



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**January 20, 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 6:45 P.M.

**2. PLEDGE OF ALLEGIANCE:** G.G. Verone led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Terri Slimmer, Transportation Manager, Ray Reynolds, Director of Economic Development; Special Projects, Allyne Winderman, Director of Rent Stabilization and Housing, C.J. Amstrup, Senior Planner, Terry Blount, Associate Planner, John Chase, Urban Designer, Francie Stefan, Senior Planner, John Keho, Acting Planning Manager, Christi Hugin, Assistant City Attorney and David Gillig, Commission Secretary.

Consultants Present: Tom Choe, Kaku Associates; Transportation and Circulation, Bruce Lakow, PCR Services; Environmental Impact Report, Ed Sabins, KFM Geoscience.

**APPROVAL OF AGENDA:**

Chair Altschul amended Agenda Item No. 16.: Adjournment. He stated the Planning Commission will adjourn to a specially scheduled meeting on Thursday, January 27, 2005.

**ACTION:** Approve the Planning Commission Agenda of Thursday, January 20, 2005 as amended. **Motion by Commissioner DeLuccio seconded by Vice-Chair Thompson and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. January 6, 2005.**

**ACTION:** Approve the Planning Commission Minutes of Wednesday, January 6, 2005 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried. Notating the abstention of Chair Altschul.**

**6. PUBLIC COMMENT.**

SUSAN MARKHEIM, LOS ANGELES, commented on development within the City of West Hollywood and spoke on quality of life issues.

JOYCE HEFTEL, WEST HOLLYWOOD, commented on development within the City of West Hollywood and spoke on quality of life issues.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the civility of the last hearing of the Planning Commission.

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

**8. CONSENT CALENDAR.**

**A. 7511 Santa Monica Boulevard (Barella Bar).**

**Conditional Use Permit 2004-008, Administrative Permit 2004-057, Parking Use Permit 2004-004.** This item was originally heard on Thursday, January 6, 2005 and was brought back with modifications as set forth at the last regularly scheduled meeting.

Request to approve the sale, service and consumption of alcoholic beverages at a bar, with an outdoor smoking patio, five off-site parking spaces, façade alterations and changing the architectural character of the building.

**ACTION:** 1) Adopt Resolution No. PC 04-564 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2004-008 FOR SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT A BAR, WITH AN OUTDOOR SMOKING PATIO, PARKING USE PERMIT 2004-004 FOR FIVE OFF-SITE PARKING SPACES, AND ADMINISTRATIVE PERMIT 2004-057 FOR FAÇADE ALTERATIONS CHANGING THE ARCHITECTURAL CHARACTER OF THE BUILDING, FOR THE PROPERTY LOCATED AT 7509-7511 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Consent Calendar Item 8.A. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried. Notating the NO vote of Commissioner Guardarrama.**

## 9. PUBLIC HEARINGS.

### A. Sunset Millennium Project.

**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 these minutes, is an official, certified verbatim transcript of the proceedings:***

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3 CHAIR ALTSCHUL:  
4 Next Item 9 A, public hearing for the  
5 Sunset Millennium Project. The procedure has been  
6 altered a little bit. Tonight we will do design  
7 review subcommittee report. We will do  
8 transportation planning commission subcommittee

9 report. We will hear from any speakers that are  
10 hear tonight that have not been here last night and  
11 we'll hear updates from staff on various materials  
12 including some of the issues and questions that were  
13 raised tonight.

14 Then a week from tonight on the 27th, we  
15 will conclude our participation in this matter by  
16 having rebuttal, ten minutes for the homeowners  
17 consolidated group and ten minutes for Apollo the  
18 applicant. Then we will have extensive discussion  
19 among the commission and hopefully on that  
20 particular night finish the discussion and lodge a  
21 recommendation to the city council.

22 VICE-CHAIR THOMPSON: I just want to add  
23 one thing real quick, I know that there is a new law  
24 firm that is representing Grafton and I know there  
25 are a number of consultants that were recently

1 retained by the residents group if you by chance do  
2 have additional materials we have a lot, but if  
3 between now and next week you do have additional  
4 materials, certainly it's your prerogative to submit  
5 them five minutes before the meeting starts, but  
6 it's much more effective and can I highly recommend  
7 that you get them in on say Monday or Tuesday of  
8 next week so that they can be e-mailed to us so that  
9 I can personally give them the attention they  
10 deserve.

11 Thanks.

12 CHAIR ALTSCHUL: Okay. Thank you women a  
13 begin with the design review committee report and  
14 ask John D'Amico to present that.

15 COMMISSIONER D'AMICO: Good evening. So  
16 we met as a committee subcommittee three times and  
17 reviewed the project initially, I think there was  
18 resounding disappointment with some of the ideas and  
19 sort of general scope of how things were presented  
20 and the applicant went back and redesigned  
21 specifically the condominium projects and in a much  
22 -- in a way in which all of us were pleased with  
23 them. The people who attended from the community  
24 also found those changes for the most part pleasing  
25 in terms of their design. I should point out that

1 we were strict in insisting that at those meetings  
2 there was discussion only of design intent. Some  
3 people present continued to not necessarily  
4 appreciate the movement towards a more strict  
5 modernness interpretation of those condominiums, but  
6 I think generally from the subcommittee of the  
7 planning commission we appreciated them and I'm  
8 speaking mostly to Barbara because she would know  
9 that we watched how they developed and what they  
10 developed from into -- we were pleased with.

