



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**November 1, 2007**

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

**1. CALL TO ORDER:**

Chair Guardarrama called the meeting of the Planning Commission to order at 6:37 P.M.

**2. PLEDGE OF ALLEGIANCE:** Joseph Clapsaddle led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Jennifer Noel, Associate Planner, Francisco Contreras, Associate Planner, David DeGrazia, Senior Planner, John Chase, Urban Designer, Susan Healy Keen, Community Development Director, John Keho, Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, November 1, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. October 4, 2007**

**ACTION:** Approve the Planning Commission (Verbatim) Minutes of Thursday, October 4, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner D'Amico and unanimously carried.**

**B. October 18, 2007**

**ACTION:** Approve the Planning Commission Minutes of Thursday, October 18, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

**6. PUBLIC COMMENT.**

ALLEGRA ALLISON, WEST HOLLYWOOD, commented on mixed-use development.

**7. ITEMS FROM COMMISSIONERS.** None.

**8. CONSENT CALENDAR.** None.

*Vice-Chair Bartolo recused herself from the dais at this time.*

**9. PUBLIC HEARINGS.**

- A. 9001 Santa Monica Boulevard (Palm Restaurant Project).  
Administrative Permit 2006-021, Demolition Permit 2006-011,  
Development Permit 2006-015, Minor Conditional Use Permit 2006-  
004, General Plan Amendment 2006-004, Zoning Text Amendment  
2006-003, Development Agreement 2006-003, Tentative Tract Map  
2006-008, Negative Declaration:**  
Jennifer Noel, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, November 1, 2007.

***[VERBATIM TRANSCRIPTION]***

***Provided and certified by Written Communications, Inc.***

***Guardarrama:*** So let's move on to our first public hearing. It's Administrative Permit 2006-021, Demolition Permit 2006-11, Development Permit 2006-15, Minor Conditional Use Permit 2006-4, General Plan Amendment 2006-4, Zoning Text Amendment 2006-3, Development Agreement 2006-3, Tentative Tract Map 2006-8, and the Adoption of a Negative Declaration. The Applicant is Weho Partners. The location is 9001 Santa Monica Boulevard. The Planner is Jennifer Noel. Good evening, Jennifer.

***Noel:*** Good evening Commissioners. Thank you. Sorry.

***Guardarrama:*** Oh, before you get started, Jennifer, Commissioner Bartolo has to recuse herself, so.... Go ahead.

***Noel:*** Are we ready?

***Guardarrama:*** Yeah.

***Noel:*** Okay. Good evening. As you mentioned, the park project is for the demolition of all the buildings on the site and the construction of a mixed use project located at 9001 Santa Monica Boulevard. The General Plan Amendment...I'm sorry, there is a General Plan Amendment, a Zone Text Amendment, a Zone Map Amendment and these are to allow for altered development standards in the CC zone along Santa Monica Boulevard with the approval of a Development Agreement. There is a Development Agreement...I mean, there's a Development...yeah, excuse me, there's a Development Agreement to allow for altered development standards in return for a provision of public benefit. There is a Demolition Permit and a Development Permit for the demolition and construction of the proposed project. There is a Minor Conditional Use Permit for the sale, service and consumption of alcohol in conjunction with a restaurant and an Administrative Permit for Outdoor Dining with the Palm Restaurant. Finally, there's a Tract Map Application to divide the proposed building into 42 condominium units. The project site is on the north side of Santa Monica Boulevard and is bounded by Santa

Monica to the south, Ramage to the east, an alley to the north and other buildings to the west. Currently the site is developed with the Palm Restaurant. It's associated parking and a Rolls Royce maintenance shop. To the east of the project site is the Pavilion's Grocery Store site, which has recently received permission to redevelop with a larger grocery store and retail tenant spaces. Across Santa Monica to the west...I'm sorry, across Santa Monica and to the west is a mix of low rise retail restaurant service and other commercial uses. The north, to the north is a low density residential neighborhood. A little bit about the project background. This project was first conceptualized and designed while the Mixed Use Overlay Zone was proposed for the City, this area of the City. However, the proposed Mixed Use Overlay Zone has since been scaled back to include most of the eastern portion of the City. Because of this, other devices have been proposed to allow for the project to move forward as it was designed. The project is not requesting approval under the Mixed Use Overlay Zone and that entity has not been approved for this area. One of the devices that the project developer is proposing to utilize is the State Senate Bill 1818, SB1818. This is being used to request a density bonus, additional height, altered parking ratio and eliminated private open space and I will discuss all of these concessions in more detail shortly. The other device being used to request altered development standards is a Development Agreement. A Development Agreement is a document between a City and a developer that provides the developer with the ability to request altered requirements and standards in exchange for the provision of public benefit among other things. The developer is requesting to use the Development Agreement for additional density, additional height and alterations in the requirements for project phasing as it pertains to affordable housing. The project was reviewed in accordance with CEQUA. A Traffic Analysis was prepared and because there were no potential significant impacts identified, a negative declaration was prepared. With respect to the project height, they are proposing 65 feet and five stories. In the CC Zone, a building is normally allowed to be 35 feet and three stories. With the Mixed Use Bonus currently in the Zoning Ordinance, another 10 feet and an additional story may be granted. Under a concession that we've identified, that the City of West Hollywood has identified under SB1818 for projects that provide affordable housing on site, they are requesting another 10 feet and an additional story. And under the Development Agreement, they are requesting an additional 10 feet to bring them to 65 feet and five stories. With the proposed floor area ratio, it is 2.9. The...under the CC Zoning, you're allowed to build up to 1.5 FAR under normal circumstances. Mixed Use Bonus currently in the Code allows for a .5 additional FAR. The Mixed...I mean, I'm sorry, the SB1818 density bonus would allow this project an additional .57 FAR and they are asking for under the Development Agreement an additional .33 FAR to bring the total project density to 2.9. In the Zoning Ordinance for multi-family developments, we require 120 square feet of private open space for every residential unit. In this project, eight market rate units comply with the Code have either 120 square feet or more. Nine market rate units provide fewer than 120 square feet, but do have some private open space, 17 market rate units have no private open space at all and all eight affordable units are proposed with no private open space and the developer is requesting to allow this modification as a concession under SB1818. Just to kind of give a little background on that, there are concessions allowed that a developer can request in exchange for providing on-site affordable housing under the Senate Bill 1818 and this is one of the things they're requesting. As for the parking, the developer is proposing 180 parking spaces in two levels of subterranean parking. They have 63 compact spaces, which represents 35 percent of the spaces and the entire project will be served by valet. The parking will include the use of stackers or mechanical devices that allows cars to park one on top of the other. It lifts one car under and the other drives under. I mean one car up and the other drives under. A representative is present tonight I think with the Applicant that can explain a little bit more if you have questions on how exactly these work a little bit later. There were two shared parking studies performed for this project since it's recognized that Mixed Use projects have the potential to share projects, to share parking between one use or the other while one is not being used or vice versa. And in addition, I'm sorry, those are included in the packet and further discussion can be if you have any questions

on that, but furthermore, SB1818, which I've already discussed, allows for...or calls for a lower parking ratio than we would normally require under the West Hollywood Municipal Code and furthermore, SB1818 also dictates that a City may not require more parking than their ratios. So the total parking required under SB1818 is 72 spaces and they are providing 180, so the project complies with the required parking under State Law. With respect to the affordable housing, the...we require in our Conclusionary Housing Ordinance 20 percent of the housing units to be built affordable housing. This would require seven affordable units on the site. The developer is proposing eight affordable units. The affordable units will be part of Phase II of the construction and I will discuss the Phase in more detail in a moment. In order to ensure the affordable units are built, the City is requiring that three of the market rate units from Phase I are held until demolition and excavation of Phase II has begun. In the event that the Phase II does not commence, these three market rate units will be divided into six affordable units. Furthermore, the developer will set aside a sum of money to ensure that the affordable housing units in Phase II are completed. This money will be released back to the developer incrementally at certain points during the construction process and for more information on this, you can look in Section 3 of the Development Agreement, delineates it very specifically. With respect to the traffic, during the Environmental Review of the project, only one issue arose as a potential for significant impacts and that was traffic. Because of this, Traffic Impact Analysis was performed by Parsons and a representative from Parsons is here today to answer any specific questions you have in a moment. The analysis found that the increase in daily trips and impacts to the levels of service for City sections...City intersections and street segments was not above the threshold set by the City of West Hollywood and therefore would not be considered significant impact under CEQUA. The cumulative projects...I'm sorry, the cumulative impacts of the surrounding projects were considered for this analysis. The representative is here, as I said to answer any questions and also Transportation Manager Terri Slimmer is here as well to answer any questions that you may have. And now at this point, I'm gonna turn it over to John Chase for the design analysis.

**Chase:** Thank you. The footprint of the building above the first story is U-shaped with a courtyard facing south on Santa Monica Boulevard. The project is articulated into two wings facing south by this courtyard and the project has a variety of dramatically contrasting materials. There's two different, excuse me, there's two different kinds of rain screen paneling. Rain screen paneling is paneling that is held away from the building and has a waterproof surface underneath it and it gives a kind of sharper and cleaner articulation to the materials used because you see each individual panel very clearly because it's held away from the building. And they are made out of two different materials, brown stained composition wood panels or gray colored ceramic finish panels. There's also an area of green screen with vine on it in the stair tower to the west of the main courtyard. The rear alley façade reflects the two layers of two-story, two-story stacked townhouses. Each town, pair of townhouses is individually articulated so you can see the expression of what the building is reflected in the façade. The ground story is largely glass along Santa Monica Boulevard, becoming more solid along Ramage and then the alley façade at the ground level is concrete. The...there's a lot of glass in the two end pavilions facing Santa Monica Boulevard and there's a series of steel tube x-bracing in front of the glass that access the structure and also gives more articulation to the building. Thank you.

**Noel:** Thank you John. Okay. The next thing that I wanted to touch on is the construction phasing. As I mentioned, the...briefly, the project would be built in two phases. The first phase would consist of 900...9,800 square feet of restaurant. That's for the Palm. And then while this is happening, the Palm Restaurant would remain where it is and continue to operate until the first phase is complete and then switch over. So best case scenario, it would not have an interruption of service. Phase I also consists of a 200 square feet of outdoor dining associated with the Palm Restaurant, 4,020 square feet of first floor retail, 26 condominium units, three of these remember are to be held until Phase

*It begins and 120 parking spaces. Phase II would consist of the rest of the first floor retail, which is 5,830 square feet, eight affordable condominium units, eight market rate units and 60 additional parking space. So to summarize, the project Applicant is requesting these three different vehicles to achieve a greater density in height than otherwise allowed in the Zoning Ordinance. These are the FAR increase from 1.5 to 2.9 with the use of the Mixed Use Bonus in the Zoning Code, the SB1818 and the Development Agreement. The reduction of the parking ratio as granted by SB1818, the elimination of private open space requirements as a concession under 1818, an increase in height from 35 feet to 65 feet using all three, the Mixed Use Incentive, the SB1818 Concession and also partly in the Development Agreement. Staff is supportive of the project on the grounds that the developer is providing affordable housing, exemplary design and a public benefit as detailed in the Development Agreement and with that, I conclude my report and I ask if there's any questions for staff at this time.*

**Guardarrama:** John, you have a question?

**Altschul:** Yeah, several please. Jennifer, could you please basically give a short bird's eye view of what the benefits to the City are under the proposed Development Agreement?

**Noel:** Sure. The...hang on. The public benefits in the Development Agreement are listed out as, excuse me. The proposed extraordinary public benefit is a direct payment to the City of \$700,000.00, upon substantial completion of Phase II of the project. Other public benefits are the Palm Restaurant, which is longstanding business in the City of West Hollywood would remain open and provide tax revenue the entire time during the project's construction phases and also exemplary architecture in that location and affordable housing units.

**Altschul:** Secondly, when you talk about construction management, has there been consideration given to integrating the construction phase with the construction that will go on at Pavilion's?

**Noel:** When Pavilion's was approved, they had proposed to phase the project much as this project is doing to keep Pavilion's open the whole time. Subsequently, they have changed some of their plans and I can allow the Applicant to elaborate further on that if they want to. It would be difficult to require the two to coordinate in terms of timing in that if Pavilion's goes along with the schedule that they would like to go along with, they may be well into their construction phase by the time this project gets Building Permits for their first phase. So thought has been given to it. It may be difficult to provide that kind of coordination I think.

**Keho:** And also any use of the public right of way always requires approval, during construction projects always requires review and approval by the City and so the City does take a look at what's going on at those construction sites and to ensure that adequate access is provided to the neighborhoods and the surrounding areas.

**Altschul:** So it could be conditioned so that there are no encroachment permits in the public right of way given to this project at the same time that Pavilion's has one, or has any?

**Keho:** I suppose it could be conditioned that way, but basically the way it's been handled in the past is on a case by case basis. The Public Works Department takes a look at that.

**Altschul:** And lastly, there has been a letter submitted by a resident, a Mr. Warner, with numerous items of concern. Has there been any response prepared or any response considered to the items that he brought up?

**Noel:** Not specifically. I've spoken with Mr. Warner on the phone and tried to answer his questions the best I could, but as far as a written or prepared response to that, I don't have...I apologize.

**Altschul:** Thank you.

**Guardarrama:** Donald, then John.

**DeLuccio:** I was reading the staff report and it talks about the valet, about a valet on premise and I'm confused, would the valet be for both commercial and residents?

**Noel:** Yes. To my knowledge, as proposed it would be for all users of the building.

**DeLuccio:** People that live there as well as...

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

**DeLuccio:** ...people using it. Okay. Also then, and this is almost a beef I have. I read these staff reports and it always mentions the neighborhood meeting and in this case 35 people showed up and it doesn't give any discussion of, or it says referenced someplace else, but it never gives any discussion of what took place at these neighborhood meetings and what the concerns were of the residents. And I don't see anything in here. It just says 35 people showed up at the meeting and end of story. So I guess you obviously don't...couldn't tell me right now what the 35 people said, but I really believe that needs to be...if you're gonna make a statement like that, it needs to be explained further in the staff report.

**Keho:** Okay, we'll make sure we improve on that.

**DeLuccio:** Okay. Then the other thing is, I know, and I know that our job here is more land use than the Development Agreement. We do look at it, but it's really the City Council that ultimately will approve a Development Agreement and I was gonna ask the same question that Commissioner Altschul asked, what benefits would the City receive from the Development Agreement and one of them is they'll receive \$700,000.00 at the completion of the project. May we...what happens with that \$700,000.00, are there caveats on it or does this just go into the General Fund or was it dedicated to something in particular? And maybe the City Attorney needs to answer that question.

**Keho:** I believe it just goes into the General, the City's General Fund.

**DeLuccio:** Okay, thank you.

**D'Amico:** To follow up on that, how is...I guess that figure is...it's actually not germane to this discussion right, it's just some number. It could be \$1.00, it could be \$10 million, right? I mean, somebody else is gonna decide that.

**Jenkins:** Well, it's a negotiated number and loosely based on other monetary payments that have been made in connection with other Development Agreements on a pro rata basis.

**D'Amico:** I'm just surprised, because in the past, I don't have as long a past as Donald nor as interesting. The numbers have never come with the words Development Agreement. It's always been sort of something that was happened...handled at the City Council level and so we're not giving any tacit agreement to this dollar amount by accepting or not discussing it, right? I mean, that's theirs to do 100 percent?

**Jenkins:** You're really welcome to make a recommendation... if you wish.

**D'Amico:** Okay. The parking during Phase II construction, I noticed that I think it's 39 spots are built in Phase II of the parking for eight, for 16 units, is that correct? Maybe it's 69 spots. But I'm wondering if that means Phase I is not producing enough parking for its residential and commercial's development and I wonder if that's been looked at.

