them on this street. We're getting
16 clobbered on Hayworth. At the end of the block,
17 the 7950 project, I'm glad it's finally
18 acknowledged in the final EIR report, which says it
19 will have some effect on traffic on our street.
20 Indeed, it will. The only driveway into that
21 project is on Hayworth a few feet from the city
22 line. The developer estimates 2,000 trips a day
23 for 183 retail units...I'm sorry, 183 apartments and
24 retail. Now, Mr. Debelko's project is small

1 compared to that. I think his numbers are a little
2 low, but still, it's small, but we're at the
3 breaking point, right at the tipping point with
4 traffic and parking. We're getting killed. You
5 can't do anything about 7950. You can do something
6 about this project. Please, we cannot have...we're
7 running beyond capacity. We have people double
8 parking all the time. We have terrible problems on
9 that street. Please give us some help. The other
10 point is a little more positive. The preceding
11 speaker, who I never met before, made very much the
12 same point. There's something, there's a patina
13 that builds up with time. The layers that make
14 fine furniture really valuable or certain metals,
15 and when you walk through these streets, you see
16 that patina. The different buildings that have
17 gone up, you may not even be consciously aware of
18 it. The foliage, which has literally taken
19 generations to develop, once you get rid of that,
20 if you scrape that away, you destroy the value.
21 Our neighborhoods have value. You're going to get
22 some specific testimony I'm sure about the specific
23 historical value and architectural value at 1342,
24 and I ask you to please consider the overall effect

1 in the overall neighborhood. Thank you very much.

2 Guardarrama: Thank you. Anna Ommanney and I'm sorry if I
3 mispronounced your last name, to be followed by
4 Michael Poles.

5 Ommanney: Hi, thank you for letting me speak. My name is
6 Anna Ommanney and I live on Hayworth, West
7 Hollywood. I'm really going to...no, I don't feel
8 emotional and I am a citizen and not a lawyer, so
9 that's kind of my fault I guess. But the building
10 that is being destroyed is a spectacular building
11 and the fact that it just fits in, has history and
12 some of the residents have been there a very long
13 time. And I'm very concerned with what happens
14 with the displacement of all the people once these
15 buildings come because they cannot afford to live
16 in our neighborhood anymore. They're gone. And
17 it's unfortunate that we don't have a bunch of
18 people that are from different ethnic backgrounds
19 and different economic, you know, situations. It's
20 just ruining it and this building, I mean, I hadn't
21 seen the building before, but there is something in
22 England that they do. They built council estates
23 for poor people that look like that and they've
24 proven that the people go nuts. I mean, it's metal

1 mesh. It looks like the County like jail. It's...I
2 don't see how it's going to age. I don't see how
3 the new people are going to paint the mesh or if
4 it's going to rust. I just don't...not only just the
5 historical building, that's what I'm most concerned
6 about, but this is even worse. So I mean, I just...I
7 love my street. I live in one of the older 1920's
8 bungalows that I dreamt of when I was a kid. I
9 actually walked down Hayworth as a 16-year-old and
10 said, "I want to live there," and I do. But I
11 won't be able to afford to live even on the street
12 and I wouldn't live in that box. So thanks.

13 Guardarrama: Thank you. Michael Poles to be followed by Allegra
14 Allison.

15 Poles: Good evening Commissioners. I'm Michael Poles,
16 resident of West Hollywood. Mr. Elliott argued
17 eloquently in favor of this development as if he
18 was arguing to a court. Well, folks, you are
19 tribunal and I hope that the standard is not the
20 preponderance of evidence, but the...beyond a
21 reasonable doubt. What I'm asking you to look at
22 is beyond the reasonable doubt of saving a little
23 piece of history. This building was built in 1924.
24 Once it's gone, it's gone. You have mature trees.

1 We're losing the greenbelt in this city. We're
2 losing the greenery. It may not be a cash
3 generator, but it is a piece of history. It may
4 not be designated as a historical property by
5 various committees, but it is a piece of history.
6 And we take away it piece by piece as this City is
7 losing brick by brick. History is waning and if
8 you want buildings such as this to be in this...on
9 this property, then I'm sure you'll vote for this.
10 I like that architecture much better than the
11 previous project that was up on the screen.
12 However, that would make a wonderful office
13 building on Wilshire Boulevard, not in this
14 neighborhood. It doesn't fit. I think you all
15 need to examine what it is that you want this
16 neighborhood, this community to look like in three
17 to five years. The way we're heading right now,
18 we're running out of infrastructure. Can we
19 support all these condominiums? Who can afford to
20 buy them? At one point, whatever million they're
21 going to be for starters. So are we going to have
22 residents that own property that live in those
23 properties or are we going to be having consortiums
24 and foreign investors investing in condominiums

1 only to bring in renters? Again, I want to ask you
2 to think about what you want this community to look
3 like in three to five years because the way it's
4 heading, I don't think I want to be here. Thank
5 you.

6 Guardarrama: Thank you. Allegra Allison to be followed by
7 Heavenly Wilson.

8 Allison: Mrs. Allison, West Hollywood. You know, it's even
9 hard to talk about this and to look at the way it's
10 been presented, which is much of my problem with
11 the EIR. You know, as they have the one shot of
12 the trees from across the street and you can't see
13 what's there, there are people who walk up and down
14 through this neighborhood. This is about the
15 people in our neighborhood. We want to be a
16 walking town and yet they take a shot from across
17 the street where everything's hidden, which is much
18 like the EIR. And the EIR has a tone to it that
19 dismisses every single resident's comments,
20 dismisses the Historic Commission's comments, and
21 it's, you know, it's sickening at some point. It
22 just becomes disgusting because it is completely
23 for the developer. The developer is not going to
24 get the return he wants to get and that's what this

1 is all about. At a neighborhood meeting, he was
2 asked if he would go down to three stories, he
3 said, "No, that wouldn't be financially feasible."
4 That's what the alternatives say. They wouldn't be
5 financially feasible. The one alternative which we
6 would all go for would be the condo conversion.
7 That is something that City Council would, or you
8 people would have to get an exception to the
9 current policy because there is no such exception.
10 This is something that would preserve the property.
11 He would get some return. He would get a few
12 million dollars. The poor developer, he's not
13 going to get 17 million. And, you know, it's the
14 neighborhoods, it's the City, it's the people, it's
15 the historic property. It, you know, it's been
16 said that the Conservancy and the National Trust
17 are, you know, merely advocacy groups, but they
18 don't advocate for properties they don't believe
19 are eligible and that's the one thing. They
20 advocate for properties that they believe are
21 important and that should be saved. So you can
22 hire people to say anything and as Mr. Elliott
23 said, listen to who's speaking and see if they have
24 a financial interest or if they're a part of a

1 rent-a-crowd. Thank you very much.

2 Guardarrama: Thank you Ms. Allison. Our next speaker is
3 Heavenly Wilson to be followed by Marlon Ross.

4 Wilson: Good evening, Heavenly Wilson, resident of West
5 Hollywood. This EIR is a flawed, manipulated
6 document. It has fundamental errors of judgment
7 and misreadings of the administrative record. The
8 first error of judgment and the more...one that goes
9 to the heart of it is in stating that the weight of
10 opinion is against the historic significance of
11 this property. The weight of opinion is dependent
12 on those three consultant reports and they've got
13 two against one, but there is a whole body of
14 opinion from three distinguished experts, seven
15 Historic Preservation Commissioners and a whole
16 body of our residents that have come in and have
17 written in and called, and that speaks very
18 eloquently, very in great detail about the historic
19 significance of this property. There...this...now,
20 James Tice who is a renowned international expert
21 has written three letters and in it, in the second
22 one, he examines in great detail all three historic
23 consultant reports and he comes down in favor of
24 the historic significance of this property, a study

1 that was done according to the standards of the
2 Society of Architectural Historians. What more do
3 you need to settle this issue of historic
4 significance? I'm commenced the nomination
5 procedures for the California Register and the
6 National Register so that we can finally have a
7 definitive decision from the bodies that are
8 appointed by the State and the United States to
9 decide this issue. Now there are other errors
10 made, significant errors. For instance, the
11 Fountain Corridor Apartment Grouping is said to
12 have been considered inappropriate for the cultural
13 resource. That's wrong. You have papers there
14 that show you that. That the, that the building
15 was found to be ineligible for designation, that is
16 not true. You have papers there that show you why.

17 D'Amico: Excuse me, Chair, can we allow...

18 Guardarrama: I'm not stopping her.

19 D'Amico: Oh, okay, thank you.

20 Wilson: Okay. Now, I can't...I don't have time to go through
21 all those papers, but you have them there. There
22 is...the study of cumulative impacts is very, very
23 deficient. It only takes into account two
24 buildings one mile away, but in a response to

1 Michael Buehler of the Los Angeles Conservancy,
2 they provided hidden away in the FI...FEIR a chart,
3 which shows that in fact there are 40 buildings
4 from the early to mid 20th Century that are going
5 through the process requesting demolition and eight
6 of those at least have a potential for an apartment
7 district grouping. I went and made my own map of
8 the 10 blocks to the east and west of this building
9 and I found 19 buildings that we have either lost
10 or are in the process of losing that come from that
11 same period. This is what Tom is describing as the
12 patina that we are losing by losing buildings like
13 Valentino Court. This is one of the most beautiful
14 buildings in the City. What kind of City do we
15 want? This is another important question. The EIR
16 can't answer it for us, but it was answered when we
17 created this City. We voted for a City because we
18 wanted buildings like this to be preserved. We
19 wanted our neighborhoods to remain with that
20 atmosphere and that character that recalls old
21 Hollywood. This is what brings people from all
22 over the world to our City. History is bankable.
23 It's what accounts for our hotel and restaurant
24 taxes and Sunday the Los Angeles Times published

1 two pages of an article describing how..

2 Hamaker: Excuse me, Mr. Chair, this doesn't seem fair.

3 Wilson: ...history and historic preservation...

4 Hamaker: Excuse me. I'm sorry, this does not seem fair.

5 Wilson: ...has improved the value of buildings and homes.

6 Hamaker: Why should she have more time (TALKING OVER)?

7 Guardarrama: Barbara?

8 Wilson: That is very...

9 Guardarrama: Could you hold on just one second?

10 Wilson: That is very relevant.

11 Guardarrama: Just....

12 Wilson: I'm, I'm finished.

13 Guardarrama: Okay.

14 Wilson: (TALKING OVER) now.

15 Guardarrama: Barbara?

16 Wilson: So, so this is up to you. You can still make a
17 decision, a finding that this is a historic
18 (TALKING OVER).

19 Guardarrama: Okay, Bar, Bar, Barbara?

20 Hamaker: I think you should give everyone else five minutes.

21 Guardarrama: Barbara? This woman... Barbara. I'm sorry.
22 Everyone has two minutes. Commissioner D'Amico
23 wanted to have her finish her statement. I wanted
24 to hear it. This woman has lived in a unit at this

1 place since the 80's. She deserves a little bit
2 more than two minutes.

3 Altschul: I have a question.

4 Wilson: Yes.

5 Altschul: Having been involved in this project, this
6 nightmare, whatever, whatever it is to you on a
7 daily or weekly or monthly basis, what was the
8 reason that you waited until just this moment or
9 this month to file the request with the National
10 Registry?

11 Wilson: I never imagined that after all the expert opinion
12 we submitted that the City would turn it down and
13 would decide still...

14 Altschul: Okay, thank you, that answered the question.

15 Wilson: ...after all these (INAUDIBLE).

16 Altschul: That answered the question.

17 Guardarrama: Our next speaker, our next speaker is Marlon Ross
18 to be followed by George Credle. And Marlon Ross?
19 Not here. Okay, George Credle to be followed by
20 Barbara Robertson.