11           The hotels presented different challenges.  
12 We had discussions about, again, the size and the  
13 scale and was the billboard tail wagging the hotel  
14 dog and I think generally we agreed that it was and  
15 continues to do so, but given that there are  
16 competing interests in terms of how revenue is  
17 generated and how that turns into design, we felt  
18 like the design had matured through the use of  
19 materials and by specifically taking the billboards  
20 and not using the buildings to frame them.  
21 Initially there was a frame around the billboards,  
22 but instead to separate them and make them  
23 independent pieces of the architecture and to make  
24 the architecture itself have much more articulation  
25 at a human scale. And there is one line here in the

1 report that talks about the loss of the balconies  
2 and there was a lot of discussion about how those  
3 balconies where they were -- where they could  
4 potentially be positioned next to the billboards  
5 would provide some scale both of, you know, the  
6 human scale next to a 5,000 square foot billboard  
7 which on the Sunset Strip doesn't really extend --  
8 next to a tall walking -- you don't really get a 60  
9 foot woman in a skirt standing next to a 5'6 woman  
10 in a skirt and what that might -- you know, the sort  
11 of visual identity that might provide to Sunset  
12 Boulevard. But those have gone away and we I think  
13 many of us present including some of the members of  
14 the community were disappointed to see that they had  
15 become sort of glass boxes ultimately they were, you  
16 know -- they didn't really operate as open buildings  
17 they became boxes.

18           The bridge itself was never reviewed by  
19 the design review subcommittee and I think some of  
20 the issues that remain unresolved are the south  
21 facades and the perimeters themselves, the landscape  
22 perimeters and the articulation of those perimeters.  
23 And finally the Sunset Boulevard walking lane along  
24 Sunset Boulevard. I know after looking at many of  
25 the things that are presented that the applicant did

1 move a good deal towards providing a lot of that  
2 information and a lot of what that might look like,  
3 but ultimately I think the staff recommendation that  
4 this project at least one more time come back to a  
5 design review subcommittee and show us some of the  
6 materials and more specific -- specifically what  
7 some of that might look like along Sunset Boulevard  
8 and the south -- the south edge and the edge between  
9 right at the property line what happens there in the  
10 landscape areas, I think those are some things that  
11 I think we all generally agree should happen.

12 So unless John has something else to add,  
13 I think that was a bit long-winded --

14 MR. CHASSON: It was a magnificent  
15 recounting.

16 COMMISSIONER D'AMICO: In the words of  
17 John Chasson a magnificent recounting of what  
18 happened at the meeting.

19 CHAIR ALTSCHUL: And Eric and I agree.

20 COMMISSIONER DELUCCIO: That was very good  
21 and very concise, unlike myself sometimes. Thank  
22 you.

23 I would like somebody to maybe go over the  
24 design of the bridge. I know what is before us is  
25 not the entitlement itself, but how the design of



1 the bridge -- the recommendation we would make to  
2 council on the design of the bridge, so I would like  
3 someone to maybe go over that with us.

4 COMMISSIONER D'AMICO: I'm going to hand  
5 that right over to John because that happened at the  
6 city staff level and we never had the opportunity to  
7 view that or have the members of the public come and  
8 comment on it, either.

9 CHAIR ALTSCHUL: John Chasson urban  
10 designer.

11 MR. CHASSON: The previous version of the  
12 bridge was a more kind of structurally  
13 exhibitionistic bridge that caused attention to  
14 itself so that you had the possibility of having  
15 residential towers in one vocabulary, hotel towers  
16 in another and the bridge in yet a third. And in  
17 reviewing those the thought was that maybe sometimes  
18 what you really want is a saltine cracker or a glass  
19 of water, you know, you want a classic simple thing  
20 that serves -- that really fits the bill the best.  
21 And that having a more neutral bridge that still had  
22 some -- that had subtler design qualities and those  
23 design qualities would be that basically it was a  
24 glass tube that was lit all the way around, that  
25 basically the design style of it could be called

1 minimalist rather than the more kind of aggressive  
2 expressionism of the previous bridge.

3           And certainly its strongest point would be  
4 at night when it would be a glowing structure. And  
5 that the use of light would perhaps maybe compliment  
6 and take down a peg the possible harshness of  
7 whatever medium is actually chosen to be the  
8 allotted medium for the advertising. So there are  
9 some ways in which you -- it may not look like a  
10 design, because it's not simple, but I think it's  
11 maybe not the only alternative, but a reasonable  
12 alternative to look at making a quality either  
13 bridge that doesn't set up a lot of dissonance  
14 between itself and the other two parcels.

15           COMMISSIONER D'AMICO: I just would add I  
16 think that one of the opportunities for reviewing  
17 that bridge in a design review subcommittee would be  
18 to find out if the intention of the applicant is to  
19 -- I hope I can explain this inhabitant corner  
20 strongly so that it would require pedestrians to use  
21 the bridge to cross from one side of La Cienega to  
22 the other in that the project itself would be, you  
23 know, there and the sidewalk would naturally push  
24 people to use the bridge so that it didn't just  
25 become a glass tube that nobody walked on but really

1 ultimately, again, Barbara, was the billboard holder  
2 that wagged the tail, you know, that wagged the dog  
3 of the bridge, and really if we're going to make  
4 this beautiful thing that people can be suspended  
5 above La Cienega with traffic moving and looking at  
6 the lights of the city we might as well give them  
7 encouragement and opportunity to go there.

8 CHAIR ALTSCHUL: And may I please ask  
9 everybody to turn off their cell phone and turn them  
10 on to vibrate and if they do vibrate please take  
11 them out in the hall or parking lot for  
12 conversation.

13 Eric.

14 VICE-CHAIR THOMPSON: I just have a  
15 question. I don't want to get into discussion, I  
16 just want to understand in the context of what is  
17 going on how the bridge fits into it. If we move  
18 forward however we move forward with recommendations  
19 to the city council the bridge in concept is fair  
20 game; right? In other words, if we were to make  
21 recommendations regarding the bridge, the bridge  
22 would be the subject of any or the bridge or a lack  
23 of a bridge would be the subject of the new  
24 development agreement; right?