**Noel:** There...excuse me, hang on.

**D'Amico:** Okay, I just had that, I'm sorry to... Well, maybe you can look it up and....

**Noel:** Sure, yeah.

**D'Amico:** They can decide whether they want to answer as well. And then, what is the definition of the beginning of Phase II? When do those three units get released, when they put a shovel in the ground? When they demolish the restaurants?

**Noel:** It's listed in the Development Agreement under Section 3.2.2 as, Demolition and Excavation of Phase II.

**D'Amico:** Completion of?

**Noel:** It says here...it says owner will not close escrow or other continent...or other...this, I'm sorry, I must've started at the wrong point in this sentence, but anyway, the sale of these three units until such time as the demolition and excavation of Phase II commences.

**D'Amico:** Okay. So we could change that to completes? If we were so interested in, in the discussion?

**Keho:** Can make that recommendation.

**D'Amico:** Okay and then...going to a larger policy discussion on page five of 18, I noticed that the General Plan Amendment date is 2006-04. So this has been discussed since 2006 internally with the staff, the idea that this project would come forward with a General Plan Amendment?

**Noel:** Yes.

**D'Amico:** Okay. And I just want to put out for all of us to consider that this changes the building height to 66 feet for all of Santa Monica Boulevard from Doheny to La Brea. And I know it comes with the Development Agreement and I know it comes with a Zone Text Amendment, but it tacitly says that some number, not zero, not 500, but 65 feet is a pretty specific number of building height in any community commercial zoning district for properties located on Santa Monica Boulevard. So when we have a discussion about the Zone Text Amendment, I'm wanting us to consider if we would discuss perhaps a smaller scope, maybe from Doheny to La Cienega or Crescent Heights or something. I just want to point that out because I, I know that I have had a lot of discussions, we all have, and I wanted to be clear that this changes this for all of Santa Monica Boulevard on the back of this one project, which I think is perfectly fine. We have done that for the San Vicente building, but I wanted to point that out and then in the Zone Text Amendment, it changes the building FAR and the building height as well for CC Districts.

**Keho:** *It changes the zone to allow people to apply for Development Agreement.*

**D'Amico:** *I understand.*

**Keho:** *It doesn't change what the standards the Development Agreement would entail.*

**D'Amico:** *Right, which is a million dollars. You can, for the price of one condo, you can build a 65-foot tall building is sort of what this is saying to this Commissioner.*

**Keho:** *Or you can request something else...*

**D'Amico:** *Right.*

**Keho:** *...that's not even contemplated.*

**D'Amico:** *That's exactly right. Thank you. Okay, so those are my questions and I want to be sure I understood that and I guess I do. Thanks.*

**Guardarrama:** *Barbara?*

**Hamaker:** *You know, I...going along with John's statement, I had highlighted that paragraph too. But I guess I interpret it a little differently. It, it...and John, let me...Keho, let me ask you, it allows...and I'm reading it, it would allow any property along Santa Monica Boulevard, meaning because if this is approved and the changes are made, the same opportunity to enter into a Development Agreement with the City providing public benefit to the City of West Hollywood in return for being permitted to build the standards specified in this Amendment. So the Development Agreement, which is actually a City Council approved document, would spell out what they are and are not allowed to do as opposed to anything actually being on the books about changing it. So just wanted to state that and I had one more question, which actually flew out of my head, so go ahead Joe.*

**Guardarrama:** *Marc?*

**Yeber:** *Just some clarification from staff. If the MUOZ had been implemented, how different would have this project been in height or FAR? Or would...yeah, just...if you could answer that.*

**Noel:** *The site was approved or not approved, I'm sorry, the site was proposed under the MUOZ to be 65 feet, and the FAR....*

**Keho:** *I know that as far as open space goes, the proposed MUOZ would've eliminated the open space requirement because the concept was if you're on the boulevard then the open space is the...you're on the boulevard and we're checking on the, the FAR.*

**Yeber:** *And while you're checking on that, so and then it seems like it was fortuitous that even though the MUOZ was not implemented or is still in discussion that SB1818 then came into play allowing for this additional height and bonus, density bonus, is that correct?*

**Keho:** *That's correct. That's...that was a State change that impacted everything, right.*



**Guardarrama:** *Okay, Barbara?*

**Hamaker:** *I thought of it.*

**Yeber:** *Thank you.*

**Hamaker:** *John Keho, another question, if the SB1818 did not exist, I'm gonna ask, this is a two-part question, what would they be allowed to build and then this is a conjecture on your part, would they have built the affordable component?*

**Keho:** *I guess we'd have to ask them, the Applicants about changes to their project if the SB1818 wasn't there. My recollection was, you know, in the whole discussion of Mixed Use Overlay, the City Council had talked about some projects that were in the pipeline and, you know, when they scaled back the Mixed Use Overlay and this is one of those projects that was in the pipeline and so the idea was theirs, how do we...how is there a way that they can apply to come through with the Mixed Use projects such as this and so that's where the Zone Text Amendment and that came in, so even if SB1818 hadn't been in existence, they probably would still be applying for Zone Text Amendment of some sort and possibly Development Agreement.*

**Hamaker:** *Okay, but as I read it, because there actually are three different requests for height bonuses, one of them is the 10 foot that goes along with the SB1818. That probably would not be there had, had SB1818 not been used here.*

**Keho:** *Yeah, the SB1818 actually takes away some of our ability...*

**Hamaker:** *Right.*

**Keho:** *...because...right.*

**Hamaker:** *Right, thanks.*

**Guardarrama:** *Okay, I'd now like to open up the....*

**DeLuccio:** *I have another question to ask.*

**Guardarrama:** *Oh, Donald, go ahead.*

**DeLuccio:** *I guess is another way to look at this would be if the MCUP was in effect and with SB1818 they could've gone higher perhaps?*

**Keho:** *It's possible I guess. I would need to think about that a little bit more, but it's possible because it's whatever your requirements are and then SB1818 can allow for....*

**DeLuccio:** *And if they would've done the affordable housing, they perhaps could've gone with more height. However, I do want to clarify one thing and I think Commissioner Hamaker, you made a comment about it's up to the City Council for the Development Agreement, if we do make recommendations this evening and they ultimately do get approved, it'll be more than on the books the Zone Text Amendment and General Plan Amendments will actually be part of the Ordinance.*

**Guardarrama:** *All right, let's open up the public testimony portion of the public hearing. First we'll hear from the Applicant and the representatives of the Applicant who will have a combined 10 minutes to make their presentation. Ric Abramson? And I'd like to remind everyone who comes up to speak tonight to please state their name and their city of residence for the record. And just to let everyone know, we have an unusually high number of public speakers this evening, so the allotted time for members of the public to speak is gonna be two minutes.*

**D'Amico:** *Each. Total?*

**Guardarrama:** *No, John D'Amico, two minutes each.*

**D'Amico:** *Thank you.*

**Abramson:** *Okay, Mr. Chair, we're ready when you are, sorry about that.*

**Guardarrama:** *Go ahead.*

**Abramson:** *Okay, good evening Mr. Chair and Commissioners. I'm Ric Abramson, a resident of the City of West Hollywood. I'm the Architect for the Applicant who's Weho Partners. Weho Partners by the way happens to be developing a small residential project in the residential neighborhoods and has moved to the boulevard, so I just thought I would make that point. This project was undertaken in conjunction with Levin Morris Architects and Calvin (INAUDIBLE) Landscape Architect and also I just wanted to introduced part of the team, Mark Lehman and Ira Handleman from Handleman Consulting. As staff indicated, there's representatives from both the Palm Restaurant and the parking stacker company here this evening if that's necessary if you have questions. We want to thank staff. This has been a long journey. This project has been underway for quite some time and it's been a very lively discussion that included a great number of meetings with the community members along the way and I must really compliment the process and I think the project really grew much better through this process. As staff started to indicate, the project site sits next to the current Pavilion's market site. It's part of the widest part of the boulevard in the city, which is over 125 feet, one of the widest streets in the L.A. Basin I might add. And this aerial view gives a sense of the large footprints of adjacent properties from the PDC to the Pavilion's Market into some of the showroom spaces on the boulevard. In the distance is the Doheny Plaza and the Plaza Towers along Doheny. As I mentioned, this project has been a long time coming. It was originally initiated in February of 2003 and has been well over a year and a half just in the review process. We've listed for you the amount of public outreach, which has been far more than I've ever been involved with and as I said, in meeting with the renters and condo owners and those stakeholders in the neighborhood, it's been a really remarkable discussion. We've heard about concerns with employee parking in the neighborhood, with traffic from the Palm patrons driving through the neighborhood, of a lot of traffic issues along Santa Monica and I think we've proposed a project that did our best to, to mitigate and, and listen to these concerns. There were a number of parameters that were part of this project when we first became involved. The two phasing in particular makes it an extremely difficult project. The Palm is an iconic restaurant, it's an important resource to the City and we were asked at the beginning to devise a means to keep them in business. Secondly, as I said, the neighborhood impacts were identified very early on through a series of meetings and we'll talk about how we've attended to those in the best way possible that we could. Another issue is the City's boulevard street plan, which is attempting to promote pedestrian life and really push activity along the boulevard. That was very central to the design scheme. We worked with Transportation staff early in the project and were asked to make sure that all access was limited to the boulevard and I think we've succeeded in that through the vehicular access. And then we also took seriously the, the location of this project and the*

need to create more of a landmark for the City because right now as we know entering into the City from the west is, you know, an unfortunate boarded up building with a billboard on it. And then finally, even though this anticipated the Green Building Ordinance by over two years, it was used as an example, a prototype during the development of the Ordinance itself and under the Mixed Use provisions more than qualified as a Green Building. The ground floor plan indicated shows the phasing of the project as well as the access along Santa Monica Boulevard. We are proposing a small outdoor dining component along the boulevard as part of the pedestrian plan and we're also proposing something I will be discussing in a minute, which is a greatly improved street, Ramage Street or as we found out along the process, some of the neighbors prefer Ramage, but that's still out there as a question. The other thing that we looked at was how can we best make this a boulevard centric project? How can we make this more active in impacts on the boulevard as opposed to the neighborhood? So in the planning stages, we were careful to locate 32 of the 42 units along the street itself and staff mentioned the diverse unit types, the different typologies of townhouse and flats. By going to townhouse units on the north side, it left us with only 10 units that actually face into the neighborhood as part of the overall 42 and we felt that that was something that was much better in terms of getting to the boulevard for the units. There was mention about the affordable component. That was part of the project from the beginning. It's something that those who do know I'm also a member of the West Hollywood Community Housing Corporation and I feel very strongly about integrating affordable housing wherever possible and in this case actually encouraged the client to look at additional affordable housing. We worked closely with staff to, to make sure that there were the eight units on the property. I think by calculation, 6.8 were required, so we're proposing eight. Also I mentioned briefly about the need to understand how a building helps to create or participate in the urban image of the City and this site actually happens to sit at the end of the Vista from Almont and La Peer. So as part of the design, not only were we trying to enliven and enhance at the boulevard with the pedestrian life, but we wanted something that would hold up as a sort of backdrop to the avenues of arts and design. So there's a more artful play with the glass, the translucencies, the transparencies, the green tower, the elevated courtyard. There's actually a water feature that spills from the courtyard down to the sidewalk, further enhancing the pedestrian experience. A view simulation from the west, arriving and seeing really the width of Santa Monica Boulevard and how from an urban standpoint I think the building holds up really well in terms of its scale and magnitude on the boulevard side. We also worked closely with the neighbors on the Keith Avenue side and actually developed a simulation at their request to give them a sense of what the building would look like from Keith. We were very pleased with how the project sat. We were fortunate because of the topography that it doesn't have that looming sort of impact that some of the other residential buildings that we saw earlier had. Interestingly is we...interestingly, we found out in the last couple days that there's a project that is in development at the site in the rear and we've sort of simulated a 25 foot building, which is the current zoning for that lot and you can see how much even a 25 foot development would completely obscure the back of this proposed project. Finally, the landscape component was a very, very important part of the project and we actually more than doubled the common open space in the project and looked for more a diverse way of including private open space. I know in the staff report, it made mention of eliminating private open space, but rather, we didn't eliminate it, but we reconfigured it and redistributed it in a way that moved it away from the boulevard and tried to balance the larger common spaces with the more intimate private spaces. The pedestrian life for us starts at the new Pavilion's project that was recently approved and they're...I believe they're proposing a bakery and coffee shop and so the project extends the boulevard pedestrian activity. And lastly in closing, I wanted to mention this upgraded proposal for Ramage Street that I can explain in greater detail if you have questions, but what we're proposing is a more European street that, that actually comes from the Dutch. It's called a Voonuv and it's effectively a living yard is how it translates and it...what it does is it makes a curbsless plaza that can be closed off for a National night out, for block parties, for Farmer's Markets, etc., as a neighborhood resource. So we're very excited that

should this project go forward it would introduce a completely new way of thinking about streets and neighborhoods coming together, tying to the boulevard and making a much more livable place. Finally, a shot of the boulevard and a sketch of the proposed Palm Restaurant outdoor dining component. And we thank you very much. We'll be happy to answer questions if you have any.

**Guardarrama:** Does anyone have any questions for the Applicant? Barbara?

**Hamaker:** I have a couple of requests. Ric, could you...actually I don't want the lights. Could you go back to the slide that gave us a view at the very beginning of the whole region because the house lights were up and I couldn't really get a sense of it at all. And then the second slide I would love to see is, is...yeah, for a minute, and then the...so a moment of silence. The big, the big white area is Pavilion's?

**Abramson:** Correct, the big white area is Pavilion's and is part of their proposal, as they would go all the way to the right edge of the slide as part of their new market plans.

**Hamaker:** Oh, I see. Oh, okay, so...oh, my God, so that's their whole parking...

**Abramson:** That's, that's the footprint.

**Hamaker:** Oh, okay, gotcha. Okay.

**Abramson:** And then we're in the green hovel there.

**Hamaker:** Okay. Okay. Thank you. The other slide I'd like to see again is the north face of your project, facing the alley and the neighborhood, but with...there, thank you. Okay, so this...what is this street?

**Abramson:** This is Keith Avenue.

**Hamaker:** Okay and then on the other side of those buildings is the alley.

**Abramson:** Correct, there's an alley there and the only simulation in this image, this montage, is the building itself and on the left edge of the building you see a sort of palm grove, which was something that came up as part of the neighborhood process and some of the suggestions that were made at Design Review Board.

**Hamaker:** And the, the next slide where you had a new structure, so this area that we're looking at right now is proposed to be something else?

**Abramson:** We're hearing that there's an application coming on this property that would be a...it's an R2 zone, so it'd be like a triplex or something.

**Hamaker:** Two-story, okay, thanks.

**Guardarrama:** Anyone else?

**D'Amico:** Yeah, Ric, does the project in Phase I have enough parking for the units and commercial in Phase I?

**Abramson:** Yeah, actually Phase I is, is parked at an even higher ratio. Phase I has 120 spaces. Phase II has 60. Just the retail component in Phase II would require about 60 spaces. So we have retail plus eight residential units, so it's front loaded on the parking side.