21 Credle: George Credle, City of West Hollywood. I think
22 this EIR is greatly deficient. I'm really upset by
23 the tone. It would seem that all of the
24 objections, all of the evidence has been brought up

1 and just batted down one at a time. It seems the
2 shape of this EIR is only pointed in the direction
3 of favoring this particular project, this
4 particular alternative. I think the arguments end
5 up being somewhat circular in fact because it all
6 gets back to San Buenaventura as being the peer
7 review and the peer review I find and I will quote
8 a comment from one of the Historic Preservation
9 Commissioners is a bit thin to say the least. I
10 also find some of the comments about James Tice
11 just personally kind of snarky. And we realized
12 that even among experts, there can be disagreements
13 and that's legitimate and it helps us make a
14 decision, so it's good that there's more than one
15 point of view, but I do agree that there's
16 considerable evidence outside just the specific
17 professional reviews that the pro...that the proposed
18 project went through that should be considered. I
19 think also we need to keep in mind that we're sort
20 of operating at a void here. We have had no update
21 of the Historic Resources Survey. It was stated
22 that this project was not put...nominated rather as
23 an individual resource. That's because it was
24 never able to be brought up as one before the HPC.

1 So it could not have been considered. I think that
2 this building represents the kind of block that
3 we've been getting. In spite of screens, in spite
4 of window articulation, it is another block and
5 really, just really denigrates the character of the
6 neighborhood. I think tandem parking is an
7 illusion of parking. I don't think it's parking at
8 all. I think on this street a tipping point has
9 been reached. This should not be...this EIR should
10 not be accepted, this project should not go ahead.

11 Guardarrama: Thank you Mr. Credle. Our next speaker is Barbara
12 Robertson to be followed by Daniel Watson.

13 Robertson: Good evening, Barbara Robertson, resident of West
14 Hollywood. In the end, it doesn't matter if people
15 die of heart attacks, become severely clinically
16 depressed or die by the stress of losing their
17 homes by eviction. It doesn't matter if it's a
18 loss of community, loss of friends or a financial
19 loss. It doesn't matter how many old growth trees
20 are cut down to be replaced by a palm tree or two.
21 It doesn't matter if a building is deemed
22 historical or possibly historical. It doesn't
23 matter whether the infrastructure can support a
24 thousand fold increase in population. It doesn't

1 matter how much time a community comes together to
2 unite for a cause they deem historical, valuable,
3 intrinsic to the community, the City of West
4 Hollywood. It doesn't matter how much time you
5 spend on projects, whether you believe in their
6 value or not, to justify their existence or not.
7 It doesn't matter if the City of West Hollywood
8 follows the letter of the law, i.e., Tara. It
9 matters how you interpret the law because what
10 matters is what City Council wants, not what we
11 want and what City Council wants is money, money
12 from outside developers and new taxpaying condo
13 owners. After all, our patronizing Mayor knows
14 what's best for you and me. And that what's best
15 is money. Renters are the newest on the list of
16 endangered species in this City.

17 Guardarrama: Thank you Ms. Robertson. Daniel Watson to be
18 followed by Philippe Mora.

19 Watson: Hi, Daniel Watson, the City of West Hollywood.
20 I've been coming before this Board for four years
21 now, after moving here from New York and you guys
22 haven't done anything to plan for a community that
23 people want to live in. I'm really upset by that
24 and this is just another project that proves that.

1 There is 45 mature trees on this property and
2 obviously California needs to look into CEQUA.
3 Maybe they don't know about global warming, but
4 you're talking about environmental impact report,
5 the EIR says that they're taking away five mature
6 trees. There's 45 mature trees. There's 27
7 Italian cypresses, two Italian cypresses, three
8 mature ficuses, six box ficuses, two palm trees,
9 one deodar cedar tree, one fig tree, one yucca
10 tree, one small pine and one redwood. There's one
11 deodar cedar that's 75 feet high. If you're going
12 to do something for the environment, if you're
13 going to do something for the people of West
14 Hollywood, leave the trees. Stop building these
15 projects. Thank you.

16 Guardarrama: Thank you. Philippe Mora to be followed by Mariana
17 Weber.

18 Mora: Good evening, my name is Philippe Mora. I've been
19 a 27-year residence of West Hollywood. I'm here to
20 speak against the staff recommendation and against
21 that EIR, which I understand stands for early
22 investment return. But many people are concerns at
23 the recent overdevelopment of West Hollywood. It's
24 not even a debate anymore. I mean, the mediocrity

1 of buildings is just unbelievable and, you know,
2 with respect to the people who did this, I mean
3 this is another mediocre building here. These
4 destruction of buildings, these demolitions are
5 destroying WEHO and I, you know, second all the
6 people who felt that. You just walk down the
7 street and look around at these buildings going on.
8 I mean, I urge you to. I'm sure you do, it's part
9 of your job, but I urge you to walk around a bit
10 more. I mean, every turn on every corner, there's
11 a box there, a new box, usually with very cheap
12 materials. I don't know what that material is.
13 It's got little bits and pieces in it of chipped
14 wood or something. I'd like to know how much that
15 costs. I read the EIR, this latest one. I mean,
16 to me it was basically voodoo. I'll be quick, but
17 I think it was kind of Mr. Elliott to tell you guys
18 what your job is, glad he cleared that up. He also
19 mentioned that this building is modernist. Well,
20 this is laughable. Anyone can look up modernist,
21 you know, in a architectural dictionary. I think
22 that's, that's about it. Thank you very much for
23 the time and please don't let this thing go
24 through. Please, you know, go to heaven, not to

1 hell. Thank you.

2 Guardarrama: Mariana Weber to be followed by Maya Khakhanashul.

3 Weber: Hi, Mariana Weber, 1244 North Larabee of West
4 Hollywood. I'm speaking for people my age and
5 honestly like who wants to live in a building
6 surrounded by cockroaches, because I definitely
7 don't want my kids growing up in that. So I am all
8 up for this construction and I resent the comment
9 that you made by the way, and honestly, there's
10 just...I mean, times are changing. A future is
11 coming regardless whether we want it or not. So I
12 mean, it's going to happen. What part of the
13 design center screams history to you? None.
14 That's all I have to say.

15 Guardarrama: Thank you. Maya Khakhanashul to be followed by
16 Anastasia Lebedeva.

17 Bartolo: Chair, can I ask a question please?

18 Khakhanashul: All right, my name is Maya, I live in West
19 Hollywood for the past 13 years on 1015 North
20 Edinburgh. Well, I just moved in there a couple
21 years ago. Let's face it, West Hollywood buildings
22 are getting old, especially many of the condo and
23 apartment buildings in West Hollywood. They are
24 dated, although some people do disagree that it's

1 historical, whatever. It's still modern structures
2 are coming in and we should look at the 21st
3 Century instead of way long ago. This proposed
4 plan here today fits the bill, according to me, and
5 it's designed by one of the best architects and
6 fits the current environment and neighborhood. It
7 expresses the relation between nature, our city and
8 the people who live here. The proposed project is
9 not oversized nor does it stick out from any rest
10 of the buildings, except the fact that it's a
11 little bit nicer. It is not much taller and the
12 apartment building around it and incorporates the
13 concept of neighborhood living. As far as for me,
14 I'm speaking for myself, I prefer living in a nice
15 new building rather than an old one where
16 everything breaks down and you have to call the
17 manager every five minutes. That's my opinion when
18 I drive by the streets. I prefer to live in one of
19 the newer buildings than the older. Thank you.

20 Altschul: Excuse me? Excuse me, ma'am? You live on
21 Edinburgh?

22 Khakhanashul: Uh-huh (AFFIRMATIVE).

23 Altschul: Is that in West Hollywood where you live or Los
24 Angeles?

1 Khakhanashul: West Hollywood.

2 Altschul: Oh, okay, thank you.

3 Khakhanashul: Uh-huh (AFFIRMATIVE).

4 Guardarrama: All right, our next speaker is Anastasia Lebedeva
5 or Ledeb...sorry about your last name.

6 Lebedeva: That's okay. No worry.

7 Guardarrama: And then to be followed by Marie Mangine.

8 Lebedeva: Yes, my name is Anastasia Lebedeva and I live on
9 1419 North Poinsettia Place, which is the last
10 street where Los Angeles ends and West Hollywood
11 begins. I've lived my whole life on this street
12 and I do know and have seen the building in
13 question and it is undoubtedly a very beautiful
14 building. However, there is one problem that has
15 not been addressed, which is housing. Housing is a
16 really big issue right now in West Hollywood and
17 more than that, housing that can be provided for
18 all types of people is very important. Often
19 times, developers look to put up flashy buildings
20 that are affordable, but only affordable to the
21 wealthy people like them. This project I feel is
22 different. The proposed project is a very
23 beautiful house and it is the type of housing that
24 I would want in West Hollywood and I think most

1 people would want in West Hollywood. It allows for
2 the intermixing of diverse people all within one
3 spectacular building. This diversity is what makes
4 West Hollywood one of the most desirable places to
5 live in California. I've lived in the City for a
6 long time and I've watched this City grow and
7 expand. One of the consequences of growing and
8 becoming more wealthy is that it tends to force out
9 the middle and working class. By allowing new
10 buildings and buildings that solve the housing
11 crunch, while also preventing the dwindling of the
12 middle and working class, the type of...is the type
13 of innovative thinking that makes West Hollywood
14 great. I support the proposed building at 1342
15 North Hayworth Avenue because I believe it solves
16 the problems that West Hollywood is going to
17 tackle. Thank you.

18 Guardarrama: Thank you. Marie to be followed by Virginia
19 Gillick and if the audience could refrain from
20 making comments about the speakers, thank you.

21 Mangine: Good evening, Marie Mangine, City of West
22 Hollywood. I've been a resident of West Hollywood
23 for over 18 years now and it just seems to be a
24 repeat performance. Gorgeous, incredible

1 structures are being torn down for boxes, for lack
2 of a better word, and it's interesting to know that
3 most of the development that is presented in front
4 of you, somehow, somewhere along the line, Mr.
5 Elliott is involved with. I want to talk about the
6 EIR. I had a chance to briefly look at it and
7 there are a couple of things that I found very
8 interesting. One of the points that the EIR made
9 was that the City is entirely developed, almost
10 that is, so why do we need more of this if the City
11 is almost entirely developed? The other thing it
12 talks about is that the...it is the objective to add
13 market rate condos. Whose objective is that? Is
14 that the developer's, the City's, the residents?
15 It also notes that the alternatives would not
16 achieve objectives of providing economically
17 feasible development. How is this project
18 economically feasible to the residents and the City
19 of West Hollywood? These are luxury townhomes that
20 are going to go for millions and millions of
21 dollars. How many of the residents of this City
22 would be able to afford this? The other issue that
23 I saw briefly is that there are going to be, and
24 correct me if I'm wrong on this, 36 parking spaces.

1 We heard people here talk about how congested the
2 street is. People are double parking, triple
3 parking. It's my understanding that 32 of these
4 parking spots will be tandem. People don't use
5 tandem parking. That leaves four guest spots for
6 16 units. Are any of those for handicapped?
7 Tandem parking traditionally does not meet the ADA
8 requirements with respect to handicap parking. I
9 mean, I didn't have a chance to look at the entire
10 ERA. The other thing is, this model shows a huge
11 setback, yet the rendering doesn't. So I think
12 that this is all skewed here. Thank you.