25 MS. HOGIN: Yes, that's correct.

1                   COMMISSIONER DELUCCIO: Was that already  
2 entitled? Or is everything up for grabs?

3                   VICE-CHAIR THOMPSON: It is entitled.  
4 Everything is up for grabs.

5                   COMMISSIONER DELUCCIO: So that is  
6 something that we will --

7                   THE STAFF: We will discuss it.

8                   COMMISSIONER DELUCCIO: We will discuss  
9 it.

10                  CHAIR ALTSCHUL: Now a report on the  
11 transportation planning subcommittee Joe  
12 Guardarrama.

13                  COMMISSIONER GUARDARRAMA: Two members of  
14 the planning commission me and John D'Amico met in  
15 conjunction with two members of the transportation  
16 commission and Terri Slimmer and some other staff  
17 members to discuss the traffic and the  
18 transportation issues associated with the Sunset  
19 Millennium Project. We met on December the 1st.  
20 From that meeting came four issues that we directed  
21 staff to investigate more fully. The first issue  
22 concerned left turns. There was a thought that  
23 there should be some effort to discourage left turn  
24 -- illegal left turn making and the staff came back  
25 with permitting left turns during nonpeak hours

1 which I think is a great idea.

2           There was another issue that concerned  
3 whether restaurants and retail spaces received under  
4 counts with traffic, but as was explained to us  
5 during the meeting and then later in our packet the  
6 traffic analysis actually used a very conservative  
7 measure as to how many trips were coming in and out.

8           Third there was concern that not enough  
9 Los Angeles intersections were included in the  
10 traffic study, but then that was subsequently proven  
11 to be false because even the City of L.A. concurred  
12 that the proper intersections were studied.

13           And then finally there was also a concern  
14 that the Sunset/Olive project was not included in  
15 the study, but we heard last night why that was and  
16 now it has been included and why the inclusion of  
17 that project does not raise new intersections over  
18 the level of significance. That's it.

19           CHAIR ALTSCHUL: Thank you. Terri, is  
20 that -- anything you would like to add to that?

21           MS. SLIMMER: Terri slimmer transportation  
22 manager. I think Commissioner Guardarrama got most  
23 of it. I know we were a little lacking in our  
24 response on undercounting and the traffic counts  
25 when we talked to the subcommittee and I just wanted

1 to better explain the conservative analysis in that  
2 for the restaurant retail, the ancillary uses and  
3 that in the institute of traffic engineering book  
4 that we use to calculate trip generation ancillary  
5 uses are actually included in those numbers, and  
6 what we did in our study was actually assign an  
7 additional 50 percent for the ancillary uses so we  
8 did not use the zero relative to ITE standards, but  
9 we did increase the number of trips for ancillary  
10 uses by 50 percent and that was including the  
11 restaurant, the retail, the conference room.

12 So we actually more than accounted for any  
13 extra trips that people were concerned about. So I  
14 just wanted to expand on that for us.

15 CHAIR ALTSCHUL: Thank you.

16 COMMISSIONER GUARDARRAMA: And one more  
17 thing, Terri, you were explaining to me that this is  
18 something you explained this to me in the past, but  
19 I want everyone to hear us. This is a methodology  
20 that you use in mixed use projects, it's not  
21 something that you used specific for the Sunset  
22 Millennium?

23 MS. SLIMMER: That's correct.

24 CHAIR ALTSCHUL: David, are there any  
25 other speaker slips? I have three speaker slips.

1 First is Pam Cooke.

2 CHAIR ALTSCHUL: I know you weren't here  
3 last night Pam.

4 MS. COOKE: Good evening members of the  
5 commission. My name is Pam Cooke. I am first  
6 speaking on behalf of the City of Los Angeles  
7 Bel Air/Beverly Crest neighborhood council. We had  
8 actually submitted a motion -- I could not find it  
9 in the paperwork so I would first like to submit  
10 that for the record. It is a two-pager. Second page  
11 actually with signatures.

12 And basically the neighborhood council's  
13 concern is as you've already heard. We believe that  
14 this project is just too large for the area. It so  
15 significantly burdens both the City of West  
16 Hollywood and the City of Los Angeles especially the  
17 areas in the mountains. We've all just suffered  
18 through the rains. Imagine the event of an  
19 earthquake or fire something that actually causes,  
20 for example, the waterlines to burst which we did  
21 see in Northridge. You have the water coming down  
22 the hills, the mud coming down the hills, the fires  
23 starting from restaurants that have gas appliances  
24 then what you have are the affordable housing units  
25 where in most cases people who are in affordable

1 housing a significant number have health conditions  
2 and if emergency vehicles can't get to them, what  
3 are you going to do? It's going to burden a lot of  
4 people. Most likely resulting in death. And I  
5 don't take that lightly. It's just too much with  
6 the 5,000 plus cars generated from this project.  
7 It's too much in a small location.

8           What we would ask you to do is actually  
9 look at and follow your obligation to actually weigh  
10 pursuant to a statement of overriding considerations  
11 weigh those supposed benefits versus the burdens.  
12 You must do that. You must actually also make a  
13 finding concerning the factors that go into it.

14           And if you do not find that the factors  
15 are supported by substantial evidence in the record,  
16 you cannot actually pass that statement. You cannot  
17 pass the statement of overriding considerations  
18 unless that burden is actually met.

19           I think you have a challenge in front of  
20 you. I think that what you have to do is seriously  
21 weigh this given the potentials from this project.  
22 Just telling you a quick story. My brother in  
23 Pennsylvania actually suffered an earthquake before  
24 I did in California. A 3.5 magnitude. Not knowing  
25 what to do in Pennsylvania, you know what he did?



