



PLANNING COMMISSION MINUTES
Special Meeting
January 27, 2005

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

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:40 P.M.

2. PLEDGE OF ALLEGIANCE: Leigh Gove led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker, Thompson, Chair Altschul.

Staff Present: C.J. Amstrup, Senior Planner, Terri Slimmer, Transportation Manager, Ray Reynolds, Director of Economic Development; Special Projects, Allyne Winderman, Director of Rent Stabilization and Housing, Jeffrey Skorneck, Housing Manager, Susan Healy Keene, Director of Community Development, John Keho, Acting Planning Manager, Christi Hogin, Assistant City Attorney and David Gillig, Commission Secretary.

Consultants Present: Tom Choe, Kaku and Associates, Transportation and Circulation, Bruce Lackow, PCR Services; Environmental Impact Report.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, January 27, 2005 as amended. **Motion by Commissioner DeLuccio seconded by Vice-Chair Thompson and unanimously carried.**

5. APPROVAL OF MINUTES.

A. None.

6. PUBLIC COMMENT.

JOYCE HEFTEL, WEST HOLLYWOOD, thanked the Planning Commission and city staff for their hard work and commented on a neighborhood survey.

ROHAN GAVIN, WEST HOLLYWOOD, commented on a condominium project that is in the planning stages at 1014 N. Larrabee Street.

ALLAN WILLION, WEST HOLLYWOOD, commented on liquor licenses and current developments within the City of West Hollywood.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on liquor licenses and census tracts

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

8. **CONSENT CALENDAR.** None.

9. **PUBLIC HEARINGS.**

A. Sunset Millennium Project.

Continued from a regular Planning Commission meeting on Thursday, January 20, 2005.

Development Agreement 003-004 (an amended and restated Development Agreement), Zoning Map Amendment 004-001, Demolition Permit 003-030, Development Permit 003-023, Conditional Use Permits 004-016 and 004-017, Conditional Use Permits (Tall Wall) 002-006, 002-007, 002-008 and 002-009, Comprehensive Sign Program 004-003 (SSP Area 4-C):

Development on Site 4-C would consist of 235,000 square feet of new construction with two hotels, approximately 13,950 square feet of retail and restaurant space, and 2,250 square feet of outdoor dining area. The hotels would have a combined total of 296 rooms. Four tall-wall billboards are also proposed. This site would contain 811 parking spaces in a below grade parking structure. The existing office buildings and related parking would be demolished and replaced with the project.

Development Agreement 003-004 (an amended and restated Development Agreement), Zoning Map Amendment 004-001, Demolition Permit 003-029, Development Permit 003-022, Tentative Map 004-024, Conditional Use Permit (Tall Wall) 002-005, Comprehensive Sign Permit 004-004, Billboard Permits 003-003, 003-004, 004-004 and 004-005, (SSP Area 4-D):

Development on Site 4-D would consist of two residential buildings with 190 condominiums, 25,832 square feet of retail/restaurant space, 2,250 square feet of outdoor dining, a tall-wall billboard and two double-faced billboards, and 468 parking spaces in a below grade parking structure. The existing surface parking lot and a one and two-story, wood frame and stucco building of 42,500 square feet, which contains offices and a theatre, would be demolished and replaced with the new project.

The remainder of Section 9.A. of the minutes is an official, certified verbatim transcript of the proceedings:

1 CHAIRMAN ALTSCHUL: The unfinished business is
2 the subject of this particular meeting, the Sunset
3 Millennium application. And we'll go now to -- before
4 we go now to a staff update, will someone from the staff
5 please explain, first of all, the process of this
6 hearing with respect to both the EIR and the request for
7 the entitlements and how it differs from those hearings
8 that we usually have, those applications that we usually
9 have. Who wants to do that?

10 MR. AMSTRUP: Are you referring to the
11 difference between final action and recommendation?

12 CHAIRMAN ALTSCHUL: Final action and
13 recommendation, and what the Commission's role is
14 specifically with respect to environmental impact
15 report. And what an environmental impact report
16 actually is and isn't.

17 MR. AMSTRUP: The purpose of tonight's meeting
18 and of the package of applications you have before you
19 is for you to review those, the applications, and make a
20 determination about consistency with the General Plan,
21 Sunset Specific Plan, and the zoning ordinance. Because
22 there is an ordinance involved, the development
23 agreement that's contained with this project is subject
24 to an ordinance. It requires adoption by the City
25 Council. So tonight your role is limited to making a

1 recommendation to the City Council. You're not
2 approving it, you are formulating a recommendation, and
3 that recommendation can include recommendation of all or
4 part of the application and modification to the
5 recommended conditions included in the resolution.
6 You're also recommending whether to certify or whether
7 or not to certify the environmental impact report. So
8 that's what your role is. And we have with us Bruce
9 Lackow to -- Christi Hugin, Assistant City Attorney has
10 something to add to my explanation.

11 MS. HOGIN: Good evening, Mr. Chair,
12 Commissioners. Although I guess the only thing I would
13 add to it is that the code specifically provides that
14 the City Council cannot enter into a development
15 agreement until the Planning Commission has had an
16 opportunity to look at it and to make recommendations.
17 I wouldn't undervalue what it is to make a
18 recommendation. The import of it is this: What you do
19 here tonight is not a final decision. It will
20 inevitably go to a public hearing in front of the City
21 Council and those who still have thoughts unspoken in
22 this process should know that, because the City Council
23 will want to hear from them as well at the time when the
24 council takes up the item and considers your
25 recommendation.

1 CHAIRMAN ALTSCHUL: Those who have also had
2 thoughts who have already spoken, may at that time again
3 utter their thoughts.

4 MS. HOGIN: Absolutely. I'm sure that the
5 council will be happy to hear them and glad to look
6 right in their eyes as they listen to it.

7 With respect to the environmental impact
8 report, and I -- you know this from other projects, it
9 really plays the same role here as it does in all
10 projects. And that is, the state law is designed so
11 that you will not make a decision on a project, or a
12 recommendation in this case, on a project, until you
13 understand what the potential environmental impacts of
14 your decision would be. And so when we study the
15 environmental impacts, we look at all of them. Those
16 that we can conclude based on the information will not
17 have a significant impact, discuss that. Those that may
18 have a significant impact, we then look to see whether
19 there might be some mitigation measures that once
20 imposed on the project, would bring that impact below a
21 level of significance, and those project impacts that
22 may occur and even with the best mitigation we can come
23 up with may still have a significant impact.

24 And that environmental impact report that's
25 been given to you, basically goes through each of those

1 different areas, air quality, noise, traffic, geology
2 and discusses those so that you can understand what the
3 potential environmental impacts of your decision are.

4 Tonight what you're doing is recommending
5 whether or not that report alerts you to all the
6 information you need. It doesn't mean -- if you certify
7 an EIR, it doesn't mean that you think that there are no
8 adverse impacts caused by the project. It doesn't mean
9 that you think that the adverse impacts are acceptable.
10 It just means that you think that the report is
11 complete. That all the information is on the table and
12 that you understand what the impacts will be of the
13 project. And then you can choose to recommend it or not
14 recommend it.

15 CHAIRMAN ALTSCHUL: Thank you. Mr. Lackow, do
16 you have anything to add?

17 MR. LACKOW: Nothing at this time, Chairman.

18 CHAIRMAN ALTSCHUL: Thank you. At this point
19 we will go to the staff update on this application.
20 C.J.?

21 MR. AMSTRUP: I handed out to you at the
22 beginning of the meeting, and available for the public
23 at the back table, is a cover memo with several
24 attachments. I'd just like to briefly go through what
25 those attachments are.

1 The first item that's included as Exhibit A is
2 an exhibit that differentiates the trips between the
3 entitled project and the proposed project. And if
4 there's any specific questions about that, Terri Slimmer
5 is here and she can answer questions about that.

6 The second item that's included as part of
7 Exhibit B is a letter from Hans Gerreau. And, quite
8 frankly, there was discussion of mitigation measures at
9 the previous meeting, but we are looking for directions
10 from the Planning Commission in terms of what it was
11 that you intended for us to do with the analysis of some
12 of those mitigation measures.

13 Third is a chart, a fold-out chart showing the
14 differences, in terms of floor area ratio, height,
15 proposed parking, open space, all the major physical
16 components of the previously-entitled project and the
17 existing project.

18 The fourth is an explanation of the public
19 benefits and economic terms between the
20 previously-entitled project and the proposed project.
21 And here tonight to talk about that is Ray Reynolds.
22 And, Ray, would you like to do that now?

23 MR. REYNOLDS: Thank you. We touched on this
24 at the last meeting. We wanted to offer you a little
25 more time for discussion on this topic. Too, let me

1 point out that the finance director Aneil Ghandi is here
2 who can fill in on any additional information of
3 questions you might have. Essentially, we -- the
4 largest difference, of course, is that this is a smaller
5 hotel and the offices are replaced by residential. We
6 had what I would describe -- I won't go into a lot of
7 detail, I know you have a long evening, a much more
8 liberal view. We had hotels at 100 percent occupancy,
9 we've computed them now at 75 percent.

10 Two, the economic impact you see at 2.8
11 million is for these two phases of the project. In the
12 prior five million dollar annual economic impact we were
13 looking at a three-phase project. I don't know if I
14 emphasized that at the last meeting. That's a
15 considerable difference in the project.

16 CHAIRMAN ALTSCHUL: Excuse me. Would you keep
17 your voice up, Ray.

18 MR. REYNOLDS: Yes.

19 CHAIRMAN ALTSCHUL: Thank you.

20 MR. REYNOLDS: Sure.

21 And, finally, I want to emphasize that these
22 are estimates. For example, we really expected -- and I
23 can't, of course, name individual businesses, but we
24 expected sales tax to be much higher on the west parcel
25 than it actually is today. My overall point is that

1 these are estimates. We can't really go to the bank
2 with them yet, but we are comparing the projects at that
3 difference by a million to a 2.8. Let me just stop
4 there and see if you have questions, or did you want to
5 go on to the next --

6 MR. AMSTRUP: If you have questions relative
7 to this that are formulated right now, you should
8 probably take care of them.

9 CHAIRMAN ALTSCHUL: Donald?

10 COMMISSIONER DeLUCCIO: You're saying the
11 difference of 2.2 million estimated difference has to do
12 with sales tax losses lower than anticipated sales tax
13 on the west parcel? There must be other components in
14 there.

15 MR. REYNOLDS: There are. No, my point there
16 was to emphasize with you that these are estimates. At
17 the time in 1999 when we estimated the sales tax, for
18 example, on the west parcel, my example was the west
19 parcel, we estimated the sales tax much higher than that
20 sales tax which we are actually collecting today. That
21 was my point on that.

22 COMMISSIONER DeLUCCIO: You're factoring in
23 that there's going to be less retail space on the middle
24 portion?

25 MR. REYNOLDS: Yes. I believe it's 12,000

1 square feet less retail space than there was in the
2 prior project.

3 COMMISSIONER DeLUCCIO: And then the -- being
4 that there won't be an office building, we won't be
5 getting the business license tax?

6 MR. REYNOLDS: Business license tax is lower
7 on this project, yes. And the other component is there
8 are 73 fewer hotel rooms than there were on the prior
9 project. Overall, though, even on the 371-room project,
10 we're much more aggressive in 1999 about our estimates
11 than we are today.

12 CHAIRMAN ALTSCHUL: Your analysis or your
13 suppositions do not, I take it, take into account what
14 benefits may flow from additional parking that the city
15 is yet to quantify?

16 MR. REYNOLDS: No, they do not. That's
17 correct.

18 CHAIRMAN ALTSCHUL: And that could be very
19 substantial?

20 MR. REYNOLDS: Yes. It's a huge benefit of
21 the project but we have not quantified that in this
22 economic impact analysis.

23 CHAIRMAN ALTSCHUL: Does that finish your --

24 COMMISSIONER DeLUCCIO: Is the housing
25 factored into this by --

1 MR. REYNOLDS: The property tax -- the real
2 revenue for us on the housing portion is the property
3 tax, and that's factored into this, yes.

4 COMMISSIONER DeLUCCIO: What about the --
5 they're going to put the affordable units on site or off
6 site?

7 MR. REYNOLDS: Well, what the proposal is, is
8 that about half of the affordable are on site.

9 COMMISSIONER DeLUCCIO: So there will be --
10 that will be a benefit, the more affordable housing
11 units. Would that be a benefit?

12 MR. REYNOLDS: Certainly, yes.

13 CHAIRMAN ALTSCHUL: With respect to the
14 property tax, have you taken into your supposed
15 calculations escalation over the course of the years in
16 property tax due to sales of the condominiums?

17 MR. REYNOLDS: This would be a snapshot as of
18 today. We did not factor in appreciation of the
19 condominiums. No, we did not. This would be the value
20 of the project as the day it's built. The property
21 value of it the day it's built.

22 CHAIRMAN ALTSCHUL: Aneil, do you have
23 anything at this point that you want to add to further
24 explain the economic impact to the city?

25 MR. GHANDI: Good evening, Chair and

1 Commissioners. No. There are three --

2 CHAIRMAN ALTSCHUL: Excuse me. Mr. Aneil
3 Ghandi, the finance director of the City of the West
4 Hollywood. Please continue.

5 MR. GHANDI: Yes. There are three major
6 differences between the 1999 and the 2005, one was the
7 pre-9/11 and post-9/11 effect on the holding revenue.
8 The second is just like Ray mentioned earlier, these are
9 just the estimates. And that's where we're at right
10 now.

11 CHAIRMAN ALTSCHUL: Thank you. C.J.? Are we
12 now on No. 5?

13 COMMISSIONER D'AMICO: John, excuse me, I have
14 a question.

15 CHAIRMAN ALTSCHUL: Go ahead.

16 COMMISSIONER D'AMICO: Christi, I have a
17 question for you and maybe for Ray. There's been all
18 this discussion about public benefit. Is there any
19 value to comparing the original to today's or is this
20 just information about what it is today has no bearing
21 on what it was, we just are being informed about what it
22 is?

23 MS. HOGIN: Staff prepared that, I think, in
24 direct response to a question by the Commission. So
25 that was just a question. So you can figure out if

1 there's value to you. But, no, it doesn't matter. When
2 you decide to make your recommendations on this project,
3 you have to look at what the benefits are of this
4 project and decide whether it's worth it.

5 COMMISSIONER D'AMICO: I guess I'm asking as a
6 direct result of something I think I remember from two
7 commission meetings and one vacation ago, in which one
8 of the public speakers mentioned that there was some
9 need to determine whether there was increased public
10 benefit in order to -- you fill in the blank. But
11 that's not in fact the case; is that right?

12 MS. HOGIN: Right. And we spoke to that last
13 time but that is not the case.

14 COMMISSIONER DeLUCCIO: Christi, I have a
15 question. Isn't that part of perhaps what the
16 overriding statement of consideration is, the public
17 benefit?

18 MS. HOGIN: There has to be a public benefit
19 for this project, period. It's part of the component of
20 the development agreement, that there be -- that it be
21 in the public interest, that there be a public benefit.
22 And if in fact there are unmitigateable significant
23 impacts, you also have to look at the value of the
24 project to see if it outweighs the impact on the
25 environment. But on its own, on this project, I'm

1 not -- as compared to the other one. The other one is
2 vested and it can go forward and those calculations have
3 already been done.