**D'Amico:** *I see, and go ahead.*

**Hamaker:** *I'm sorry, John, I had....*

**D'Amico:** *Okay.*

**Hamaker:** *Okay, who will use the stacker spaces, the parking spaces?*

**Abramson:** *This project is proposed as fully valet and so the way it would work, one of the issues we heard from the community is that at night when the Palm is very busy, there's a lot of cueing on Santa Monica Boulevard, a lot of backup. So what we've done is we set up a valet protocol in which one would drive down to the first level below grade and drop off your car, whether you're a resident or visiting the retail or the restaurant, and your car would be parked for you. And then it would reverse the process coming back and we've actually done a little cueing analysis and found that we can stage about 13 or 14 cars if they arrived at the same time without having any impact on the boulevard. And then the stackers themselves, my guess, it's up to the valet company to operate, but my guess is that what will happen is the employees will come in in the morning, their cars will go up on the lifts 'cause they're there all day and then the general spaces will be for the day use of the patrons.*

**Hamaker:** *Okay, that's sort of what I had assumed. I didn't realize it would be up to the valet. Thank you.*

**Abramson:** *Yeah.*

**Guardarrama:** *John has one more question.*

**D'Amico:** *And one last question. So the General Plan Amendment, was it your organization that asked for this to include all properties located on Santa Monica Boulevard?*

**Abramson:** *Actually, no, it's the first I've heard, but perhaps Mark Lehman should address that part of the Development Agreement.*

**Lehman:** *Mark Lehman, City of West Hollywood. I would actually defer that question to the City. We just, we just filed for a General Plan Amendment. At various points in time, we discussed various overlays and this is I think the final overlay decision that was reached by the City staff.*

**D'Amico:** *So your development is not interested in 65 foot tall buildings that say Poinsettia in Santa Monica?*

**Lehman:** *Well, obviously we don't have an interest (TALKING OVER) our project, so....*

**D'Amico:** *Or at Orange Grove in Santa Monica.*

**Lehman:** *I think you're correct. We don't...our interest obviously is in our Development Agreement.*

**D'Amico:** *So if this Commission made a recommendation to limit the scope of that Zone Text Amendment and General Plan Amendment to say the west side of West Hollywood or the north side of Santa Monica Boulevard, your organization would have no problem with it as long as it included, for example, your property.*

**Lehman:** Well, I don't believe we would have any objection.

**D'Amico:** Thank you.

**Guardarrama:** Okay, if there's no further questions, let's hear from the public. Our first speaker is George Gilio to be followed by Nan Williams.

**Gilio:** George Gilio, General Manager of the Palm Restaurant. My residence is Newbury Park, California. Obviously with a development of this size, there's always an ease for all the right reasons and not being insensitive to a development of this size, there's going to be traffic, there's going to be construction noise. One of the things that the Palm represents is character. The Palm opened up in 1926, the first restaurant in Manhattan, New York and it's continued to open up restaurants across the country from 1926. And one of the things, among other things, is the Palm represents character of the highest quality and community. I think there's no question about what we've proven in West Hollywood. We opened in 1975. One of the considerations that would be very much a part of this project is that we continue to service a community of the highest level with food service and a business that is very competitive and I think the Palm will continue to do that and also represents the character of West Hollywood in the way that you would want it to. So going forward, I think it would not only be advantageous for the community, but would also be advantageous to the growth as well. So obviously I'm in favor of this project and look forward to you all coming for dinner very soon.

**Guardarrama:** Thank you, Nan Williams to be followed by Scott Olin Schmidt.

**Williams:** Nan Williams, West Hollywood. I live around the corner from the Palm. I think the whole development is excellent. I'm for it. I have one consideration that I wish we could do something about and that is there should be some kind of a left turn into that area when you're coming from the west on Santa Monica Boulevard. Otherwise, everybody's gonna go down and do U-turns at...it's my turn right now. Everybody, everybody is gonna go down to Santa Monica and, and Robertson do a U-turn and that we already know a dreadful intersection that is already. So if that could be some kind of a consideration that could be taken into your thoughts and your plans. I'm for this. I think these people care about our community and they care about staying here and I certainly want to keep them here. So I'm voting for it.

**Guardarrama:** Thank you, Scott Olin Schmidt to be followed by Esther Baum.

**Schmidt:** Good evening, I'm Scott Schmidt, resident of the City of West Hollywood. And I'm here in support of this project because of how it fits into the larger values of the city. We talk about promoting things like green building and mixed use and putting, you know, bringing people to transportation corridors, and this project fits all of those and, you know, we...I was at the Metro meeting on Monday night and one of the concerns they have when they're looking at choosing where to put the station is the willingness to allow for development and development opportunities near potential stations and they're talking about Santa Monica and San Vicente. So showing that commitment here could be done by approving this project and thank you for your time.

**Guardarrama:** Thank you. Esther Baum to be followed by Julie Summers.

**Baum:** Esther Baum, resident of West Hollywood. I'm very much in favor of it. I think it will improve the look of the boulevard. I don't think an auto repair place adds to the ambience and I love the Palm Restaurant, so I'm so glad they're going to stay and I think it's a win-win thing.

**Guardarrama:** Thank you. Julie Summers to be followed by Jerry Illuian.

**Summers:** Good evening Commissioners. My name is Julie Summers, proud resident of the City of West Hollywood, and I'm here to speak in favor of the 9001 Santa Monica Boulevard project. Most important to me, it will provide affordable housing. It will ultimately enhance the boulevard and keep the Palm Restaurant. Development is a given or Santa Monica Boulevard would still be horse and buggy. So I think this is a good project and should move forward.

**Guardarrama:** Thank you. Jerry Illuian to be followed by David Middleton.

**Altschul:** Jerry's not here.

**Guardarrama:** Okay, looks like we're gonna move on to David Middleton to be followed by Victor Omelczenko.

**Middleton:** David Middleton from Acclaim, Virginia. I'd like to speak on behalf of Palm Restaurant. I'm Vice President of Development for the corporation.

**Guardarrama:** Oh, I'm sorry, sir. The Applicant already had its chance to speak at the beginning. Oh, oh, you're not part of the Applicant and then go...then go ahead.

**Middleton:** Oh, no, sorry, part of the restaurant. I'd just like to say a few words about why it is important for us to get a new facility. We've been part of the neighborhood for 32 years and would like to stay. But it's very difficult to maintain a building that is this old and still keep up our competitive edge. We have a capacity to serve that we're unable to do so effectively because we don't have the space. We need more employee space and a better facility to take care of our customers. And we would like very much to get the project approved so that we can have a better restaurant facility serve the community.

**Guardarrama:** Thank you Mr. Middleton. Our next speaker is Victor Omelczenko to be followed by Ken DiGregorio.

**Omelczenko:** I'm Victor Omelczenko, a resident of West Hollywood in the Norma Triangle neighborhood, which will be most directly affected by this project. Too many bonuses, too many concessions, for too much mass for too much density. In January of 2006, the City had a meeting here and the west side of the city was promised that we would have a west side specific plan developed. Two years later almost, we have not had one meeting yet to have input. We're being told that that's gonna be part of the Hogel Ireland study, but in the meantime, we're being overtaken by this rampant development. We are not against development. This is a community commercial zone, allowing three stories along that stretch of Santa Monica Boulevard plus one additional story for mixed use. That would have provided under the original rules seven affordable housing units. What this developer is saying is they're gonna give us one more affordable housing unit for a fifth story and usually that fifth story would only take us up to 55, but they want to go up to 65 feet. That's too tall for the neighborhood. And as for that \$700,000.00 10-year development agreement pittance, you can barely buy a condominium in this city, a two-bedroom maybe for that amount. That's too little and too meager. Make it four stories and I think that the community would be happy. Thank you.

**Guardarrama:** Mr. Omelczenko, there's a question. There's a question.

**DeLuccio:** Sure, I have a question. I have a question of staff before the next speaker please.

**Guardarrama:** *Okay, it's not for the speaker?*

**DeLuccio:** *I have a question of staff. Can you please give the clarification, they could actually build with SB1818 five stories and 55 feet? What can they do without...*

**Noel:** *No, SB....*

**DeLuccio:** *...the, without the Development Agreement?*

**Noel:** *With...well, with SB1818, they can request concessions. They can request...the concessions are not delineated in SB1818.*

**DeLuccio:** *I understand, I understand SB1818. Just answer the question if they wanted to take a height concession, how high can they build?*

**Keho:** *So a Code...I'm gonna say this and then I'm gonna double check and make sure I didn't say anything out of order, but the Code allows Mixed Use one story additional height. So you're saying if they take that Mixed Use height then they apply for 1818, then one of the concessions is additional height on top of that.*

**DeLuccio:** *And then get 55 feet and five stories, but they want 65 feet to do...*

**Keho:** *Correct.*

**DeLuccio:** *...their five. So I just wanted to clarify that 'cause the speaker made a comment and I think it's very, very important that we clarify what they can do.*

**Guardarrama:** *Sorry about that Mr. DiGregorio.*

**DiGregorio:** *Hi, my name is Ken DiGregorio, I'm a long time resident of Harland Avenue. I live right next to this project. I don't think most of these people who are for it live anywhere near the project except for Nan, who I really like and respect. But let me first start by talking about parking. I really think if you do the math, there's not enough parking. When you add up how many cars are at the restaurant every night, that's like 100 right there plus all the employees, then you're adding another 100 cars for the condominiums, at least two cars per condominium and then, you know, God forbid, they put an H & M Clothing store in the other 10,000 feet of retail, you won't be able to park, believe me. The next problem is traffic. Without a left turn into this project, you're really gonna cause problems on Santa Monica. I couldn't imagine putting this project in without a left hand turn. I would say, like Nan says, if you had a left turn at La Peer, you would alleviate a lot of problems, but without it, people are gonna come through the neighborhoods. They're gonna come down Doheny and make a left on Keith and come in the back way. For me to get to Harland, I can't get there because of Willie Lane is a one-way, so I usually take the alley. Everybody takes the alley in my neighborhood behind the Palm Restaurant and we constantly have to fight with like six delivery vans for the space. Willie Lane is always backed up. I didn't hear the Applicant talk at all about the delivery for the Palm as far as food goes. That's a huge issue. There's gonna be trucks coming in, there's gonna be furniture moving in, there's gonna be, you know, 40 people moving into their new condominiums and deliveries, Fed-Ex, UPS. It's not gonna happen in this alley and with Willie Lane. It's just way too small. Lastly, I just want to talk real quick about, you know, where is our town center? You're building one-story and two-story buildings on Robertson and Weho and you're building this on top of my little bungalow. I mean, you've gotta be kidding me. Why are you building five stories here when our town center is between Melrose and Santa Monica? That's where to build this. Thank you.*



**Guardarrama:** Thank you. Sharon Sandow to be followed by Joseph Clapsaddle.

**Sandow:** Good evening, Sharon Sandow, West Los Angeles. I'm the Pres...excuse me, President of the Chamber of Commerce. And I'm pleased tonight to support this project, which will by phasing allow the Palm Restaurant to stay open while the project is constructed. The Palm is a huge icon in this area and is well visited, well liked, well loved. We are very pleased that that will stay open and benefit the area. The increase of 10,000 square feet of the new residential...retail space will actually bring in more businesses and will again help the community, help the tax increment and also this will activate the boulevard with more pedestrian friendly establishments. So we are in support of this project.

**Guardarrama:** Thank you. Joseph Clapsaddle to be followed by Kate Bartolo.

**Clapsaddle:** Good evening, members of the Commission, Mr. Chairman, my name is Joseph Clapsaddle, I'm a resident of the City of West Hollywood. And I come to you tonight speaking as an individual who loves this city and I've been giving a lot of thought to what we're looking for in this community and I have been aware of this project and studied this project now for several months and what it...what comes to mind, aside from all the technical things, which staff goes through and you...all the deliberations you have to go through, which I respect, but this project has what I'm gonna call the wow factor. It is very well designed. It gives an opportunity for not only us to have an iconic business stay in business, but add business. It is pedestrian friendly. It adds a landmark to that...this area of the community, which is the west side. Everyone involved with this project whether it is the...whether it's the architect, the developer, the landscape architect, so much thought, so much caring has gone into this from staff and everyone else and I urge you to approve this project and I thank you for listening.

**Guardarrama:** Thank you. Kate Bartolo to be followed by Judith Kass.

**Bartolo:** As noted, Kate Bartolo, City of West Hollywood. I recused myself from my service on the Planning Commission. I am also the Chair of the Norma Triangle, which is the neighborhood association immediately servicing the area. I'm not here speaking in that capacity, I'm speaking as an individual. This is a project that I have literally never seen a smaller land mass combine a greater array of public benefit, goals and objectives in terms of urban planning. Very briefly, the affordable housing on a percentage basis goes up to 25 to 30 percent compared to what it could've been under the Mixed Use Ordinance. A woonerf which is considered to be the most exciting new urban planning concept that has been introduced to Los Angeles recently has been incorporated. There will be traffic mitigations. Accommodating the Palm Restaurant on a site like this is a remarkable achievement. Parking could have been substantially less under SB1818. They made a decision not to. They...it's a green building, the neighborhood impacts and in the construction phasing. What is remarkable to me is that the small site and the multiple public benefits, it doesn't look like it's a project that the committee built. It truly is iconic. The...what is also important and I've been very public about it is that when there is a substantial project in a commercial area, I think there needs to be trade-offs in residential areas. The fact is, the Norma Triangle is already protected in terms of the capacity to go higher. What I think is important also is what the neighborhood has worked out. It's not gonna please everyone, clearly not, and I respect very much the people who don't, but let me just read very briefly some of the changes already made in the neighborhood. Upgraded residential presence of entry along Ramage, the revised alley corner to improve visibility and offer greater landscape, more trees and more landscaping around the perimeter, the Ramage again at (INAUDIBLE), outdoor living street, which I find very exciting. Thank you.

**D'Amico:** *Excuse me, Kate? I have a couple questions. Did you attend the neighborhood meeting?*

**Bartolo:** *I'm not sure which one. There were several neighborhood meetings. The one that was actually the large one that was held was held at my home as part of the Neighborhood Association.*

**D'Amico:** *And since Donald asked, what was the general sense of the neighborhood's discussion about this project?*

**Bartolo:** *There was...the main focus was on the height. That was the main concern. It was a mix of people. The people against the height, the increase, were extremely vocal. Afterwards a lot of people stayed behind and said they didn't want to speak, but they really were just blown away by the project architecture.*

**D'Amico:** *But it was about the height and the beauty of the project?*

**Bartolo:** *That was the focus of the concern, yeah.*

**D'Amico:** *And what did you...so you didn't come representing your Neighborhood Association.*

**Bartolo:** *Right, and I'm really not representing the neighborhood Association.*

**D'Amico:** *What position has your Neighborhood Association taken?*

**Bartolo:** *It has not taken a position.*

**D'Amico:** *Thanks.*

**Bartolo:** *Oh, by the way, and I should answer 'cause Jeanne raised a point. She said I didn't ask for one. There is no mechanism presently because it is a Neighborhood Watch Association, it's an established (TALKING OVER).*

**Altschul:** *I don't think Jeanne's questions are appropriate to answer.*

**Bartolo:** *Fair enough.*

**Altschul:** *I think the neighbors that were objecting or that were vocal against the height, the neighbors that live closest to the project?*

**Bartolo:** *Yes.*

**Altschul:** *Thank you.*

**Bartolo:** *Not exclusively I should add. There were two others in particular who, one of whom has already testified.*

**Guardarrama:** *Thank you. Judith Kass to be followed by Allegra Allison.*

**Kass:** *My name is Judith Kass and I'm a resident of West Hollywood. And I think the building is absolutely beautifully designed and I think it's nice to have some things that are a little taller and a little (INAUDIBLE).*

**Guardarrama:** *Speak into your mic please.*

**Kass:** Oh, lift it up, okay. Sorry.

**Guardarrama:** Perfect.

**Kass:** Okay, I'm in favor of the project and I'm in favor of keeping the Palm Restaurant in West Hollywood. It's...I've always enjoyed going there and I do believe that it's nice to have a little variety of height. I don't like things that are always the same height. I think it's nice to have a variety of height. Anyway, that's the way I feel about it. Thank you.