1 He put his family in the center of a room. Imagine  
2 people from Pennsylvania and Kansas and Iowa being  
3 in those hotels and putting their families in the  
4 center of the room and not knowing what to do in the  
5 event of a significant earthquake caused by one of  
6 those faults.

7 Thank you very much.

8 CHAIR ALTSCHUL: Abbey Dinbar to be  
9 followed by Mark Wittenburg. Abbey Dinbar? Not  
10 here?

11 MS. DINBAR: Here.

12 CHAIR ALTSCHUL: I'm sorry. Are you going  
13 to speak, Ms. Dinbar?

14 MS. DINBAR: Tibbie Dinbar.

15 CHAIR ALTSCHUL: Tibbie. Thank you very  
16 much for the correction.

17 MS. DINBAR: Good evening Commissioners.  
18 Last year the Architecture & Design Museum, A + D  
19 relocated from the Bradbury Building in downtown Los  
20 Angeles to the Sunset Strip in West Hollywood thanks  
21 to the generosity of Apollo Realty provided  
22 developer of the proposed Sunset Millennium Project.  
23 Apollo is donating the use of prime retail space to  
24 the A + D museum in the recently completed first  
25 phase of the Sunset Millennium Project. The move to

1 West Hollywood forced the museum in a prominent  
2 congested area and there is considerable pedestrian  
3 traffic and better visibility. We are grateful that  
4 Apollo Realty Advisors is allowing us to use this  
5 wonderful space. It is truly a gift to not only us  
6 but also the people to West Hollywood. We support  
7 the Sunset Millennium Project because we believe the  
8 pedestrian oriented mixed use development will be a  
9 great addition to the Sunset Strip. The revised  
10 project is a better fit especially with the  
11 inclusion of residential units.

12 On behalf of the Board of Directors and  
13 the 2000 plus members of the A + D Museum we urge  
14 the commission to support the Sunset Millennium  
15 Project.

16 Thank you.

17 VICE-CHAIR THOMPSON: What is your city of  
18 residence, just for the record?

19 MS. DINBAR: My city of residence is Los  
20 Angeles.

21 VICE-CHAIR THOMPSON: Thanks.

22 CHAIR ALTSCHUL: Mark Wittenburg to be  
23 followed by Ed Garren. Ed Garren will be our last  
24 speaker.

25 MR. WITTENBURG: Good evening, Honorable

1 Altschul. My name is Mark Wittenburg. And for the  
2 record, I live at 540 North Kroft about seven blocks  
3 away from the proposed project. I'm also the  
4 president of our homeowners association.

5 CHAIR ALTSCHUL: Is that North Kroft in  
6 West Hollywood or Los Angeles?

7 MR. WITTENBURG: West Hollywood, right  
8 below Melrose.

9 CHAIR ALTSCHUL: Okay.

10 MR. WITTENBURG: I'm here tonight in  
11 support of the Sunset Millennium Project. It brings  
12 a lot of exciting elements and I'm sure you heard  
13 about all of them over the last two days. I wanted  
14 to talk about two in particular. The first is the  
15 affordable housing. A lot of people talk about it.  
16 A lot of people pay it lip service, but when it  
17 actually comes time to build something that includes  
18 it a lot of people have problems with maybe not here  
19 maybe not there. It should go there.

20 Secondly, the parking. This area is  
21 chronically under parked. And that is not going to  
22 change until the city builds more parking spaces.  
23 And I'm not sure the number 400 and something, the  
24 number whatever they are going to build above code  
25 or they are going to include, but those parking

1 spaces will be used by people who park, shop and  
2 live in the area.

3 Last but not least, I think if you talk to  
4 actual residents in West Hollywood and ask them what  
5 they like best about our city that one of the first  
6 things you always hear is I like it because I can  
7 walk to a lot of places and I don't have to get in  
8 my car. Well, a mixed use development does just  
9 that. And that is why you need to increase the  
10 amount of mixed use development because while it  
11 brings people and brings places it also serves as a  
12 hub for residents to go to and stay out of their  
13 cars.

14 So I urge you all to support this project.  
15 A lot of my neighbors really like it and we're  
16 excited about it and we look forward to having  
17 Sunset Millennium as a neighbor.

18 Thank you.

19 CHAIR ALTSCHUL: Thank you. And Ed  
20 Garren.

21 MR. GARREN: Ed Garren, City of West  
22 Hollywood. Overriding considerations. I come from  
23 a place that makes its living off of tourists  
24 dollars and hotel taxes. This city sure knows how  
25 to wear people out. One could make a career out of

1 coming to meetings. Speaking out against all of  
2 this dirt that is going to be dug and concrete that  
3 is going to be poured and all of the big trucks that  
4 have to carry it in and out of the city on the  
5 streets the rest of us have to use. I have already  
6 noticed a large increase in large dirt removal  
7 trucks and concrete trucks just in the last couple  
8 of months, going back and forth on Santa Monica and  
9 Fountain Avenues.

10 Blinded by the promise of anticipated  
11 hotel bed tax sales revenue the city keeps  
12 forgetting the story of the goose that laid the  
13 golden eggs and how greed killed the goose.  
14 Hollywood is less than two miles away competing with  
15 the Sunset Strip that will become a traffic  
16 nightmare, a place no one will want to come anymore  
17 because it's too much of a hassle. And what if we  
18 create too many hotel rooms? So that the city ends  
19 up with too many hotels that are mostly empty too  
20 much of the time.