4 CHAIRMAN ALTSCHUL: Okay. C.J.?

5 MR. AMSTRUP: The fifth item that's provided
6 is provided as Exhibit B, is a list of all the
7 conditions and mitigations that were suggested by
8 Fountain View. And I apologize for the way those are
9 formatted. What we've done is we've included the
10 letters from the applicants. And in the letter from
11 Randall O'Lare, what we've done is we've gone down and
12 we've bracketed it on the margins those parts of the
13 letters that could be considered suggested mitigation
14 measures or -- excuse me, suggested conditions of
15 approval for the project.

16 The sixth item is provide a list of
17 departments and divisions that would need to review
18 plans as part of conformance with the conditions. The
19 list of items -- or the departments that would review
20 these, it depends on which specific item you were
21 reviewing. But as a process, when we review projects
22 first -- of this size when we're reviewing for building
23 permits, we take in multiple sets of those and they're
24 distributed to all departments, along with the approving
25 resolution. And then we have a database where we go

1 through and we collectively work on reconciling all the
2 conditions of approval. Each condition of approval has
3 an assigned department that's in charge of reviewing it.
4 So, for instance, the Department of Transportation would
5 review valet plans. Both the construction department,
6 the engineering division, and the planning department
7 would review overall site plans to make sure they're
8 consistent with the approved plans. Operational plans
9 would be reviewed by code enforcement and the planning
10 department. It varies by condition, but there are a
11 series of checks and balances in place to make sure that
12 all of those things are reviewed by the appropriate
13 departments.

14 And lastly, item 7 is a response to the
15 presentation that Fountain View had done with regards to
16 consistency of the project with the Sunset Specific Plan
17 and the general plan. That's listed as Exhibit C, it's
18 actually attached as Exhibit D.

19 I won't go through that because it's somewhat
20 lengthy, but many of the assertions were related to the
21 density of the proposed project to the height of the
22 proposed project. And assertions that there were
23 bonuses that hadn't been earned because there -- for
24 instance, there was a statement that they weren't
25 providing a public park so there was no density bonus

1 that was permitted. In fact, they are not providing a
2 public park, but they are also not utilizing the density
3 bonus that accompanies that. They're not utilizing the
4 density bonus that would go along with provisions of
5 theatres. The one density bonus that they are using is
6 related to the provision of affordable housing. So
7 there is an increase in density on the site 4C, that's
8 the only bonus that they're actually going for.

9 Staff has reviewed all of their assertions and
10 believes that the project is consistent with the Sunset
11 Specific Plan and the provisions of the General Plan.
12 And I'd be happy to go into any of those assertions with
13 you in more detail.

14 COMMISSIONER D'AMICO: I have one question.
15 I'm searching to see if I can find it above the theatre.
16 Was there not some assertion about the theatre being
17 something that was detailed that was to remain -- I
18 believe one of the assertions about its conformance was
19 whether or not a theatre was to remain. Look and see if
20 that was addressed.

21 MR. AMSTRUP: The implication in the Sunset
22 Specific Plan is that theatres are encouraged on sites
23 4C, D and, I believe, 4F. And a bonus is provided for
24 the additional retention of theatres. They're not
25 retaining the Tiffany Theatre, and they're also not

1 proceeding with the point 24 area ratio bonus that they
2 would get if they did that.

3 CHAIRMAN ALTSCHUL: C.J., tonight we were
4 presented with letters from Wilson Geo Sciences, Law
5 Offices of Gaines & Stacy, the law firm of Weston,
6 Benschopf, Rochefort, Rubalcava & MacCuish, and Hill,
7 Farrer & Burill. I assume you have had copies of these
8 letters. They are all dated today. Has the staff had a
9 chance to review these letters or not?

10 MR. AMSTRUP: We have done at least a cursory
11 review of the Weston Benschopf one and the Haines letter.
12 I've not seen -- excuse me, or the Gaines letter. I
13 have not seen the third letter that you're referring to.

14 CHAIRMAN ALTSCHUL: There are four, Wilson Geo
15 Sciences and --

16 MR. AMSTRUP: I have also not seen the Wilson
17 Geo Sciences letter.

18 CHAIRMAN ALTSCHUL: Hill, Farrer & Burill, is
19 that the one you didn't have?

20 MR. AMSTRUP: That's also the one I didn't
21 have.

22 CHAIRMAN ALTSCHUL: In your review of the
23 letters that you have had an opportunity to review, do
24 you have any comments that you would care to make with
25 respect to them?

1 MR. AMSTRUP: I think that that might be
2 better if we waited for a few minutes -- we'll go
3 through the presentation. Bruce Lackow has been going
4 through those letters so he may have a better response
5 formulated.

6 CHAIRMAN ALTSCHUL: Fine.

7 MR. AMSTRUP: One thing I would like to point
8 out is that the staff report that was provided to you at
9 the -- that I was just going over, in addition to the
10 list, there's also a revised resolution. In the
11 revisions in the resolution are refinements to what was
12 handed out before. They include additional findings
13 regarding the development agreement and the zoning map
14 text amended for the overlay district -- or the zoning
15 map amendment for the overlay district, and then
16 additional conditions. I'll just quickly go through the
17 conditions. Condition 1.5 provides an expiration
18 date for the development agreement overlay district,
19 that's in compliance with the requirement in the
20 municipal code.

21 Condition 8.16 requires occupancy of
22 structures prior to the installation of tall walls.
23 That's so that the hotels or the condominium building
24 cannot get up to a shell point, and then have the tall
25 walls put on, then have progress on those slope. There

1 is a provision to allow the City Council to waive that
2 requirement if they deem it necessary.

3 Condition 8.17 prohibits the use of the sign
4 kiosk.

5 Condition 11.3 allows the city to provide the
6 parking rates for the excess parking.

7 And condition 11.4 would limit the hours of
8 use for -- on the surface parking lot behind the hotels.

9 And, let's see, there's also a new mitigation measure
10 H10 which addresses some of the concerns that were
11 previously expressed about the possibility of unlimited
12 extended hours of operation for construction activity.

13 CHAIRMAN ALTSCHUL: What has the hours of
14 construction been brought down to in the resolution?

15 MR. AMSTRUP: Till 11:00 P.M. and that's
16 included in the --

17 CHAIRMAN ALTSCHUL: 11:00 P.M. constantly or
18 11:00 P.M. with permission?

19 MR. AMSTRUP: With permission.

20 CHAIRMAN ALTSCHUL: Who may give permission?

21 MR. AMSTRUP: Permission is by an in-house
22 committee which is constituted of the Community
23 Development Director, the City Manager, Director of
24 Engineering, building and Safety, code compliance.

25 Thank you, Jeanne.

1 CHAIRMAN ALTSCHUL: So the hours of
2 construction are the normal hours of construction that
3 every other project has unless they apply for a specific
4 extension which can only be till 11:00 P.M. and that's
5 on a day-by-day basis?

6 MR. AMSTRUP: That's correct. And it would
7 only be to accommodate certain construction activities
8 that require that once they're started, they continue
9 until they're finished.

10 CHAIRMAN ALTSCHUL: Is there any change or any
11 looking at the -- putting the loading docks and trash
12 things inside rather than outside?

13 MR. AMSTRUP: Staff did not look at that. Our
14 response to that was to limit the hours of operation.
15 There were assertions that these outdoors facilities are
16 not permitted. It's actually permitted on surface lots
17 provided that there's limited hours of operation of
18 those facilities.

19 CHAIRMAN ALTSCHUL: And hours of the
20 rooftop pool or -- conditions in closing the rooftop
21 pool, was any of that looked at?

22 MR. AMSTRUP: There's hours of operation
23 included in the resolution.

24 CHAIRMAN ALTSCHUL: Thank you. Any other
25 questions at this time? Donald?

1 COMMISSIONER DeLUCCIO: Looking at the
2 resolution, C.J., I have a condition 11.3 question. Are
3 there only 345 excess parking spaces, I thought there
4 was 435.

5 MR. AMSTRUP: I'm sorry, I transposed numbers.
6 There's 435.

7 COMMISSIONER DeLUCCIO: I also have a question
8 on Exhibit A having to do with peak-hour trips. I think
9 maybe Terri can answer that question. Or did you put
10 this together, C.J.?

11 MR. AMSTRUP: Terri put it together.

12 COMMISSIONER DeLUCCIO: It compares the trips
13 in the proposed and existing project. By peak hour,
14 does that do an analysis of what I consider the peak
15 hour in this case would be weekend eve trips?

16 MS. SLIMMER: Ask me that again one more time.

17 COMMISSIONER DeLUCCIO: In this case I think
18 it's -- it's unusual where there will be a lot of
19 activity, nighttime activity, so that would generate a
20 lot of, in my mind, peak-hour trips which is not the
21 traditional way to use that word peak hour. Is that a
22 change from the existing project where there would have
23 been a less peak-hour weekend trips versus the proposed
24 project?

25 MS. SLIMMER: The comparison of trips that's

1 in front of you now as part of Exhibit A is relative to
2 the traditional peak-hour trips, the 6:00 to 9:00 in the
3 morning and the -- the 7:00 to 9:00 in the morning and
4 the 4:00 to 6:00 in the evening. The traffic impact
5 analysis also had a separate late-night traffic
6 analysis, which the original entitled project did not
7 have. So there was no way for us to compare it.

8 COMMISSIONER DeLUCCIO: Was it your feeling
9 that there would be more weekend late-night trips, you
10 being the expert, versus with the previous project, the
11 existing entitlement?

12 MS. SLIMMER: I think, based upon the use in
13 the east parcel, certainly with 220,000 square feet of
14 office on the east parcel, that doesn't generate the
15 late-night weekend trips that the hotel and restaurants
16 will generate. So I think certainly on the -- it would
17 probably be safe to say that the east parcel will
18 generate, under the proposed project, more weekend
19 late-night trips than the entitled project. And the
20 middle parcel would probably remain the same because it
21 had the theatre and the hotel rooms, you know, enough of
22 a similarity, I think, that the middle parcel would
23 probably be close to the same.

24 COMMISSIONER DeLUCCIO: On the east parcel,
25 under the proposed project there would be 269 less trips

1 if we were to factor in, which we don't have the data
2 from the previous to compare it, would the net result,
3 do you think, still be less trips even if you factored
4 in those additional weekend trips?

5 MS. SLIMMER: If I factor in the additional
6 weekend trips to the 269 and minus it, yeah, I think
7 we'd still be under or equal to the proposed -- or the
8 entitled project, yes.

9 COMMISSIONER DeLUCCIO: Thank you.

10 CHAIRMAN ALTSCHUL: Any other questions?
11 Okay. C.J.?

12 MR. AMSTRUP: I've had a chance to briefly run
13 through some of the letters and I would like to talk to
14 the -- speak to the Hill Farrer & Burill letter
15 regarding the faults. One of the assertions in -- let
16 me restate what -- reframe the contentions that are
17 included in this letter. Under the previous proposal,
18 the city's geologist at the time was Ed Sabans. And at
19 that time he worked for Bing Yen, that's the consultant
20 that's listed here. He was also the gentleman who spoke
21 to this issue last Thursday. In reviewing the
22 applicant's geotechnical studies and fault rupture
23 studies, he determined that the southern fault, the
24 information and conclusions of the applicant's studies
25 regarding the southern fault, were inconclusive. And he

1 in fact is the person who ordered the additional study
2 of the southern fault. At the same time, he was
3 reviewing the geotechnical studies related to the
4 northern fault. He concluded at that time that the
5 information by the applicant was accurate and he did not
6 include -- or he did not require additional studies. So
7 the reason there was additional study on the second
8 fault is because the initial information was
9 inconclusive, so that's why they went the extra step.
10 There was no obfuscation or any intent to try and not
11 study further on that one, it was simply deemed that
12 information that had been provided at the time was
13 conclusive and adequate.

14 CHAIRMAN ALTSCHUL: Mr. Lackow, do you concur
15 with that?

16 MR. LACKOW: Yes, I do, Chairman.

17 MR. AMSTRUP: At this time that concludes --

18 COMMISSIONER DeLUCCIO: I have a question on
19 that. Are there any -- there are conditions in here
20 that need to do some further study before they start
21 building?

22 MR. AMSTRUP: They'll always need to do
23 additional geotechnical before they pull building
24 permits, that's standard procedure for foundation design
25 and things.

1 CHAIRMAN ALTSCHUL: Any other questions at
2 this time by any members of the Commission? That
3 concludes staff updates --

4 MR. AMSTRUP: Excuse me. Ray would like to
5 touch on something that changes the development
6 agreement.

7 MR. REYNOLDS: The last paragraph of C.J.'s
8 cover memo does reference Exhibit E where -- and I want
9 you to notice that we have made some changes to the
10 development agreement from the one you last saw. That's
11 the largest packet, Exhibit E. One of which is really
12 in response to some of the comments you made, I think --
13 you the Planning Commission made. I think primarily
14 there was a point made by Commissioner D'Amico having to
15 do with certain benchmarks and moving toward completion.
16 On page 16 we reviewed the affordable housing section,
17 that's 3.3.4, page 16 of your development agreement
18 where you'll see the underlined portion. Those with the
19 double underline is language that was added that
20 specifies the performance that's been broken down into
21 the tables that follow that section with those seven
22 steps that move toward the development of the affordable
23 housing. The portion of this that has not been filled
24 in is the right-hand column where it says -- where it
25 says in the first box, "The city and owner are working

1 on specific schedules." We are not yet resolved with
2 the developer on what that schedule should be. But I
3 want to point out to you that we are moving toward this
4 kind of an agreement with specific benchmarks so that at
5 the end of the day, we're assured that we have either
6 the money or the affordable housing constructed.

7 Two, let me point out -- I'm only going to
8 point out what are the substantial changes, not those
9 that are clerical or punctuation errors. On page 17
10 there was a change in Section 3.3.8 that -- demolition
11 permits. Typically demolition permits are applied for
12 at the time of building permits. Because of the size
13 and scale of this project we're allowing -- or this
14 would allow the applicant, the developer, to apply for
15 building permits when -- at entitlement.

16 The final section I want to point out to you
17 is relative to the parking agreement where -- which is
18 on page 22 of your development agreement, talks about
19 the parking garage. Here we have outlined that the
20 basic principles of what we are trying to achieve with
21 the parking, essentially that we are assured, we the
22 public -- we the city are assured that those spaces
23 would be available to the public and available, number
24 two, at a competitive rate. That is not filled out yet
25 completely, we're not in complete agreement with the

1 developer. But I wanted to point out those three
2 sections and any further comments you wanted to make on
3 those points now or during your deliberations would be
4 welcomed.

5 I wanted only to make those comments on the
6 development agreement because those changes are
7 different than what you saw at the last meeting. I have
8 nothing further, Chairman.

9 CHAIRMAN ALTSCHUL: Is there anything further
10 of staff at this time? Either from staff or directed to
11 staff in the way of questions or comments? If not,
12 we'll proceed to the next phase of tonight's meeting,
13 which comprises rebuttal. There will be two, ten-minute
14 rebuttal periods. First will be given to the
15 consolidated homeowners residents group. And that ten
16 minutes, as I have speaker slips, will be divided
17 between Robert Silverstein, Ken Wilson and Allan
18 William; is that correct?