**Guardarrama:** Thank you, Allegra Allison to be followed by Eugene Levin.

**Allison:** Allegra Allison, West Hollywood. I think the biggest thing here is cumulative effects, which nobody's talking about at all. First of all, it is a huge project. It would possibly work if it were three or four stories and I would bet you that the Palm Restaurant would stay there if it were three or four stories as well. So that argument of being able to keep the Palm Restaurant seems a little silly. Plus, the \$700,000.00, which is, as Victor said, you know, less than the price of a condo that anybody could afford in this city. I also wanted to know if...what an affordable condo means. Would Esther Baum be able to afford it? I have no idea what that means. And, you know, there's 109 mixed use projects that's being considered a block from there, across the street at Melrose Triangle. Nemo Project just got approved. There's the athletic club. The project that's gonna be happening across from Gelson's. How can we not look at all of that and this needs a complete EIR and it is, you know, it is as I always say strangling the city altogether and nobody ever looks at anything other than by a project by project basis. And to give it a negative declaration is just...just doesn't seem to be proper and, you know, we need to look at the entire city. That's what the General Plan's about. That's why we're getting a General Plan. Why are we ignoring that? Thank you.

**Guardarrama:** Thank you. Eugene Levin to be followed by R. Matatov.

**Levin:** Eugene Levin, thank you for opportunity to talk in front of Commission. My mom lives on Palm Street and I took her many times to the Palm Restaurant. It's a really great place. The most interesting that provide affordable housing for the people, for the...and extra income for City, which could be used for different services. I am completely favor for this project. Thank you very much.

**Guardarrama:** Thank you. R. Matatov to be followed by Leonid Katzev...I'm sorry if I pronounced your last name wrong.

**Matatov:** Hi, my name is Roman Matatov. I emigrated from Soviet Union back in 1980 and West Hollywood was my home. Now I live in an area called Mount Olympus, so whether I belong to the neighborhood immediately or not, it doesn't matter because I'm a consumer and most of my life takes place in this area. Thanks in part to you guys, I can see as a visitor what has happened in the area. And it transformed drastically in the last almost 30 years that I live here. And I believe this is a progressive thing to do. Four stories, five stories, I believe there are codes in place and the Commission will make sure that they're observed. But this is a move forward and I support it with all my heart. We need developers like this. We need money coming in. I believe this will create jobs, to provide affordance housing and yes, there's always someone who will perhaps or they think they will suffer, but you know what, for the good of the city, may well very well worth it. Thank you.

**Guardarrama:** Thank you. Leonid Katzevil, Katzcivilan? Lives on Martel? All right. Let's move on to Dr. Israel Seelin to be followed by Steve Martin.

**Seelin:** I'm a member, I'm a member of American Russian Community in West Hollywood since 1978. You probably all know how many Russian people lives in West Hollywood. It's a huge, huge group of people and I'm voting because this project gives affordable housing. Beside the point, Palms Restaurant is gonna be...remain the same, I hope even better because I'm frequent customer of this place. Thank you for your (INAUDIBLE). Thank you.

**Guardarrama:** Thank you. Steve Martin to be followed by Jim Kingston.

**Martin:** This...Steve Martin, West Hollywood. This building, this project does have a wow factor. Wow, it's really too big. I think as Kate Bartolo said, there's a lot of things being squeezed into this lot, but this lot just is not that big. The Palm Restaurant, we need to work with the Palm Restaurant to keep the Palm Restaurant here, but it doesn't need five, it doesn't need five stories. It doesn't need 65 feet. I thought that the question asked by Commissioner DeLuccio was very pointed and I think an earlier question along those lines was avoided by staff about SB1818. The fact of the matter is, this developer is putting in more parking than SB18 re, 1818 requires because they couldn't function with one parking space less. That's why you're having the valet parking. This...Palm Restaurant was built in 1926. Ten or fifteen years before...after these streets behind it were laid out. Those streets, Ramage, Ramage, Keith, Wiley are...they're nothing more than glorified alleys and this is gonna be generating lots of traffic into the neighborhood areas. Yes, this will be iconic only to the fact that it's going to be the largest building on the west side, but if we do...if you do allow for that 65 feet throughout the west side, more and...just more encumbrance on Santa Monica Boulevard will happen. As those of you who use Santa Monica Boulevard know, it is becoming increasingly difficult to navigate, which always translates out to people going on to the side streets and there are really no functioning arterials that about this project. It's kind of sad that it's really minimal affordable housing. It is affordable condos, but at some point in time we really need to look at what is good for the whole functioning of the city and I think the L. A. Times and the L. A. Weekly have both come out editorially denouncing the mixed use concept that is being used by developers to stick L. A. residents with outsized and out of place development. Thank you.

**Guardarrama:** Thank you. Jim Kingston to be followed by Ed Buck.

**Kingslan:** Hi, my name is Jim Kingslan, long term resident of West Hollywood. Yeah, it's a good looking building. It'd be nice to keep the Palm here. I agree, I think it could be done in four stories. My concerns are the height. They're asking to nearly double the height allowed right now. I think that's a dangerous precedent to set. You're right, it's gonna trickle all the way down West Hollywood. I live at Sweetzer and Fountain. I don't want to see five and six story buildings along Santa Monica Boulevard across the street from City Hall. You know, I, I...the Palm would still be there. I just think that this is a bad precedent to set with these height restrictions and the City really needs to look at this as going forward. What's gonna happen to the rest of Santa Monica Boulevard and Sunset, because you know that once this happens on Santa Monica, Sunset and Melrose are gonna be next. Thank you.

**Guardarrama:** Thank you. Ed Buck to be followed by Michelle Proyect. Ed Buck.

**Buck:** That's me. Wow factors for sure. Ed Buck, City of West Hollywood. Yeah, it's too big. The question that we need to ask ourselves is, is it fair? If everybody at every commercial property along Santa Monica Boulevard there did the same thing, could our infrastructure survive? And clearly the answer is no. What this seems to amount to is spot zoning and I thought that was illegal. We're getting a Zone Text Amendment, a General Plan Amendment, a Zoning Map Amendment? What happened to our west side specific plan, specifically? This is the quintessential West Hollywood insider sweetheart deal. It's incestuous and embarrassing. The cast of characters behind me that put this

*project forward are well connected and have clearly used those connections to get this far. It's up to you to take a stand. This proposal reads like an 18<sup>th</sup> Century peace treaty. No one completely understands it including the planner. Affordable housing will be built and put Phase II, private open space has evaporated and is gone. \$700,000.00 potentially in 10 years? I mean, it looks like the developer is using SB1818 as lube to stick it to us and I resent it. Take a stand. You can approve a project here, but it doesn't have to be that big. Thank you.*

**Guardarrama:** *Thank you Mr. Buck. Michelle Proyect to be followed by Susan Isaacs.*

**Proyect:** *Hi, I'm a resident of West Hollywood, Norma Triangle in particular. I've been to several of these meetings. I see that a lot of...I see a lot of the same faces. I have yet to see them being heard. It seems to me that the develop...I know all of this is making the developers happy. I know that the...and I love the Palm Restaurant. I'm from New York so I love the Palm. I'd love the Palm to stay in West Hollywood, but it seems to me like a lot of people testifying here seem to be frequent visitors of the Palm, not people who live in this resident...in this area and are gonna be impacted by this. I went to another meeting with the City Council where they voted to impeach George Bush and one of the Councilmen said very dramatically, "We, the people." At that same meeting people who stood up and were protesting something going on in their area were escorted out and they left yelling, "Listen to us, listen to us." I was recently in City Hall, they have the Green Ordinance. I saw that, I read that, it's great. But I don't know if you're thinking about the noise pollution, car emissions, traffic impact. People like me who are trying to do the right thing, the green thing, I thought about putting solar panels on my house and I've said this before, but on Nemo Street there are five story buildings going up that are gonna block our roofs and it'll be investment in nothing. We won't get any sun. The (INAUDIBLE) is too small. Nobody, but nobody could look at this building and think that it fits the scale of this neighborhood and yes, on Keith Street, maybe they'll build up 25 feet, but maybe they won't and if they do build up, that'll be sad because that's another bungalow we've lost. We, the people, are asking you to stop and on an aside, I'd like to say thank goodness for people like Jeanne because she is a warrior and she comes out and is dedicated and fights for what's right. Thank you.*

**Guardarrama:** *Thank you. Oh, Michelle? Michelle? Would you just state your name for the record?*

**Proyect:** *I'm sorry?*

**Guardarrama:** *Would you just state your name for the record?*

**Proyect:** *Michelle Proyect.*

**Guardarrama:** *Thanks. Susan Isaacs to be followed by Jeanne Dobrin.*

**Isaacs:** *Good evening, my name is Susan Isaacs, I am a resident of 9018 Keith Avenue. And my concern, albeit personal because I do believe that the project is quite beautiful and will enhance the neighborhood, my concern is truly personal for the residents that about the construction of this project directly. My apartment building is on the alley overlooking the Rolls Royce Bentley work...dealership, whatever. So, yeah, I'm not gonna have a view, no problem. My concern is the density of construction not only by the Palm but the three other construction projects that are gonna take place, I don't if it's at the same time, whether they're gonna overlap, I have no idea. Nobody gets a straight answer. But my request would be that the developer make some concessions to the residents' right against the construction. For example, my building was built in the 50's, I believe, and I have Louver windows. They work fine in a Mediterranean climate as long as there's no great dust and stuff flying through the air. Perhaps the developer could offer to replace windows. We're talking about peanuts here. I mean peanuts to*

*replace windows or to do something else to keep the area clean, to have a modicum of cleanliness while construction is taking place. The other question is, my building would seem to be very advantageous to own by the Palm folks. Whoops. Thank you.*

**D'Amico:** *Can I ask a...*

**Guardarrama:** *Thank you.*

**D'Amico:** *...quick question?*

**Guardarrama:** *We've got one question for you.*

**D'Amico:** *So have you had that discussion about concessions with the developer or the architect or any of their representatives?*

**Isaacs:** *I have had the brief conversa...it's not a conversation. I made a suggestion to a representative of the developer, just dropping the suggestion.*

**D'Amico:** *There is of course a Development Agreement proposed, which would be considered by the City Council and I would suggest if this goes forward you counsel...you contact City Council members and ask them to include that in the Development Agreement.*

**Isaacs:** *So it's City Council that makes the decision, not the developer?*

**D'Amico:** *That's, that's in fact correct.*

**Isaacs:** *No kidding? Could've fooled me. Okay. Thank you very much.*

**Guardarrama:** *All right, Jeanne Dobrin.*

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

**Guardarrama:** *Excuse me, ma'am, could you speak into the mic?*

**Dobrin:** *Pardon?*

**Guardarrama:** *Could you speak into the microphone?*

**Dobrin:** *I'm sorry, I didn't have the (INAUDIBLE) on.*

**Male:** *We can't hear you.*

**Guardarrama:** *We can't hear you, Jeanne, speak into the mic.*

**Dobrin:** *It's not on? Well, I need some help then. I'm not mechanically minded. Is it on? Thank you. I'll start all over. Jeanne Dobrin, a resident of West Hollywood. I'm really shocked. Why has the staff not given us a report on the 35 concerned persons meeting? I saw some City staff there including Joan English came to this meeting. There were other City staff, at Kate Bartolo's home. And why is there no reply to Mr. Warren's excellently written and pointing out problems with mistakes, etc. letter? The measly \$700,000.00 for the City amounts to cheap, cheap payola. It's disgraceful. I'm all for the Palm to enlarge. I see nothing wrong with it. As a guest a year or two ago, my host paid \$300.00 for a three person meal. One of the persons who spoke here and said that she loved the Palm, she never could afford to go there in a million years. I don't say she's maybe like me, we don't have a pot to pee in, we could never do it, but this is really a big joke for her to say that she loves the Palm. There's a certain person in West*

*Hollywood that goes around to his friends and by the way he's for sale to anybody and tells him to come and speak up for these things at this meeting. Anyhow, the Palm Restaurant supposedly iconic, which is okay. I can think of a lot of other icons like (INAUDIBLE), which was a wonderful restaurant and the city let it be destroyed years ago. They don't need a five story building enveloping their iconic restaurant. This is a sub rosa phony cover-up that has come together with this. The gentleman from Virginia, he's right, they need it to be bigger, they can buy something and do it. This reminds me of what Lisa Heap said, it's too big and it's too high and it's too wide and I was shocked when I heard John D'Amico, not at John D'Amico say that they're sneaky, sneaky, not them sneaky, maybe the City, their sneaky request for a text amendment would, if you didn't do anything about it, apply to the whole Santa Monica Boulevard.*

**Guardarrama:** *Thank you Ms. Dobrin.*

**Dobrin:** *I think this is a very...*

**Guardarrama:** *Thank you Ms. Dobrin.*

**Dobrin:** *...disgraceful thing. Thank you.*

**Guardarrama:** *Thank you Ms. Dobrin. Mr. Abramson, Mr. Lehman, you'll have five minutes to rebut. Hold on just one second.*

**D'Amico:** *Mr. Warren, we're doing all we can to make sure you do not get heard or have a chance to speak.*

**Guardarrama:** *Mr. Warren, if you just want to come to the microphone and speak and then just fill out another slip.*

**Warren:** *Hi, my name is David Warren, I live at the corner of Keith and Ramage, so just a few steps from the project. I'm gonna try to be fast. Three things, the first is residential parking permits. Parking is a huge issue in our neighborhood. I didn't see a condition in there that would prohibit the residents of this new building from getting residential parking permits in our zone. If it's not there, please add it. The second thing is the application of the Mixed Use Bonuses and I'm sure I'm just confused, but I looked at the Ordinances and I don't understand how the Mixed Use Bonuses apply to this project. If you look at the affordable housing bonus, it specifically says that it cannot be combined with any other density bonus and I assume that includes Mixed Use Bonuses. If you look at the mixed use part of the Ordinance, both for height and for density, it has rules about height setback and maximum FAR that this project simply doesn't conform to. So I don't understand how it could be even vaguely eligible for Mixed Use Bonus according to the Ordinance. The third thing is about the traffic part of the negative declaration and the traffic impact study. And I should tell you that I spent most of my career as a consultant including four years as a Transportation Consultant and I've probably been through the traffic study in more detail than many and I can't see how you could be comfortable using it as a basis for concluding that there will not be a significant impact, traffic impact on the neighborhood. I also happen to believe there will be a significant impact, but the study itself I think has way too many problems. When I went through it, I stopped counting at 20 errors, errors of numbers and other things that were very obvious on the surface. I don't know what problems that are underneath. It makes very bold and aggressive assumptions that really change the results without actually justifying them. And it also ignores some things that I think are really critical, for example, the combination of the Pavilion's impact with the Palm impact. If you actually add up the consultant's own numbers for those two projects, you actually get an officially*

*significant impact on Ramage, which would require mitigation. It also doesn't as far as I could tell look at the impact at the south end of Willie, which is gonna be the first right turn when you leave the project. So again, as a consultant myself, my view is that this study as it stands right now isn't enough to declare that the impacts are not significant. Thank you.*

**Guardarrama:** *Thank you Mr. Warren. Our next speaker...we have two more speakers, Marcy Norton and Jim Baughman.*

**Norton:** *Good evening Councilmembers, Marcy Norton, excuse me, Commissioners, Commissioners, Marcy Norton, resident of West Hollywood and I think that, that some of the focus tends to be taken away from what really matters. What really matters here is that we are getting extra affordable housing that we are moving forward with green building plans, which hadn't even been enforced or approved for enforcement at the time that this was going forward, that we're talking about at a unique and interesting development and whether it's four stories or five stories, you have to take into account, which I'm sure you are, the other developments around the area and how it will fit in with them and having looked at the pictures with the proposed...how Pavilion's is going to look, it creates a sort of whole scene for the neighborhood. The fact that there's a lot of pedestrian friendly activity that's going to be encouraged in a part of town that could sorely use it and that as I said, we're getting extra affordable housing. Of course, people are going to be inconvenienced during the time that the development on the project is going on, which always happens every time that there is development, but that's a limited duration and we have to look at how it's going to benefit the city for the rest of the time that it's there and encouraging the Palm Restaurant to stay in our city is also a strong benefit from this project and I encourage you to support it. I do...I am concerned with some of the issues and I would encourage you to think about the need for a left turn into the development rather than U-turns farther down the boulevard. Thank you.*

**Guardarrama:** *Thank you Ms. Norton. Jim Baughman to be followed by Lauren Meister.*

**Baughman:** *My name is Jim Baughman. I live on Lloyd Place in West Hollywood. First of all, I was at that meeting with Kate...at Kate Bartolo's house and I don't know what she was listening to, but all I heard were complaints that the residents of the area had about the project. I did not hear any characterizations where people were in favor of it. Regardless, I don't think Kate is qualified to determine or to tell you guys what exactly went on at that meeting. Also, I am very concerned about the height of the project. I have no objection whatsoever to the project being built. I do object to the project size. I don't understand any reason that the project cannot be four stories instead of five stories. All of the mitigations in Exhibit C, which are supposedly benefits which will accrue to the city from the developer can be given to the city, can be accrued in a four story structure instead of a five story structure. What you're doing by compromising the zoning restrictions, which were put in place to limit the kind of overshadowing projects that this is, is that you're getting a foot in the door, as both of the Commissioners on the right-hand end of the table mentioned, it's going to be 10 times easier for someone to come up with another project and say, "Well, let's do six stories or seven stories," because as we already have established the precedent, which says that the zoning laws don't mean anything. Also, the last point I want to make, this paragraph which stipulates the \$700,000.00 donation to the city, this thing has more holes in it than a colander. The last sentence particularly here says owner and the City may mutually agree to alternative or substitute means of providing the requisite financial assurances. This merely means that they can, they can upon agreement decide not to pay the \$700,000.00. That's my....*



**D'Amico:** So Joe...I have a question. So what, so what you're saying is that this list of project benefits, visionary architecture, improvement in the Palm, contemporary housing, quality housing, substantial employment opportunities if they expand the restaurant, retail spaces, on-site parking, improved pedestrian, a (INAUDIBLE) environment, green principles, integrated system, integrated public art, you're suggesting that a four story building would deliver all of those.