21 Greed. Greed. Greed. It killed the  
22 goose that laid the golden eggs and it could very  
23 well kill off the Sunset Strip. And if you have to  
24 make an overriding consideration based on the  
25 promise of anticipated revenues in an economy that

1     could literally collapse in six months, what are you  
2     going to do if we have a recession and all of this  
3     sits empty? And it puts half of the small hotels we  
4     have in the city out of business. And then people  
5     don't want to come to West Hollywood anymore because  
6     it's not an intimate village community anymore, it's  
7     lots of large concrete and holes and half empty  
8     hotels that don't provide very good service anymore  
9     and they would much rather go to nice new zippy  
10    renovated Hollywood where it's easy to get in and  
11    out because there is not all of this construction  
12    going on.

13                 I hope you'll think about all of this a  
14    lot. Because it's just a promise we don't have any  
15    guarantee that this is going to be full and it's  
16    going to bring in revenue. But we do know it's  
17    going to be a hassle for at least two years.

18                 Thank you.

19                 CHAIR ALTSCHUL: Thank you. And that  
20    concludes our speakers for this evening. And that  
21    concludes the public testimony portion of this  
22    evening's presentation on the Millennium.

23                 We'll now turn to some staff comments and  
24    I think, Christi, are you going to start?

25                 MR. KEHO: I'm going to act as MC for the

1 first few questions that we've got. I also want to  
2 note that the letter that we got from City of Los  
3 Angeles Bel Air Crest neighborhood council we  
4 received one copy so we'll scan that and send it out  
5 to you PDF files first thing Monday morning so  
6 everyone has access to it.

7 The first person who is going to be  
8 speaking for us today is Ray Reynolds of.

9 MS. HOGIN: I'm sorry, I butted in. What  
10 we would like to do tonight is to, first of all,  
11 answer some of the individual questions that you had  
12 at the end of last night's meeting and then we were  
13 going to go into some more discussion about the  
14 questions that were raised about the environmental  
15 document. And then following that any other  
16 additional questions you have. We have a large  
17 group of consultants here tonight that are happy to  
18 field your questions.

19 MR. REYNOLDS: My portion of it first  
20 there were a number of questions raised in the way  
21 in which this project compares to the 1999 project  
22 in terms of it's economic impact on the community.

23 In the existing development agreement you  
24 have in Exhibits D-1 and E-1 and those were  
25 referenced last night. There are ten economic

1 impacts that are listed there. Seven of which I  
2 think -- six of which I think this project is fairly  
3 similar to the prior project, but in the other areas  
4 there is significant differences. One of the major  
5 differences is that if -- you, of course, know, that  
6 the prior project had offices in which brings a  
7 different economic impact than this project which  
8 really replaces that. Not on the same site but in  
9 concept with residential.

10           The six lesser or more similar impacts  
11 that are listed in there is that this project that  
12 you are considering tonight provides slightly more  
13 open space than the 1999 project. Not really  
14 significant, four or five points, and I think you've  
15 seen two and the developer happens to have up this  
16 comparison. It was on that sheet. It is in your  
17 staff report as well.

18           The street improvements are very similar.  
19 La Cienega widening, Sunset widening, signals --  
20 emergency vehicles override on the traffic signal.

21           The art component is very similar, it's  
22 the one percent for art program. This is -- and we  
23 don't know there has not been a building permit  
24 applied for about a 1.8 million dollar --  
25 \$180,000,000 project. The prior was estimated to be



1 about a \$200,000,000 project. So they are very  
2 similar.

3 The exaction is exactly the same as it was  
4 in the prior project. There was a payment on each  
5 parcel as building permits or certificates of  
6 occupancy were issued payment of 1.7 million on each  
7 of the three parcels. So there was a \$5,000,000 at  
8 the end of the day -- at the end of the project  
9 there was a total of about a \$5,000,000 total  
10 exaction plus in that those exactions there is a ten  
11 percent payment to the city of the revenues on the  
12 bridge advertising. That language what you have in  
13 your document and in the prior document is exactly  
14 the same. But \$5,000,000 is a pretty significant  
15 public benefit. The other is the fees. The fees  
16 are about the same. About \$1,000,000 in fees open  
17 space child-care and so on will be paid by both  
18 projects.

19 Let me move on to what are the two or  
20 three rather larger areas of difference. We're  
21 estimating and we did a very conservative estimate  
22 on this project of the post 911 estimate this is of  
23 the revenues this project would generate. We are  
24 estimating 2.8 million annually. That is a  
25 combination of property tax, sales tax and transit

1 hotels documents. Transit occupancy tax that is  
2 certainly the larger. The other project we  
3 estimated the pre-911 estimate was 5,000,000.

4 MS. DOBRIN: Mr. Chair, I love  
5 Mr. Reynolds, but he drops his voice for emphasize,  
6 maybe if he moved the microphone closer --

7 CHAIR ALTSCHUL: You've made your point,  
8 Ms. Dobrin.

9 MR. REYNOLDS: I won't drop my voice -- I  
10 mean, I won't drop my voice. Now, what is the  
11 difference of this project with the other -- this  
12 has 75 less hotel rooms.

13 COMMISSIONER DELUCCIO: Excuse me. I  
14 missed your last point actually because Ms. Dobrin  
15 spoke up.

16 MR. REYNOLDS: What I want to talk about  
17 the difference, this is one of the three major  
18 differences between the projects is the differences  
19 between the tax revenues that they will generate for  
20 the city. And this project we're estimating 2.8  
21 million. The prior project was 5,000,000, just a  
22 recap. This project has 75 fewer hotel rooms than  
23 the prior project did. 371 to 296. This project,  
24 not as significant, but it does have 12,000 square  
25 feet fewer square feet of retail than the prior

1 project, the 1999 project did.

2 Two, the prior project with offices would  
3 generate some business license tax where this  
4 project has residential in place, say, of the  
5 office. So we're not generating business license  
6 tax. That's what accounts for the lesser amount of  
7 sales tax revenues.