19 And then the second ten minutes will be given
20 to the applicant for rebuttal. And I have two speaker
21 slips for the applicant, Nicki Carlsen and Andy Cohen;
22 is that correct?

23 MS. CARLSEN: Yes, it is.

24 CHAIRMAN ALTSCHUL: Then that will be the
25 order. We will begin the ten-minute rebuttal period

1 for consolidated homeowners groups. Who will start, Mr.
2 Wilson?

3 If you'll state your name and your city of
4 residence, the time will start when you begin speaking.
5 The time will be -- the clock will be turned off as you
6 change speakers.

7 MR. WILSON: My name is Ken Wilson. My
8 residence is Alta Dena. I'm a California certified
9 engineering geologist. Tonight I wish to address
10 comments and testimony by city staff and consultants on
11 January 20th, 2005 with regard to two of Mr. Lackow's
12 statements, first related to the EIR assumption of
13 inactivity for Fault 2. There is no substantial
14 evidence showing conclusively that Fault 2 is inactive.
15 The only evidence is soil color-based age estimates that
16 have been proven inaccurate at Fault 1 a hundred feet
17 away. We contend the vital information has not
18 been obtained, that is, radiometric age dates of reddish
19 soils at Fault 2. This is the case even though there is
20 incontrovertible evidence in the record that it would be
21 reasonably feasible to do so.

22 This is not a disagreement among experts
23 regarding interpretation of data, rather, simply a lack
24 of proper documentation and disclosure of facts in the
25 record and a lack of proper soil age radiometric testing

1 of Fault 2 soils. Without this readily obtainable data,
2 the city cannot resolve the feasibility of the current
3 project and the adequacy of the proposed mitigation
4 measures.

5 Second, Mr. Lackow stated that the plan check
6 is, quote, "the more appropriate time in the process,"
7 unquote, for confirmation of EIR assumptions for the
8 activity of Fault 2. In my professional opinion,
9 delaying this analysis poses unnecessary risks for
10 nearly everyone involved in the process. The city
11 should ask what would happen if Fault 2 were proven
12 active as happened in Fault 1? From a risk management
13 perspective, it is difficult to see how deferring to
14 this later time can be considered more appropriate than
15 doing them now.

16 Ms. Hogin indicated that Mr. Sabans performed
17 a peer review of this project's technical reports. The
18 last evidence of peer review we can find in the record
19 is November 19th, 2003, eight months before the 2004
20 William Lattis report, which forms the technical basis
21 for the conclusions in the EIR. However, peer review
22 does not exist as part of the EIR or, to our knowledge,
23 in the record.

24 Commissioner Guardarrama asked the critical
25 geology question, in fact, he asked it three times, each

1 in a slightly different way. I will paraphrase two of
2 the questions and give you my answers based on what we
3 see in the record. Question: Were different methods
4 used to determine the active and inactive status of
5 Faults 1 and 2? Answer: Yes, very different. Relying
6 on soil color as the applicant and city are for Fault 2,
7 one gets only a broad range within which to estimate
8 soil age. We know soil color age was applied to Fault 1
9 in 1998 and proven wrong in 2001 by radiocarbon age
10 dates when you get an age date that is vastly
11 superior -- it is the vastly superior method for
12 defining fault activity. At Fault 2 boring 14 in the
13 EIR appendix F indicates one can obtain datable charcoal
14 material from which an accurate soil age can be
15 determined.

16 No. 2, question: Was there anything in the
17 testing methods for Fault 2 that was different, lighter
18 or less exhaustive than at comparable sites? Answer:
19 Yes, in at least two ways. First, the middle parcel on
20 Sunset Marquis both had soil color-based age estimates
21 but they were confirmed by radiometric dates. Second,
22 the fact that radiometric dating was performed at the
23 middle parcel and Sunset Marquis and that in 2001 the
24 city asked for more detailed information in Fault 1,
25 clearly indicates that having no radiometric dates at

1 Fault 2 in contrast to comparable sites 1300 feet, 300
2 feet and 100 feet away constitutes a use of methods that
3 are very different, much lighter and much less
4 exhaustive.

5 As my last point, Ms. Hogin discussed Mr.
6 Sabans and the applicant's geologist in terms of
7 professional reputation, ethics and licenses in the
8 context of this project. For the record, before
9 December of 2004, I was not aware of the Sunset
10 Millennium project. In every project I'm involved with
11 my concern is for the safety of the public based only on
12 a thorough understanding of geological conditions, and
13 that is my only concern here. My 35-year record in this
14 profession supports my technical capability and
15 professional principles. Thank you very much.

16 CHAIRMAN ALTSCHUL: Allan Silverstein.

17 MR. SILVERSTEIN: Robert Silverstein. Before
18 I start, is this time remaining or time elapsed?

19 CHAIRMAN ALTSCHUL: Pardon?

20 MR. SILVERSTEIN: This is time remaining,
21 correct?

22 CHAIRMAN ALTSCHUL: Yes, it is. Robert
23 Silverstein, I'm sorry.

24 MR. SILVERSTEIN: Thank you. My name is
25 Robert Silverstein. I'm an attorney for Save Our Sunset

1 Street Coalition, city of residence, La Canada.
2 Briefly, one comment about traffic from our expert Art
3 Kassan, there is a mitigation measure that is discussed
4 several times in the final EIR that would eliminate all
5 traffic impacts and some other impacts also. And that
6 is to reduce the project program by 30 percent. And
7 please see Mr. Kassan's comment, No. 16. We would like
8 to emphasize that there is a very strong proposed
9 mitigation measure that could be acted upon.

10 Turning to seismic issues. The -- there is an
11 earthquake fault called Fault No. 2 which runs smack
12 through the middle of the east and middle parcels. And
13 at this time the city does not know if that is an active
14 or inactive earthquake fault. There are two choices
15 here. One, either guess at whether Fault No. 2 is
16 active or not, or two, accurately date the soils at
17 Fault No. 2 to know whether the fault underlying the
18 buildings is active. Nobody should rely on soil ages --
19 on guessing soil ages by color when an accurate
20 preferred methodology called radiometric dating is
21 available. In fact, when the age of Fault No. 1 on the
22 east parcel was originally estimated by the soil color
23 method, it was the city's own third-party peer review
24 geologist Bing Yen which properly demanded the more
25 accurate radiometric dating of the soils at Fault No. 1.

1 And then lo and behold, it was discovered that Fault No.
2 1, only a hundred feet away from Fault No. 2 on the east
3 parcel, was active. But that was in the year 2001.
4 Where is Bing Yen or the city's current peer reviewer
5 now? We heard some comment from staff that Mr. Sabans
6 was that peer reviewer in 2001. And the initial
7 information that he received on Fault No. 1 was
8 inconclusive and so he required additional testing. And
9 that it was apparently different with regard to Fault
10 No. 2. There's no evidence that shows that the initial
11 information for Fault No. 1 and Fault No. 2 were
12 different. How were they different? The EIR seismic
13 hazard section has been in the possession of the city
14 since April of 2004, yet there has been no further
15 review. All it takes is a simple test. All that needs
16 to happen is you dig a trench, get soils and send the
17 samples out for testing to different labs. The
18 radiometric dating test costs only about 500 dollars per
19 sample. I will publicly offer to pay the first 500
20 dollars. Miss Verone offered to do that last time. All
21 that needs to be done is to accurately date Fault No. 2
22 on the east and middle parcels. If we're wrong, then
23 we're wrong. If we're right, then this project cannot
24 be built. It's that simple. And you should not
25 recommend a project that puts thousands of people who

1 will gather and sleep on this site atop an active
2 earthquake fault.

3 Again, this is not a disagreement among
4 experts, it's about a lack of relevant data and a lack
5 of full disclosure which precludes informed decision
6 making. It's like letting somebody build a hotel over a
7 landslide without requiring the proper testing. An
8 accurate and reliable test exists, you have used it on
9 this exact site previously, so how can you not order it
10 this time? That is a prejudicial abuse of discretion.

11 Commissioner -- I'm sorry, DeLuccio --

12 CHAIRMAN ALTSCHUL: DeLuccio.

13 MR. SILVERSTEIN: DeLuccio, asked a question
14 about further testing in the future. And let me just
15 state that environmental analysis is supposed to happen
16 as early as possible in the process before the project
17 gains irreversible momentum. Deferring testing until
18 some later date, if ever, is a violation of CEQA. The
19 courts have held, quote, "Under CEQA, the agency must
20 consider environmental effects of its action before a
21 project gains irreversible momentum." That has not
22 happened here. There is not substantial evidence in the
23 record that Fault No. 2 is inactive because the needed
24 studies are not in the record. In fact, critical
25 documents, including a June 15th, 2001 letter from Bing

1 Yen relating to testing of the faults on the east
2 parcel, are not included in the EIR, although that
3 document is referenced in the EIR. It is missing,
4 leaving us to fear that something is being hidden.
5 Please do not recommend approval of this EIR until you
6 have accurate radiometric dating of Fault No. 2. Thank
7 you.

8 CHAIRMAN ALTSCHUL: How much time left, David?

9 MR. GILLIG: 54 seconds.

10 CHAIRMAN ALTSCHUL: 54 seconds, Allan.

11 MR. WILLIAM: I'll be finished very quickly.

12 CHAIRMAN ALTSCHUL: Don't start the clock.

13 Let him state his name and city of residence.

14 MR. WILLIAM: Allan William, City of West
15 Hollywood. I was here before and I'm the one who
16 mentioned that it violates CEQA because there's no
17 jurisdictional predicate for approval of a certificate
18 of overriding consideration because there's no written
19 report setting forth economic analysis. There was an
20 oral analysis given that it's gone from 5 to 2.8, which
21 means as a matter of law you can't approve it. So what
22 I'm asking you to do is go get a third-party legal
23 opinion from a law firm other than your current counsel
24 because they're prejudice. Go get a third-party
25 independent opinion as to what constitutes the legal

1 basis for issuance of a certificate in this case. If
2 you do that, you will find out that you cannot legally
3 do so. And if you can't legally do so, you might as
4 well find out now before we go further down the road.

5 Finally, one more thing. I wish to thank the
6 members of the Commission for its thoughtfulness in this
7 particular matter. Thank you very much.

8 CHAIRMAN ALTSCHUL: Thank you for adhering to
9 the 54 seconds. That concludes the rebuttal for the
10 consolidated homeowners groups. We will now go to
11 rebuttal by the applicant. There are two speakers.
12 Nicki Carlsen and Andy Cohen. Nicki Carlsen will go
13 first. Total ten minutes.

14 MS. CARLSEN: Thank you. Good evening. My
15 name is Nicki Carlsen. I'm with the law firm of Weston
16 Benschopf. I live in the City of Los Angeles. We are
17 land use and environmental counsel for the Sunset
18 Millennium project. I want to thank the Commission
19 tonight. You have obviously had a lot to review and we
20 thank all your efforts and your thoughtful comments,
21 it's been very helpful. We want to pay a special thanks
22 to the city staff because they have done an amazing job
23 of preparing a thorough and comprehensive EIR for you to
24 review and to respond to all the issues that have come
25 up during the past several days.

1 Our rebuttal tonight is going to consist of
2 our my preliminary comments and then I'm going to hand
3 it over of Andy Cohen of Gensler to talk in detail about
4 the project design. We submitted two documents to you
5 tonight, one was a letter from me, which was basically a
6 response to some of the legal arguments that were raised
7 in the submissions last week.

8 The second document that we responded -- that
9 we submitted to you is perhaps a little bit more
10 important and responsive, I think, to some of the
11 comments you just heard. And that is a memo from Scott
12 Lynbal of William Lattis & Associates. And basically
13 what that memo does is demonstrates how the existing
14 reports, the reports you have already reviewed, the
15 reports that are in your FEIR, demonstrate that Fault 2
16 is an inactive fault. And that is because it has not
17 ruptured in 120,000 years. That is well beyond the
18 cut-off for an active or inactive fault which is 11,000
19 years.

20 Now, what this memo also does is it describes
21 in detail why radiocarbon dating is not appropriate.
22 Because radiocarbon dating is appropriate for faults
23 that have material which is less than 45,000 years old.
24 So we have a big gap there. It's not the appropriate
25 test. There is no guessing going on here. There is

1 substantial evidence in the record, plenty of it, to
2 demonstrate that Fault 2 is inactive.

3 The other issue I wanted to address was last
4 week the Commission asked Sunset Millennium to do its
5 very best to try to talk to Fountain View, the Fountain
6 View homeowners, with respect to the issues they have
7 raised in their letters. I'm sorry to report that
8 although we attempted to do that, we were not able to
9 meet in the past intervening week, and here are the
10 reasons why. There is some uncertainty, I think, with
11 respect to who is the spokesperson for Fountain View.
12 And we had talked to several people during this week.
13 We were first told by one representative of Fountain
14 View that they would not meet with us until we agreed to
15 do seismic testing on Fault 2. For all of the reasons
16 we previously discussed, we would not agree to that. We
17 were then told that they would not agree to meet until
18 Sunset prepared a proposal for Fountain View for them to
19 consider. We didn't feel that we should be guessing as
20 to Fountain View's demands with respect to their issues
21 so we did not agree to that.

22 On a more positive note, we did receive at
23 least a positive demand letter with respect to their
24 list of demands. We hope that we can meet with them
25 sometime soon to address those. We don't think any of

1 that will affect the CEQA process in any way. We hope
2 we can do that. But in lieu of all that, to demonstrate
3 our good faith towards this Commission and to Fountain
4 View, and to demonstrate our willingness to try to move
5 this forward and to address some of their concerns, we
6 went through the Gerreau letter and we have communicated
7 to staff with respect to some of things that we will do.

8 Specifically, we have agreed to the dual-pane
9 windows with respect to the windows at the Fountain View
10 building that face the east parcel. We have agreed to
11 no nighttime hauling, which was a couple of the issues
12 that they've raised. We also agreed to apply the low
13 noise treatment to drive isles, parking structures and
14 the surface lot, and the delivery trucks to turn off
15 their engines at the east parcel loading dock.

16 There was also some confusion with respect to
17 the height of the walls on the east parcel on both the
18 eastern boundary and southern boundary. They will both
19 be ten feet in height. I think there was one was six
20 foot, one was ten feet. They will both be ten feet in
21 height.

22 I believe that there was the additional
23 mitigation measure H10 which you received in your packet
24 which we have also agreed to. That's our show of good
25 faith. We want you to know that we care about these

1 concerns. We know you do and we hope we can work things
2 out with Fountain View in the future.

3 If you have any questions, I'm happy to answer
4 them. Also Mr. Lynbal of William Lattis & Associates is
5 here to answer any questions with respect to seismic if
6 you have them. Other than that, I will turn it over to
7 Andy Cohen of Gensler to talk about the benefits of this
8 project as compared to the entitled project. Thank you.