13 Guardarrama: Thank you very much. Virginia Gillick to be
14 followed by Drew Brilabis.

15 Gillick: Virginia Gillick, West Hollywood and I'm a resident
16 of Hayworth Avenue. I live two buildings up north
17 of this building and, you know, I didn't read the
18 EIR and I'm, you know, not that articulate, but
19 that neighborhood is all ready really crowded and
20 often times I have to wait like two or three
21 minutes to get out of my driveway, you know,
22 because the cars are just all lined up all the time
23 and, and when the dense building, which I know has
24 nothing to do with you guys, at the corner opens,

1 we're going to be really in trouble. And I was
2 also wondering if the EIR is taking into
3 consideration the fact that the next building,
4 1350, is also supposed to be turned into condos and
5 the model for that building also takes up every
6 inch of the property. So we have so much to lose
7 in that neighborhood, you know. I mean, it's just
8 going to be West L.A., not West Hollywood. So
9 that's all I have to say. Thanks.

10 Guardarrama: All right, Drew Brilabis to be followed by Brian
11 Kamenetzky. Drew? Okay, Brian Kamenetzky to be
12 followed by Susan Canjura.

13 Kamenetzky: Hi, I'm Brian Kamenetzky, a resident of West
14 Hollywood. Having a chance to review the EIR,
15 there were some...a few things that bothered me, but
16 primarily sort of I guess circular logic that
17 involves one of the criteria that the Historic
18 Resource Preservation Guidelines seem to present.
19 Namely that the property can be deemed historically
20 valuable if it is one of the last remaining
21 examples of that particular type of architecture in
22 the City. Of the three reports, of the two initial
23 reports in the EIR, the first, the Jones & Stokes
24 report found that the property did in fact meet

1 that criteria, that there weren't other properties
2 in the surrounding neighborhood of a similar type.
3 The next report, this Kaplan, Chen, Kaplan report,
4 I believe it is, simply didn't address the point in
5 the EIR and the following, the peer review, also
6 didn't. They focused on whether or not it was
7 built by a significant architect, whether it was,
8 you know...and issues like that and didn't actually
9 get into the question of whether or not other
10 build...there would be other examples of that
11 building within the surrounding neighborhood. And
12 to me, been having a chance to review some of the
13 other materials, it seems that a lot of the logic
14 goes back to, well, the EIR only focuses on this
15 building, that building and doesn't take into
16 consideration the surrounding area, which obviously
17 to me doesn't make much sense. You can't decide
18 whether or not something is part of, you know, in
19 the larger context of a neighborhood and the City
20 at large without looking at the whole City and
21 until you understand how many buildings of this
22 sort are...still exist are slated to be demolished or
23 whatever it is, I don't understand how you can have
24 that criteria as a guideline and not be able to...and

1 be able to follow it without understanding the
2 larger context.

3 Guardarrama: Thank you. Susan Canjura to be followed by James
4 Noll.

5 Canjura: Okay, Susan Canjura, resident of West Hollywood for
6 18 years. This property should be retained because
7 it clearly fits the criteria of...for historical
8 resource as stated in the City of West Hollywood
9 Ordinance as a rare example of a broken L-shape
10 courtyard style building considered a prototype for
11 later courtyard style housing. It embodies
12 distinctive characteristics of a style and that's
13 the definition for cultural resource designation.
14 In response to my assertion of this in the final
15 EIR on page 54, the author stated, and I quote, "If
16 evidence can be supplied to support the assertion
17 that the project site is one of the few remaining
18 examples of its type or style in the City, then
19 this may constitute new evidence to consider in the
20 EIR with respect to eligibility under the City's
21 Cultural Heritage Preservation Program." The
22 report then lists several nearby buildings, and
23 there are pictures of them in the EIR that are
24 courtyards, but they are not broken L-shaped

1 courtyards as is 1342-1346 North Hayworth. So they
2 are not the same type of building. So the EIR does
3 in fact state that if there is evidence to that,
4 and the evidence should be found that there is no
5 other building of that type, and that is not in the
6 EIR. So therefore, if it is distinctive, this
7 building, and tearing it down will remove any trace
8 of a distinctive prototype courtyard built in 1924,
9 the 1987 survey was never intended to be complete.
10 It was not a definitive survey of all the buildings
11 in West Hollywood. It was a drive-by survey where
12 they drove by to find which ones could be deemed
13 historical. So the fact that it was passed over at
14 that time means absolutely nothing, only that there
15 wasn't time or resources to designate all the
16 buildings at that time. So when the historical
17 survey is complete, then we may know whether this
18 building is in fact the only one of its type. So I
19 urge you not to tear it down. We don't even know
20 if it in fact is the only one of its type. Thank
21 you.

22 Guardarrama: Thank you. James Noll to be followed by Jonathan
23 Godfrey.

24 Noll: Hi, good evening. James Noll, City of West

1 Hollywood. Good evening Commissioners. I beg you
2 please to not tear down this beautiful property at
3 1342-1346 North Hayworth. I tend to think about
4 these proceedings that have occurred in the last
5 couple of years with all the new properties that
6 have been designated and built or are being built
7 right now, that whenever staff recommends, staff
8 puts it in writing with EIRs, etc., it comes before
9 the City and the Planning Commission, the Council,
10 etc., and they always approve. Staff says this,
11 let's go with it. Staff says that, let's go with
12 it. What if staff said let's jump off the Brooklyn
13 Bridge, you all going to jump? But the thing is,
14 you know, what if staff says let's put a nice boxy
15 building like this in Norma Triangle somewhere, are
16 you all going to say yes, let's do that, let's put
17 it there? You probably won't because Norma
18 triangle is a nice neighborhood, but this
19 neighborhood on Hayworth is just as nice as any
20 property in the City of West Hollywood. Let's keep
21 it this way. Let's make sure it stays. Let's make
22 sure those people that are living there live and
23 enjoy their home. The people that spoke before me,
24 a few people ago, where will those young ladies be

1 five years? Build a box, they want to live in it.
2 Two or three years later, bingo, they're gone.
3 They're somewhere else. Sure, they enjoyed it, but
4 they ruined a neighborhood to put this box there,
5 and now they're somewhere else. But you guys can
6 say, let's keep this property the way it is, let's
7 save it. Thank you.

8 Guardarrama: Thank you. Jonathan Godfrey to be followed by Lynn
9 Russell.

10 Godfrey: Good evening, my name is Jonathan Godfrey. I'm a
11 resident of West Hollywood. Been there for eight
12 years and I'm here to represent 13 other
13 individuals that live directly to the east of the
14 building or the back side of the building. And I
15 wanted to talk a little bit about the quality of
16 life and we have a great quality of life. And if
17 you look up there, you see on the property, they
18 want to tear down a lot of trees. You also see
19 right behind it, a lot of trees and we took special
20 care and concern to make sure that no matter what
21 we did, we kept that, and it's really nice. I'm
22 the very back one and there's a tree right there,
23 right against the very end of the property and
24 something tells me that we're going to lose that as

1 well, so it's one more tree of the 45 or so that's
2 in the front. And I came from Manhattan, I've
3 lived there for a long time and I came out here for
4 quality of life because I wanted some green, I
5 wanted a yard, I wanted to see the sky. So for
6 them to come in and tear that down and build
7 something at least another story high and block the
8 view, not only for myself, but for both sides as
9 well, you know, using fancy words, articulation of
10 light and northern light and what does that mean?
11 Who's going to get that, the top floor, one corner
12 condo? It doesn't make sense to me. When I look
13 at the red that's outlining in there and now I see
14 a lot of green, a lot of space, and I can see in
15 the back there's a huge amount of space where
16 there's a carport and stuff like that. There's
17 just room. When I look at it now and I envision
18 the building in there, it's just going to be a box
19 and it's going to fill to the capacity that they
20 possibly can for economic reasons, financial
21 reasons, to fill that all the way to all perimeters
22 and cut down from six to 16 condos. Please, just
23 think about that and think if you lived in the area
24 how you would feel if you couldn't see the sky

1 anymore. Thank you.

2 Guardarrama: Thank you. Lynn Russell to be followed by Pamela
3 Mora.

4 Russell: Good evening, thank you, Lynn Russell, West
5 Hollywood. Thomas Rinaldi, in a very fine book,
6 Hudson River Valley Ruins, which I just read,
7 forgotten landmarks of an American landscape is
8 very eloquent in speaking of the 21st Century
9 attitude regarding real and potential landmarks.
10 Easy targets for developers interested more in the
11 value of the land than in their cultural value and
12 politicians eager to promote economic development
13 who go along for the ride in some cases, endorsing
14 the demolition, while in the same breath,
15 emphasizing the importance of historic preservation
16 to draw tourists and build pride in their
17 communities. Some developers' opinion and opinion
18 givers label buildings too far gone or not
19 important enough to gain support and to bulldoze
20 them and clear the way for new construction.
21 Though precedence for historic buildings have
22 successfully rehabilitated and adapted are common
23 throughout the nation. Few politicians are willing
24 to stake their reputation on defending buildings

1 for historic merit. To do so is to risk being
2 criticized for obstructing economic growth. The
3 paradox of this situation is illuminated in
4 tonight's decision to approve or reject on this
5 property, which is based on information provided by
6 two hired opinion givers with a tangential interest
7 in the outcome and in contrast, opinions offered by
8 three preservation specialists and scholars without
9 any conflict of interest. The conclusion you're
10 asked to provide tonight should be based on
11 informed judgment with reasonably sound
12 understanding and equal importance impartiality. I
13 ask you to err on the side of caution, deny the EIR
14 at the very least, or ask for a closer examination
15 of the flawed information. Less than this would
16 not be right for the City and pro...which proclaims
17 its guardianship of historic preservation and for
18 the immediate community, many of whom made
19 investments already in the mature in tact community
20 setting on Hayworth and the surrounding Fountain
21 Corridor. Thank you very much.

22 Guardarrama: Thank you Ms. Russell. Pamela Mora to be followed
23 by Mark Geddes.

24 Mora: Good evening, Pamela Mora. I've been a resident of

1 West Hollywood since 1972 and I've resided in a
2 National Historic Trust property since 1979. I
3 have been serving on the Frank Lloyd Wright Board
4 since 1984 in order to keep the Ennis house on the
5 hill in Los Feliz, where...as where...as, well, my
6 husband's filmed many movies. I know a little bit
7 about historic preservation and I do embrace more
8 historic evaluation of these properties in West
9 Hollywood, which seem to be bulldozed on a daily,
10 nightly, weekly, monthly basis. I don't often
11 recognize our neighborhoods when we come back from
12 a location scout. It's important to show the cross
13 section of our beautiful and diverse City, not just
14 the A-listers, but also where the workers on films
15 reside, the people who really hold up the umbrella.
16 This is always demonstrated all over the world
17 whether it'd be the cabin where the slave resided
18 or an outhouse somewhere in Europe. There has been
19 no discrimination used whatsoever in keeping
20 architecture on an even keel and developing in the
21 right...I have no problem with development at all,
22 but there should be a (INAUDIBLE) of discernment,
23 of quality of architecture and design, something we
24 can be proud of and not look back in 20 years and

1 say, "What happened? Who was on watch?" When West
2 Hollywood, which was just designated as one of the
3 12 most historic destinations in the nation, which
4 is a tourist income revenue for this City, is
5 losing its integrity. Where...who's, who's on watch
6 here? The boxes are destroying the neighborhood
7 and the integrity of this fine City and the
8 diversity, and people who have been attracted to
9 West Hollywood, the artists, the creators, they are
10 being pushed out. They were attracted to the City
11 because of its beautiful old architecture and it's
12 a shame. I hope there's reconsideration. Thank
13 you.