**Baughman:** Yes.

**D'Amico:** The only thing we wouldn't get is \$700,000.00.

**Baughman:** Well, no, I...the \$700,000.00, the way this thing is constructed, you're not gonna get that anyways because...seriously, if you look at this from a legal perspective, there are more holes in this thing that the developer can get around having to pay the \$700.00, \$700,000.00. Secondly, there's no stipulation as to where that money is gonna go to. That should be in here. Otherwise, it's just gonna go into a City's General Fund of tens of millions of dollars annually and where it's gonna be a pittance. It's gonna provide no benefit whatsoever to the people who are going to be negatively affected by the height of this project.

**D'Amico:** Thank you.

**Baughman:** That's what it should be doing. The amelioration should not be to the City. It should be to the people for whom this project is gonna be a dinosaur in their backyard. I am in favor of the project 100 percent. I think it's too big and I think a lot of people agree with that.

**Guardarrama:** Thank you Mr. Baughman. Lauren Meister to be followed by Ken Savage. Lauren?

**Meister:** Lauren Meister, resident of West Hollywood. I would've been here sooner, but I couldn't find any place to park. The project is beautiful and it does have the wow factor, however, I am concerned about traffic mitigation and I'm concerned about construction when we have Pavilion's, Greenwich Place, the red building and eventually the Melrose Triangle. I'm also concerned about that text amendment. I think that it can be...you know, I understand that there's a fear that there's gonna be an accusation of spot zoning, but I think that we have to be really careful with that text amendment and how far it goes. Thank you.

**Guardarrama:** Thank you. Ken Savage. I'm sorry if I mispronounced your name.

**Savage:** This one or this one?

**Guardarrama:** Whichever one you like.

**Savage:** Ken Savage, West Hollywood. Live on Norma Place, live in the Norma Triangle. I've got a lot of things here, so I'm just gonna keep going until the bell rings. Has anybody mentioned that they're going to take the parking away on Santa Monica Boulevard from 9:30 to 11:30 in the morning for large trucks and moving vans? And what about deliveries to the other storefronts? Do they have amnesia about these? What about plumbers, electricians, etc.? Where do the Sparklett's trucks park? And do we really believe that a moving van that's half unloaded is going to leave at 11:30 in the morning unfinished? I personally think that five floors is too tall and I'm also tired of developers coming here and people coming here and saying, "We're just gonna open a little rest..." and first of all I want to say, I love the Palm, I wish it would stay here, I hope it finds a wonderful place and if it's here, I hope it's a four story building. But I'm tired of

people coming to the Planning Commission and saying, "I'm opening a little restaurant," and then the next thing you know is they need to have a dance floor or they can't make it, and the next thing you hear is they have to have a liquor license 'cause they can't make it. Or they're gonna build a building here and they're gonna keep a wonderful place like the Palm Restaurant, but they need five floors and they need the five floors to be taller than they're supposed to be. I see one bottleneck appearing here if this goes through the way it does because right now when it's really busy it takes you a long time to go west from Santa...from San Vicente to Doheny and now you're gonna have something in the middle of it that's gonna be really crazy. There is no real way to do a left-hand turn there and not make it 10 times worse. I think you need to really look back at this again. The building is beautiful, but it doesn't need to be that tall and we really need to address the traffic in this city because it's getting to the point where people don't want to come here 'cause they can't get in and they can't get out.

**Guardarrama:** Thank you. Mr. Abramson, Mr. Lehman if you want to rebut, you'll have five minutes.

**Lehman:** Mark Lehman, shall I go ahead? Whatever you prefer.

**Guardarrama:** All right, hold on just one second. If you want to just come and speak right now and fill out the form and hand it in later.

**Montgomery:** Thank you. My name is John Michael Montgomery, I live on Keith Avenue behind Pavilion's and basically behind Palm's. I read the packets that are going on with Pavilion's project and the Palm's project. Two points of interest that I think are really unclear are the traffic studies that you guys have done. A friend of mine works for the company that does the traffic studies. Your traffic studies are inconclusive number one. They're not combined with the Palm's project and Pavilion's, with both of these projects going on. Our traffic already up and down Keith Avenue, Ramage, from Doheny, it's just, it's just unreal as it is. There's not enough parking as it is. To have all these new tenants moving into our area, originally in one of these meetings, you said that they would not be able to get permit park...permits from the police station. There's no way to police that. There's no way you can stop these people from parking in our area. And I guess my last point is, any resident that would like to build a five story home, the city would not allow it in their life. Yet, you're giving this company an opportunity to build five stories, which is gonna be blocking our view. It's ruining the, you know, the quaint community that we have is gonna be turning into industrial. One of the comments was that, "Well, there is no residential living on Santa Monica Boulevard." There's a reason why, because nobody wants it. And I think that that's why this project's gonna be a mess. It's just gonna be a mess and I think if it is gonna go through, parking needs to be addressed as well as, you know, decibel amounts of noise that comes from there onto us as well as enforcing the construction hours. The Santa Monica Boulevard project, I said this at every meeting, left a bad taste in everyone's mouth. The City allowed them to work 'til 11:00 to 12:00 at night with jack hammering because they went over the contract. Do not let that happen again if you go through with this project. Thank you.

**Guardarrama:** Thank you. And now we'll have a rebuttal.

**Altschul:** Mr. Chair, could we please ask Ms. Dobrin not to go around shrieking at people and to take her seat?

**Lehman:** Mark Lehman, City of West Hollywood. A couple of quick points, one item I'm not sure, we did pass this request on to staff, but we're not sure if it got to the Planning Commissioners is the Palm outdoor dining hours that are referred to in the...in Section 12.7 of the Resolution is currently proposed to end at 10:00 p.m. and we would ask....

**Altschul:** Ms. Dobrin, you're out of order.

**Lehman:** And we'd request....

**Altschul:** I think we...maybe we should...Mr. Chair, maybe we should take a break while Ms. Dobrin settles down. I asked the Chair to take care of the problem of your disrupting this meeting either by taking a break or controlling you.

**Guardarrama:** All right.

**DeLuccio:** Chair, can we start all over again and give the applicant five minutes to (TALKING OVER)?

**Guardarrama:** All right. Okay. Ms. Dobrin, please. Go ahead Mark.

**Lehman:** Okay, just quickly, Condition 12.7, the Palm outdoor dining, we would request that the outdoor dining be allowed until 12 midnight. There's gonna be building behind it shielding it. It's right on Santa Monica Boulevard. It shouldn't impact the area and down the street there's quite a few outdoor uses that are open 'til 2:00 a.m. We're asking 'til midnight. I want to just address sort of in general both the public benefit issues and SB1818. One item of public benefit that hasn't been mentioned and is very, very important here is the phasing of the project because of the desire to keep the Palm Restaurant open. It's not just keeping the employment, it's not just the tax revenue during the 18 months or so that would've been closed, it's the additional cost of building this project besides the \$700,000.00. To build the project in two phases versus one, the estimate that this project will probably cost about \$2 million more to build. That's part of the benefit that the City also considered in this negotiation. The \$700,000.00 is one element of it, but I think the City recognized that doing this project in two phases, which spreads it out over time increases the cost of building the project substantially, so that I wanted to make sure that that was brought out as an issue. There's many public benefits to this project. I think the staff report and Chair D'Amico has mentioned many of them, but I think I just wanted to bring that also to your attention. SB1818, again I think the analysis has been brought out by staff. In this particular case, we could have used both the Mixed Use Bonus and then we specifically requested SB1818 to be invoked. In reality, the City is the one who said that the one story additional height that SB1818 allows would be limited to 10 feet. The State's...the State does not necessarily state that. I just wanted to mention that. So without the Development Agreement, we would be allowed the fifth story. It's just a matter of what that height would be and actually under the State Law, the Government Code, there's no 10 foot limit. City has, has discussed it that way. I think that's really the distinction of what is being allowed here by this Development Agreement. A few other, well, quick comments. This process has been very, very long in the making. We've brought many, many considerations to the fore front in designing what we do think is gonna be a major gateway to the City and I think that was...the intent is to make this a gateway, this is a very important part of the boulevard and from the beginning we recognized that this is the widest section of Santa Monica Boulevard and therefore can withstand as actually an appropriate location for a project of this scope. And another public benefit and another issue that hasn't been discussed much is the Ramage Street improvement. The whole idea of part of this design is this beautiful new design for Ramage plus the enhancing the pedestrian feel of Santa Monica Boulevard and around Santa Monica Boulevard at Ramage. So now we will have a whole new streetscape coming down from Keith to the Boulevard with pedestrian activity going on throughout. I think that's also a substantial benefit and rather than just doing a few trees, which is what the normal benefit would've been, the normal new landscape on Ramage, we're talking about a whole new design of Ramage. In fact, the design even of the project itself on the Ramage side was designed specifically to address some of these issues too. It was indented. There's this very unique palm

landscape element that was added, greenscape on the street, on the Ramage side as part of the development itself. So I just wanted to bring those to the attention of the Commission as well. We thank you very much for your consideration. It is a very complex project and we ask for your support.

**Guardarrama:** Commissioner Altschul has a question for you.

**Altschul:** Mark, could we not conclude that the phasing of the project is as equal if not a much greater benefit to the developer and the Palm Restaurant in that the Palm continues to get the revenue and the goodwill by maintaining business open and the property owner continues to get the rent?

**Lehman:** Yes, there's rent and...

**Altschul:** Thank you.

**Lehman:** ...yes there's benefit, but...

**Altschul:** Thank you.

**Lehman:** ...but I don't think it offsets the cost in this case.

**Altschul:** Thank you.

**Guardarrama:** Are there any other questions for the applicant? Donald?

**DeLuccio:** Yes, I'm a little...you need to elaborate a little bit more on SB1818. You mentioned that it's unclear how much the height...how many feet you can...you can do.

**Lehman:** It's not a matter of lack of clarity. It's just the City, when the City revised 19.22050, which is the section of the Zoning Code that enacts some of the SB1818 elements to our Zoning Code, the City made a distinction, made a determination that one of the concessions they would specifically call out is one story and 10 feet. The State doesn't have the 10 foot. That was the distinction I'm making. The way SB1818 is written, it's very broad. It allows the developer, the builder to come in and ask for concessions. Whatever they may be....

**DeLuccio:** Actually answered my question. I actually understand SB1818, but I guess my point is, I just find it not very sincere to say it could be any height. There has to be...it's not spelled out so...

**Lehman:** Understood.

**DeLuccio:** ...let's be reasonable here. So you went along and, and in the application and agreed with the 10 feet, is that correct?

**Lehman:** Well, no, the Development Agreement allows the additional height for the design of the building.

**DeLuccio:** Height. Right, so you're actually gonna have five stories and 65 feet, so....

**Lehman:** That's correct.

**DeLuccio:** But I mean, you went along with the applicant, you went along with staff, you agree with staff on it having the incentive to be 10 feet, one story.

**Lehman:** That's correct, and....

**DeLuccio:** *But for the one story and then with the Development Agreement add the other 10 feet.*

**Lehman:** *That's correct.*

**DeLuccio:** *Why do you need 65 feet? And I, I actually agree with the 55 feet, but why do you need 65 feet?*

**Lehman:** *Well, I think part of it is if you look at what today creates a good building. I mean, I'd leave this for Ric to discuss better than I, but A, there's a much greater demand for the commercial, first floor has to be taller than the traditional old fashioned model. People want taller ceilings in your condominiums than they built in the 50's and 60's, so you put this all together and that's how we're...you know, that's why we have that greater height spread across those same five stories.*

**DeLuccio:** *Isn't that...there's no...are there any mezzanines involved in the project? No, it just more...to allow more height on the first floor? Ric maybe can elaborate?*

**Abramson:** *That's part of it. I think it's to make a viable retail space. There's two other components. One is that when this project was originally designed, it was right at the time of the MUOZ, which anticipated 65 feet. So what obviously had no crystal balling of what would or would not, you know, happen. Secondly, the site slopes over three and a half feet from the alley down to the street, so we keep saying 65, 65, but in reality it's about 63 and because of the slope it's even less impact. I think that one image and it's in your booklet is much more of a snapshot of the impact. In fact, from Santa Monica to Keith, I think is approximately eight or nine foot difference, so there's...it's not a flat site and it's not a 65 foot building I guess is what I'm saying.*

**DeLuccio:** *Okay and I think you have a nice design by the way.*

**Abramson:** *Thank you.*

**Altschul:** *Mark? Suppose the City decided that the benefit would be much greater to the City and the surrounding neighbors by building this whole thing in one phase so that the construction does not disrupt the entire city for a double the amount of time, so therefore the Palm would have to close during the time of the construction, that would be okay wouldn't it? And then, you know, if the City...*

**Lehman:** *Absolutely.*

**Altschul:** *...decides that would be the better benefit to it.*

**Lehman:** *I understand that balancing, but it would defeat this project.*

**Altschul:** *So your conclusion that the benefit of the City is greater than the benefit to the developer is not exactly correct.*

**Lehman:** *Well, I didn't, I didn't say it in quite the same words you did. I'm saying that....*

**Altschul:** *No, but that was the idea.*

**Lehman:** *The Development Agreement that's been negotiated as it is now and the way this project has been conceived was the two phases and the benefits that the City said that would be...as well as the benefits to the developer involved. Obviously, what you're proposing with one phase would change the whole nature of the project.*

**Altschul:** Yes, it would. But your argument pointed that the Development Agreement and the benefit was just a one-way street to the City and overlooked the fact that the greater develop...benefit is to the developer.

**Lehman:** I don't disagree that this...there's benefit to the Palm and benefit to the developer.

**D'Amico:** So I actually want to ask a question of staff with Mark there so that I'm clear that they have the same understanding. And a member of the public brought up that there were perhaps conflicting benefits with different...I shouldn't have used the word benefits, there were perhaps conflicting enhancements to the project based on the existing Mixed Use Ordinance, some affordable housing development and that they were in fact negated each other or were specific in that they couldn't both be used at the same time and I think that's an important point to either clarify for that member of the public or clarify for this developer.