9 MR. COHEN: Good evening, Andy Cohen, Gensler,
10 Santa Monica. And I'm thrilled again to be back here
11 again to talk about the design attributes of the
12 project. As we said last time, this has been an
13 incredibly highly interactive process with the Planning
14 Commission, with the community, with the design review
15 committee and with staff. And that process has resulted
16 very positively in the boards that you see here tonight,
17 and create positive impacts to the project as a whole.
18 And I'll try to point those out in the next five
19 minutes.

20 The project fully addresses and is within the
21 Sunset Specific Plan for height, mass and urban design.
22 What I'm going to try to do is go through maybe some use
23 issues and then design issues. The project creates a
24 wonderful vibrant mixed use project, much like what the
25 Urban Land Institute professes throughout the United

1 States today. Residential, retail and hotels. The
2 project brings much-needed housing to Sunset, both
3 market rate and affordable. This will enhance the sense
4 of community and sense of place in West Hollywood in the
5 Sunset strip. The project brings important boutique
6 hotel uses to the strip in the right place at the right
7 time adding hospitality presence, additional hospitality
8 presence, to an important destination in West Hollywood.

9 The project brings the right level of retail
10 and restaurants activity which will enhance pedestrian
11 movement and pedestrian activity and street life in West
12 Hollywood. The project brings much-needed and
13 accessible parking to an unparked portion of the strip.

14 What I'd like to address now is the design and
15 some of the enhancements that happened during the design
16 review process. And I'll address the east and middle
17 parcel. Originally the middle parcel in the 1999
18 approved concept had a wall of building, a hotel
19 building, 371 rooms that did block views to the south.
20 Now we've created two separate buildings. We've angled
21 the buildings throughout the project, which is much
22 different than the existing design, which creates facets
23 and different massings of the building so it doesn't
24 create a wall. By faceting the buildings and
25 angling the buildings, what it creates is public

1 piazzas, pedestrian areas and people places, and it
2 creates those alcoves for people to dine and to hang
3 out.

4 The other issue that we've tried to create on
5 the design, it's really important on the massing, is we
6 created modern architecture. Originally we had
7 balconies on the buildings and that created
8 articulation, a certain sense of articulation. But
9 during the process and during the community meetings and
10 during the design review process, there was an issue of
11 noise coming from the balconies. And Apollo and Wolf
12 Development decided to take the balconies off the
13 buildings, which from an architectural standpoint and
14 working with the design review committee, we were then
15 working with massings, bold massings, angular massings
16 of the architecture, modern architecture using quality
17 materials, stone and glass, non-reflective glass. And
18 also by having two architects work on the project we
19 were able to create a varying design style as it moves
20 along Sunset Boulevard creating that continuity from
21 Sunset Plaza to Mondrian.

22 Very importantly, with the signage, what we
23 tried to do throughout the entire process in working
24 with you, is integrate the signage into the architecture
25 so they became one. They weren't an afterthought,

1 rather, they were integrated and the lay-in and so forth
2 was integrated into the design.

3 And finally, I think what we've created is a
4 bold modern architecture that really will become the
5 icon for West Hollywood and create that place that
6 everyone will be proud of within the city. Thank you.

7 CHAIRMAN ALTSCHUL: Thank you for that
8 rebuttal. And that concludes the public testimony
9 portion of the public hearing. We will keep the public
10 hearing open in case in the course of the discussion and
11 the deliberations there are any questions by the
12 commission or the staff of any members of the public.
13 At this point we will take a break. The break will be
14 15 minutes for the purpose of not only stretching but so
15 that the Commission can digest some of the large amounts
16 of written materials that have been presented at the
17 table tonight.

18 COMMISSIONER D'AMICO: John, just before we
19 take a break. Maybe, Ms. Carlsen, can you just show me
20 what the document from Mr. Ball, I think he said his
21 name was the geologist.

22 MS. CARLSEN: Lynbal.

23 COMMISSIONER C'AMICO: What it looks like.
24 I'm sure it's up here.

25 MS. CARLSEN: It's a memorandum. It has the W

1 L.A. on the top of it. Do you need --

2 COMMISSIONER D'AMICO: I have a copy right
3 here. Thank you.

4 CHAIRMAN ALTSCHUL: Thank you. At this point
5 we'll take a break. And, Christi, if you'll give the
6 admonition.

7 MS. HOGIN: Just to remind everyone that
8 you're now in the middle of a public hearing, so please
9 don't discuss the topic with anyone.

10 (A recess was taken.)

11 CHAIRMAN ALTSCHUL: Kate, are you here?

12 We will begin discussion. And I'm going to
13 start by suggesting a list of subjects, comprehensive
14 subjects for discussion. And I would like anybody and
15 everybody to add to this list if they have other topics.

16 No. 1 would be the comprehensive sign program.

17 No. 2, Parking.

18 No. 3, Trip generation.

19 No. 4, The statement of overriding
20 considerations.

21 No. 5, Construction impacts.

22 No. 6, Alcohol permits.

23 No. 7, The development agreement.

24 No. 8, Affordable housing.

25 No. 9, The seismic.

1 And No. 10, The economic analysis and impact.

2 Just for purposes of outlining the process for
3 discussion, does anybody have additional broad topics to
4 add?

5 COMMISSIONER DeLUCCIO: I have one. How about
6 the Fountain View possible mitigations?

7 CHAIRMAN ALTSCHUL: Mitigations come under the
8 heading, I think, of the other -- we'll talk about
9 overall mitigations. Under the sign we will add the
10 bridge as -- any other subjects?

11 Now I would like to start just by addressing
12 the seismic subject. And perhaps if there is consensus
13 of the Commission we could approach it this way, since
14 we've had kind of a battle with the experts on the
15 geology issue. In my opinion, I'm satisfied that the
16 EIR adequately addresses the issues with regard to Fault
17 2 and certainly with regard to the other fault. But I
18 understand that the residents believe that a certain
19 test would provide some information to allay their
20 fears. So although I could, in good conscious,
21 recommend certification of the EIR on the record that
22 has been provided and on the testimony that we have
23 received, I would like a condition of the recommendation
24 that there be the approval of the city geologist to
25 conduct the study at the applicant's expense if in fact

1 it is found that such a test is feasible. And that this
2 be done prior to the City Council meeting on this
3 subject.

4 COMMISSIONER THOMPSON: That actually was on
5 my list, so I support that.

6 CHAIRMAN ALTSCHUL: Any further discussion?

7 COMMISSIONER DeLUCCIO: It was on my list too.

8 COMMISSIONER HAMAKER: Excuse me, John. It's
9 on my list but you qualified it by saying "if it was
10 feasible." So it seems to me that we should either ask
11 them to do it or not. If it's a 500 dollar test, that's
12 not a big deal.

13 CHAIRMAN ALTSCHUL: It's not exactly a 500
14 dollar test, I understand it's a little bit more. But I
15 think it should be left at the discretion of the person
16 in charge, which is the city's own geologist, to
17 determine whether or not this -- it is able to be done.

18 MS. HOGIN: Mr. Chair?

19 CHAIRMAN ALTSCHUL: Yes.

20 MS. HOGIN: I think when you said 500 dollars,
21 I got the impression that you were saying if it was
22 economically feasible, and I don't think that's --

23 CHAIRMAN ALTSCHUL: No, not economically
24 feasible. If it is feasible within the scientific
25 parameters of these kinds of tests.

1 MS. HOGIN: We heard a lot of testimony back
2 and forth whether the right soil existed for that test.
3 We'll send our geologist out for sure in his boots, with
4 a shovel, whatever it takes, to go down and get soil.
5 And then if that soil in fact exists then conduct the
6 test. I think that's what you mean.

7 CHAIRMAN ALTSCHUL: I'm sorry, Barbara, I did
8 not mean economically.

9 COMMISSIONER HAMAKER: No, I just didn't -- I
10 don't understand, if we want the test to be done, if
11 it's not feasible then we can't certify the EIR. My
12 sense is we want this test to be done.

13 CHAIRMAN ALTSCHUL: We can certify the EIR
14 without this test because all of the experts and our own
15 EIR consultants have said it's definitely certifiable
16 without any additional study. My recommendation is that
17 we allow this additional study and we condition it upon
18 this additional study if in fact it is feasible to do
19 this, pursuant to the standards of the scientific
20 process.

21 COMMISSIONER D'AMICO: John, is what you're
22 saying is that if all other things were resolved, then
23 the EIR could go forward and this test would be merely
24 another piece of information for the City Council to use
25 along with all the other information that they have?

1 CHAIRMAN ALTSCHUL: That is correct.

2 COMMISSIONER D'AMICO: Can I just ask a point
3 of privilege process question of either Christi or you.
4 We don't have a motion on the table. What we're going
5 to do now is have some discussion about 11 items, I
6 think you -- and at the end of that discussion of 11
7 items some motion will, we hope, will arise organically
8 from this?

9 CHAIRMAN ALTSCHUL: Yes, we will take a
10 consensus on each of these 11 items. The motion will
11 then be to either approve or not approve the staff
12 recommendation with the modifications that comes out of
13 our discussion on the 11 items.

14 COMMISSIONER D'AMICO: Discussion of the
15 development agreement or of the staff report and
16 amendments to that would come at which point?

17 CHAIRMAN ALTSCHUL: As we go along on each one
18 of these items. So that somebody on the staff will be
19 carefully writing down what we develop consensus on.

20 So at this particular point I would ask, is
21 there consensus on the statement that I just made with
22 respect to the study of Fault 2?

23 COMMISSIONER D'AMICO: I have a comment. I
24 can go along with that, I think that's very necessary.
25 We're all very, very concerned about public safety. But

1 I also think the city does an outstanding job, the
2 city's policies, if I'm not mistaken, I think there's
3 very stringent policies, we go beyond what the state
4 does require; is that correct?

5 MR. LACKOW: That is correct, Commissioner.

6 CHAIRMAN ALTSCHUL: Any further comment about
7 this? If not, let's ask for a roll call and consensus
8 of that particular resolution to the seismic issue.

9 MR. AMSTRUP: Commissioner Bartolo is away
10 from the dais.

11 Commissioner Guardarrama?

12 COMMISSIONER GUARDARRAMA: Yes.

13 MR. AMSTRUP: Commissioner DeLuccio?

14 COMMISSIONER DeLUCCIO: Yes.

15 MR. AMSTRUP: Commissioner DeLuccio?

16 COMMISSIONER DeLUCCIO: Yes.

17 MR. AMSTRUP: Commissioner Hamaker?

18 COMMISSIONER HAMAKER: Yes.

19 MR. AMSTRUP: Vice-Chair Thompson?

20 COMMISSIONER THOMPSON: Yes.

21 MR. AMSTRUP: Chair Altschul?

22 CHAIRMAN ALTSCHUL: Yes. Did you call
23 Commissioner D'Amico? I think you did DeLuccio twice.

24 MR. AMSTRUP: I'm sorry. Commissioner
25 D'Amico?

1 COMMISSIONER D'AMICO: Yes.

2 CHAIRMAN ALTSCHUL: There's a difference
3 between the two of them.

4 Does this then effectively -- is this
5 dispositive of the discussion of the seismic issue for
6 this evening? Fine.

7 We will start -- anybody have any preferences
8 to the other topics we start with? How about the
9 comprehensive sign program, which, under subtopics, I
10 have total numbers of signs, numbers of tall walls,
11 numbers of billboards. The staff has now recommended
12 that we not approve or recommend the kiosk, is that
13 correct, C.J.?

14 MR. AMSTRUP: That's correct.

15 CHAIRMAN ALTSCHUL: And the rooftop signs, and
16 signage on residential. Who wants to start out on any
17 or all of these? Eric.

18 COMMISSIONER THOMPSON: I'll start. First of
19 all, I just wanted to say, I'd been meaning to say this
20 in the beginning. I just want to thank everyone. I
21 said at the end of last week that I've been very
22 impressed with this whole public hearing process, both
23 residents and developer alike have handled it
24 extraordinarily well, and frankly, it's the way a public
25 hearing process should go.

1 On the issue of signs, specifically on the
2 issue of the bridge. In a lot of respects I think I
3 support economic growth and support development and
4 support many of the aspects of this project. However,
5 on the bridge, having listened to all the testimony and
6 kind of, you know, considered everything that's in the
7 staff report, I think the bridge has turned into
8 something that was, frankly, not contemplated by the
9 city way back when. It went, I think, from a functional
10 bridge across La Cienega to, you know, a sort of hang
11 your sign on piece of thing. And so I just want to
12 throw out there. I don't know if there's support for
13 this -- I don't know if there's support for this or not.
14 But, like I said, in a lot of respects I do support
15 various elements of the project. But the bridge, for me
16 personally, I think I don't support.

17 CHAIRMAN ALTSCHUL: As I understand it, your
18 statement is that you would request -- recommend to the
19 council that the bridge be eliminated?

20 COMMISSIONER THOMPSON: Correct.

21 CHAIRMAN ALTSCHUL: Discussion?

22 COMMISSIONER DeLUCCIO: I have a comment,
23 actually, if I may. I echo your sentiment that it was
24 meant to be a bridge that functioned, and it still will
25 function, but that you'll have the signage around it and

1 it becomes a commercial venture in a sense. What I
2 threw out in the beginning a long time ago and nobody
3 took me up on it was, there needs to be a 1 percent of
4 art that needs to go into a fund based on this project.
5 And it's going to be a lot of money. And I threw out
6 possibly to take that bridge and use some of the art
7 fund money toward putting some art on the bridge. Maybe
8 it wouldn't -- not totally make it a commercial signage.
9 If not all of it, could be with some of their art fund
10 maybe a portion of it. So I threw that out. I thought
11 that would be a good thing but I never heard anything
12 back about -- concerning that. So I --

13 COMMISSIONER THOMPSON: Can I ask you just a
14 question to clarify your comment? When you say "art,"
15 do you mean like digital screen imagery-type art, or do
16 you mean actual paint art on the facade?

17 COMMISSIONER DeLUCCIO: The 1 percent art fund
18 the city has. I don't know how much is going to go into
19 that, Ray, couple million dollars, you think?

20 MR. REYNOLDS: We estimated 1.8 million.

21 COMMISSIONER DeLUCCIO: Why can't some of that
22 money, you don't need 1.8 million dollars, but a portion
23 of it go towards putting public art on the bridge,
24 versus just making it totally billboards.

25 CHAIRMAN ALTSCHUL: I think the applicant

1 would choose not to build a bridge if there's not an
2 economic return with respect to the signage. So I
3 support Eric's statement that perhaps the bridge should
4 be removed, or in the alternative, if the applicant
5 chooses to build it anyway without revenue-generated
6 signage, that if he does choose to build it, that there
7 be a consideration to requiring art on the bridge.

8 COMMISSIONER D'AMICO: John, I actually wanted
9 to, as part of the design portion of the discussion,
10 talk about this bridge so maybe I can do that if you'll
11 allow me.