14 Guardarrama: Thank you, Mark Geddes, Mark Geddes to be followed
15 by Robyn Peterson.

16 Geddes: Good evening, I'm Mark Geddes. I reside in West
17 Hollywood across from the proposed project and I
18 just want to add my voice in opposition to the
19 project and for the reasons that many people have
20 stated. Hayworth is a special street. You do walk
21 up and down that street. It is a place that you
22 want to live and you want to live there because of
23 the trees that are there. You want to live there
24 because of the historical buildings that are there.

1 And too, for the developer to just place a box
2 there and when you look at the staff report, all
3 the setbacks, everything that they provided is
4 minimum, completely minimum requirements, minimum
5 setbacks and to take away a garden basically and to
6 take away a historical building and really not
7 provide anything that provides any modulation,
8 provides any kind of landscaping is just not right.
9 So... Thank you.

10 Guardarrama: Thank you. Our next speaker is Robyn Peterson.
11 I'd just like to remind everybody to please turn
12 their cell phones on silent or turn them off. It's
13 the second time something's gone off this evening
14 and it's very distracting.

15 Peterson: Hi, my name is Robyn Peterson. I live across the
16 street from this proposed plan in the Shatto
17 Britney, which you see right there. We have a
18 courtyard in the middle, which we work really hard
19 to keep together. We all take an interest in the
20 street. We have a world of dog people on our
21 street that walk their dogs a few times a day and
22 stop and look at Valentino Court. You can see the
23 squirrels running up the trees here. You see a bit
24 of life there. It takes you away from the rest of

1 Los Angeles. This new building, it doesn't
2 really...I mean, you have said that Valentino Court
3 isn't important enough to keep. Is this building
4 important enough for us to build? To take away
5 what we have now, all this precious, precious bit
6 of nature. I help raise money for Heritage Gardens
7 of America. Gardens are mental health. The only
8 time you get out there and you see a bit of nature,
9 we have that on Hayworth. We have a real community
10 there that's been there for a long time. We all
11 work really hard to take care of all of these
12 buildings. Is this building going to add to our
13 street? Is this...does it have the integrity and the
14 patina of all the buildings that have history, that
15 have housed all the artists of West Hollywood? I'm
16 an artist too. I walk out on my street, I see the
17 trees, I see nature, I hear birds. It's a
18 beautiful street. I don't know that the building
19 fits in. Thank you very much.

20 Guardarrama: Thank you, William Neish to be followed by Lee
21 Stern.

22 Neish: My name is William Neish, I'm a resident of West
23 Hollywood. I wish we did have five minutes each.
24 Someone said tonight to really weigh the

1 credibility of the presenters and I seem to
2 remember a time when someone lied to your face
3 about whether a building was going to be apartments
4 or condominiums. So I really would encourage you
5 to weigh the credibility what people present. When
6 we lose a building like this, we're never going to
7 get it back. Is the design here? Does it have
8 open space like that? And it doesn't matter
9 whether you can enter it or not, you can experience
10 it from the sidewalk and I'm concerned that since
11 we are a certified local government, which is
12 supposed to be a partnership with the State Office,
13 which lets us get grants and helps us with
14 trainings and involves us in decision making
15 processes, since we seem to be ignoring expert
16 testimony again and again and again and driving
17 residents to lawsuits, residents who aren't
18 attorneys, we can lose that. That can be yanked
19 away. Just like our listing on that 10 most
20 historic vacation spots, that's in danger of being
21 yanked away if you read that letter. The National
22 Trust is really concerned and it sounds to me like
23 the State Office is very concerned as well. I want
24 to know, this...Ms. Wilson's application process

1 happened near the same time when I did, which was
2 when the Permit Streamlining Act was overlapping
3 that summer and I'd really like to know everything
4 that went into that file and the date stamps and
5 was...you know, it's supposed to be like a two week
6 window there. I think there's a high probability
7 that...I'd really like to know that everything was in
8 on time before her application was shut out. And
9 if the building wasn't historic, why would James
10 Tice include it on all of his local tours the years
11 that he was teaching about courtyard housing here?
12 Thanks.

13 Guardarrama: Thanks William. Our next speaker is Lee Stern to
14 be followed by Jeanne Dobrin.

15 Stern: Hi, my name is Lee Stern, I'm a resident of 1350
16 North Hayworth in West Hollywood, the building
17 right next door to the proposed, Valentino Court
18 that's proposed to be torn down and I'm here to
19 speak in opposition against it. Not only for its
20 value as an individual structure and the beauty
21 that you've seen in the many pictures and the green
22 space and the value that it has independent of the
23 street, but also in the context of the street
24 itself and within the City as a whole, which many

1 people have spoken about before. I think that many
2 times when we're...many of the buildings that are
3 being torn down, they're not thought of in terms of
4 the value that it has as a whole to the City, but
5 are looked at individually, does it meet certain
6 criteria. And I think it's very important to, when
7 you're considering the historic value of this
8 particular building, it's not necessarily the
9 perfect idea of this particular structure in the
10 world, but how does it fit within other similar
11 structures within the City, which was discussed
12 before and I think that there needs to be further
13 study or a group that can determine how this
14 building ranks against other similar buildings and
15 I think that you would find that it's very high on
16 the list and I think that you really need to
17 determine what you...how many of those buildings you
18 want to keep in the City. It doesn't seem like
19 people are really considering, you know, what's
20 happening building...I mean, building by building.
21 People talked about it before. The City Council
22 determined that they wanted to take a pause and
23 consider what was happening to the overgrowth of
24 the City as a whole and I would like the...you guys

1 to consider including this building within that
2 thought and that's it, I guess, thanks.

3 Guardarrama: Thank you. Jeanne Dobrin.

4 Dobrin: Jeanne Dobrin, resident of West Hollywood. This
5 building is not as old as I am and yet it's a
6 beautiful building with gorgeous grounds. And yet
7 it's being proposed to be discarded like an old
8 shoe. I sincerely hope that this could not happen
9 to me because I am older. How about the 26 tandem
10 spaces and the 10 side by side, which includes the
11 four guest spaces? In the past this Commission has
12 registered extreme concern in the slots of tandem
13 parking situation. Should you approve this
14 application, which I hope you will not, you must
15 condition it with no preferential permit parking
16 spaces and there as in the CCR's. This project of
17 course as we all know would've fallen under the
18 current development moratorium resulting from the
19 Councils, the Cities, tremendous concern had this
20 project been applied for sometime later. However,
21 I certainly want to say that I agree with all the
22 people who spoke and with the words that they used
23 to describe their opposition, but I would like to
24 suggest that you, the Commissioners, within your

1 discretionary approval, disapproval rights, deny
2 this project, save the building and save these
3 gorgeous, gorgeous trees and plantings. Thank you
4 very much.

5 Guardarrama: Thank you. All right, Mr. Elliott, that was our
6 last public speaker. If you'd like to rebut,
7 you'll have five minutes.

8 Elliott: Thank you Commissioners, I would like to offer some
9 comments based on the comments presented this
10 evening. There was a comment that the traffic
11 would have an impact in relation to the building
12 being built at the 7950 Sunset location, but I
13 think the EIR adequately explains that it is not
14 the job of the City or the EIR to deal with impacts
15 by existing projects, but rather to look at impacts
16 that are created from a proposed project, and with
17 the addition of 10 units at this site, there would
18 be no additional traffic impact. I also note that
19 Exhibit E of the Environmental Impact Report is a
20 detailed analysis of the plantings and trees at the
21 location and it is submitted by Richard Ibarra, a
22 licensed Arborist who finds that there is no impact
23 to either historic resources or the heritage trees
24 there. There was some discussion about what the

1 standard of evidence review is here and I want to
2 be clear for the record that the standard for
3 review is substantial evidence under CEQUA and that
4 substantial evidence is evidence grounded in fact,
5 not assumption. There were comments about what we
6 want this neighborhood to look like and whether or
7 not this proposed project is compatible with the
8 existing neighborhood. And there were several
9 opponents who actually indicated that the project
10 was compatible based upon the fact that it's
11 situated in between two six story buildings. There
12 was discussion this evening about the alternatives
13 and the letter we submitted today clarifies, but
14 I'll just recap. The alternatives are required
15 under CEQUA for an EIR, but in this circumstance,
16 the EIR does determine that the existing structure
17 is not historic and therefore the alternatives
18 analysis does not require that an extensive review
19 of proposed alternatives, rather it requires that
20 they be considered and I believe the EIR does
21 adequately consider the alternatives. There were
22 several comments that the opinions of Mr. Tice with
23 the National Trust were discarded and I don't
24 believe that is the case. I think the EIR responds

1 to the comments of each of the commenters and there
2 are no super experts that have...or should be given
3 higher weight than others. Their comments have all
4 been considered and should be considered in the
5 context of this hearing by you, the Planning
6 Commission. At page four, 114 of the EIR, the EIR
7 discusses that the existing building at the site
8 was considered in relation to a proposed District,
9 the Fountain Corridor Apartment District. The City
10 rejected the adoption or creation of that District
11 and instead created a Garden Courtyard Thematic
12 District and this project or this building, which
13 is at this site where this project is proposed was
14 not found to be eligible to be included in the
15 Garden Courtyard District. There was a commenter
16 who pointed out that this might be one of the last
17 remaining L-shaped buildings in West Hollywood.
18 However, the EIR adequately points out at pages 55
19 to 59 that there is at least eight other L-shaped
20 buildings in this neighborhood. With regard to the
21 parking, it...this proposed project does meet with
22 the current City Zoning Code, which does allow for
23 tandem parking. There was an application submitted
24 for this project to designated as historic under

1 the City's own local register and that was
2 rejected, but irrespective of whether it was
3 rejected or accepted, the EIR does adequately
4 address whether or not the building would, the
5 existing building would meet the standards under
6 the City's Historic Resources Code. I think the
7 question finally before you is whether or not this
8 project warrants approval and we believe it does.
9 It does meet all of the requirements of the City
10 Zoning Code, its exemplar design. The second
11 question before you is whether or not the EIR is
12 grounded in substantial evidence and provides you
13 adequate information such that it can be certified.
14 We believe it does. Accordingly, we ask that you
15 approve the proposed project and certify the
16 related EIR. Thank you very much.

17 Guardarrama: Are there any questions for the Applicant?

18 Bartolo: Yes.

19 Guardarrama: Kate?

20 Bartolo: Mr. Elliott, could you please bring up the
21 architect? I have some questions for he or she.

22 Pugh: Good evening, my name is Gwynne Pugh.

23 Bartolo: Hello.

24 Guardarrama: Mr. Pugh, would you state your city of residence?

1 Pugh: Santa Monica.

2 Guardarrama: Okay and when you're finished, could you fill out a
3 speaker slip and hand it to the Commission
4 Secretary?

5 Pugh: Certainly.

6 Guardarrama: Thank you.

7 Bartolo: I would appreciate it if you'd address two areas.
8 One is where you may find compatibility or not with
9 regard to sort of any architectural integration or
10 sort of inspiration from the existing buildings in
11 the neighborhood, either materials or style or any
12 sort of inspiration, as I use the word again 'cause
13 I'm tired. And the second question I have is, can
14 you describe please the landscaping plan and also
15 within the context of the neighborhood?

16 Pugh: And if you don't mind, I'd like to come up and
17 point it out on the model and I don't know what
18 that does to your system here. I think one of
19 the...is that working?