8 But clearly the single largest part of  
9 these revenues is transit occupancy tax. There is  
10 no question. The other benefit where there is  
11 significant difference, of course, is the housing.  
12 This project will provide a 173 housing units, plus  
13 the 17 on-site affordable units so it provides  
14 housing. It provides affordable housing on site.

15 I provided to you last night --

16 CHAIR ALTSCHUL: Isn't it 19?

17 MR. REYNOLDS: I'll look. I thought it  
18 was 17, John.

19 CHAIR ALTSCHUL: 190 condominiums ten  
20 percent is 19.

21 MR. REYNOLDS: I always have a hard time  
22 explaining this, do you want to explain it?

23 COMMISSIONER D'AMICO: I know, but I don't  
24 want to explain it.

25 MR. REYNOLDS: It's a percentage of the

1 affordable that is provided. It's ten percent of  
2 the 173 plus the affordable.

3 CHAIR ALTSCHUL: Ten percent, in other  
4 words, ten percent of the market rate you don't  
5 include the affordable in the calculation.

6 MR. REYNOLDS: Right. Jeff Scornik is  
7 here he will -- 20 percent affordable. This will  
8 provide ten percent on site and ten percent off  
9 site.

10 Now, what is in the development agreement  
11 that is different, it would be required to be  
12 on-site, of course, that the off site housing must  
13 be provided within a 48-month period by the  
14 developer off site. If it is not and we hold 5.4  
15 million dollar letter of credit to assure that they  
16 do that. If they do not they pay a fee at \$171 -- I  
17 think it is dollars -- \$171 per square foot for that  
18 affordable housing. So they are doing ten percent  
19 of the units on-site plus making up the other ten  
20 percent in square footage off site. In square  
21 footage, not units.

22 COMMISSIONER HAMAKER: Ray, 48 months from  
23 certificate of occupancy or start of construction?

24 MR. REYNOLDS: From certificate of  
25 occupancy, but I would feel more comfortable if I

1 look that up. If you don't mind if I could come  
2 back. I'm quite sure that was in the memo. I'm  
3 quite sure it's from certificate of occupancy.

4 CHAIR ALTSCHUL: Is Jeff Scornik here? Is  
5 it certificate of occupancy, Jeff?

6 MR. SCORNIK: Yes, it is.

7 MR. REYNOLDS: Yes it is. Thanks, Jeff.

8 So that is the affordable housing. That is a  
9 significant difference, of course, housing wasn't in  
10 the prior project.

11 The third is parking the more significant  
12 difference. This project provides 1279 parking  
13 spaces which is 435 in excess of what is required.  
14 The prior project provided more parking 1403 because  
15 it was parking office which is a higher rate than  
16 residential as you know. With 333 excess parking  
17 spaces. And you'll see in your development  
18 agreement, the parking has also terms to be  
19 determined, what we've been discussing with the  
20 developer is public control of those 435 parking  
21 spaces. Public control in terms of the rate that  
22 will be charged. We want to be certain that it's  
23 affordable. That's how we're going to get cars off  
24 of Sunset and parked is if we have affordable  
25 competitive rates. That is still, that rate, those

1 terms, they are still in negotiation with the  
2 developer.

3 Now, those are the ten most measurable  
4 with those three I mentioned the transit occupancy  
5 tax, the taxes in general, the affordable housing  
6 and the parking being the largest. Those are all  
7 measurable economic impacts of the project, not to  
8 talk about and I don't want to take up too much  
9 time, but the way in which this enhances our  
10 position in the hotel industry, our competitive  
11 position, we have 17 hotels in West Hollywood most  
12 of which are on Sunset. Our single largest source  
13 of revenue in West Hollywood is the transit  
14 occupancy tax, you know, it's projected to be in  
15 excess of 9,000,000 in this fiscal year.

16 So those additional benefits that enhance  
17 our market position, so to speak. But I just spoke  
18 tonight about those ten that are really more  
19 measurable and are included in your exhibits. So  
20 I'll stop there and see if you have questions.

21 COMMISSIONER D'AMICO: Ray, I'm wondering,  
22 typically affordable units finish with a project.  
23 I'm wondering maybe you can talk us through why we  
24 are giving the developer four additional years to  
25 finish the other half of their units?

1                   MR. REYNOLDS: It really was a negotiated  
2 position some requests, something they -- something  
3 that they requested in the negotiations we felt it  
4 was a reasonable request. They do not have a site  
5 at this time to build a project that size is as you  
6 know a year easily in entitlement so we felt that  
7 four years was reasonable. It really was a  
8 negotiated number.

9                   COMMISSIONER D'AMICO: It's hard for me to  
10 believe they don't have a site given that we are  
11 looking at a site. I mean, they are saying -- I  
12 don't mean to drive this point home too hard I think  
13 you are saying they don't have a site, but you are  
14 asking us to approve a site. So I guess the  
15 question is there must be -- I mean, we want to get  
16 them to build affordable housing it seems to me like  
17 we should have them finish that housing with this  
18 project.

19                   MR. REYNOLDS: Meaning it should be on  
20 this site is your point?

21                   COMMISSIONER D'AMICO: Meaning it should  
22 be finished in two and a half years time to do this  
23 construction. You can do a 519 unit building pretty  
24 down and dirty and fast with some, you know, orange  
25 peeled walls and some nice appliances and have it

1 done and finished instead of taking six-and-a-half  
2 years it could be done in two and a half would be  
3 something I would think the city might consider  
4 given concern about affordable housing and the money  
5 involved in buying a piece of property and building  
6 some units and/or doing what has been done in other  
7 places in which they buy existing buildings and  
8 merely rehab them and reduce the rates to  
9 affordable.