12 CHAIRMAN ALTSCHUL: Sure. Right now.

13 COMMISSIONER D'AMICO: What I spoke with Terri
14 about, only briefly, was that part of a gesture like a
15 bridge that might make it effective is that all
16 pedestrian traffic were diverted from the street to the
17 bridge in order to cross La Cienega. What I'm saying is
18 that the bridge would in fact become the extension of
19 the sidewalk, it would not merely be a bridge of 50 feet
20 or 40 feet or 25 feet down La Cienega. That may
21 require, if anyone here has been to Las Vegas, it may
22 require some sort of intervention in which the sidewalk
23 raises up, there are elevators for disability. There
24 are ways in which that sidewalk could be energized and
25 diverted. And the corners themselves could be taken

1 over by activities and so then there would be benefits
2 to the traffic because there would be no people in the
3 crosswalk when turns were being made. There would be
4 benefits to the bridge because people would be using the
5 bridge, and then it would not be an empty gesture which
6 would be a place to hang a sign. Or, Donald, in some
7 way almost worse to hang a piece of art. Unless a
8 bridge is made or unless the art is made that somehow
9 has something to do with the bridge, then you're making
10 sort of an equally --

11 COMMISSIONER DeLUCCIO: I'm think incorporated
12 into the structure itself, not to have a piece of art
13 hanging on the bridge. Design it so --

14 COMMISSIONER THOMPSON: A mural?

15 COMMISSIONER DeLUCCIO: I don't know about a
16 mural. I'm not a designer but if you can do a bridge,
17 do a good job and incorporate some art element into it.

18 COMMISSIONER D'AMICO: Whatever it is, however
19 it works or doesn't work, I think an important thing to
20 discuss, which we never had the opportunity to do in a
21 design review subcommittee meeting, was discuss this
22 bridge. But talk about how to make this bridge not
23 merely be something that a sign is hung on, but
24 something that is used as part of the horizontal
25 circulation for the pedestrians in that area. To, in

1 fact, take them off the street corner and make some
2 impact on the traffic and make some impact on what they
3 see when they cross over that street looking out of that
4 bridge.

5 COMMISSIONER HAMAKER: I have a question,
6 John, along this vein. If that were to happen, how and
7 where would people cross to the northern side of Sunset
8 Boulevard?

9 COMMISSIONER D'AMICO: Well, in talking with
10 Terri, they would cross in the same place but because it
11 would be signalized and, really, Terri, I'm getting into
12 areas I know zero about, but that like other areas in
13 the city in which the sidewalks and street have been
14 redone, that is part of the consideration. And as long
15 as people follow the hand and the don't walk fellow, it
16 has some impact. If they don't -- but if they do, and
17 the arrows and other parts of the pedestrian circulation
18 are followed, then it really does have a complimentary
19 effect, in terms of getting people off the street.

20 COMMISSIONER HAMAKER: I like the idea of
21 getting people off the street. I don't think it's
22 possible to make the crossing of La Cienega a no, never,
23 and crossing from Sunset to Sunset, yes. You're still
24 going to have people standing at that corner. So the
25 whole possibility of eliminating the clutter of people

1 at that corner, which is a wonderful idea, will not work
2 unless the actual sidewalk crossing were not there.
3 Since it's not a through street, La Cienega doesn't go
4 through the other way -- I don't want to spend all night
5 on this, but there might be a way to actually move the
6 crosswalks back so that they -- nobody -- there would
7 not be people in that intersection, which may or may not
8 be a real plus for the traffic. So it's a very
9 interesting concept.

10 COMMISSIONER THOMPSON: I just want to follow
11 up and say something. The way that I -- sort of when I
12 thought about the bridge, the way that I approached it
13 was really from a safety perspective. And driving up La
14 Cienega at the incline, even in an automatic car, if
15 you're not paying attention and you're looking up at a
16 digitally-lit sign, sometimes my car rolls back as it is
17 when I'm concentrating, but I just -- and it was really
18 more of a safety thing for me. I actually -- Ray, I
19 think, is -- has stepped away for a second. He's the
20 one who will appreciate this the most. I actually
21 considered 10 percent, the city's supposed to get the 10
22 percent of the bridge sign revenue, right? And I
23 thought about the give and take there, but I don't see
24 that there is as much benefit, you know, if the bridge
25 is plastered with all the signage, in receiving those

1 revenues, as I think that there's detriment, in terms of
2 the safety. So, I mean, again, I would support a bridge
3 that is functionally a bridge. And we can -- John
4 D'Amico, we could somehow work in, I guess, Christi,
5 that it could come back to design review so that we
6 would have that checks and balances in place as well.
7 But I just don't like the bridge as it's currently
8 proposed.

9 COMMISSIONER HAMAKER: I agree with that. The
10 bridge doesn't bother me as much but with no signage,
11 either on it or on the sides of it at all.

12 CHAIRMAN ALTSCHUL: Joe?

13 COMMISSIONER GUARDARRAMA: I completely agree
14 with Commissioner D'Amico. I think that that particular
15 bridge could be made very useful if the crosswalk
16 traffic were diverted to the bridge. I couldn't agree
17 with you more. In fact, I had originally wondered who
18 would be using this bridge because if you could just
19 cross that busy street, why would you take the time to
20 walk halfway down the block and across the bridge?

21 As far as the design of the bridge goes, I'm
22 actually quite happy with it. I would think it would be
23 a great design if you were standing on that bridge
24 looking out at the city in the middle of the night.
25 However, I am troubled by the signage on the bridge

1 itself, as far as it being an electronic medium that can
2 move. But I think people, drivers in general, are used
3 to billboards that do not move, and especially
4 billboards on Sunset Boulevard. So if something was put
5 there that didn't move and something perhaps that the
6 users of the bridge could look throughout at the city,
7 that might be helpful too. So I support the bridge
8 as -- and I support the sign as well as long as it's not
9 a jumbotron.

10 COMMISSIONER D'AMICO: I think the resolution
11 says that -- I'm guessing, my memory, that the
12 north-facing image can change no more than once every
13 four minutes and the south-facing image no more than
14 once every 30 days or something. It's not a -- am I not
15 remembering correctly, C.J.? Is it something like that?

16 MR. AMSTRUP: The time frames are a little --
17 I think it's 40 seconds for the cycling image change.

18 COMMISSIONER D'AMICO: So it's not like, you
19 know, man running, you know, or horses or whatever. It
20 doesn't have a lot of movement, it's just a static
21 image.

22 CHAIRMAN ALTSCHUL: When the Sunset Specific
23 Plan was devised, as I was on the task force that
24 studied it and presented it, and pedestrian bridges were
25 subject of the future and were highly, highly

1 encouraged, but the pedestrian bridges that were looked
2 at and that were supposed to come in the future, were
3 bridges that crossed Sunset, not bridges that crossed
4 streets like La Cienega. So -- and imagine the person
5 that suffers from acrophobia trying to cross La Cienega
6 if it's mandatory that you can't cross the street but
7 you have to go to the bridge. And with that, I think we
8 have a diverse opinion on what to do with respect to the
9 bridge. I would suggest that we recommend to the
10 council that they take a good long hard look at the
11 bridge with respect to the bridge itself and with
12 respect to the proposed advertising on the bridge. And
13 that the staff, in their report at the council meeting,
14 summarize and add our comments and -- is there any
15 support for moving on from there with that being said?

16 COMMISSIONER BARTOLO: I'd like to --

17 CHAIRMAN ALTSCHUL: Kate.

18 COMMISSIONER BARTOLO: I've gone back and
19 forth on the issue of the bridge. I think I come down,
20 I think, with Commissioner John D'Amico, I think there
21 may be a redesign. I think it's appropriate here. I
22 think pedestrian bridges can be well done, so long as
23 they're not the exclusive form of pedestrian activity
24 and it doesn't really distract from pedestrian activity
25 that you generate in the street.

1 I think my interest in signage is perhaps a
2 little more directed towards economics. I note that the
3 development agreement is probably the exclusive means
4 and opportunity for a city's general fund to
5 economically benefit from signage revenue. And the 10
6 percent, as exemplified by the 10 percent proposed for
7 the bridge, my recommendation is -- again, we're giving
8 recommendations related really to the EIR, so what I'm
9 going to be recommending is recommendation to the city
10 manager in preparation of his report, and in his
11 negotiations in the development agreement when the
12 presentation is made to the City Council, which is the
13 ultimate body that will make the decision. That the
14 city take a more aggressive position with regard to a
15 sharing or a partnership position with sign revenue that
16 extends beyond the bridge. I'll give you an example of
17 potential city-wide economic benefit that could be
18 derived from a greater participation in sign revenue. I
19 heard everyone in this audience loud and clear on
20 concerns about traffic as it relates to emergency
21 vehicles. I think the issue is a broader one that
22 extends beyond this intersection and beyond the
23 EIR-related potential impacts of this project. I think
24 it's an ongoing issue with traffic, it's an ongoing
25 issue with hillsides that extend both east and west of

1 this site. And part of what I would like to see is
2 perhaps something like a city-wide pilot program that
3 takes into account some other interesting models that
4 are used for different ways of dealing with traffic as
5 it relates to emergency vehicles, be it helicopters, be
6 it motorcycles, in terms of paramedics being able to get
7 around, and that we really take -- that the city take a
8 very hard look at setting up a city-wide pilot program
9 with some of those revenue benefits.

10 That having been said, I would also be
11 cautious, because one of the things that I've learned in
12 the last week in the due diligence that I've done, is
13 the degree of benefit that I think the city's going to
14 derive from parking and some of the costs associated
15 with subterranean on the sloping site. So that that
16 would have to -- when I talk more aggressive revenue
17 sharing, in terms of signage, I think that would have to
18 be balanced with the council's consideration of the
19 other public benefit, which is parking, and the
20 provision of it, which is going to be very expensive
21 subterranean.

22 CHAIRMAN ALTSCHUL: Thank you. Any other
23 comments?

24 COMMISSIONER THOMPSON: Where are we on -- I'm
25 still unclear.

1 CHAIRMAN ALTSCHUL: I think to summarize where
2 we are so far. That we recognize that the signage on
3 one hand and the comprehensive parking program on the
4 other, with respect to benefits from to city, need to be
5 further looked into and further negotiated in the
6 development agreement. That if the city gets less of a
7 parking benefit, control of parking, addition of spaces
8 for city-wide use than is anticipated, then perhaps
9 revenue from tall walls should be increased. I think
10 that's a subject, as Kate so amply put it, needs to
11 be -- and I think is being very, very judiciously looked
12 at by the city staff and the city manager in their
13 negotiations of the development agreement. And I think
14 what we should do is recommend that this be continued as
15 it has been going on, to be finalized hopefully prior to
16 the council meeting so that the balance between the
17 signage and the parking is such that the maximum benefit
18 to the city be obtained in the opinion of the staff and
19 the city manager.

20 COMMISSIONER THOMPSON: Just so I'm clear. I
21 may be in the minority, but unless there's some kind of
22 mechanism for me personally in the recommendation to
23 approve on the bridge issue, a mechanism which either
24 makes it come back to design review or says no signage
25 or says -- unless there's something like that, I

1 personally can't support whatever motion is made. We
2 can do a straw vote, I guess, on that issue.

3 CHAIRMAN ALTSCHUL: We can separate the bridge
4 from the remaining signage and parking issues in going
5 hand in hand in order to achieve a balance and an
6 economic good result for the city. A recommendation
7 that the bridge either disappear or that the revenue
8 from the bridge be substantial if there is advertising
9 on it, is also something that can be separated. So what
10 is your first choice, Eric? That the bridge disappear?

11 COMMISSIONER THOMPSON: Well, no. I mean, we
12 could do -- if there were a version of the bridge that
13 could be done without the signage to accomplish what
14 D'Amico and others have suggested, then I don't have an
15 objection to the bridge. My objections to the bridge
16 are specific to the safety concerns that arise when the
17 signage is on it.

18 CHAIRMAN ALTSCHUL: I suspect the applicant
19 would have no intention whatsoever of building a bridge
20 if there wasn't any revenue from it.

21 COMMISSIONER DeLUCCIO: Can we hear that from
22 the applicant, perhaps. You keep saying that, Chair
23 Altschul. You're talking about -- you're talking about
24 clutter too with all the signage. As far as public
25 safety goes, I think that's something else -- that's

1 your comment and that's your feeling. You would have to
2 actually do a study to see. There's studies that have
3 been done. Is that really the case, that automobiles
4 driving up La Cienega, does it become a safety issue? I
5 don't know the answer to that. You probably need to do
6 some study because otherwise it just becomes hearsay.

7 CHAIRMAN ALTSCHUL: Your comment about asking
8 the applicant, I think, is a very good one. Who from
9 the applicant -- Ms. Carlsen, would you take the
10 microphone and answer a brief question?

11 MS. CARLSEN: We're locating Mr. Kim for you
12 to answer the question.

13 COMMISSIONER DeLUCCIO: I do hear your
14 concern, Eric. I do hear your concern.

15 MR. KIM: I'm sorry, can you repeat the
16 question.

17 CHAIRMAN ALTSCHUL: The question is, if the
18 advertising were -- if the bridge -- if the building of
19 the project and the bridge were conditioned upon no
20 advertising on the bridge, would you be interested in
21 building a pedestrian bridge?

22 MR. KIM: No. The fact of the matter is, we
23 are building the bridge because of the advertising.
24 We've been very candid with everybody all along. We're
25 not trying to hide anything. The fact of the matter is,

1 is that the signage program is going into subsidize the
2 cost --

3 CHAIRMAN ALTSCHUL: You've answered the
4 question, Mr. Kim. Thank you. Now, Eric, do you want
5 to make your statement to try to get a consensus.

6 COMMISSIONER THOMPSON: Yeah. I mean, I guess
7 if he's saying that they're not interested in building
8 the bridge without signage, then my only option is to
9 say that I don't support the bridge.

10 COMMISSIONER BARTOLO: I agree.

11 CHAIRMAN ALTSCHUL: I agree also.

12 Commissioner D'Amico?

13 COMMISSIONER D'AMICO: Yeah, I agree. If it's
14 just --

15 CHAIRMAN ALTSCHUL: Commissioner DeLuccio?

16 COMMISSIONER DeLUCCIO: I think they need to
17 relook at signage. I don't know that I totally agree
18 with no signage. I'd have to say -- vote no. I'd need
19 more specifics. I'd want them to relook it. That would
20 be my recommendation to council.

21 CHAIRMAN ALTSCHUL: Joe?

22 COMMISSIONER GUARDARRAMA: I agree with
23 Donald. I think the bridge could be really helpful to a
24 lot of pedestrians.

25 CHAIRMAN ALTSCHUL: Kate?

1 COMMISSIONER BARTOLO: I would like to see it
2 go back to design and review committee to see if it can
3 be redesigned in a way that would be meaningful.

4 CHAIRMAN ALTSCHUL: With respect to the issue
5 of the bridge, four of us feel that since the applicant
6 is not interested in building the bridge without
7 signage, that the bridge should be eliminated. Three
8 feel that the applicant should be encouraged to relook
9 building a bridge just for pedestrian access only
10 without signage.

11 Next topic --

12 COMMISSIONER DeLUCCIO: I don't think we said
13 that.

14 CHAIRMAN ALTSCHUL: What did you say?

15 COMMISSIONER DeLUCCIO: We didn't say that.
16 We said to relook the design of the bridge with the
17 possibility of there being signage on the bridge.

18 COMMISSIONER D'AMICO: For the record, I just
19 want to say I did find that it's -- every four seconds
20 on the north facing, and once a month on the south face
21 is how often the image would change.