**Keho:** I think there might be some...the intent of the Development Agreement and the Text Amendments was to accommodate the project that the developer has proposed. And so when I went back when the gentleman indicated there's some issue about some setbacks, so that the concept was that this project as proposed would be able to use a Development Agreement to create this project. And so there is one place where we talked about, in the text memo, we talked about increasing the floor area and height. We didn't include setback issues. That was on the back side of the building. So we would need to include that in that language of the Development Agreement and the Zone Text Amendment.

**D'Amico:** Which is an awful lot of inclusion without anything written down. So what you're saying is that the existing zoning code would not allow this development as designed as drawn as reviewed by the Design Review Subcommittee as (INAUDIBLE) publicly in several public meetings in front of 35 people could not be built.

**Keho:** No. The project has always been reviewed with the understanding that it could not be built under today's regulations. So that's the case, we've always known that. So then the case is, how do we write the Text Amendment if it's going to be approved to accommodate it? And what I'm saying is that it looks like we just overlooked the condition on the rear yard setback when we wrote the language for what the Development Agreement would allow on (TALKING OVER).

**D'Amico:** And that was a question that I had about the 25 feet from neighboring residential properties and above 25 feet after that.

**Keho:** Right.

**D'Amico:** And so on.

**Keho:** Right.

**D'Amico:** And I understand that the architect very eloquently during the Mixed Use Ordinance brought forward proposals to change the Mixed Use Ordinance to accommodate buildings at alleys and we in fact didn't accept those proposals, if I remember correctly. So this is...this would add to the language of the General Plan Amendment, the Zoning Text Amendment and the Zoning Map Amendment, which would eradicate setbacks to neighborhood, adjacent neighborhoods based on a Development Agreement, which is decided by three members of City Council as opposed to a public, a more public process of the Planning Commission and so on.

**Keho:** *And mapped, and of course, remember, all of this is...the Development Agreements have to be mapped through a public hearing that has a full public hearing and the Planning Commission is involved in a recommendation then it goes to the City Council. So, so yes, the Planning Commission participates in that, the public participates in that and then ultimate decision is the City Council. But you're right, it is a three vote of the City Council.*

**D'Amico:** *So were you aware that this project from its rear yard setback did not meet the requirements and was not in the description in the text?*

**Abramson:** *Yeah, let me address that. Our understanding is that the additional setback requirement triggers when you have a residential zone adjacent to a commercial zone. The interpretation that we discussed during the MUOZ hearing, in fact there were diagrams, a lot of discussion, is that when there is an alley, that is not a direct adjacency. However, given that, we still....*

**D'Amico:** *Wait, don't go into it, but didn't we not adopt that as a Planning Commission at that time?*

**Abramson:** *No, it was the...it was not adopted.*

**D'Amico:** *That's what I'm saying.*

**Abramson:** *That was part of....*

**D'Amico:** *So we did not accept that.*

**Abramson:** *No, no, but that was...that wasn't part of the Ordinance, that was part of the discussion of the (TALKING OVER).*

**D'Amico:** *I'm...wait, wait.*

**Abramson:** *But that was currently in the code and it was determined with all the diagrams and everything, but regardless, we have a zero setback in a commercial zone and we voluntarily setback the residential component of the project five to 10 feet. It's sort of an angled façade that was also for privacy mitigation and all the other and shading and other reasons, but we setback additional five to 10 feet, plus you have a 15 foot alley, plus you have a rear yard condition for the residential, which is another 15 feet. So the closest that the buildings could be together is 35 to 40 feet. Okay?*

**D'Amico:** *But strictly speaking, this does not meet the requirements of any existing codes and it's not in the language of this document.*

**Abramson:** *You'll have to ask staff. Our interpretation is that it is not applying because it's not adjacent, it's not a residential zone adjacent to a commercial zone so it is applied.*

**D'Amico:** *What is it then?*

**Abramson:** *It's a commercial zone adjacent to a public way. Like Ramage is a public way, an alley is a public way.*

**D'Amico:** *Thanks.*

**Abramson:** *Yeah.*

**Guardarrama:** All right, if there are no more questions for the Applicant, why don't we take a five minute break and come back at 8:40, according to the clock at the back of the room. I'd like to remind everybody that the public hearing is still going on, so please don't talk to the Commissioners about this item.

**Keho:** (AUDIO CUTS OUT) ...the proposed project is adjacent to an R1, R2, R3 or R4, it has to have these additional setbacks and when we were...the way we've been defining adjacent is that adjacent is immediately adjoining without, without an intervening alley and so that case that...so when there is an alley, then we're not considering it adjacent. That would be abutting. So abutting is when two properties touch each other and adjacent is immediately adjoining but without an intervening alley.

**D'Amico:** So we wouldn't need to change this for this project to go forward.

**Guardarrama:** All right. So let's all start with disclosures. Donald?

**DeLuccio:** I'm eating a pretzel I bought myself. Anyway, disclosures, I did meet with Ira Handleman to go over numerous projects one Saturday morning at Starbuck's and that's my disclosure.

**D'Amico:** And I also met with representatives of the applicant to review the design and discuss the images we have in front of us.

**Guardarrama:** John Altschul?

**Altschul:** And I met with Ira Handleman and discussed this project and also served on the Design Review Committee and watched the evolution of the design of this project, which is double wow.

**Guardarrama:** Marc?

**Yeber:** Yes, I also met with the applicant's representatives, discussed this project in detail. I also walked the site and that's it.

**Guardarrama:** Barbara?

**Hamaker:** Well, I met with Ira about two years ago about the project. It seems to me a very long time ago. I have not seen it or talked to him recently about it and even though I'm on the Board of the Housing Corporations with Ric, I have not spoken with him about it either, so I'm really staff report involved.

**Guardarrama:** All right. And I too met with Mr. Handleman and Mr. Abramson and discussed things that are contained in the staff report and nothing which isn't. Okay, let's begin our deliberations. I think the first question that we should all consider is whether we should recommend adoption of the negative declaration since that would be dispositive. And I believe Commissioner Altschul has something to say.

**Altschul:** Yeah, with respect to the negative declaration, had there been an EIR in this particular project, there would've been a draft and people would've had the right to submit comments to the draft and then there would've been responses to those comments. As it stands, we have a negative declaration with a traffic study, which does not I guess in this process allow comment that, that merits or that, that even gets the respect of response or analysis. And I think Mr. Warren submitted a letter approximately 10 days ago that was quite incisive in its questions and in its statements and I haven't seen or heard any responses or any analysis that directs itself to that point and I think this



is a...it points out the deficiency in taking a project of this size and according it or trying to accord it in a negative declaration. In addition to which you've got a kind of an omnibus general plan amendment and an even greater omnibus zone text amendment that are connected to this, this requested negative declaration. So I've got serious questions as to whether or not a negative declaration is applicable here without much, much further analysis of the issues that were brought up by loads of the speakers and specifically by Mr. Warren in writing.

**Guardarrama:** Terri, I have a question. I was wondering if you could elaborate on the use of the traffic study and why staff believes that it is sufficient.

**Slimmer:** Good evening. Terri Slimmer, Transportation Manager. And first, I wanted to introduce Kathy Higley back here with persons who did this traffic analysis. They also did the Pavilion's one and we want to first off apologize that the text of the document that's in front of you had some errors in that when the company did both traffic studies, a lot of the text got confused. However, the analysis itself was done separately and we are comfortable to this day that that analysis is complete, that I do have Mr. Warren's letter. I have sent a number of emails back and forth with Mr. Warren answering some of his questions. I do have responses to the letter that, that I recently received and I can go through those if you'd like, if you want to do those this evening. But I think the truth is that the project itself does not generate that much traffic. The Palms is already there. So we're getting the, basically the residential traffic. Our threshold is 100 trips in any of the peak hours and our delay is a two second delay in the intersection. None of the trips, none of the analysis shows that this project reaches any of those thresholds. If you look at the cumulative study, it includes the Pavilion's and all the traffic related to that. It includes the Melrose Triangle and it includes the Nemo and it has all of the projects around, so it does include the cumulative impacts. There's concern about nothing being offered to the neighborhood. Well, we don't offer things to the neighborhood unless there are impacts that need to be mitigated. There were none. There is a concept that the developer is floating about the (INAUDIBLE) on Ramage, Ramage, however you choose to say it. Staff has supported something being done, but that needs to be done in conjunction with the neighborhood, as we do all of our neighborhood traffic calming. So while it's a great idea and it looks good on paper, it still needs to be a community neighborhood issue. So we are confident that it includes...that the analysis includes everything it needs to include whether you accept it now as a neg dec or if you put it into a larger EIR.

**Guardarrama:** Terri, there are some questions for you.

**Slimmer:** Okay.

**Altschul:** I think that with respect to the prospect of adopting the negative declaration that it would make more sense Terri to formalize the responses to Mr. Warren's questions and then have some kind of a proceeding where he could address the responses. He's obviously a professional. And I think going forward without the benefit of his responses to these questions surely jeopardizes the results if a negative declaration is passed without that.

**Guardarrama:** Barbara?

**Hamaker:** Terri, I, I'm not sure if you were at the City when the gateway was built, but I live two blocks from the gateway, which is Best Buy and Target. And so I learned a lot about trip generation with those EIRs and that kind of study, although I'm certainly not an expert and probably not nearly the expert that Mr. Warren is. However, can you give us some idea of the difference between those kinds of retail impacts in terms of trip generation and the kind of impacts with the neighborhood that we're talking about and

residential? 'Cause there is a huge difference in trip generations of people going in and out of Target and Best Buy, you know, per hour, day after day after day after moment, as opposed to people coming home from work and going to work in the morning.

**Slimmer:** Well, I...if we want specific numbers, I can see if Kathy has those, but I think in general when you have a...what's called a big box retail, which is a Best Buy, a Target, compared to what we have determined for this retail space on...as part of the Palms project as more of a specialty retail, you're gonna get 60 trips maybe in an hour out of the, out of the big box type things. You may only get eight or nine out of a specialty retail depending again on what time...type it is. I don't know that we would call, what was it, H & M Clothing or something as specialty retail. So if they come back and decide that they wanted to make that retail a bank, we would go back and say no, not without further assessment because a bank is gonna then generate probably the, you know, more trips than necessarily or on the same line as a big box. So we look at it as a specialty retail. The restaurant is generating the same amount of trips it's basically generating now, so that's basically a wash. So then we look at the residential trips and those are generally one, one and a half trips depending on the size of them in the peak hour per unit.

**Hamaker:** The other thing I'd just like to make a comment about was when, when it was first built, we...the Formosa neighborhood was terrified that all of these people would come pouring out of the gateway and come up Formosa to Fountain to get back over to the Valley and back again. And as it turned out, it was a non-starter, it didn't happen. The businesses had put aside several hundred thousand dollars I believe for neighborhood impacts, which were implemented as traffic circles and various traffic calming measures after the project was built. So it happened about a year afterwards down the line to see how the actual built project would affect the neighborhood. Is that what you're talking about when you say you...that transportation usually wants to...you...we set up certain mitigations here but down the road something else might happen that you then can respond to, is that correct?

**Slimmer:** That's typically correct when we're doing a larger project. The Pavilion's project actually has a neighborhood traffic calming element in it for these same streets.

**Hamaker:** Yes.

**Slimmer:** So when we assess the Palm's project, what we can only do is make it responsible for the impacts that it makes. It's not making the impacts that the Pavilion's did. The Pavilion's are taking care of those. When we study the Palms with the Pavilion's conditions in place, the modifications to Robertson, the changing of the driveways, the allowing of the U-turn so that they're better, that in fact helps the Palms also and so that neighborhood is covered basically with the traffic mitigations from the Pavilion's. To add something to this project that is not relative to impacts that they're creating I'm not sure is actually legal and we can certainly...if it's your prerogative to do an after study, we've often done that and we've set aside I believe about \$7,000.00 in the developers do so we can do an after study to see after occupancy how that goes, but for this project, they did not have any impacts that they have to mitigate.

**Hamaker:** Okay, I actually was assuming that Pavilion's would have much more of an impact so that was...you spoke my assumption. Thank you.

**Guardarrama:** Marc?

**Yeber:** Yeah, just a clarification just so I understand correctly. So when this project came before staff, you embarked on a preliminary analysis on all the impacts including traffic. When it came to traffic specifically your study determined that it didn't reach the threshold set by the City to trigger further CEQUA documents.

**Slimmer:** *That's correct.*

**Yeber:** *Okay, and then I didn't see in the report and maybe I just missed it, and a lot of people did talk about the left-hand, the turn into the Palm Restaurant coming from eastbound traffic. And was that addressed in this study or as a suggestion? I sort of...I'm unclear, is it gonna be the U-turn at Robertson? That seems to be the only option at this case or is there some other plan to allow traffic to enter directly into that project coming from the west?*

**Slimmer:** *When they first came to pre-submittal meetings, they actually requested a left turn there at Ramage, Ramage, your choice. In our preliminary analysis of it, what we found is that left turn would create more of an issue, more of an issue of cut through when we put a full signal there for the neighborhood. People are gonna want to cut through where they can with a signal. It would cause further delays in its...the nearness to the Robertson, the signals, and the timing would be such that it would fully interrupt traffic much more than the traffic coming and making the U-turn at Robertson, which is one of the conditions of the Pavilion's project was to improve that intersection so that those U-turns could be made much easier. So yes, we did study it and it was not as beneficial as everybody is projecting that it would be.*

**Yeber:** *Okay, thank you.*

**Guardarrama:** *John D'Amico?*

**D'Amico:** *So when does the U-turn at Robertson happen?*

**Slimmer:** *The U-turn at Robertson will happen with the Pavilion's project.*

**D'Amico:** *So if Pavilion's project doesn't happen, I mean we know it's happening, but if it doesn't happen, then it doesn't happen the U-turn?*

**Slimmer:** *Then it...it would...it's possible that it could be done and then have to be reimbursed by the development, but that's something we would have to deal with with the attorney.*

**D'Amico:** *So if we put a condition in this project that said if there is not a U-turn at Robertson at the time you want to open Phase I, you will put one in? You wouldn't have a problem with that, 'cause it will already be open.*

**Slimmer:** *I certainly don't have a problem with it. I don't know about Planning staff or the City Attorney staff.*

**D'Amico:** *Okay, and I'm curious about a statement you made about you weren't sure if it was okay to make this developer take care of problems that may not be theirs in which you're...I think you said actually you weren't sure if it was legal.*

**Slimmer:** *Right.*

**D'Amico:** *But if we have a Development Agreement then all bets are off, right? I mean, we're giving them 10 extra feet, we can tell them to plant daisies on Sunset.*

**Slimmer:** *That may be within your purview and the (TALKING OVER).*

**D'Amico:** *Not ours, but the City's.*

**Slimmer:** *Yeah, right.*

**D'Amico:** *The City Council can in fact have them mitigate impacts that are not related to this because it's a Development Agreement or just they're not even impacts, just have them plant daisies on Sunset.*

**Yeber:** *Actually that...if I'm not mistaken, wouldn't there have to be a nexus between a request like that from the City and the project itself?*

**Jenkins:** *Commissioner D'Amico's correct that we're not bound by those same requirements when we're negotiating a Development Agreement as we are when we're not.*

**D'Amico:** *So if we again wanted to have the developer set aside a reasonable amount of money for it after development traffic study, that could be rebursed...reimbursed to them if not needed, that would be a recommendation the City Council might consider and would not necessarily be something you would object to either 'cause that's your business, doing traffic studies.*

**Slimmer:** *That's correct.*

**D'Amico:** *Or arranging them anyway.*

**Slimmer:** *That's correct.*

**D'Amico:** *Okay. Thank you.*

**Guardarrama:** *Donald, did you have something?*

**DeLuccio:** *I actually...I think staff did their job consider...you know, and they're recommending that we give a negative dec on this, that they don't need to do a full blown EIR. Actually I think we're looking at two different things here. If we were moving forward with MUOZ, which we're not in this case, where just...we're just looking at this one project, then of course you would need a full blown Environmental Impact Report if you were doing the whole MUOZ, but we're piece mealing it here and based on that, I believe they looked at this one project just take into consideration some cumulative effects and concluded that we adopt a negative declaration this evening, is that correct? And so I have some other bigger issues to fry and so I mean...I mean I could go...I mean along in agreement with the neg dec.*

**Guardarrama:** *Are you moving the negative declaration (TALKING OVER)?*

**DeLuccio:** *I'm not going to move it.*

**Guardarrama:** *All right, in that case....*

**D'Amico:** *I will move it. But I....*

**Guardarrama:** *All right, and then I will second it.*

**D'Amico:** *But I want to move this. I want to move it with this language, that the Mixed Use Ordinance that this Planning Commission adopted was on also a negative declaration with the explicit description that all large projects would have an Environmental Impact Report, which is why a negative declaration as part of the Mixed Use Ordinance review was accepted. So I'm just wanting that to be on the record that we're doing A, and A didn't work, so we're doing B, and B is in fact I believe thorough and I think takes many of the problems, potential problems associated with this project into consideration quite adequately, but it does come in a strange form.*

**Guardarrama:** All right.

**DeLuccio:** Chair, Terri has another comment to make.

**Guardarrama:** Terri?

**Slimmer:** And I also want to note someone said earlier that we should not allow the parking permits and that is now a standard condition for us and I think it was just missed in, again in a cut and paste. So I would suggest that you would consider that also.