10 MR. REYNOLDS: Thank you.

11 COMMISSIONER HAMAKER: Just to go along  
12 with the affordable rate, I know there is some  
13 concern about affordable condos and I would hope  
14 that in the negotiation process there would be some  
15 discussion as to whether they actually are going to  
16 work on-site in this particular instance as much as  
17 I would like them to. In the best of all worlds it  
18 would.

19 MR. REYNOLDS: I think that in part and  
20 both Jeff Scornik and Arlene Winderman are more  
21 articulate than I am.

22 COMMISSIONER HAMAKER: They are, yes. I  
23 mean, I'm sorry, Ray, I didn't mean it that way.  
24 Thank you.

25 COMMISSIONER D'AMICO: Anymore



1 compliments, Barbara?

2 COMMISSIONER HAMAKER: They are very aware  
3 of this particular subject is what I was agreeing  
4 with.

5 MR. REYNOLDS: That is a good point. We  
6 talked about that, yes.

7 VICE-CHAIR THOMPSON: I just have a  
8 follow-up to John, in the other projects the  
9 affordable component that is split on and off site  
10 have we given a grace period? I mean, is that  
11 something --

12 MR. REYNOLDS: The only other project --  
13 and, again, if Jeff Scornik knows of otherwise the  
14 only project they've been done off site is the  
15 Desmond project.

16 CHAIR ALTSCHUL: And that was a hundred  
17 percent off site.

18 MR. REYNOLDS: That was a hundred percent  
19 off site. If I remember that was 58 units they had  
20 a requirement of twelve and I think they provided 19  
21 or 20 off site if I recall. That was above the  
22 number and that is what made it attractive.

23 COMMISSIONER HAMAKER: But it was also  
24 available -- they were -- they needed to be  
25 available when they got their C of O for their

1 condos.

2 MR. REYNOLDS: That's correct. And by the  
3 way, just back to the 48 months Jeff reminded me  
4 that it was from certificate of occupancy of the  
5 residential on-site. Now he's going to correct me.

6 MR. SCORNIK: From issuance of building  
7 permits.

8 MR. REYNOLDS: Thank you, Jeff.

9 COMMISSIONER DELUCCIO: Meaning so many  
10 more units, 28 more units they have to provide the  
11 housing in lieu of paying into a housing fund, but  
12 being this is a development agreement, couldn't they  
13 deposit the other half into a housing fund,  
14 calculate what the dollar amount is and put it into  
15 a housing fund so that the city could use it to  
16 build affordable housing.

17 MR. REYNOLDS: They could, yes. We felt  
18 that one of the Apollo real estate advisers one of  
19 the major parts of their portfolio is housing and  
20 that they had the ability to do it off site so we  
21 wanted to give them that opportunity in the  
22 four-month period. But a development agreement as  
23 you know allows you this kind of latitude.

24 CHAIR ALTSCHUL: And that is still under  
25 negotiation.

1                   MR. REYNOLDS: And that is still under  
2 negotiation.

3                   CHAIR ALTSCHUL: Eileen, did you wish to  
4 say something?

5                   EILEEN: Just one other thing that is a  
6 very important point and we have taken that into  
7 consideration that as Ray said that they wanted to  
8 be able to provide the housing and we are really  
9 happy that they wanted to do that, but in the  
10 agreement as it stands right now that upon I think  
11 it's application of their -- upon the issuance of  
12 the building permit they actually have to put up a  
13 letter of credit for the entire amount. So if  
14 something goes wrong they don't find the land  
15 something like that, we actually have the money in  
16 hand. So for them to be able to build it is a real  
17 positive, but if they don't have to build it or  
18 can't build it we have the money to do that so we've  
19 anticipated that. Thanks.

20                   CHAIR ALTSCHUL: Kate.

21                   COMMISSIONER BARTOLO: You mentioned the  
22 revenue pre-9/11 1999 entitlement scope, and I just  
23 want to make sure I'm correct, first of all, the  
24 revenues 1999 entitlement projections were  
25 \$500,000,000 annually to the city versus the current

1 projection of 2.8 million and you said that the  
2 primary difference is the 73 less rooms?

3 MR. REYNOLDS: 75 fewer hotel rooms.  
4 12,000 square feet less retail space. And no  
5 business license tax from the office use.

6 COMMISSIONER BARTOLO: If you did a  
7 comparative of property tax revenue capability based  
8 on the condos which should be -- well, 40 year  
9 record highs versus the business license tax revenue  
10 generating potential of office in 1999 when the  
11 revenue -- when the economy was strong for office  
12 what is the differential?

13 MR. REYNOLDS: I know it, but I don't have  
14 it at my fingertip. I can tell you --

15 CHAIR ALTSCHUL: Excuse me. That's the  
16 third or fourth cell phone that has rung tonight.  
17 Will everybody please turn off their cell phones.

18 Thank you.

19 MR. REYNOLDS: All I can tell you right  
20 now is I don't know it on the '99 project but we  
21 estimated 400,000 property tax on the entire project  
22 both condominiums and the hotel and I don't have the  
23 breakdown of what we assigned to the hotel or the  
24 residential, but it's 400,000 in total was our  
25 number.

1                   COMMISSIONER BARTOLO:  When you say  
2 pre-9/11 are you assuming the same occupancy rates  
3 for the proposed project in terms of hotel occupancy  
4 versus 1999?

5                   MR. REYNOLDS:  Yes.

6                   COMMISSIONER BARTOLO:  Because that is 2.2  
7 million dollar difference which is you are close to  
8 50 percent reduction.  It just strikes me as  
9 striking that it would be that kind of disparity.  I  
10 just wanted to understand it.