20 Guardarrama: Yes.

21 Pugh: I think one of the things that's tremendously
22 important is how a building addresses the street.
23 And in particular, we looked at that and so what we
24 have here is this sort of entry porch at this

1 location and in fact the front doors from these
2 units actually are inside and at that porch. So
3 it's really a question of how a building works on
4 the street and how some of these older, more
5 graceful buildings address the street and this...and
6 unlike some apartment buildings where you just go
7 into one front door, that's the sole front door,
8 this actually belongs to the individuals who live
9 on that street. I think in addition to that in
10 terms of the scale, this is...this portion of the
11 building is probably somewhere between a half and
12 two-thirds of the width of the lot so that it
13 really opens itself up to the street. So I
14 wouldn't say by historic style, but I would say in
15 terms of its urban design characteristics. It is
16 along the lines of structures that exist in the
17 street and in other neighborhoods, and are, you
18 know, contribute to the neighborhoods because we
19 have...and also a public open space is to the front
20 of the building too so that it really participates
21 and adds to the life of the street.

22 Bartolo: The second part of that first question, which is
23 are there any materials that served as kind of a
24 draw in terms of integration or meshing with...

1 Pugh: Well, I think that one of the materials that's used
2 on almost all of these buildings is stucco and we
3 have stucco. But I think that one of the things
4 too is the way that the screen works is that it
5 really works as almost like a tree canopy, if you
6 like to take the analogy although that's not
7 entirely the way we were looking at it. So there's
8 a semi transparent quality to it so that you can
9 both see and not see, and so that there's that
10 sense of where the depth is and where...and to add to
11 the entry to the nature of what's going on. So
12 this is in fact a metal screen. Most of the
13 buildings do not have metal screens on them. We
14 have done other buildings in West Hollywood that
15 have been well received that have metal on their
16 façade and so while not this particular
17 neighborhood, it's certainly been done in other
18 places. This is definitely a contemporary
19 building. It's our interpretation of what a good
20 urban design should be in the location such as
21 this, as were those buildings when they were built
22 in that day and age.

23 Bartolo: Second part of the question, you set it back, can
24 you give me an idea of how much setback there is in

1 terms of what the square footage, not just the feet
2 back, what there is in the front and also along
3 both sides.

4 Pugh: Right, we have provided the...a plantable area along
5 the side of the building. We have preserved the
6 cedar tree, that's a very regal cedar tree that we
7 managed to preserve through here. It is true that
8 the ficus, which did need to be removed on this
9 particular property. We have...the jacaranda trees
10 or the street trees that we're designating for this
11 location, and they'll be put in. We're also
12 preserving trees or we're putting in trees at the
13 rear of the lot too, which will help with the
14 screening between the neighborhood and that also
15 makes for that public open space. And then just
16 to, you know, I'd need to look at the landscape
17 plan for all of the details. We are adding some
18 other trees and other kinds of landscaping in
19 there.

20 Bartolo: I find it hard to read with regard to the plans and
21 so while I'm catching you cold on this, if you
22 could...if the Chair...

23 Pugh: I can certainly, I can certainly...

24 Bartolo: For you to come back and describe in more detail

1 what that plan is.

2 Guardarrama: Does anyone have any other questions for the
3 Applicant? No? All right, well, we're...

4 Pugh: Do you want me to address some of the landscaping?

5 Guardarrama: Yes. You know, if you want to just hold off on
6 that, we have two areas of consideration to go over
7 this evening. If you want to think about what your
8 answer is 'cause we need to address the matter of
9 the EIR first. So with that, I'd like to close the
10 public testimony portion of the public hearing
11 and...all right. Let's just keep it open for that
12 one question and move into Commission
13 deliberations. I think we should bifurcate our
14 analysis this evening, number one to whether the
15 EIR should be certified and I guess the question
16 for Christi...my question for Christi would be, what
17 is our...what is the question we need to ask
18 ourselves on whether the EIR should be certified?
19 For instance, there's been a lot of talk of
20 standard of review, level of evidence, that sort of
21 thing.

22 Hogin: I'm going to sing backup to the EIR consultant and
23 let him at least defend and put in front of you
24 what he's got and then if I need to fill in, I

1 will.

2 Power: There we go. Okay, I'm Joe Power from Rincon
3 Consultants. We have been assisting the City with
4 the preparation of the EIR. From our standpoint,
5 the real question before you in terms of
6 certification of the EIR is, has it provided the
7 information that you need in order to understand
8 the environmental implications of the project? And
9 I think if you think the answer to that question is
10 yes, then I think you would be prepared to certify
11 it. If you feel that the...that there are questions
12 that are still unanswered in your mind, perhaps you
13 wouldn't want to certify it. I would point out
14 that disagreement among experts would not be a
15 reason to not certify the document. You don't
16 necessarily need to agree with the conclusions of
17 the EIR or the City Staff or the Consultant Staff
18 that were involved in preparing the EIR, but the
19 EIR, when there is disagreement among experts, its
20 job is really to air those disagreements and I
21 think we've done that pretty thoroughly. We had
22 it, not only in the draft EIR, we disclosed the
23 range of thoughts, ideas and opinions of the
24 various experts regarding the significance or lack

1 thereof of the project site and there was further
2 discussion of that in the final EIR and the
3 responses to comments. So in terms of disclosing
4 the range of views of thought, we believe that
5 that's covered. Now when it comes to the
6 determination of significance, I think our feeling
7 is that the City does not have a particular
8 obligation to come down one way or the other. In
9 other words, you don't need to decide that because
10 there's some evidence that says it is significant
11 and some evidence that says it isn't, that you have
12 to...that you're obligated to conclude that it is
13 significant. It really is the City's call and in
14 this case obviously, the City Staff and the
15 Consultant Staff determined that the site is not
16 significant. You don't have to follow our
17 thinking, but you don't have to follow the thinking
18 of those who said it is significant either. Is
19 there more that you'd like to add to that?

20 Hogin:

20 No, that about sums up the question. The
21 evidentiary issues come when you're making findings
22 and then the issue of substantial evidence, but
23 what you're looking at for the EIR is just whether
24 or not it adequately discloses the impact,

1 environmental impacts of the project.

2 Guardarrama: Okay. Is there anyone on the Commission who thinks
3 that the EIR is not eligible for certification?

4 DeLuccio: I had a couple questions actually.

5 Guardarrama: Okay.

6 DeLuccio: I noticed that it came, you know, became before us,
7 the drafts, the Planning Commission, but when I was
8 like reading the final, I didn't really see any
9 comments that we brought up in the final EIR, in
10 this body.

11 Power: Actually there's an entire appendix that addresses
12 comments on the draft EIR.

13 DeLuccio: Right.

14 Power: That is Appendix, I think it's D.

15 DeLuccio: Do I have that?

16 Power: It should be, if you have the final EIR, that
17 Appendix would be included in there and it includes
18 responses to all the written comment letters that
19 we received as well as responses to all the verbal
20 comments that were given.

21 DeLuccio: I didn't see anything in this body that was...from
22 any of these Commissioners for example (TALKING
23 OVER).

24 Power: Well, it is in there. So let me, let me show you

1 where.

2 Altschul: Perhaps it's page 73.

3 Hogin: Starting at page 73, if you look in the...

4 D'Amico: Some of the...strangely enough, some of the copying
5 was uneven so for example, I was noticing when Mr.
6 Elliott said go to page 55 to 59, coincidentally
7 those pages are not in my copy and they're in
8 Donald's copy.

9 DeLuccio: Well, for example, I did make a comment about Mr.
10 Tice, the letter, that I felt that you guys came to
11 a conclusion and you...I felt you underplayed the
12 letter, the significance of what he state...outlined
13 in his letter. Again, that goes back to
14 disagreements between different experts perhaps and
15 I don't...and my comment, for example, is not...was
16 never addressed, that I asked that the body, that
17 in the final EIR, that it be looked at a little bit
18 further. So I don't see that in here.

19 Power: Well, actually, that actually is in there.
20 Professor Tice submitted another entire letter on
21 the draft EIR itself. If I can find the letter, I
22 believe it's letter 14. No, I'm sorry, letter 13.
23 Professor Tice submitted another entire letter and
24 we have detailed responses to his...

1 DeLuccio: Hey, Joe, what page are you on?

2 Power: That would be on page...oh, it's funny, actually let
3 me grab this other copy. It's page 43 of the
4 responses to comments Appendix. That's where
5 you'll find the responses. The letter actually
6 begins on page 37, so it's about a six page letter
7 and then there's several pages of responses. We
8 also added some text to the memorandum prepared by
9 San Buenaventura Research Associates. They added
10 some text in response to some of those issues that
11 were raised by Professor Tice and we have added
12 some text to the actual text of Section 4.1 in the
13 EIR as well.

14 DeLuccio: And I did see that about...that information and I
15 just felt that it didn't really, I don't know, to
16 me, it just put a different spin on the same thing
17 from the last time the draft came before us and you
18 obviously came to the same conclusions and you, you
19 know, I just feel like you've just discounted
20 everything he really had to say, but that's my
21 opinion of course.

22 Power: Okay. Yeah, I'll just say, in preparing EIRs, we
23 do them all over the region and communities all
24 over and I've been doing this for many years. We

1 hear that sort of concern a lot. Frankly, it kind
2 of comes down to when we continue to disagree with
3 the conclusions of a comment, or the commenter
4 sometimes feel as though they've been dismissed
5 whereas really all that's happening is that we are
6 continuing to disagree. We understand their
7 position, but we just don't agree with it and so
8 that's kind of the position we find ourselves in,
9 in many cases preparing these documents.

10 DeLuccio: It's no disrespect to you or your firm.

11 Power: Sure, I understand.

12 DeLuccio: I think overall you do an excellent job.

13 Power: Thank you.

14 Guardarrama: Commissioner Altschul?

15 Altschul: Yeah, in trying...and let's see if we can move this
16 along a little bit. I think that to start off
17 with, in evaluating EIRs, a lot of us have
18 misconceptions as to what their function is and as
19 the gentleman and Ms. Hogin just told us, their
20 function is solely to raise all the issues and to
21 point out what is open for discussion, what should
22 be open for discussion and not to try to reconcile
23 conclusions, but only to make sure that everything
24 is put out on the table. And it's unfortunate in

1 the words paraphrased from one of our very, very
2 capable staff members that sentimentality sometimes
3 gets confused with historical designation and I
4 think we've heard a lot of wonderful sentimentality
5 tonight and I'm very, very in agreement that there
6 are sentimental aspects to portions of our City to
7 places where we live, to places where our friends
8 live and to places that we walk by and that we take
9 our dogs. But does it, you know, rise to the level
10 of historic, I don't know. What should the level
11 of, what should the level of evidence, as a word to
12 put it in terms of legalese, be as to whether or
13 not something is or is not historic? Well, is it
14 substantial? Is it preponderance? Is it the same
15 as a criminal trial where if you have 12 jurors,
16 all 12 of them have to vote to convict or they
17 don't get a conviction? I would like to see it
18 that way and in a perfect world that every expert
19 would agree that a certain building, a certain
20 project is historic and that there be no
21 disagreement, then we know of course that it's
22 true. I feel that all of these experts are
23 certainly honorable and have integrity and where
24 there is disagreement, I would tend to air or to

1 fall on the side of counting if it's two to one,
2 you go with the two, because that's the cautionary
3 way to take. When we have situations as we've had
4 recently where somebody writes an eight page
5 historical supposition rather than an analysis, but
6 a supposition that a certain building north of
7 Sunset is historic because the gentleman who built
8 it back in the early part of the 20th Century had a
9 companion that lived with him and that after the
10 builder died, the companion that lived with him may
11 or may not have invited to dinner a gentleman who
12 was Rita Hayworth's father. You know, I think that
13 stretches the issue. When...in the instant case,
14 when we're presented with a two-page supposition
15 that somebody named Mama Lindstrom baked wonderful
16 cakes and people enjoyed them, that somebody may
17 have found some letters to or from Rudolph
18 Valentino, but they haven't seen since in a safe in
19 one of the apartments in the building, I think that
20 really stretches the point and is certainly not
21 intended to discuss anything with respect to the
22 historical aspect of the building. When you talk
23 about this new structure as being a box, when you
24 strip the beautiful trees away from what's there

1 now, you have a stucco box. (INAUDIBLE) on Laurel
2 is certainly unquestionably historic. The Sunset
3 Tower on Sunset is certainly unquestionably
4 historic. I think there are lots of questions
5 here, but that's not what we're charged with. What
6 we're charged with, does this EIR adequately
7 address the issues and basically there's only one
8 issue with respect to the CEQUA analysis and that's
9 the historic issue. And I believe it adequately
10 historic...it adequately assesses and puts all of
11 these issues on the table, so I'm going to move
12 that we certify the EIR.