**Guardarrama:** Thank you Terri. All right, the question is on the table as to whether we should adopt the negative declaration. It's been moved and seconded. David, would you take a roll call please?

**Gillig:** Commissioner D'Amico?

**D'Amico:** Yes.

**Gillig:** Vice...sorry, Chair Guardarrama?

**Guardarrama:** Yes.

**Gillig:** Commissioner Yeber?

**Yeber:** Yes.

**Gillig:** Commissioner Hamaker?

**Hamaker:** Aye.

**Gillig:** Commissioner DeLuccio?

**DeLuccio:** Yes.

**Gillig:** Commissioner Altschul?

**Altschul:** No.

**Gillig:** Vice Chair Bartolo recused. Motion carries, five ayes, one no.

**Guardarrama:** All right. The next issues I think that we should take together are the two questions of the Zoning Text Amendment along with the Amendment to the General Plan and these were 2006-4 and 2006-3.

**D'Amico:** Can I just speak on this? I don't want to make a motion and I'm not interested in barnstorming this, but I do want to speak on this at least maybe first or second, whenever you choose.

**Guardarrama:** No, go ahead.

**D'Amico:** Well, I...from the beginning of this hearing, I have been concerned that the scope of this General Plan Amendment is too broad. I want to say from the outset I think it's important we find a way to craft something that this project can use, but I think to take a public process and turn it into a three vote Development Agreement, which is not really what happens, but it's...but it...but if we adopt this, further developments will come

forward saying this is a Development Agreement and then basically our hands are often off the finer qualities and the assumption would be that 65 feet is part of the Development Agreement and I, I find it interesting that John read some text just after the break that said that the difference between adjacent and abutting and I'm wondering if you can read that again?

**Keho:** Let's see, I'll have to find where I put that piece of paper. Let me go back over here in the definitions. So abutting says to touch or join at the edge or border and adjacent says immediately adjoining without an intervening alley.

**D'Amico:** So....

**Keho:** Adjacent, immediately adjoining without an intervening alley.

**D'Amico:** So I'm wondering if we merely added properties that abut residential neighborhoods could use this. And all properties in the City with a CC designation that abut residential properties could use this General Plan Amendment and Zone Text Amendment. I'm just concerned that we're, we're...we...in our desire to have a project like this, we are doing too much for no reason. So I'm just putting that out there and maybe other people can chew on it and before we make a motion we can revisit some idea around that.

**Guardarrama:** You know, I really disagree with you in that I believe a Development Agreement is leagues more difficult to get through than just any typical project. The Development Agreement needs to be negotiated on several levels in all aspects of City Government and after that it comes before...it goes through basically the same design review process that any building goes through and then it comes before a full Planning Commission and it almost...it's almost like...the recommendation is, it's almost like an automatic appeal, an appeal by right to the City Council, so in essence it is more reviewed than any other typical project and it must pass muster on several standards. So this...these two suggested pieces of language only say that if you get a Development Agreement, then it's giving a guideline as to what the top height will be. I don't see that this is opening any sort of door at all and in fact I see it as sort of limiting. So anyway, that's just my take on it. Donald?

**DeLuccio:** Yeah, I tend to agree with you Joseph. John, I appreciate you, you know, trying to close the loop on this. I actually think it's...that these amendments are very, very broad and they...but I couldn't even support abutting, the word abutting as you're using, 'cause without even knowing what that means, what properties we're even talking about along Santa Monica Boulevard, so for that reason (TALKING OVER).

**D'Amico:** Well, that would be some significant number fewer than every property along Santa Monica Boulevard.

**DeLuccio:** Yeah, and my dilemma is right now going along with text amendments like this, granted it...the text here is getting a Development Agreement through the various staff and the public hearing, etc., but I really feel right now this is just too open and I, I need...I mean I need to find some closure, a way to close this up and at the same time I support a project like this, but I don't think it's abutting without looking at the...what we're talking about.

**Guardarrama:** Barbara?

**Hamaker:** No.

**Guardarrama:** Oh, Marc?

**Yeber:** Well, I actually just want a clarification from Commissioner D'Amico on what he was suggesting 'cause I'm a little....

**D'Amico:** Well, I'm, I'm nervous, I'm nervous...

**Yeber:** Right.

**D'Amico:** ...that when a project with a Development Agreement comes to this Commission, there is a shiny big golden pot of money described, there's a list of public benefits that come with that, there is a sense of momentum that the project has done what Joe is suggesting, but by the time it gets to an official public meeting such as this, all of those things are in place and the members of the public are...have that, have that in front of them. My sense of other large projects that don't have a Development Agreement is that they are built within the Zoning Code that members of the public can live near them can expect projects in their neighborhood to conform with. So they don't come A, at the last minute and B, outraged and C, outraged that it's, in the case of this project, 750 percent larger than what they believe the zoning along their street would allow for a polite little restaurant like the Palms. So I admit that I'm, you know, and to perfect storm scenarios in which I'm describing, but we have one with, thank goodness, a gorgeous building attached to it, but the other version is that we have one and it's, you know, it's a spectacular nightmare and then there it sits.

**Yeber:** So we're using the abutment as an example of just one of those sort of giveaways, is that what you were (TALKING OVER)?

**D'Amico:** Well, I think it sets up at least a separation of an alley in neighborhoods where there's an alley between commercial and residential. In all cases, that would exist and in many places where there is no separation when it is in fact adjacent, people would have no idea that a building that is 750 percent larger than what they expect would show up at a Planning Commission meeting 45 days from the City Council meeting for approval.

**Yeber:** Okay.

**Guardarrama:** I have a question for the City Attorney. This is only a policy going into the General Plan, is that correct? So it...wouldn't anybody be able to get a Development Agreement that, that circumvents the policy if it were so negotiated?

**Jenkins:** Not, not the General Plan policy. The Code would allow a project with a Development Agreement that is located within a Development Agreement overlay zone to deviate from zoning ordinance standards, but not from General Plan standards, which is precisely why this is being proposed. I think staff endeavored to craft an amendment to the General Plan that was narrower than might otherwise have been, in view of the fact that when it comes to the zoning ordinance with a Development Agreement, we can really deviate to whatever extent is negotiated. So this in effect places some limitations on deviations that might not otherwise exist.

**Guardarrama:** Mr. Keho, is that your understanding of that...what this language says?

**Keho:** That's correct. Yes, I agree.

**Guardarrama:** John Altschul?

**Altschul:** Yeah, I would...I think what we're facing here is the realization that without the Mixed Use Ordinance, there's no real vehicle for projects like this to go forward other than either a Development Agreement or a specific plan. Some of the projects that are upcoming have been filed as their own specific plans. Here we have one that's a Development Agreement. I think...going these, these routes are potentially quite acceptable except...but if we attach amendments just to this particular project to facilitate going forward on a lot of these other projects that would come in under a Development Agreement, without a separate review of the guidelines and parameters for the Development Agreements and what we would allow such as abutting or not abutting, and other criteria, I think is acting in a little bit of haste.

**Guardarrama:** Barbara?

**Hamaker:** Mike, what is a Development Agreement overlay zone?

**Jenkins:** I'm sorry, just asking what is it?

**Hamaker:** Yeah, I've never heard that phrase.

**Jenkins:** The zoning ordinance allows for properties to be placed in any number of overlay zones and overlay zone basically is the....

**Hamaker:** Yeah, I know what overlay zones are, but I did...I never heard the Development Agreement overlay zone.

**Jenkins:** The zoning ordinance provides that any property may be placed in a Development Agreement overlay zone, which is the vehicle by which through the use of a Development Agreement...

**Hamaker:** Oh, okay.

**Jenkins:** ...the project may deviate from the standards and criteria that would ordinarily apply. If the property is not located in an overlay zone, then the project may not even with a Development Agreement deviate from zoning standards. That's why the Attachment C proposes to place this project into a Development Agreement overlay zone by way of a Zoning Map Amendment.

**Hamaker:** Okay. Thank you.

**D'Amico:** Could...I need to ask just one more question. So I just want to remind us all that the way we got to 65 feet here was 35 feet turning into 45 feet with the existing Mixed Use Ordinance, turning into 55 feet with SB1818, turning into 65 feet with a Development Agreement. This shortcuts that by getting rid of the requirement for Mixed Use, getting rid of the requirement for SB1818 and just allowing a Development Agreement to let someone develop a 65 foot tall building.

**Guardarrama:** Anyone can apply for a Development Agreement to do a 65 foot square foot building...or a 65 foot tall building without the Mixed Use overlay zone and without SB1818, isn't that correct?

**D'Amico:** But not a 65 foot tall residential building with no affordable housing on site.

**Guardarrama:** You know, as long as it's negotiated, isn't it permissible?



**Jenkins:** *That's, that's right. I mean, SB1818 kicked in here because of the affordable units, but with this General Plan Amendment, as you correctly point out, something similar could be negotiated although frankly if it included a residential component with more than 20 units, they'd have to provide the units on site under our code, but I would just hasten to add that Commissioner Altschul is correct in making the observation that with respect to a very small number of projects that we've casually referred to as pipeline, projects we've been very selective about the projects where we're even remotely interested in negotiating a Development Agreement, and as you point out, it is something that we don't have to negotiate if we don't want to and if we don't think the benefits are there. And if the benefits aren't there, we would either decline in the first instance to negotiate it or to recommend it.*

**Guardarrama:** *Okay and I have a question for staff. Can this item go forward even if the Commission does not reach a decision whether or not to recommend both the General Plan Amendment and the Zoning Text Amendment?*

**Keho:** *I'm gonna have to check the language, but I believe that if the Commission chooses not to act on it, they do automatically have to move on to the City Council at a certain point, but I can check on that.*

**Guardarrama:** *All righty.*

**DeLuccio:** *Can I just (TALKING OVER).*

**Guardarrama:** *Sure, Don.*

**DeLuccio:** *(TALKING OVER) my big, my concern is about this. I...you know, based on what you can actually do today without a Development Agreement, you can go as high as the 55 feet and the five stories with the SB1818 and the current Mixed Use Bonus and the base height and then you could also have an FAR, which is nothing you're looking for of...I think of a 2.6 almost versus a 2.9. So I...that is my big hang-up here is, is in the Development Agreement is granting the extra 10 feet and the .2 or .3 additional FAR. I just feel that the City looked at doing an MUOZ and it's been put on hold at the moment I gather. I think they're moving ahead on the east side with the MUOZ, but not the rest of the City and I actually was not a supporter of the original MUOZ, which was recommended to Council and Keith was, Keith was one of my biggest concerns. That street was my...as you may recall, was my major concern about having the height on Keith, height on Santa Monica overshadowing on to Keith. I mean I think this is a wonderful project. I think design is outstanding. We want to keep the Palm in the City and we need affordable housing, but I just wish we could do it without...at this time, without the Development Agreement and, you know, so this is how I feel. But I don't want to just like say I'm totally against the project.*

**Guardarrama:** *John Altschul has a question for Mike Jenkins.*

**Altschul:** *Mike, there's this assumption that was just repeated by Donald that the MUOZ is in fact in effect and a part of the Ordinance for the east side. I don't believe that to be true.*

**DeLuccio:** *But I said that we're looking on the east side, we're moving ahead with environmental work for an MUOZ, is that correct?*

**Keho:** *At the last City Council meeting when we adopted the scope of work for the General Plan, we wrapped the whole MUOZ into the General Plan, so we're not proceeding on a separate path (TALKING OVER).*

**Altschul:** Okay, so the EIR for the MUOZ is not in fact going forward at this time.

**Keho:** Not proceeding, correct. That's wrapped up with the General Plan.

**Altschul:** And there is no MUOZ for the east side on the books at the present time?

**Keho:** There is...the current zoning ordinance has a bonus for mixed use today, but that proposed (TALKING OVER).

**Altschul:** Right, but the MUOZ as it was (TALKING OVER).

**Keho:** Contemplated.

**Altschul:** Incarnation was at the end of 2005 or the beginning of 2006 is not our...an ordinance.

**Keho:** That's correct.

**D'Amico:** And the MUOZ that we voted on on the east side limited heights to 45 feet.

**Keho:** No, there were various height limits for various locations.

**D'Amico:** But except for the Target sites, the general height of the east side from Fairfax to La Brea was 45 feet.

**Keho:** I...I would have to check. The Planner on the project is here and I can ask him if you want specifics on that. I don't happen to remember off the top of my head.

**D'Amico:** Because I believe that on the west side it was 65 feet and on the east side it was 45 feet.

**Keho:** Let me check with the planner on that.

**Altschul:** Susan seems to know the answer.

**Keho:** It was up to 55 and 65 in various locations on the east side.

**Guardarrama:** Did we give you enough time to figure out an answer to that issue of whether this matter would go forward?

**Keho:** And so you're saying if the Commission just doesn't act on it at all?

**Guardarrama:** No, it doesn't act on these two particular questions.

**Keho:** Right, it doesn't act on this...it doesn't actually address what happens. It always...it addresses about within a certain number of days after making...adopting an action. So you're saying if you don't take an action?