22 CHAIRMAN ALTSCHUL: Any other comments on any
23 issues of the signs? The kiosks, the staff recommends
24 no. Are we in agreement that the advertising kiosks,
25 which are not sales kiosks similar to what is at the

1 Gateway, I think we all understand the differences since
2 it was explained last week. Are we in agreement with
3 staff recommendations, no kiosks?

4 COMMISSIONER BARTOLO: Yes.

5 CHAIRMAN ALTSCHUL: Fine. We are in agreement
6 with that.

7 The tall walls and billboards and rooftop
8 signs which Kate so correctly pointed out, are in direct
9 relation, again, in the development agreement,
10 correlation in the development agreement to the parking
11 benefits and other benefits to the city which are not
12 exactly able to be quantified as of this evening. Does
13 anybody have any comments about the tall walls,
14 billboards and rooftop signs?

15 COMMISSIONER DeLUCCIO: Is staff making
16 recommendation against the rooftop?

17 MR. AMSTRUP: We weren't recommending against
18 that.

19 COMMISSIONER HAMAKER: We're recommending
20 against the tall walls on the residential portion. Is
21 that what you said?

22 MR. AMSTRUP: No. We were recommending
23 against the kiosks. We had a condition that there was a
24 new condition added saying that tall walls could not be
25 applied to buildings unless they had a certain

1 occupancy. So the hotels would have to have major hotel
2 occupants. The residents would have to have C of Os for
3 their units.

4 CHAIRMAN ALTSCHUL: So the staff is
5 recommending no changes with respect to the tall walls,
6 the billboards and rooftop signs, other than the C of O
7 conditions?

8 MR. AMSTRUP: That's correct.

9 CHAIRMAN ALTSCHUL: Is there any disagreement
10 with that, or should we move on?

11 COMMISSIONER HAMAKER: Yes, there is
12 disagreement with that.

13 CHAIRMAN ALTSCHUL: Go ahead.

14 COMMISSIONER HAMAKER: I do not agree with the
15 signs on the residential. And I would only vote for the
16 original tall wall number, which I believe was three; is
17 that right?

18 MR. AMSTRUP: That's correct.

19 CHAIRMAN ALTSCHUL: All right. Is there any
20 further discussion or any agreement with Barbara on
21 that? My feeling is to give the staff the tools that it
22 needs for the negotiation of the development agreement.
23 To go along with the staff's recommendation to recommend
24 to the council the number of tall walls, billboards and
25 rooftop signs that are proposed.

1 With respect to the signs on residential, I'm
2 not exactly crazy about them, but if they are put on
3 there, I believe that all the sales materials to the
4 prospective condo buyers be contained in very large
5 print, that neither the owners of the condominiums nor
6 the homeowners' association will in any way benefit from
7 the revenue from these signs. Any other comments? Is
8 anybody -- is anybody -- does anybody agree with
9 Barbara's assessment of the signage and a return to the
10 numbers of tall walls?

11 COMMISSIONER DeLUCCIO: I have a concern but
12 the way you articulated it and Kate articulated it, as
13 far as the potential benefits to the city, for that
14 reason I can go along with it.

15 CHAIRMAN ALTSCHUL: Is it a correct statement
16 that the Commission goes along with the staff
17 recommendation with respect to the tall walls, the
18 billboards, the rooftop signs, and the signage on
19 residential as clarified on the notice on the sales
20 materials noting Barbara's exception? Is that correct?
21 Fine.

22 Parking.

23 MR. AMSTRUP: Excuse me, Susan Keene has
24 something to add to the discussion.

25 MS. HEALY KEENE: Excuse me, I'm coming in

1 late on your discussion and I wanted to make sure that
2 the condition that we had modified here regarding the
3 occupancy of the structures, which is condition 8.16,
4 that -- and I don't have that right in front of me right
5 now, but that that language included a recommendation
6 that allowed council also -- yes. Okay. I see that
7 now. So -- yes, that City Council may waive the
8 requirement and permit tall wall signs. Yes. Okay.
9 I'm sorry to -- I should have -- thank you.

10 CHAIRMAN ALTSCHUL: Thank you. That was
11 wonderful.

12 MS. HEALY KEENE: And insightful too, wasn't
13 it?

14 CHAIRMAN ALTSCHUL: The next issue that I have
15 is parking. Anybody want to jump in and start on the
16 parking discussion? There is attached to the materials
17 that was presented to us tonight by the staff a matrix
18 for parking numbers per use, and a calculation for the
19 hotel conference room parking. The hotel conference
20 room is only 2200 square feet. Was there an issue on
21 that, C.J.?

22 MR. AMSTRUP: I did want to just note that --
23 in the condition I had in the resolution about the fees.
24 I transposed a number to 345, it's actually 435 excess
25 spaces. Other than that, the numbers are correct.

1 MR. REYNOLDS: If I can just address that
2 condition. 11.3 the condition you have is not parallel
3 to the development agreement. That has survived -- that
4 wrongly survived some changes that we made to the
5 development agreement. If you recall when I referenced
6 that in the language in the draft development agreement
7 you have says this is still under negotiation. If you
8 read 11.3 it says that, the city will set the rates. We
9 have not agreed to that and that rightly that should
10 not -- that condition should not be in here. And it's
11 not 345, it's 435, just make that note. But in any
12 case, that condition should be removed. It's not
13 parallel.

14 CHAIRMAN ALTSCHUL: Is there any comment or
15 discussion on that?

16 COMMISSIONER DeLUCCIO: Why should it be
17 removed, Ray?

18 CHAIRMAN ALTSCHUL: Because it hasn't been
19 negotiated yet.

20 MR. REYNOLDS: It hasn't been negotiated yet,
21 and when it references the development agreement, and
22 what it says in the development agreement is that it's
23 under negotiation.

24 COMMISSIONER DeLUCCIO: Whatever's determined
25 ultimately what you work out in the development

1 agreement, if you work out something to this effect,
2 does it necessarily need to be a condition to, or would
3 what would be enforced be in the development agreement?

4 MR. REYNOLDS: I would think it not be a
5 condition if it were in the development agreement. I'll
6 ask Christi to verify that.

7 COMMISSIONER DeLUCCIO: Christi, right now
8 11.3 has not been negotiated so Ray is recommending that
9 it be taken out. The city has the right to negotiate
10 the parking rate. When the development agreement is
11 finally negotiated and something like that does -- say
12 something like that went into the development agreement,
13 that's what will stand, right? It doesn't have to be a
14 condition in here, right?

15 MS. HOGIN: Right. If you have an opinion
16 about it, you should express it now. If you have an
17 opinion about how it should read or what they should
18 look for.

19 COMMISSIONER DeLUCCIO: I like this condition,
20 and I hope that's where you'll end up with the
21 applicant.

22 MR. REYNOLDS: Good. That's good. Thank you
23 for that direction. But I just want to point out that's
24 not parallel and it should not be in here, really, at
25 this point. But we'll take that direction. We hope to

1 move towards some control of the rate but that is not
2 fully negotiated yet. Thank you.

3 COMMISSIONER BARTOLO: Excuse me. A point of
4 clarification to staff. I'd understood in the last week
5 in talking to staff further, and I just want to be clear
6 about it, that in addition to the 400 parking spaces
7 that are above code, that there's some opportunity for
8 additional public use on a reciprocal -- after-hours
9 basis for some parking, and I was curious as to where it
10 was physically.

11 MR. REYNOLDS: Where the 435 excess --

12 COMMISSIONER BARTOLO: No. In addition to
13 that, that there was an opportunity for the city to
14 potentially avail itself of additional parking spaces in
15 the evenings.

16 MR. REYNOLDS: That would be predominantly on
17 the east parcel. As the retail businesses would close,
18 those would become available to the public, if I'm
19 understanding.

20 MR. AMSTRUP: That would be the west parcel,
21 and that's where the retail is. So as businesses close
22 on the west parcel.

23 MR. REYNOLDS: Yes, west parcel.

24 COMMISSIONER BARTOLO: Only to the retail
25 shops, correct? That's not a huge order of magnitude.

1 CHAIRMAN ALTSCHUL: Anything further on the
2 issue of parking? There not being anything further on
3 the issue of parking. C.J., you have the notes and
4 comments to add to the recommendation?

5 Trip generation. Terri, at the beginning of
6 the meeting, gave an extensive explanation of trip
7 generation. Is there anything further that we wish to
8 add to that? Hearing none. We'll move on.

9 COMMISSIONER BARTOLO: I do, actually.

10 CHAIRMAN ALTSCHUL: Okay.

11 COMMISSIONER BARTOLO: This is, I think,
12 incredibly important, just to reference it for the
13 audience's benefit. I've talked a lot about mixed use
14 in prior commission hearings and one of the things that
15 people don't understand is if you look at the FAR and
16 the square footage of a project like this, if you have
17 comparable square footages in FARs of the existing
18 entitlements versus the proposed entitlements, one of
19 the real differences is what do the uses generate. What
20 I like is, rather than focusing on peak-hour trips, a
21 simpler version, which is basing it on per-square foot
22 of gross leasable area. One of the real differences is
23 you're looking at -- if you're talking about commercial
24 or office, you're talking 12 trips per thousand square
25 feet, versus residential, which is six trips per

1 dwelling unit. And the distinction is you're talking
2 almost 50 percent difference. Hotel, though commercial
3 use, is 10 trips per room, plus employees versus office,
4 which is 12 trips per thousand square feet. And that is
5 a significant difference. So that though the project
6 massing in scope and size is fundamentally the same, the
7 uses really do generate significant differences.

8 CHAIRMAN ALTSCHUL: Any other comments with
9 respect to trip generation?

10 COMMISSIONER DeLUCCIO: I have a comment. I
11 don't know if it goes here. It has to deal with cars
12 getting -- residents of the condominiums entering and
13 exiting. Is this the time to ask that question?

14 CHAIRMAN ALTSCHUL: Sure.

15 COMMISSIONER DeLUCCIO: Terri is right there.
16 Would they only be able to exit and enter the
17 condominium units on and off Sunset Boulevard or will
18 there be other access points?

19 MS. SLIMMER: The experts behind me are
20 telling me that they're also entering and exiting off
21 Alta Loma and La Cienega.

22 COMMISSIONER DeLUCCIO: That's good to know
23 because -- especially during the peak -- what I'm
24 calling peak hour is a weekend. Having cars trying to
25 enter and exit just -- if only Sunset was the access

1 point it would be difficult. Thank you for that
2 clarification.

3 CHAIRMAN ALTSCHUL: Anything further on trip
4 generation? Hearing none, we'll move into -- let's do
5 construction impacts next. Eric?

6 COMMISSIONER THOMPSON: I have a couple of
7 comments to make. First of all, is it Nicki? I just
8 want to say I thought that your presentation was very,
9 very impressive. One -- I'm going to sort of switch
10 gears here and give kudos to the developers. One of the
11 things that I was particularly impressed with was the
12 fact that you guys ultimately, even though you couldn't
13 meet this last week, you sat down and you digested the
14 letters and sort of the conditions from the other side
15 to figure out what you can do, or what you could do, and
16 coincidentally enough, that the ones that you sort of
17 came up with as being reasonable and have agreed to do,
18 are the ones that I had sort of circled as also being
19 reasonable. I wanted to ask about one thing. I don't
20 know whether we can take a question or whatever, but I
21 don't think that the HEPA filtration units are
22 necessary. However, the second part of that bullet
23 point, which is to provide a prefilter to any central
24 A/C air intakes. That seemed fairly sort of minimal
25 effort and minimal expense to me, and I'm wondering if

1 maybe that is something that we might want to consider
2 adding, in terms of a recommendation if we move forward.

3 CHAIRMAN ALTSCHUL: I think that would be
4 excellent.

5 COMMISSIONER DeLUCCIO: The other condition I
6 also propose is the other conditions that were offered
7 up this evening by the applicant. I recommend they also
8 be put in as conditions. I don't think they're in as
9 conditions yet, are they, C.J.? Can we do that? I
10 don't have the list in front of me, but I know that the
11 applicant did offer up at least three.

12 CHAIRMAN ALTSCHUL: One was the --

13 COMMISSIONER THOMPSON: She knows. Nicki
14 knows that better than -- one was the dual-pane windows.
15 And then there were some in terms of the construction
16 activities --

17 COMMISSIONER HAMAKER: No nighttime hauling.
18 Engines off in the loading docks.

19 COMMISSIONER THOMPSON: Maybe, actually, I
20 think she's pow-wowing in the back, maybe if she could
21 come up and sort of just give the list we could get it.

22 COMMISSIONER GUARDARRAMA: I have something to
23 add as she's walking up. I know people have been
24 talking about dual-glaze windows as being sound
25 reducing, a lot of you don't know this but in my other

1 life I own a glass company, and dual-glazed windows are
2 not considered soundproofing quite as much as triple
3 pane windows now are. I mean, there are various types
4 of laminated glass that hold back sound a lot better, in
5 one pane a lot better than the two windows. So maybe
6 instead of specifying a certain type of window, people
7 could just say -- or the developer could just say a
8 certain type of window that reduces sound.

9 COMMISSIONER THOMPSON: We'd like 12 layers of
10 glass, is that possible?

11 MS. CARLSEN: I think for right now we would
12 have to look at what those would be, but right now
13 definitely we're willing to commit to the dual-pane
14 windows. And I was just pow wowing about the HEPA
15 filtration units. And I think we can do that as well.
16 There was some concern about how extensive with respect
17 to the central air conditioning, air intakes, how that
18 would actually work. But I think we can -- whether
19 there were units and there were special HEPA filtration,
20 things that needed to be crafted and made for that, that
21 that was not a simple kind of --

22 COMMISSIONER THOMPSON: Which one?

23 MS. CARLSEN: The HEPA filtration units.

24 COMMISSIONER THOMPSON: That's more difficult?

25 MS. CARLSEN: No. Actually, there's two

1 different ways of looking at it. My understanding is
2 that there are -- the HEPA filters, which are easy to
3 put into the systems, they're just standardized, versus
4 special HEPA units that would need to be made for
5 special circumstances. And that was the second part of
6 that, which is the difficult part. So I think for
7 standardized HEPA filters, we can certainly do that.
8 For anything that would need to be specially crafted, it
9 would be more difficult.

10 COMMISSIONER THOMPSON: That would satisfy my
11 concern. I was trying to balance the interests of
12 expense to the developer versus safety, obviously, to
13 the residents. So, I mean, that satisfies me. I don't
14 know if there's support.

15 CHAIRMAN ALTSCHUL: Hearing what Joe said,
16 rather than specify dual-pane windows, how about windows
17 that do the most toward mitigating the impact?

18 MS. CARLSEN: That would have to -- we would
19 have to talk about that particular issue. I just don't
20 know --

21 CHAIRMAN ALTSCHUL: I think we can recommend
22 that.

23 MS. CARLSEN: What I can say we can agree to
24 today is dual-pane windows.

25 CHAIRMAN ALTSCHUL: And I think that our

1 recommendation should be windows that do the most toward
2 mitigating any impact.

3 COMMISSIONER DeLUCCIO: I have a question.
4 Just to bring this further. The residential condominium
5 units that --

6 MS. CARLSEN: I'm getting whispers in my ear.
7 Laminated as well, we can apparently do as well. I
8 think that was one of the suggestions that you had. I'm
9 sorry. Go ahead.