13 Hamaker: I'll second that.

14 Guardarrama: Barbara, do you have something to say?

15 Hamaker: Yeah. I really spent a lot of time reading this
16 and I thought it was well presented and actually,
17 this is only from an ex-secretary's point of view,
18 I thought it was really well typed and laid out and
19 I enjoy that, reading a document that's, that, you
20 know, is comfortable to read. So that's a complete
21 aside, but I would just like to read a paragraph
22 that, for me, summed up the way I felt after
23 reading everyone's opinion. I don't know any of
24 these historic people, I respect all of them

1 equally and the paragraph is, "All of the reviewing
2 historians are in agreement that the project site
3 is not eligible for designation as a contributor to
4 the City's Courtyard Thematic District and two of
5 the three historians conclude that the project site
6 is not eligible for lifting on the CRA chart or the
7 NRHP. Consequently, the weight of the evidence
8 suggests that the project site is not a historic
9 resource under CEQUA. The property is a typical
10 rather than exceptional example of an architectural
11 style and type commonly employed during the period
12 from 1920 to 1940. Therefore, demolition of the
13 existing on-site apartment complex would not
14 constitute a significant impact to historic
15 resources." And that sort of summed up my
16 assessment of what everyone had said about the
17 structure. It doesn't mean that I wouldn't love to
18 build...to live in them because I think most people
19 here know that I'm a log cabin girl, so I mean,
20 those doors and the hinges and the windows are
21 fantastic, but that doesn't mean that I should just
22 deny everything here because of my sense of
23 nostalgia. I'm charged with accessing a document
24 that is going to make a big decision on what

1 happens to this property and I can only say that I
2 did feel that it adequately addressed the issue at
3 hand. So that's all I have.

4 Guardarrama: Commissioner Yeber?

5 Yeber: Actually I have no comment. I think Barbara
6 addressed the comments that I was had in mind.
7 Thank you.

8 Guardarrama: Okay. Commissioner D'Amico?

9 D'Amico: Barbara, it's always good to know that two people
10 can read the same thing and come up with three
11 opinions. And my two opinions on this are that I
12 don't necessarily disagree with the findings, but I
13 think that...well, I feel strongly that this document
14 is, as one of the members of the public said,
15 snarky and I'm...I know it's probably the goal of
16 this organization that wrote this whose offices are
17 in Ventura to be fair minded and clear and to
18 capture at least for this moment what's happening
19 on that block at that property. But I don't think
20 they did. I think they described something that's
21 going on in the world, but I don't think they
22 captured this completely. That doesn't mean that
23 their findings are necessarily wrong or the thrust
24 of their arguments are wrong, but I just feel

1 like...one of the things that happens in this City is
2 that people like you and people like the 40, people
3 who came out about the daycare center, are real
4 human beings who have opinions that are not
5 necessarily spoken with million dollar words and
6 paid for at \$500.00 an hour, but they're real
7 opinions and I just feel really strongly that this
8 document attacked these people unnecessarily and
9 further, I...I'm noticing that our fellow
10 Commissioners on the Historic Preservation
11 Commission, but I won't speak for Chair, former
12 Chair Heber, but each and every one of them
13 believed in some way that this document, that this
14 idea, that this building, this environmental impact
15 report didn't necessarily cover at least its own
16 one particular portion of it, the historic portion.
17 I mean, they certainly...nobody spoke of the traffic
18 or the noise or the butterflies or whatever else
19 would be in there, the flushing toilets and the
20 electrical outlets, but I have in my four and a
21 half years almost never thought that a project
22 should go to the City Council to be decided, but I
23 actually believe that...hope this will be appealed
24 because I believe that the position that we're in

1 is not a coincidence and I think that our City
2 Council people should weigh in on this. So I,
3 I...this will get voted on and it will be appealed,
4 but...and again, I don't necessarily know that the
5 findings of this document are wrong, but I think
6 that the drive over to the last page was rough and
7 I didn't...this Commissioner did not appreciate it.

8 Guardarrama: Okay. Kate?

9 Bartolo: This is the kind of vote I hate. For those of you
10 don't know, I'm...I consider myself to be a proud
11 Preservationist. Just to mention it because I
12 think it puts it in context. I've been through the
13 evaluation from a historic perspective of several
14 buildings, most of which are in Downtown Los
15 Angeles for the...as a partner of the company that I
16 worked with and they are Eastern Columbia, Santa Fe
17 Lost, the Pegasus project, 1001 First Street and in
18 Hollywood, the Broadway Hollywood building and I've
19 been a proud participant in every single one of
20 those. They are exceptional examples of the bygone
21 eras on a variety of levels, architecturally from a
22 design perspective. Here's where I come down and
23 I'm...I don't want to go here, but here's my problem.
24 I feel so strongly about preservation, I find

1 myself actually getting in a certain way tougher
2 and I feel the need to be more factually driven
3 because I think that you have to (INAUDIBLE) to
4 standards and priorities because if you say that a
5 lot of other things which are charming and loving
6 and bygone eras of which this is, you lose the
7 value of the purpose of preservation. What I
8 believe is that separate from this EIR, separate
9 from this project, this City, it's long overdue,
10 needs to really make a definitive statement, do
11 they want to establish a position prior to people
12 purchasing these properties that they want to find
13 ways to create incentives to preserve? And they
14 have not done that and that is one of the real
15 difficulties that I'm dealing with, which is that I
16 have to look at the facts, what do I believe are
17 the thresholds for significance and my problem is
18 though the building is charming, it's got nice
19 bones, it's lovely, the units are large, they're
20 well laid out, they feel great, I could live in it,
21 you know. The...I love the greenscape. It's not...I
22 don't think it's historic standards, but I love it.
23 I love the lushness. I love that people who walk
24 on that street can walk by and feel like they've

1 got a park like setting, which is I think an
2 incredibly important thing. And that's what makes
3 it hard, but the problem that I've got is that
4 there have been a series of actions that have set
5 in motion a process and the problem that I have is
6 I have difficulty on an emotional feeling level,
7 which is what it would come down for me, is to say
8 that this EIR is not worthy of ratification because
9 this started a long time ago. Whether you agree or
10 disagree, this is the project that rent control
11 built. And I'm sorry, that's a fact. It's a fact
12 because the income is artificially restrained, and
13 I'm not suggesting that it should, you know,
14 arbitrarily go through the roof, but it's a fact
15 that this is what happens when you have such low
16 rents that are constrained over a period of years
17 that the land value becomes more valuable and the
18 future use becomes more valuable than the prior use
19 and I'm not suggesting that we look at rent
20 control. All I'm saying is, it's a fact and it's
21 part of this process you cannot ignore. And so I
22 don't like it, I've said this before. The...and
23 words are cheap and I recognize that, but the
24 problem is if I have to respond and I believe my

1 obligation is very clear as a Commissioner to set
2 my personal opinions aside and try to look as
3 harshly and factually as I can at the situation, I
4 don't think it meets my definition in what I know
5 of a historic project and I think that at the end
6 of the day, we've...what this project has...and this
7 process has proven, it's a battle of dueling
8 consultants and so what I have to do is set back
9 and go, all right, what do I know, what do I
10 experience, and I have to rely on that and it
11 doesn't make me happy, but I can't say that there
12 is enough...there are always questions about an EIR
13 and there's certainly questions here, that it's
14 enough for me to say that it should be rejected.

15 Guardarrama: Okay. David, there is a motion on the floor, it's
16 been seconded. Would you take a roll call please?

17 Gillig: Commissioner Altschul?

18 Altschul: Yes.

19 Gillig: Commissioner Hamaker?

20 Hamaker: Aye.

21 Gillig: Commissioner Yeber?

22 Yeber: Aye.

23 Gillig: Commissioner DeLuccio?

24 DeLuccio: No.

1 Gillig: Commissioner D'Amico?

2 D'Amico: No.

3 Gillig: Vice Chair Bartolo?

4 Bartolo: Yes.

5 Gillig: Chair Guardarrama?

6 Guardarrama: Yes.

7 Gillig: Motion carries for EIR, five ayes, two nos.

8 Guardarrama: Can we take a five minute break? And I'd like to
9 remind everyone that we're still in the public
10 hearing and it's proper that you not discuss any
11 matters about this public hearing with any of the
12 Commissioners. Thank you. All right, if we can
13 all take our seats? If we could all take our
14 seats? Mr. Elliott? Mr. Elliott, there was a
15 question on the floor regarding the landscaping, is
16 the architect ready to answer the question?

17 Elliott: Yes, we are.

18 Guardarrama: Okay.

19 Pugh: I think...can you hear me? That's it. One of the
20 things that I wanted to point out and this is not a
21 fiction is that the cedar tree here, we are
22 preserving...

23 Guardarrama: If everyone could please be quiet. We still have a
24 public hearing going on. All right, go ahead.

1 Pugh: We have preserved the original tree, the cedar that
2 was in this location that we were able to do. What
3 this doesn't show is some of the other trees that
4 we're putting in here, which is ginkgo biloba and
5 they are...and a variety of sizes. I think there's
6 two or three in a 36 inch box and some in 24 inch,
7 a couple in 24 inch boxes and one in a 15-gallon.
8 And then along the street itself, we're putting in
9 four jacaranda on the street parkway and then
10 there's (INAUDIBLE), so the materials that we're
11 using in there, like some bottle brush.

12 Bartolo: Can we go back for just a second? I want to...okay,
13 how many...okay, so you're preserving the existing
14 tree. Give me numbers and I want to just...

15 Pugh: And by the way, we're preserving a...I think it's
16 kind of a fir tree. I'm not actually familiar with
17 it. It's Coeur d'Alene Australis, at the back is
18 located...that we're using. And then in the back
19 there will also be some willow leaf peppermints as
20 well, but in the front.

21 Bartolo: Okay, in the front...if you...I just wanted to make...

22 Pugh: And four...we're going to have four jacarandas that
23 are going to be the parkway trees and they're 36-
24 inch boxes.

1 Bartolo: Okay, and I'm sorry, the one you mentioned prior to
2 that, I'm familiar with, I'm just...
3 Pugh: Oh, in the back.
4 Bartolo: The gingko. The gingko.
5 Pugh: The ginkgos.
6 Bartolo: The ginkgos in the rear?
7 Pugh: Total of six ginkgos.
8 Bartolo: But the ginkgos in the rear?
9 Pugh: No, in the front.
10 Bartolo: In the front, okay.
11 Pugh: In the front. And three of those will be a 36-inch
12 box, two of them will be a 24-inch box and one of
13 them will be 15-gallon, so we're getting some
14 variety on sizes is what we're looking to do here.
15 Of course, what's nice about that is it's a
16 deciduous tree, so you get some variety in color
17 through the course of the year. As with the
18 jacaranda, it's, you know, changes through time.
19 And then we have a variety of smaller scale lemon
20 bottle brush, some kangaroo paws, in the courtyard
21 themselves there will be some bamboo and some
22 bamboo along this planter through here also. We
23 have...so those are the primary things. We have some
24 sun rose, some (INAUDIBLE). I'm not 100 percent

1 sure what those are.