**Guardarrama:** Yeah, well, because we have an even number of people here and it may split.

**Keho:** Right, then you couldn't move....

**Guardarrama:** *There's no motion yet.*

**Keho:** *So you would...if you take a motion and it votes and it's three-three, it's a failed motion, so then that could move on to...so then you could....*

**D'Amico:** *All right, then I'll make a motion that may or may not fail and may or may not get a second. I would move that we adopt the General Plan Amendment and the Zoning Text Amendment and the Map Amendment, is that what it's called? That has all the language written here including adjacent to alleys, but not abutting residential properties.*

**Hamaker:** *I'll second that.*

**D'Amico:** *So it's been moved....*

**Guardarrama:** *It's been moved and seconded. Old habits die hard.*

**D'Amico:** *They do.*

**Guardarrama:** *David, would you take a roll call please?*

**Gillig:** *Commissioner D'Amico?*

**D'Amico:** *Yes.*

**Gillig:** *Commissioner Hamaker?*

**Hamaker:** *Aye.*

**Gillig:** *Commissioner Yeber?*

**Yeber:** *Yes.*

**Gillig:** *Commissioner DeLuccio?*

**DeLuccio:** *No.*

**Gillig:** *Commissioner Altschul?*

**Altschul:** *No.*

**Gillig:** *Chair Guardarrama?*

**Guardarrama:** *Yes.*

**Gillig:** *Motion...Vice Chair Bartolo's recused, the motion carries, four ayes, two nos.*

**Guardarrama:** *All right, let's move on to the consideration of the rest of the matter in total, whether there should be this project and what if any other conditions would be recommended to the City Council. Does anyone want to start?*

**Altschul:** *What about the discussion of just the develop...the recommendation on the Development Agreement?*

**Guardarrama:** *I think they could just all be lumped together.*

**D'Amico:** *I want to say this is a spectacularly gorgeous building that I plan to vote for.*

**Guardarrama:** *All right.*

**DeLuccio:** *I have a couple (TALKING OVER).*

**Altschul:** *I agree it's gorgeous.*

**DeLuccio:** *(TALKING OVER) I think they requested outdoor dining from 10:00 p.m. to midnight and I think that's, that's...I think that that should be put into the resolution.*

**Guardarrama:** *All right. Barbara?*

**Hamaker:** *Yeah, I thought you were asking for some specifics. I think that we had, and correct me if I'm in the wrong area, but the \$700,000.00 in part...we're talking about the Development Agreement. It would be nice if someone might want to suggest focusing that \$700,000.00 somewhere, part of it at least maybe for neighborhood mitigations or the left-hand turn lane. I'm not quite sure what's appropriate, but it sounded like people did not want it to go into the General Fund.*

**Guardarrama:** *Okay, Marc, do you have anything?*

**Yeber:** *No, thanks.*

**Guardarrama:** *Yes?*

**Altschul:** *I think the \$700,000.00 is not a sufficient dollar amount considering the enormous benefit to the developer and I certainly think whatever the ultimate amount is, paying it 10 years from the time that the matter is approved is certainly a bit farfetched. So I would recommend to the Council that the Development Agreement be examined, reexamined and that an amount sufficient to be adequate be arrived at and that a payment schedule or a payment plan be realistic.*

**Guardarrama:** *Okay, so taking all that into account....*

**Yeber:** *Actually before you go on, can staff explain and you sort of touched on it, how you reached that \$700,000.00? 'Cause I spoke to someone earlier and as I understood it was evaluation of benefits versus what they're putting the project and the 700 was the differential, is that correct?*

**Jenkins:** *I'm not exactly sure that that, that it was that scientific. There was an economic analysis done in the course of the negotiation. There was a comparison of the amount with amounts that had been obtained in other Development Agreements with a comparison of square footages in order to make it comparable. It didn't start at \$700,000.00, it started with an offer from the developer that was considerably lower and it increased through the course of the negotiations. But I can't...I really can't explain to you that there was any particular empirical formula that was used, but we did at one point engage the services of an economist who we rely on from time to time who assisted us in evaluating the economic benefits of this project to the developer and he did assist us in the negotiating of the number. I would also point out that the, the money has to be paid at the conclusion of the construction, not after 10 years, but when, when it's built and presumably it's gonna be built well before 10 years and the money is guaranteed. I know*

*there was a comment earlier that, that there was some sort of a problem or a loophole in here. There's no question that the money has to be paid. The language that was referred to simply gives us some flexibility in terms of how the developer must guarantee the payment. But aside from that, there's, there's no way that the developer can get out of paying the money.*

**Guardarrama:** *John Altschul?*

**Altschul:** *So just to follow up on that, construction is complete, payment is due, you...they pay, we give a certificate of occupancy, is that correct?*

**Jenkins:** *Right.*

**Guardarrama:** *All right. I'd like to craft a motion. I think this is a wonderful, wonderful green well designed building and it will fill up what I consider to be sort of a dead zone on Santa Monica Boulevard, which is quite wide in that area and really needs some more pedestrian traffic and some sprucing up in my opinion. Taking into account what the other Commissioners have said, I move the balance of staff's recommendations that they be recommended by the Planning Commission to the City Council with the addition that the outdoor dining be extended from 10:00 p.m. to 12:00 a.m. as the Applicant has requested and with language that asks for further consideration of the dollar amount in the Development Agreement and that we look at, or that the Council look at any way of making sure that that dollar amount directly benefits the residents that will be impacted by this new development.*

**Hamaker:** *I'll second, and I'll second that. I just would like to, if I can tag on to that, it may not need the \$700,000.00, but is enough...in other words, as much money as is needed for the neighborhood and, you know, the rest can....*

**Guardarrama:** *Well, the way I said it was that they look into it.*

**Hamaker:** *Okay.*

**Guardarrama:** *Because we can't force the Council to do anything, but it's just our recommendation.*

**D'Amico:** *Would the maker and the seconder of the motion accept either both of these that the project will not open unless there's a U-turn at Robertson and if there isn't that the City would change that?*

**Guardarrama:** *Yeah. Yes, that would be fine with me.*

**D'Amico:** *And that some dollar amount, I'll say \$25,000.00 be put aside in escrow for an after development traffic study if the City so decides it's required.*

**Guardarrama:** *Or whatever amount is customary as determined by the Transportation Manager.*

**D'Amico:** *And if after, some 24 months after completion it's determined it's not needed it would be refunded.*

**Guardarrama:** *Yes, Barbara is that okay with you?*

**Hamaker:** *Yeah, did I second it or did John?*

**Guardarrama:** Yeah, you did.

**DeLuccio:** Chair, one more thing I needed to put back in the condition about no residential parking permits.

**Guardarrama:** Oh, yes. The condition that, you know, the neighborhood is overburdened and....

**Altschul:** And also a condition with respect to construction mitigation that there be a coordination of construction and the mitigations of these construct...of construction between this project, Pavilion's and Melrose Triangle if in fact it is under construction at the same time.

**Guardarrama:** Absolutely, and I don't want to make this a condition, but if the developer could please contact the lady who lives on Keith in the apartment building with the (INAUDIBLE) windows and see if there's anything that you could do to make her life a little easier as you're putting up your building. All right, can we....

**Hamaker:** I'd like to just say something about the development if I could. John D'Amico and I both had a lot of problems with the development on the east side where the studio was because the 65 foot height was seven feet from Santa Monica Boulevard and so I just wanted to explain to people that in this case, Santa Monica Boulevard is about as wide as you can get and this development is set, I think it's 24 feet back from the street and it has a 35 foot distance behind it with the alley and the backyard of the property. So there is a huge amount of space that does not create a canyon effect on Santa Monica Boulevard and I think that this...the owner of this property is very, very lucky that they have that because there are very few other places on Santa Monica Boulevard where there is that much width and so I...this is maybe one of the rare instances where I don't feel that 65 feet is going to have a great impact after the project is built. I think it has extraordinary benefits and has...a lot of care has gone into developing it especially the interesting neighborhood with a name I don't know on Ramage, the Danish name. That, that sounds very exciting. I'd like to ask John Chase or the staff, how old are the buildings that are going to be torn down for this? Were they built in like the 30's? Are they in that range? They're like 80 years old, 70, 80 years old, or newer?

**Chase:** I'm sorry, Barbara, I don't have that information.

**Hamaker:** Okay, what's your ballpark? I mean, do you think they're 50 years old?

**Chase:** I'm really not sure.

**Hamaker:** Okay. I...number one, I was shocked to hear that there is a Rolls Royce Repair Shop because I didn't think Rolls Royce's ever broke down, so now I know that those other people experience what we experience. Second of all, one of the things sitting on this Planning Commission and thinking about large projects like this, I have to say to myself this is not like changing fashions. It's not like some developer comes in and spends \$15 million and then 10 years later that gets torn down and another one builds it again. These things last for 50, 75 years and more. And I'm very aware of that living on the east side because we have a rather crumbling commercial area with very small buildings and very narrow streets and not a lot of people want to develop there. So this is an area that has been underdeveloped I think for a very long time. That terrible billboard building at Doheny is really a disgrace and I think this is a great opportunity for a really beautiful landmark gateway from Beverly Hills (INAUDIBLE) into West Hollywood. So I, I'm very pleased to see it. I, I'm not afraid of the 65 foot height. I don't live in the neighborhood, so please don't hate me, but I would vote for it even if I lived there. I just think it's gonna be beautiful.

**Guardarrama:** *All right, David, if there isn't anything else, let's take a roll call.*

**Gillig:** *Chair Guardarrama?*

**Guardarrama:** *Yes.*

**Gillig:** *Commissioner Hamaker?*

**Hamaker:** *Yes.*

**Gillig:** *Commissioner Yeber?*

**Yeber:** *Yes.*

**Gillig:** *Commissioner DeLuccio?*

**DeLuccio:** *No.*

**Gillig:** *Commissioner D'Amico?*

**D'Amico:** *Yes.*

**Gillig:** *Commissioner Altschul?*

**Altschul:** *Yes.*

**Gillig:** *Vice Chair Bartolo recused. Motion carries, five ayes, one no.*

**Guardarrama:** *All right, let's take a break and come back at (CUTS OUT) 45.*

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

*\*Vice-Chair Bartolo left the meeting at this time.*

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:40 P.M. AND RECONVENED AT 9:50 P.M.**

**B. 533 N. Sweetzer Avenue.**

**Demolition Permit 2007-012, Development Permit 2007-016, Tentative Parcel Map 2007-008, Negative Declaration:**

Francisco Contreras, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, November 1, 2007.

He stated the applicant is requesting to demolish a single-family residence in order to construct a four-unit, three-story condominium development with subterranean parking. He detailed the neighborhood meeting, square-footage, private open space, floor plans, parking standards, development standards, and elevations.

John Chase, Urban Designer presented the Design Review Subcommittee report.

Staff recommends approval.

Commissioner Hamaker questioned driveway width requirements.

Commissioner DeLuccio disclosed for the record he drove by the site.

Commissioner D'Amico disclosed for the record he drove by the site.

Commissioner Yeber disclosed for the record he made a site-visit.

Chair Guardarrama opened public testimony for Item 9.B:

CLIVE BRIDGEWATER, LOS ANGELES, owner and architect, presented the applicant's report. He detailed the project and spoke on zoning, height, massing, design, setbacks, materials, and LEED Certification.

Commissioner Hamaker had concerns regarding the amount of sun and heat in regards to the glass used.

CLIVE BRIDGEWATER, LOS ANGELES, stated the project will be using solar low-e glass with film for UV elimination. He also spoke on the extensive roof-overhangs.

JEANNE DOBRIN, WEST HOLLYWOOD, had concerns regarding this item. She spoke on parking issues.

CLIVE BRIDGEWATER, LOS ANGELES, owner and architect, presented the applicant's rebuttal. He detailed the tandem parking configuration.

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

**Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval.**

**Seconded by Commissioner Altschul.**



**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 07-781 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2007-012 AND DEVELOPMENT PERMIT 2007-016, FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A FOUR-UNIT CONDOMINIUM DEVELOPMENT , FOR THE PROPERTY LOCATED AT 533 N. SWEETZER AVENUE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 07-782 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING VESTING TENTATIVE PARCEL MAP 2007-008 (MINOR LAND DIVISION NO. 69158), FOR THE PROPERTY LOCATED AT 533 N. SWEETZER AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close Public Hearing Item 9.B. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

**AYES:** Commissioners Altschul, D'Amico, DeLuccio, Hamaker, Yeber, Chair Guardarrama.

**NOES:** None.

**ABSENT:** Vice-Chair Bartolo.

**RECUSED:** None.

**C. 8950 Sunset Boulevard (James Hotel).  
Minor Conditional Use Permit 2005-016, Minor Conditional Use Permit 2005-017:**

Applicant is requesting to amend a previously approved minor conditional use permit to modify the location of the restaurants, lounges and outdoor dining areas.

Staff has requested a continuation to review the proposed changes by the applicant.

**ACTION:** Continue to Thursday, November 15, 2007. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and unanimously carried as part of the amended agenda.**

**D. 8300 Sunset Boulevard. (The Standard Hotel).  
Administrative Permit 2006-050, Development Permit 2006-069, Minor Conditional Use Permit 2006-011, Negative Declaration:**

David DeGrazia, Senior Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, November 1, 2007.

He stated the applicant is requesting to extend the hours of alcohol sales, service, and consumption in the outdoor poolside area. The proposed hours would be 9:00 A.M. to 2:00 A.M. daily. The request would not expand or change the area of alcohol sales, service, and consumption at the hotel.

He provided a detailed history of the project and spoke on the sound wall, hours of operation, code compliance complaints, and crime statistics.

Staff recommends approval.

Chair Guardarrama opened public testimony for Item 9.D.:

ELIZABETH PETERSON, LOS ANGELES, applicant's representative, presented the applicant's report. She detailed the history of the project and spoke on the amended hours of operation (9:00 A.M. to 12:00 midnight, Sunday through Wednesday, and 9:00 A.M. to 1:30 A.M., Thursday through Saturday), sound wall, noise issues, occupancy rates and neighborhood concerns. She stated there will be no amplified music.

DINO BAGLIONI, LOS ANGELES, spoke in support of staff's recommendation of approval.

JIM KINGSLAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

STAN KIM, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JOHN SCAGGS, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JAMES GREGG, WEST HOLLYWOOD, opposes staff's recommendation of approval.

TERI GUSTAFSON, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JUDITH KASS, WEST HOLLYWOOD, opposes staff's recommendation of approval.

NORM CHRAMOFF, WEST HOLLYWOOD, opposes staff's recommendation of approval.

SCOTT SCHMIDT, WEST HOLLYWOOD, has concerns regarding this item. He spoke on hours of operation, traffic circulation and parking concerns.

MICHAEL SPENCER, BURBANK, General Manager, Grafton Hotel and President, Sunset Strip Business Association, has concerns regarding this item. He spoke on the requested hours of operation.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this issue. She spoke on code compliance complaints, noise and hours of operation.

TODD STEDMAN, PACIFIC PALISADES, Executive Director, Sunset Strip Business Association, spoke in support of staff's recommendation of approval.

VICTOR OMELCZENKO, WEST HOLLYWOOD, has concerns regarding this item. He spoke on public notification process, noise and crime statistics.

DOMENIC CHIUPI, WEST HOLLYWOOD, General Manager, The Standard Hotel, spoke in support of staff's recommendation of approval. He spoke on neighbor's concerns.

ELIZABETH PETERSON, LOS ANGELES, applicant's representative, presented the applicant's rebuttal. She spoke on the valet parking plan, traffic circulation, posting notice, neighborhood concerns and meetings, community relations security plan, sound and decibel levels, and hotel accessibility regarding noise issues.

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

**Commissioner Altschul moved to: 1) deny the application.**

**No second. Motion fails.**

**Commissioner Yeber moved to: 1) continue the meeting to Thursday, February 7, 2008.**

**Seconded by Commissioner DeLuccio.**

Discussion was held regarding the lack of communication between the neighbors and hotel.

Direction was given to the applicant to hold a neighborhood meeting prior to the Planning Commission meeting on Thursday, February 7, 2008.

**ACTION:** 1) Hold a neighborhood meeting to address neighborhood concerns prior to Thursday, February 7, 2008, and 2) continue to Thursday, February 7, 2008. **Moved by Commissioner Yeber, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

**AYES:** Commissioners Altschul, D'Amico, DeLuccio, Hamaker, Yeber, Chair Guardarrama.

**NOES:** None.

**ABSENT:** Vice-Chair Bartolo.

**RECUSED:** None.

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

**Director's Report.**

Susan Healy Keene, Director of Community Development, reported the project recently approved by the Planning Commission on Thursday, October 4, 2007 regarding 1342-1346 N. Hayworth has been appealed to the City Council. The hearing has tentatively been scheduled for Monday, December 3, 2007.

**Planning Manager's Update.**

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

14. **PUBLIC COMMENT.** None.
15. **ITEMS FROM COMMISSIONERS.**  
Commissioner DeLuccio reminded the public when they contact the Commercial Code Compliance Division, to be certain and leave a message.
16. **ADJOURNMENT:** The Planning Commission adjourned at 11:05 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 15, 2007 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 15<sup>TH</sup> DAY  
OF NOVEMBER, 2007.

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

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