10 COMMISSIONER DeLUCCIO: For the condominium
11 units, those windows, what kind of windows are you going
12 to use for them?

13 MS. CARLSEN: I think the idea was ultimately
14 to use similar windows.

15 COMMISSIONER DeLUCCIO: Can we put that as a
16 condition also. Is Everybody okay with that? I know
17 what's going to happen, everybody moves into those
18 units, they begin to hear that noise on Sunset
19 Boulevard, the city will get a lot of complaints.

20 CHAIRMAN ALTSCHUL: Sure. They'll put that in
21 their construction defect lawsuit.

22 COMMISSIONER DeLUCCIO: Can we put that in as
23 a condition?

24 CHAIRMAN ALTSCHUL: Sure.

25 MS. CARLSEN: I think the other measures, just

1 to give you the list, there was no hauling at nighttime,
2 I think was the other condition that we agreed to. We
3 would also agree to -- I think there's already a
4 condition with respect to the on-site surface parking.
5 That was added. We agreed to applying the low noise
6 treatment to the drive isles of the parking structures.
7 And to having the delivery trucks turn off their engines
8 at the east parcel.

9 And then the other final one was with respect
10 to the walls on the east parcel, they would both be ten
11 feet tall.

12 CHAIRMAN ALTSCHUL: Thank you.

13 MR. AMSTRUP: I guess Bruce has asked me to
14 request a clarification just about nighttime hauling.
15 Are we gauging that like by hours of Sunset or specific
16 hours?

17 MS. CARLSEN: I thought by 7:00 P.M. was the
18 nighttime.

19 CHAIRMAN ALTSCHUL: I think the Commission's
20 recommendation -- go ahead.

21 COMMISSIONER D'AMICO: I just have a question
22 about pest and vermin control. I know there was
23 something in here but I think we should --

24 CHAIRMAN ALTSCHUL: Can we take a -- let's
25 just try and put the windows to bed first.

1 I think the Commission's recommendation should
2 be that the applicant put in the most effective windows
3 to mitigate noise impacts. Is there agreement on that
4 recommendation?

5 COMMISSIONER DeLUCCIO: That's at Fountain
6 View, right? Is it all windows also for their building?

7 CHAIRMAN ALTSCHUL: Let them put in whatever
8 windows they want on their building.

9 MS. CARLSEN: Can Mr. Kim address the
10 feasibility --

11 CHAIRMAN ALTSCHUL: No. Unless anybody wants
12 to ask you.

13 COMMISSIONER THOMPSON: I'll ask you. What?

14 MR. KIM: We've done some extensive studies on
15 soundproofing windows as well and we looked the STRs,
16 the sound transmission ratings. As it turns out, the
17 most expensive windows that you can find will be -- it
18 will not have the effect that you will want because it
19 will prevent more noise than the noise that's actually
20 going through the walls of the building.

21 CHAIRMAN ALTSCHUL: Nobody said the most
22 expensive. We said the most effective.

23 MR. KIM: The most effective will block out
24 considerably more noise. As it gets expediently higher,
25 it becomes unnecessary because the walls will be

1 transmitting more sound than the windows.

2 CHAIRMAN ALTSCHUL: I don't think we need to
3 build the windows tonight. I just like the language
4 that says you'll do the most effective for the Fountain
5 View to mitigate the noise.

6 COMMISSIONER D'AMICO: I think, John, what Joe
7 might be able to concur with is that if they provide a
8 window that operates at the same STC rating as the wall
9 detail, one layer of stucco, one scratch layer with some
10 -- whatever it is, metal studs and some interior dry
11 wall that will operate at an STC rating of whatever, 45,
12 and then the window would operate at a same and they
13 would have, what I think, that you're suggesting.

14 MR. KIM: Exactly.

15 CHAIRMAN ALTSCHUL: I couldn't have said it
16 better. Does everybody agree with that on the windows?

17 COMMISSIONER THOMPSON: Yes. I had one other
18 comment in the area of construction impacts. It's kind
19 of construction although not really. I don't know if,
20 again, there's support for this, but I wouldn't mind
21 seeing the carriage lane lengthened so as to sort of
22 minimize traffic impacts on Sunset. I think right now
23 the length is approximately five cars. It takes away,
24 obviously, from their sidewalk and they're not going to
25 be thrilled about that, but I just thought I'd throw it

1 out there for discussion.

2 CHAIRMAN ALTSCHUL: I think that's an
3 excellent idea.

4 COMMISSIONER D'AMICO: That's part of the
5 construction or the final project?

6 COMMISSIONER THOMPSON: It doesn't actually
7 neatly fit into one of John's categories, but I'm
8 throwing it into construction.

9 COMMISSIONER D'AMICO: John, back to impacts
10 during construction. I would like to talk about vermin.

11 CHAIRMAN ALTSCHUL: Oh, yes, vermin.

12 COMMISSIONER D'AMICO: I think the city is
13 required -- or requires the developer to provide on-site
14 pest control. From what I have experienced in my own
15 work, I know that once you disturb the vermin on the
16 site, those pesky little things don't stay put, they run
17 to other neighbors. I think that there should be some
18 perimeter, maybe 100 feet or 200 feet in which the
19 developer offers pest control to the neighbors within
20 that radius. The neighbors don't have to accept it,
21 they may not want to have it but I think it should be
22 offered.

23 COMMISSIONER BARTOLO: I strongly agree.

24 COMMISSIONER HAMAKER: If I could say
25 something. I did have a conversation when I met with

1 the developers about this. Vermin to me always means
2 rats, but apparently they were told that there was more
3 disturbance of termites when the construction began or
4 when the demolition began. So it might be possible for
5 them to pre-spray and post-spray. I'm not a termite
6 expert, but I think it's more -- yeah, so I think
7 they're very aware of that.

8 CHAIRMAN ALTSCHUL: Anything else on
9 construction impacts?

10 MR. AMSTRUP: I would also like a
11 clarification, because I think we have a couple
12 different interpretations on the windows, of just
13 exactly which elevations of the building the residents
14 of Fountain View expect to have the windows changed and
15 which ones the developers are committing to change. I
16 think maybe for the record we need to sort that out.

17 CHAIRMAN ALTSCHUL: What do you recommend?

18 MR. LACKOW: The recommendation would be any
19 window that has line of sight to the project site,
20 because basically what you're trying to do is you're
21 trying to interfere with their transmission pathway,
22 which is defined as line of sight. So that should be
23 the defining principle.

24 CHAIRMAN ALTSCHUL: Does that work for all of
25 us? It does with me. Thank you.

1 Anything else on construction impacts? If
2 not, moving on to alcohol permits. I feel that there is
3 no reason to give the alcohol permits wholesale for the
4 entire project at this time. I would be willing to
5 recommend that with the entitlement that the council may
6 give, that they be allowed for the hotels, the mini bars
7 and room service, and any other alcohol permit that they
8 seek for restaurants or lounges come for regular MCUP
9 process before the department at the time that they wish
10 to institute it.

11 COMMISSIONER BARTOLO: I agree.

12 CHAIRMAN ALTSCHUL: Is that agreeable? Okay.
13 Takes care of alcohol permits.

14 Affordable housing. 50 percent of the
15 affordable housing is going to be on site and they're
16 paying in-lieu fees of a considerable amount of money
17 for offsite affordable housing. The issue is, when
18 should this be paid. And the suggestion was made that
19 it be paid no later than 48 months after their
20 entitlement is finally granted.

21 COMMISSIONER D'AMICO: John, I guess I'd like
22 to suggest that a same version of that scenario, and
23 that would be that the goal would be to complete the
24 onsite and offsite housing simultaneously. And if the
25 completion of the offsite housing is not done by the

1 time the onsite housing is completed, then the director
2 of community development has the option of allowing
3 it -- allowing a 12-month or 24-month extension.

4 CHAIRMAN ALTSCHUL: But they're not going to
5 be doing the offsite housing. The money will be paid
6 into the fund that the city determines when and how. In
7 other words, it's not like the Desmond was. The Desmond
8 was charged with converting particular building to
9 provide the offsite housing.

10 COMMISSIONER D'AMICO: This thing here leads
11 me to believe that they are planning to. It says,
12 "Owner will submit complete development permit
13 application for offsite requirements. Owner will obtain
14 full entitlements for offsite requirement. Owner will
15 start construction of offsite requirement."

16 CHAIRMAN ALTSCHUL: C.J., is that correct?

17 UNKNOWN SPEAKER: In fact, they would like the
18 option of constructing the housing themselves and we
19 think that would be a good idea if they did.

20 CHAIRMAN ALTSCHUL: All right. Then I think
21 your idea is perfect.

22 COMMISSIONER D'AMICO: I couldn't have said it
23 better myself.

24 COMMISSIONER BARTOLO: I would simply add, in
25 terms of setting the time limit, I would also include

1 and/or a provision of a construction loan, whichever is
2 sooner. Because their ability and willingness to do
3 that is going to be predicated on their ability to
4 finance it. It could be even sooner than the time frame
5 is -- the back-end limitation that was set forth.

6 CHAIRMAN ALTSCHUL: Anything further on the
7 affordable housing issue?

8 MR. AMSTRUP: For the record, since I have to
9 reiterate this in the council reports, I'm just going to
10 ask Commissioner D'Amico to repeat that, please.

11 COMMISSIONER D'AMICO: What I said was that
12 the goal would be to finish the offsite and the onsite
13 housing at the same time. If the offsite housing isn't
14 completed at the time of the onsite housing, then
15 Helene, or whomever might be sitting in that seat, would
16 have the opportunity to give a 12 or 24-month extension,
17 or just call in the money and call it a day.

18 CHAIRMAN ALTSCHUL: Maybe we should look at an
19 alternative in case the applicant decides that they
20 don't want to undertake the construction of the offsite
21 housing.

22 COMMISSIONER D'AMICO: They can pay that money
23 on day two, I think, right? That's part of the
24 agreement, they can just pay the money.

25 CHAIRMAN ALTSCHUL: That's fine. I think the

1 money is estimated at 5.4 million dollars?

2 MR. REYNOLDS: That's correct, yes.

3 CHAIRMAN ALTSCHUL: Does that conclude the
4 discussion on affordable housing? I think Ray, with
5 respect to the economic analysis and impact, the
6 combination of Ray, his statements, and Kate's wonderful
7 analysis, brought us up to date on what we could expect
8 based on current assumptions.

9 Is there any further discussion on the
10 economic analysis and impact with respect to the city?
11 All right.

12 Eric, you have --

13 COMMISSIONER THOMPSON: I just didn't know, is
14 there not support for -- did we want to have discussion
15 on the carriage lane at all?

16 CHAIRMAN ALTSCHUL: Yes, discuss the carriage
17 lane.

18 COMMISSIONER THOMPSON: Well, you know, I just
19 think that maybe Terri or someone could comment, in
20 terms of traffic or -- but I have to wonder whether
21 lengthening the carriage lane from five car lengths to
22 more wouldn't help out, at least somewhat, in terms of
23 congestion on Sunset.

24 MS. SLIMMER: Well, because the -- the
25 carriage lane is really for valets and drop-offs. There

1 shouldn't extended queuing in the lanes and nobody
2 should be parking there. There's no permanent parking.
3 So a valet operation plan should handle anything that
4 might back up traffic. The carriage lanes, as such,
5 would not be handling regular traffic that would be
6 traveling eastbound on Sunset. Doesn't preclude us from
7 looking at extending it, but we certainly have to look
8 at how far it could be extended given the public
9 right-of-way and the sidewalk and their building and how
10 it matches up with the intersection movements. So I'm
11 sure we could look at that but --

12 CHAIRMAN ALTSCHUL: The faster we look at it,
13 the more -- the faster they will know, if we decide to
14 extend it, how much more of a setback they need to
15 protect the sidewalks.

16 MS. SLIMMER: Correct.

17 CHAIRMAN ALTSCHUL: Is there a difference
18 between extending the carriage lanes permanently and
19 during construction? Would it be prudent to extend
20 these considerably during construction so that there's
21 no possibility of more tie-up on Sunset than need be?

22 MS. SLIMMER: I'm not sure where the carriage
23 lanes actually are during construction, but we wouldn't
24 be allowing parking on -- in that area during
25 construction anyway. So most of their construction

1 activity would be occurring in the parking lane. So
2 it's not supposed to be impacting Sunset.

3 CHAIRMAN ALTSCHUL: Maybe a further setback at
4 least during construction.

5 MS. SLIMMER: That's possible.

6 COMMISSIONER DeLUCCIO: I agree with Eric, I
7 think it's worth exploring.

8 CHAIRMAN ALTSCHUL: Any further comments on --
9 what we're calling the carriage lanes but actually
10 isn't?

11 COMMISSIONER DeLUCCIO: When you explore it
12 maybe -- when this goes to council, you can then report
13 to council that it was our recommendation to explore it
14 and what you actually came up with.

15 MS. SLIMMER: Let me clarify. Are we talking
16 about just during construction or permanent?

17 COMMISSIONER THOMPSON: I'm talking permanent.

18 CHAIRMAN ALTSCHUL: Before we get into some of
19 the final discussions on the statement of overriding
20 considerations and a wrap-up on the development
21 agreement, how about if we have some general comments on
22 any overall mitigations or any other aspects of this
23 that we wanted to recommend.

24 COMMISSIONER THOMPSON: I just have one and I
25 don't know -- there was a lot, a lot of public testimony

1 about how a bunch of folks didn't feel like we had -- at
2 the design review subcommittee level, examined this long
3 and hard enough. I just throw it out there. I don't
4 know if we want to -- if we want to say in our
5 recommendation to the council that we're -- if a design
6 element needs to come back for review, we can do that.
7 I don't even know how to fit that in. There was
8 substantial testimony in that regard.

9 COMMISSIONER BARTOLO: I think it's important.
10 I think -- I think that the residential has a design and
11 a style that I think fits its position as a gateway
12 project.

13 I still have concerns about the hotel. I
14 recognize that -- I learned something that was very
15 important in the last week also, which is, that the
16 balconies were something, actually, that the community
17 didn't want and balconies traditionally do play a really
18 important role, in terms of creating that kind of
19 articulation. I still have some concerns about the
20 hotel, just the design itself. I don't think it's -- I
21 just don't -- it doesn't take my breath away, let's put
22 it that way. To my mind in a city that's kind of one of
23 the standards to which when I look at a project I take
24 it very seriously. I understand that part of the
25 difficulty is the signage.

1 Part of my basis for recommending a more
2 aggressive role on the part of the city with regard to
3 sign revenue participation is that if there is to be no
4 significant changes in the design of the hotel, is,
5 again, balanced with the issue of -- the important issue
6 of the provision of parking above code. I think that's
7 another rationale for increased sign participation by
8 the city.

9 COMMISSIONER DeLUCCIO: If I may comment. I
10 think that going forward, should the council decide they
11 want to see further redesign of this project, I think it
12 would be our recommendation that the -- recommend that
13 the subcommittee or the design subcommittee of the
14 Planning Commission play a role in that.