2 Bartolo: Not sure what that is, okay.

3 Pugh: Yeah, yeah, and some fescue as well.

4 Bartolo: And what?

5 Pugh: And some fescue. It's a blue, blue...it's a grass.

6 Male: It's an ornamental grass.

7 Bartolo: Okay, it's a grass, okay.

8 Pugh: Yeah, but the first ones I gave you, of course,

9 with the trees, which is the significance in terms

10 of the canopy and the way it interacts on the

11 street.

12 Bartolo: That's my question, what, what is the growth rate...I

13 mean the 36-inch box for those that don't know is a

14 pretty good size, okay, the 24-inch box is not bad.

15 What's the growth rate of gingko and jacarandas?

16 Pugh: Jacarandas I think is pretty, it's pretty quick.

17 The gingko...

18 Bartolo: I think so.

19 Pugh: ...is somewhat slower.

20 Bartolo: The...can you give me some idea...well, I know

21 it's...you're not the landscape architect that...

22 Pugh: I don't have the specifics of time, but I know that

23 just going streets in my part of town, the

24 jacarandas come to grow quite quickly. So over the

1 course of probably five to eight years, they start
2 to look quite substantial. The ginkgos, depending
3 on how well they're planted and all of those kinds
4 of things, can be a little bit slower, but that's
5 why we're going for a more substantial tree on
6 that...so three of those are the 36-inch boxes.

7 Bartolo: If I could opine, one of what I believe is what
8 people really feel the loss about is the graceful
9 old building, but also the, just the level of green
10 that you just can't readily replicate even in a 36-
11 inch box that, you know, it's gardenias that have
12 been 20 years old or something, that they're just
13 by virtue of old growth and maturation and so my
14 question is, if you would be willing to reconsider
15 perhaps the ginkgo and really look to put in things
16 that will try to fit with the neighborhood, but
17 will really be a fast growing and as large size as
18 you can. The...

19 Pugh: I think that's something that we can work with.

20 Hamaker: If I could...could I...

21 Guardarrama: Yes, go ahead.

22 Hamaker: Could I just say something?

23 Male: Please, (INAUDIBLE).

24 Hamaker: When we planted...I was on the Santa Monica Boulevard

1 Committee and when we planted the jacarandas, I
2 think they were 36-inch box and within two years
3 they were already flowering. So they...and they have
4 a very lacy transparent quality to them whereas the
5 gingko have a very large sort of a wonderful spring
6 green quality and they would be lower and they
7 actually would give you a sense of lushness because
8 they're a...they're more of a horizontal growth
9 whereas the jacs are going to go up high and do the
10 lavender flowers. So I would, you know, I think
11 what....

12 Bartolo: (TALKING OVER) good description, okay.

13 Hamaker: I think it would be great to talk about this
14 further, but I think it's actually a good choice.

15 Guardarrama: Are there any more questions for the Applicant?

16 Bartolo: Yes. The metal screen I think in particular has
17 attracted considerable attention because I think
18 there's a sense of, it's...let just say discordant
19 quality with regard to the neighborhood itself and
20 the building, you know, can be characterized as
21 iconic, but the fact is, it's quite different from
22 the rest of the street. And the question is, might
23 there be a different material, a wood screen or
24 some other screen that again would soften the

1 impact? If you're talking five years before you're
2 going to have serious growth in landscaping, are
3 there some other flexible materials that you can
4 use that will, I think will readily adapt into an
5 existing neighbor, 'cause it's a special
6 neighborhood. And I take that very seriously.
7 That is my single...that's...for me, I will just tell
8 you, that is my single biggest qualm and the
9 problem is, it does not fall readily into an EIR
10 context, but I think it's...now that we're
11 considering the second issue, I take it seriously
12 and I know that the City has not passed its
13 standard for, you know, that kind of integration
14 and sort of coordination with the street, but I
15 still think it is a very, very important standard.

16 Pugh:

17 What I would say to that is it's not discordant
18 with the street, if you look at the...this building
19 here that's on 1400, which is quite a substantial
20 building. It's not quite as high, but it's very
21 close to the same height at its peak and it also
22 has a screen like quality that it has on it and in
23 fact I think in many ways, the...just the position of
24 the two, there's kind of a reflection and a
dialogue. They're not the same. I'm not

1 pretending that those...

2 Bartolo: You know, and I get it. It's...

3 Pugh: They have some similar kinds of qualities to them
4 and the nature of that kind of screen that's
5 happening through there is similar to the kind of
6 screen that's happening through there. And one of
7 the things that we took that this...that it will have
8 that copper or sealed rust look so that it'll have
9 that brownish hue to it and it will have a patina
10 quality to it, is really part of that sort of that,
11 that patina of...that we were looking to get and that
12 warmth that we were looking to get. So to be..you
13 know, it really is part of, as you can see, the way
14 that we played with the screen, the way that we
15 played with these forms through here, the way that
16 we penetrated the forms and that kind of
17 translucency that comes back into the building is
18 something that we feel is very much integral to the
19 design and can anything be changed? Of course, it
20 can be changed. But is it integral to the nature
21 of this? It's...what I'm saying is it's not arbitrary,
22 it's very much a part of the design. So basically
23 what I would say to you is, we feel that that's
24 tremendously important and it should remain.

1 Bartolo: I mean, to be honest with you, the only reason I
2 have any comfort at all with a more modern style on
3 the street is the 50's era architectural style that
4 I do think sets a tone, but it is...and it's a
5 significant property in terms of frontage. It
6 still, you know, it's set back in a different way.
7 Look, in its time, I think it was...I'm sure it was
8 quite radical to the street. I don't doubt it for
9 a moment and I, and I'm trying to remember that,
10 but...and I appreciate the color. I understand
11 that's part of the meshing, but I, I don't know.
12 Maybe I'm the only...the lone wolf on this
13 Commission, I don't know, but I wish that there was
14 a little...some more consideration for maybe like a
15 wood scheme or screen or something that's slightly,
16 it's softer.

17 Pugh: I don't know whether you're familiar with another
18 building that we've done in West Hollywood and it's
19 on Orange Grove just south of Santa Monica
20 Boulevard.

21 Bartolo: I'd have to see it. I don't...

22 Pugh: And we used...

23 Bartolo: I'd have to see it. I don't know. It doesn't jump
24 to mind, so...

1 Pugh: Well, that one has worked out very well in the
2 neigh...or maybe that's my opinion of it, but I...it's
3 been well received by the neighborhood and is a
4 popular building and we...it's a smaller building
5 'cause it's only a five unit, but nevertheless, we
6 have the screening materials and it's of a similar
7 color to this and it fits well into that
8 neighborhood. This neighborhood's slightly
9 different, it's acknowledged, but I think that with
10 the front yard that we have and (INAUDIBLE) the
11 position on the street like that, but it's not out
12 of place.

13 Bartolo: Would you be willing to...again I'm not trying to
14 tell you your business, but I feel compelled to
15 mention this and that is, you know, one of the
16 challenges of putting vines in a building is the
17 chances that they will go into the cracks of the
18 building and it's always a very difficult thing,
19 but it has an unbelievable softening effect. With
20 that screen, is it something that might be
21 appropriate then to put...consider putting some kind
22 of sculptural version of a vine to be able to grow
23 on it to soften the effect? I know it's not your
24 vision. I'm very clear about that.

1 Pugh: I think what I would say is I'd have to take that
2 under consideration and consider it. I would not
3 want to promise it, but I would certainly consider
4 it.

5 Bartolo: Okay.

6 Guardarrama: Are there any more questions for the Applicant?
7 No? With that, I'd like to close the public
8 testimony portion of this public hearing once and
9 for all. And let's move on to consideration of
10 whether this building should be approved or not.
11 John D'Amico?

12 D'Amico: Yes, I'd move approval of it.

13 Guardarrama: I'd like to second approval. I was one of the
14 people who were sitting on Design Review when this
15 building came before us and I was so impressed with
16 the level of articulation, the fact that the
17 building had a very clear idea of what it was and
18 the way it went about executing it. I am a
19 personal fan of the screen. I think it does a
20 great job of both allowing passersby to view into
21 the building without having the effect that they're
22 seeing right into it and I think that's a wonderful
23 screen from the street. So I...yeah, John?

24 Altschul: I agree with what Joe said about the design. I

1 think it's sensational. I am not thrilled however
2 that 26 of the 34 required parking spaces are
3 tandem. I...it's a narrow lot, I understand the
4 constraint, but I would suggest that we add the
5 condition about the no residential parking permits
6 as we have in the past. If that's acceptable to
7 the...

8 Guardarrama: Is that acceptable to you, John?

9 D'Amico: Yes, absolutely.

10 Guardarrama: Okay. So I guess the condition would be, because
11 we find that this street is overburdened, that
12 since this building will be adding new cars to the
13 street and because it has tandem parking, we are
14 therefore denying the guest residential parking
15 permit. Or the guest...no, the guest or the resident
16 are the ones we do.

17 Keho: And the condition is 10.3 in the resolution.

18 Guardarrama: Okay.

19 Altschul: It's already in there? Okay, thank you.

20 DeLuccio: Yes.

21 Altschul: Thank you.

22 Bartolo: And any takers on any of my ideas or am I the lone
23 wolf on this one?

24 Altschul: Which ideas?

1 Hamaker: Well, it seems to me that he said that they would
2 study the vine idea and I think that just really
3 sort of depends on where it could be planted to get
4 to where...what you want to cover up.

5 Bartolo: Just softening.

6 Hamaker: Yeah.

7 Bartolo: The softening.

8 Hamaker: The softening, I understand. Yeah.

9 D'Amico: I actually am interested in not accepting that
10 motion. I feel like this is what they are wanting
11 us to approve and...

12 Guardarrama: Yeah, I do like the metal screen as well. Donald?

13 DeLuccio: Yeah, just real briefly. I think it's a superior
14 design. I think it's...you cannot dispute the design
15 and I really don't think it's boxy. However, I did
16 not cert...go along with certifying the EIR, so I'm
17 not...I'm obviously not going to vote for the
18 project. I actually...I've walked up and down the
19 street and I...this...I think this is one of very few
20 streets left in West Hollywood that's pretty much
21 preserved the way it was built and so I don't, just
22 don't think it fits into the street. But again, I
23 do not want to minimize the architect. I think you
24 did a wonderful job of designing the project.

1 Guardarrama: Mr. Yeber?

2 Yeber: Yeah, I actually also too think it's a well thought
3 out design. I'm familiar with Pew & Scarpa's work
4 and I don't have a problem with the screen. I
5 think the screen actually...I know it looks...it's hard
6 to tell in the model, but when you see it in its
7 final position, when you see it erected, I think it
8 will be fine along with the landscaping and so
9 forth. But unlike Commissioner DeLuccio, I
10 understand where he's coming from in the
11 neighborhood character. I actually did walk the
12 street. I've walked it several times in the
13 course, whether I was on the Historic Preservation
14 Commission or this Commission, and you know, the
15 street is...has a lot of the...a wide variety of styles
16 and typologies and so forth and, you know, why not?
17 Why not have a building that represents, you know,
18 the present on that period? I don't advocate the
19 entire block look like this, but I think it sort of
20 works in, in terms of the diversity of styles and
21 architecture on that block.