15 MR. AMSTRUP: I would like to point out that
16 there is a condition under the design requirement
17 section of the resolution that requires, at least on the
18 hotels, that at a detail level, materials on the ground
19 floor, pedestrian oriented uses go back to the design
20 subcommittee. And that the level of review gets to a
21 point where there's also an examination of things like
22 mock-up sections of curtain wall, things like that. So
23 there is some and that would follow through to any
24 redesign.

25 COMMISSIONER THOMPSON: I'm sorry, I missed

1 that. That satisfies me.

2 CHAIRMAN ALTSCHUL: Satisfies me too.

3 COMMISSIONER D'AMICO: John, I would like to
4 offer to the City Council that perhaps they might want
5 to think about the role the theatre has played on Sunset
6 Boulevard, and that live entertainment can continue to
7 play in this location. I'm not suggesting that there be
8 a theatre in this development, but I think there is
9 something there. It exists, it has a life and it is a
10 way of thinking about activities on the boulevard that
11 do not only involve pouring liquor over ice. And I
12 think it might be a suggestion that they might consider
13 as one that could draw people to that area for reasons
14 other than just drinking and eating.

15 CHAIRMAN ALTSCHUL: Thank you. Is everybody
16 okay with that?

17 COMMISSIONER HAMAKER: John, excuse me. Are
18 we going to talk about our thoughts about the design of
19 the project at this point, or later or --

20 CHAIRMAN ALTSCHUL: Please.

21 COMMISSIONER HAMAKER: I'd just like to say
22 that I did have a very good meeting with the developer
23 and the architect and discussed my personal concerns,
24 because my appreciation of architecture doesn't sort of
25 go into the modern era. And my idea of a landmark

1 building is more like the Ahwahnee Hotel in Yosemite
2 than this project. So I can see how this project does
3 fit with the vision of the Sunset Specific Plan. I
4 spent a lot of time going over the Sunset Specific Plan
5 this last weekend. And I understand it from an
6 intellectual point of view, I still -- as a resident of
7 the city, I want the people who have objections to the
8 design of this project to know that I agree with them.
9 And it has to do with taste as much as anything.

10 I also think that this project is one of those
11 30-to-50-year things that come along in a lifetime that
12 have the potential to really change the character of an
13 area. And it would seem to me that with the completion
14 of the project the way it's presented, it will change
15 the identity of the strip to a great degree, especially
16 to those of us who remember the strip from the '60s on.
17 And I can't impose my memories on the future generations
18 to say that my memory should be what the strip is,
19 because it isn't. It is what it is on a day-to-day
20 basis.

21 So with that said, I don't like the tall
22 walls, I don't like the architecture. I don't like the
23 buildings, they're not landmark buildings. And I don't
24 know if that gives me the right to vote no on the
25 project. And it's a very difficult decision to make.

1 So I just wanted to share my personal anguish, if I can
2 call it that, with this project because it's really been
3 bothering me a lot.

4 CHAIRMAN ALTSCHUL: I have a couple of general
5 items with respect to overall mitigations and the
6 ultimate entitlement. I would like to see the loading
7 dock completely enclosed from the project. I think when
8 you're starting with raw land, with empty land, you can
9 put anything anywhere you want. So I don't think it
10 should be out and exposed to the detriment of the people
11 in Fountain. I think the same thing with respect to the
12 garbage, that it should all be enclosed on site. Are
13 both of those consensus items?

14 COMMISSIONER DeLUCCIO: Yes.

15 CHAIRMAN ALTSCHUL: With respect to the pool.
16 The pool on top of the building should either be
17 completely enclosed or it should -- or the use of it
18 should stop at, say, 10:00 o'clock at night. Is there
19 consensus on that? Either or?

20 COMMISSIONER THOMPSON: Yes.

21 CHAIRMAN ALTSCHUL: With respect to outdoor
22 dining, we don't know how close to the Fountain View or
23 any other residences that's going to be. I think that
24 there should be money set aside in the development
25 agreement for mitigation in case there is an adverse

1 impact on the outdoor dining.
2 The tall walls, the lighting of the tall walls
3 should be -- I think I understand -- I heard that they
4 were all internal lighting, there's no external
5 lighting, is that true? At any rate, the lighting of
6 the tall walls, the technology of the lighting of the
7 tall walls should create no impacts whatsoever on
8 adjoining residences or even residences that aren't
9 adjoining. Is there agreement on that? I think so. I
10 guess so.

11 With respect to construction impacts, I would
12 propose that they be allowed to demolish the Peterson
13 building in order to have it leveled for staging for
14 construction. Is there agreement on that?

15 COMMISSIONER DeLUCCIO: Yes.

16 CHAIRMAN ALTSCHUL: That the large wall behind
17 the hotels be landscaped. Is there a condition in there
18 already? I may have missed it, C.J. The landscape as
19 well as possible in order to prevent any visual --

20 MR. AMSTRUP: Regarding the perimeter wall or
21 the actual wall of the structure?

22 CHAIRMAN ALTSCHUL: The perimeter wall.

23 MR. AMSTRUP: The perimeter wall has
24 landscaping.

25 CHAIRMAN ALTSCHUL: And I would -- not as a

1 condition or as a suggestion certainly, but I would
2 recommend that the applicant take a look at the PVC's
3 garage that faces Huntly as an example of a wall that
4 can be done very, very well.

5 We're down to any other -- any other overall
6 mitigations that anybody can suggest. If not, we're
7 down to two items. The development agreement, which was
8 pretty much outlined by Ray and the staff. Are there
9 any other items on the development agreement? I think
10 that in the development agreement there should be an
11 additional amount of money for one year for any
12 mitigations that may not have been foreseen. And if the
13 money has not been identified for a particular remedy or
14 mitigation in one year, that it be given back to the
15 developer. Is everybody all right with that?

16 COMMISSIONER HAMAKER: Yes.

17 COMMISSIONER D'AMICO: John, I have one
18 question for C.J., actually. No. 15.2, it says, "All
19 private property serving the general public as open
20 space should be accessible from grade level." Does that
21 mean Sunset Boulevard or does that mean grade Alta Loma,
22 La Cienega?

23 MR. AMSTRUP: It would mean Sunset Boulevard.
24 And if you're referring to the view terrace behind
25 the -- I believe that it is actually ramped so that

1 there's a side ramp running along the edge of the
2 building that starts at the Sunset level so you don't
3 have to go down Alta Loma and crawl upstairs. It's
4 actually accessible without any change in elevation.

5 COMMISSIONER D'AMICO: So it would be all
6 right if it says, "Shall be accessible from Sunset
7 Boulevard at grade"?

8 MR. AMSTRUP: Yes.

9 CHAIRMAN ALTSCHUL: Barbara?

10 COMMISSIONER HAMAKER: Yeah, we had discussed
11 stealing this model that you guys had made of the strip,
12 and it doesn't fit in anyone's car, so we were wondering
13 if we could recommend that the City Council ask that
14 your model maker make us a model of the whole strip
15 since the one that we had was damaged a long time ago.
16 It's a fantastic model.

17 UNKNOWN SPEAKER: What scale?

18 COMMISSIONER HAMAKER: Well, I guess you're
19 going to keep that one and make us a smaller one.

20 UNKNOWN SPEAKER: Our question would be the
21 parameters. What scale it might be at because it could
22 get quite large.

23 COMMISSIONER HAMAKER: I could ask John Chase
24 to actually help us decide on that one.

25 CHAIRMAN ALTSCHUL: Roxbury Drive to Doheny.

1 COMMISSIONER HAMAKER: I would say I would
2 leave that up to a discussion with the design director,
3 but we're just so impressed with the beauty of the
4 model, and congratulations.

5 CHAIRMAN ALTSCHUL: Perhaps you could have a
6 discussion with John Chase about that. And if it's
7 feasible at all to get that prior to the council
8 meeting, that would be great.

9 The development agreement, Ray, as I said, Ray
10 and Kate very, very effectively laid out the economic
11 situation as it exists today but it is still in flux and
12 it's still a work in progress.

13 Are there any other comments about that? If
14 not, we'll move to the statement of overriding
15 considerations. And the items underneath that are
16 visual resources, air quality, traffic impacts,
17 construction impacts, and noise impacts. I think we
18 pretty much discussed traffic and construction. Any
19 comments about those or any of the others? Visual?
20 Air?

21 COMMISSIONER DeLUCCIO: I was going to say
22 about the visual was that this project does have a
23 little less density, there is more -- there's no such
24 thing as view protection, but there is more view
25 protection here. The way this is constructed, there's

1 more buildings, and there's -- instead of one mass
2 there's several buildings so there is more view
3 corridors, for that I'm impressed with the project.
4 CHAIRMAN ALTSCHUL: Any other comments?
5 COMMISSIONER BARTOLO: Yes. I think one of
6 the big struggles I had over the last week is my
7 statements I've made earlier in other commission
8 hearings that bigger is not always better. And I
9 historically have not been a fan of high-rises and
10 historically have felt that high-rises might be better
11 suited to downtown areas or areas that would seem would
12 naturally be more properly accommodating of that
13 massing. And then I put myself through a crash course
14 of massing issues and comparative analysis of the use of
15 square footages between a project that was vertically
16 broad and had much of the same square footage versus
17 horizontally broad -- excuse me, the opposite. Sorry.
18 It was horizontally broad versus vertically broad. And
19 I came to the conclusion that the benefits of the view
20 corridor, the benefits, in terms of the plazas, I mean,
21 I actually did an analysis of just looking at
22 comparative projects to understand the impacts. And it
23 has to be noted that one of the -- putting together
24 several different buildings is significantly more
25 expensive. There are significant additional structural

1 requirements, elevators, skin, et cetera. I came to the
2 conclusion that I'm no longer the level -- I don't have
3 the level of opposition that I did to a high-rise
4 project based on the view impacts and the ability to
5 create more of an open sense.

6 CHAIRMAN ALTSCHUL: Thank you.

7 COMMISSIONER HAMAKER: I'd just like to say,
8 Kate, differently from you, but I decided at one point
9 to drive around the city and find ten-story buildings
10 that I really liked because I didn't like these
11 buildings. As I told the architect, I couldn't find
12 any. I could not find a ten-story building other than
13 the Piazza Del Sol or the Argyle that I really liked.
14 And there are some interesting buildings downtown but
15 they're 200 feet. You really have to get some scale
16 before you can really get some interest. So I quickly
17 no longer had the opposition either to the project, as
18 Kate said, because I was willing to really admit that I
19 couldn't find a nice building that I liked.

20 CHAIRMAN ALTSCHUL: Any other comments about
21 the item of statement of overriding considerations?

22 MR. AMSTRUP: I'd like to make one comment. I
23 guess in your discussions, and Bruce pointed this out to
24 me, that you had made a statement that there were
25 significant residual noise impacts. We do want to point

1 out that those are only during the construction period,
2 not operational and long term.

3 CHAIRMAN ALTSCHUL: There being no other
4 further comments on statement of overriding
5 considerations, I would request consensus for support of
6 staff's recommendation to find the statement of
7 overriding considerations where required on these
8 particular items. Roll call.

9 MR. AMSTRUP: Commissioner Bartolo?

10 COMMISSIONER BARTOLO: Aye.

11 MR. AMSTRUP: Commissioner Guardarrama?

12 COMMISSIONER GUARDARRAMA: Yes.

13 MR. AMSTRUP: Commissioner DeLuccio?

14 COMMISSIONER DeLUCCIO: Yes.

15 MR. AMSTRUP: Commissioner D'Amico?

16 COMMISSIONER D'AMICO: Yes.

17 MR. AMSTRUP: Commissioner Hamaker?

18 COMMISSIONER HAMAKER: Aye.

19 MR. AMSTRUP: Vice Chair Thompson?

20 COMMISSIONER THOMPSON: Yes.

21 MR. AMSTRUP: Chair Altschul?

22 CHAIRMAN ALTSCHUL: Yes.

23 We're all getting a little punchy, I think.

24 That brings us down to the ultimate consensus
25 item, and that is I would recommend -- I would suggest

1 that we recommend to the council the adoption of the
2 staff report containing all of the modifications and
3 suggestions and amendments that we have discussed
4 tonight. And with that, parenthetically, if we could
5 bring back a new resolution highlighting these -- all of
6 these changes at the next convenient meeting, which may
7 be February 3rd, which may be February 17th, that would
8 be most helpful and we could review them and just make
9 sure that they are in the form that we -- as we
10 suggested them. Is there consensus for this and can we
11 take a roll call?

12 COMMISSIONER DeLUCCIO: I'm fine with that,
13 however, I wouldn't rush to bring it back. The 17th
14 would be better. I'd rather have something come before
15 us that's well thought out and everything is
16 incorporated into the resolution.

17 CHAIRMAN ALTSCHUL: Exactly. Whenever the
18 staff feels that it is the most efficacious time to
19 bring it back.

20 MR. AMSTRUP: Do we have a second for that
21 motion?

22 COMMISSIONER THOMPSON: I'll second it.

23 CHAIRMAN ALTSCHUL: Treat it as a motion. Go
24 ahead. Roll call.

25 MR. AMSTRUP: Commissioner Bartolo?

1 COMMISSIONER BARTOLO: Yes.
2 MR. AMSTRUP: Commissioner D'Amico?
3 COMMISSIONER D'AMICO: Yes.
4 MR. AMSTRUP: Commissioner Donald DeLuccio?
5 COMMISSIONER DeLUCCIO: Yes.
6 MR. AMSTRUP: Joe Guardarrama?
7 COMMISSIONER GUARDARRAMA: Yes.
8 MR. AMSTRUP: And Barbara Hamaker?
9 COMMISSIONER HAMAKER: Yes.
10 CHAIRMAN ALTSCHUL: You forgot Eric.
11 MR. AMSTRUP: Vice Chair Thompson?
12 COMMISSIONER THOMPSON: Yeah.
13 MR. AMSTRUP: Commissioner Altschul?
14 CHAIRMAN ALTSCHUL: Yes.
15 So that's unanimous.
16 This concludes this item for this evening.
17 We are now continuing with the rest of the
18 agenda.
19 (TIME NOTED: 9:25 P.M.)

1 STATE OF CALIFORNIA) ss:
2 COUNTY OF LOS ANGELES)
3
4 I, CATHRYN L. BAKER, C.S.R. #7695, do
5 hereby certify:
6 That the foregoing hearing was taken before me
7 at the time and place therein set forth.
8 That the hearing was recorded stenographically
9 by me, were thereafter transcribed under my direction
10 and supervision and that the foregoing is a true record
11 of same.
12 I further certify that I am neither counsel
13 for nor related to any party to said action, nor in
14 any way interested in the outcome thereof.
15 IN WITNESS WHEREOF, I have subscribed my
16 name this _____ day of _____, 2005.
17
18
19 _____
20 Cathryn L. Baker, C.S.R. No. 7695

10. **NEW BUSINESS.** None.
11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.
13. **ITEMS FROM STAFF.** None.
14. **PUBLIC COMMENT.** None.
15. **ITEMS FROM COMMISSIONERS:** None.
16. **ADJOURNMENT:** The Planning Commission adjourned at 9:30 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, February 3, 2005 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 17TH DAY OF FEBRUARY, 2005.



CHAIRPERSON

ATTEST:


Community Development Director