22 Guardarrama: Kate, you had a question?

23 Bartolo: Actually, maybe it's an answer. I'd like to make a
24 motion. The...one of....

1 Guardarrama: Well, there is a motion on the floor.

2 Bartolo: Oh, okay, I'd like to add to the motion if I may.
3 The...as it relates to the demolition permit, in
4 these economic times given uncertainty, what I
5 would like to impose as the standard is that the
6 demo permit not be issued until the developer
7 demonstrates that financing has been secured and my
8 reasoning is that I want to make sure that the
9 building is not demolished and then there is some
10 kind of a problem in terms of going forward with
11 the project. I think that would be the very worst
12 of all worlds. So that would be my suggested
13 amendment.

14 Guardarrama: John?

15 Keho: That's already, excuse me, that's already a
16 requirement in the Zoning Ordinance that we can't
17 issue a demolition permit until they've submitted
18 their full set of construction drawings and
19 demonstrated that they have the financing. If they
20 do those two things, then we can issue a demolition
21 permit.

22 Bartolo: Okay, good. Thank you. That's important.

23 Guardarrama: Commissioner Yeber, you wanted to say something?

24 Yeber: Yeah, one last thing on the issue of the condition.

1 I just want to be on record, I'm not going to...I'm
2 in favor of the project, but I just want to be on
3 record that I still have a problem with this issue
4 of not allowing street parking for tandem
5 situations. Again, it goes back to this issue of
6 those...we who live there have that right and anybody
7 who comes in after us doesn't have that right. So
8 I know it's something that needs to be worked out
9 in the General Plan, but I just wanted to be on
10 record that I have a problem with that condition.

11 Guardarrama: Okay. Okay, so David, would you take a roll call
12 please?

13 Keho: Chair, I'd like to add one more condition.

14 Guardarrama: Okay.

15 Keho: Staff would like to add a condition regarding that
16 tree that they plan to preserve in the front of the
17 building, that we add a condition that a tree
18 preservation plan shall be approved subject
19 to...shall be developed subject to the approval of
20 the Landscaping Division to make sure that they
21 have adequate ways to make...ensure the building, the
22 tree survives construction.

23 D'Amico: And maybe...actually that's one tiny little bone I
24 have to pick with that model is that you don't have

1 that tree on that model and it would be certainly a
2 nice gesture and maybe make clear that it's really
3 your intention to keep it and then not in fact find
4 in a year and eight months that the roots are dead
5 and the tree can't survive so it has to come down
6 and be replaced by a 36-inch box cedar. So that's
7 an option of yours. So it's not part of this
8 motion.

9 Guardarrama: David?

10 Hogin: You all accepted the staff?

11 Gillig: Commissioner D'Amico?

12 D'Amico: Yes.

13 Gillig: Chair Guardarrama?

14 Guardarrama: Yes.

15 Gillig: Commissioner Yeber?

16 Yeber: Yes.

17 Gillig: Commissioner Hamaker?

18 Hamaker: Aye.

19 Gillig: Commissioner DeLuccio?

20 DeLuccio: No.

21 Gillig: Commissioner Altschul?

22 Altschul: Yes.

23 Gillig: Vice Chair Bartolo?

24 Bartolo: Yes.

1 Gillig: Motion carries, six ayes and one no. And appeal
2 period, the resolution of the Planning Commission
3 just approved memorializes the Commission's final
4 action on this matter. This action is subject to
5 appeal to the City Council. Appeals must be
6 submitted within 10 calendar days from this date to
7 the City Clerk's Office. Appeals must be in
8 writing and accompanied by the required fees. The
9 City Clerk's Office can provide appeal forms and
10 information about fee waivers.

11 **Item 10.A. RE-APPOINTMENT TO DESIGN REVIEW SUBCOMMITTEE**

12 Guardarrama: Okay, item 10, new business. Kate has requested to
13 step down from the Design Review Subcommittee and I
14 would just like to say personally, I was on that
15 Subcommittee with her and she brought wonderful
16 ideas and really, really changed the way some of
17 the buildings that we approved looked and she's
18 made a real impact on the appearance of our City.
19 So thank you, Kate.

20 Bartolo: Thank you.

21 Altschul: Thank you Kate very much. It's wonderful.

22 D'Amico: Yes, thank you, Kate. I unfortunately didn't get
23 to spend near enough time on that Subcommittee with
24 you.

1 Altschul: I hope the building holds up better than that,
2 John. But you're of course always welcome to
3 dinner on Thursday nights.

4 Bartolo: Thank you.

5 Guardarrama: All right and I'm going to reappoint myself to that
6 committee.

7 **Item 11.A. UNFINISHED BUSINESS.**

8 Guardarrama: All right, unfinished business, none.

9 **ITEM 12. EXCLUDED CONSENT CALENDAR.**

10 Guardarrama: Excluded consent calendar, none.

11 **ITEM 13.A. ITEMS FROM STAFF.
12 Director's Report.**

13 Guardarrama: Items from staff, we have the Director's Report.

14 Keene: I just have two quick items. I had mentioned at
15 the last meeting that the detailed scope of work
16 for the General Plan was going to go forward to
17 City Council. That meeting, the first one in
18 October was...didn't happen. Was canceled and so
19 that will be going October 15th. We'll be bringing
20 as well the schedule, which is a 30-month schedule
21 and it'll break down into phases, the General Plan,
22 but you will have an opportunity on October 13th as
23 part of the Boards and Commissions meeting to
24 participate in some outreach regarding the General

1 Plan. We'll have Sam Genoway there from Hogel,
2 Ireland who will lead the Boards and Commission in
3 an exercise to get some of your first comments for
4 the General Plan and then of course, there'll be
5 ample opportunity to be interviewed and to provide
6 comment in this first phase, which is being termed
7 the Curiosities Phase. And then secondly, you
8 probably are already aware, but the effective date
9 for the Green Building Ordinance, the part that
10 develops the program for private property was
11 effective on October 1st. We had a press
12 conference on October 1st at City Hall that we had
13 representatives speaking on Green Building items
14 and we also have, and I invite you to come and see
15 at some point in time, on the second floor up by
16 the Planning counter we have a Green Building
17 Resource Center that demonstrates products that are
18 useable to help make buildings more green and so it
19 also provides information to the public. So I
20 invite you to take a look at that when you have a
21 chance.

22 Keho: And I have nothing else to add for tonight.

23 Guardarrama: Okay. Let's move on to public comment.

24 D'Amico: I have a quick question.

1 Guardarrama: You have a question?

2 D'Amico: I'm sneezing my way through it though. Do we have
3 any update on the Sunset Millennium project or on
4 the Laurel project to, now that Pink Berry seems to
5 have calmed down, to West Hollywood (INAUDIBLE)?

6 Bartolo: It's gone? Oh.

7 Hogin: I can tell you about the litigations on both of
8 them. The Sunset Millennium, let's see, they did
9 not file a Petition for Review in the Supreme
10 Court, so that decision is now final and in our
11 favor. And I assume that they're now busily trying
12 to figure out what next step to take in terms of
13 construction, but there's no legal impediment
14 anymore on that one. And the Laurel Place project
15 is pending in the Supreme Court now. The matter is
16 fully briefed except that there are now Amicus
17 briefs that have come in on both sides. The League
18 of California Cities filed a brief on behalf of the
19 City representing over 400 cities in the State of
20 California and a group of affordable housing
21 providers also filed a brief in support of the City
22 and there were two briefs that were filed in
23 support of the Save Tara group. One was by an
24 environmental group up north and the other was by

1 two Central California environmental projects, one
2 having to do with the Carmel River and the other
3 one in Monterey. And we expect that all to be
4 fully briefed by the end of the year and look
5 forward to a spring or summer hearing on that.

6 **Item 14. PUBLIC COMMENT.**

7 Guardarrama: Okay, public comment. Our first speaker is Marie
8 Mangine. No? Not here, okay. Jeanne Dobrin?

9 Dobrin: Jeanne Dobrin, resident of West Hollywood. Two
10 weeks ago, I did not come to the Planning
11 Commission, but I heard something said that
12 bothered me enough that I got up out of bed, got
13 dressed and came down here. And I have to do a mea
14 culpa because I stated that the Zoning Ordinance
15 all throughout it said that there shall be no
16 amplified sound outside and I also said that the
17 word loud speaker is not addressed at all within
18 the Zoning Ordinance. And I had heard Mr. Keho say
19 that the Commission in the past had granted some
20 projects to have amplified sound outside and I
21 asked him to show me which they were. In a recess,
22 he came to me and showed me that one part of the
23 Zoning Ordinance said that the Commission may allow
24 amplified sound outside and that is one of the

1 several things that over the three and a half years
2 that took place in rehabbing the Zoning Ordinance
3 about five years ago and I believe I attended every
4 meeting. I learned from some of the Commissioners
5 at the time they didn't even know that some changes
6 had been made by the consultant and I believe maybe
7 they knew about this, may have amplified sound, but
8 I never knew about it and I thought that I had
9 attended all the meetings. So I apologize to John
10 Keho for saying that, but then he told me that one
11 of the projects that allowed amplified sound, which
12 he told the Commission, was this...the Hotel Aster,
13 which is now the James (INAUDIBLE). I called my
14 statistician about it and my statistician told me
15 that the only time amplified sound is allowed
16 outside for the Hotel Aster, now the James, is when
17 they have special events. But I wanted to make
18 that comment to the Commission that maybe they
19 should consider, considering the word may is there,
20 that they should allow amplified sound for special
21 events but not as a general daily basis. I also
22 wanted to comment that I am so surprised that West
23 Hollywood, which takes the initiative and is a
24 leader in so many worthy laws and enterprises, have

1 let San Francisco and Beverly Hills beat them,
2 which have declared...those two cities have declared
3 there shall be no smoking on outdoor dining and
4 some of the comments in the newspaper for people
5 who smoke said, "Well, they're going to take their
6 business elsewhere." Does that mean that we want
7 the City of West Hollywood to steal business away
8 from the City of Beverly Hills so that we can make
9 more money? I am going to suggest to the City
10 Council that we follow the lead of those two cities
11 and we ban cigarette smoking for outdoor dining.
12 Thank you.

13 Bartolo: Oh, Ms. Dobrin? I didn't use my time. I did not
14 use my time when it was...I was asked for
15 Commissioner comments. So I'm going to use it now,
16 which is welcome back. Welcome back.

17 Altschul: Ms. Dobrin, who is your statistician?

18 Bartolo: I appreciate your gracious response.

19 Dobrin: My statistician didn't want to be named, so I did
20 not name him.

21 Altschul: Well, if you're quoting...

22 Dobrin: How many times have I talked to John Altschul over
23 the years, a thousand times on the phone and he
24 tells me things, but he will never tell me who told

1 him that. So I am reserving that too.

2 Altschul: But you're giving something as a fact and quoting a
3 source, but you won't reveal the source, so how do
4 we know if it's a credible source?

5 Dobrin: Same with you.

6 Altschul: I give up.

7 **ITEM 15. ITEMS FROM COMMISSIONERS.**

8 Guardarrama: Okay. Items from Commissioners. Donald?

9 DeLuccio: Good night.

10 Guardarrama: John D'Amico?

11 D'Amico: Nothing.

12 Guardarrama: John Altschul?

13 Altschul: Nothing.

14 Guardarrama: Marc?

15 Yeber: Nothing.

16 Guardarrama: Kate?

17 Bartolo: Most assuredly nothing.

18 Guardarrama: Barbara?

19 Hamaker: Good night.

20 Guardarrama: Good night everybody. This meeting is adjourned to
21 our next regular meeting of October 18th in this
22 auditorium at 6:30 p.m.

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APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 1ST DAY OF NOVEMBER, 2007.


CHAIRPERSON

ATTEST:


COMMUNITY DEVELOPMENT DIRECTOR