11                   MR. REYNOLDS:  The difference really comes  
12 from the business license tax.  We did a 75 percent  
13 occupancy rate on the hotels which is quite low, our  
14 hotels now -- well, they are something over 75, but  
15 haven't broken 80 so we felt that 75 -- this is,  
16 again, a fairly strong and improving hotel market so  
17 we felt that 75 percent occupancy was still quite  
18 conservative.

19                   COMMISSIONER BARTOLO:  What is the current  
20 hotel occupancy rate for Sunset Strip area?

21                   MR. REYNOLDS:  Sunset Strip alone I don't  
22 know, but in total West Hollywood hotels, I believe  
23 two months ago because data comes in a couple months  
24 later was 77 percent.  And it's been on a steep  
25 upward trend.

1                   COMMISSIONER BARTOLO: One final question,  
2 if I may.

3                   MR. REYNOLDS: Sure.

4                   COMMISSIONER BARTOLO: Are there  
5 conference facilities, are there facilities within  
6 the hotel that are planned that would serve as a  
7 potential drawing card for other hotels on or off  
8 the strip in terms of a business center capability  
9 so that it would actually assist if there is an over  
10 flow requirement for larger user they could actually  
11 use other hotels in the area?

12                  MR. REYNOLDS: For conference specific?

13                  COMMISSIONER BARTOLO: Yes.

14                  MR. REYNOLDS: They are not really what I  
15 would characterize as conference.

16                  COMMISSIONER BARTOLO: It would be the --  
17 I was wondering about the Marriott.

18                  MR. REYNOLDS: They are more smaller. W  
19 is definitely a high end. It's a J. W. Marriott  
20 which is the top of the line for Marriott, but I  
21 would not characterize these as conference hotels.  
22 If I'm not mistaken both together have 5,000 square  
23 feet of meeting and conference space which is really  
24 relatively small.

25                  COMMISSIONER BARTOLO: Very small.

1                   MR. REYNOLDS: Two, our market is boutique  
2 hotels, that is really is our strength in the  
3 market. It would be wanting to have a conference  
4 hotel we have not been able to do that, but I would  
5 characterize these as boutique hotels.

6                   COMMISSIONER D'AMICO: I would like to  
7 clarify, it's actually 2250 in one hotel. There is  
8 only one hotel that has the facility.

9                   MR. REYNOLDS: Where did I get the 5,000?  
10 It's just the one 2250.

11                  CHAIR ALTSCHUL: If that concludes the  
12 questions of Ray. We'll move on.

13                  COMMISSIONER HAMAKER: Ray, as part of the  
14 development agreement are we going to be given some  
15 sort of comparison to the signage revenues of the  
16 approved project and what was paid to the applicant  
17 in '99 and the signage on this project which seems  
18 to be quite a bit more?

19                  MR. REYNOLDS: We did not have any -- you  
20 are talking about the tall walls and the billboards  
21 say?

22                  COMMISSIONER HAMAKER: Right.

23                  MR. REYNOLDS: We were never a party of to  
24 that agreement with Clear Channel. If that is your  
25 question.

1                   COMMISSIONER HAMAKER: I guess my question  
2 is the applicant had a project approved in '99 that  
3 included signage that they then sold and made money  
4 from.

5                   MR. REYNOLDS: Yes.

6                   COMMISSIONER HAMAKER: And now they want  
7 another project approved with signage.

8                   CHAIR ALTSCHUL: But the city does not  
9 participate in the signed revenue.

10                  MR. REYNOLDS: That's correct we do not  
11 participate.

12                  COMMISSIONER HAMAKER: But are we going to  
13 be given any kind of idea what kind of gift we're  
14 giving to them in letting them build these tall  
15 walls?

16                  MR. REYNOLDS: Well, it certainly -- there  
17 is no question it's a huge financial benefit to the  
18 project. We do not know what that amount is. It's  
19 been reported in the paper, we were never a party to  
20 that agreement. Other than the ten percent revenue  
21 on the bridge, we really had no part of and no  
22 requirement that they report those revenues what  
23 their gross revenues or net revenues would be on the  
24 signs. We never knew that on the past agreement.  
25 We don't know on this agreement.



1                   COMMISSIONER HAMAKER:  Rather I know we're  
2   not in deliberations, but I would just be interested  
3   to know as part of the public benefit that we are  
4   going to be getting from this project how it seems  
5   as though it's apples and oranges we know what  
6   our --

7                   CHAIR ALTSCHUL:  I understand where you  
8   are going with that, it's not our concern.

9                   COMMISSIONER HAMAKER:  I would disagree  
10  with the chair on that.

11                  CHAIR ALTSCHUL:  If you want to confer  
12  with Ray on that or staff on that that would be I  
13  think preferable.

14                  COMMISSIONER DELUCCIO:  Actually, Ray,  
15  city would get or is entitled they already get ten  
16  percent of the video screens is it on the bridge is  
17  that what --

18                  MR. REYNOLDS:  Yes.

19                  COMMISSIONER DELUCCIO:  So has there been  
20  a calculation made on that?

21                  MR. REYNOLDS:  No.

22                  COMMISSIONER DELUCCIO:  Okay.

23                  CHAIR ALTSCHUL:  Kate.

24                  COMMISSIONER BARTOLO:  This question is  
25  for Christi.  I recognize the issue of the ability

1 to impose a tax on the billboard or tall wall signs  
2 is something that existing restrictions if the  
3 developer were to voluntarily agree to set aside a  
4 portion of the revenues on a debt indicated income  
5 stream basis perhaps flowing directly into the  
6 general fund. I don't know if you could actually  
7 designate it for specific purpose would that be  
8 something that would be legally allowable?

9 MS. HOGIN: Yes.

10 CHAIR ALTSCHUL: Thank you, Ray. CJ who  
11 is next?

12 MS. HOGIN: I'm going to take over from  
13 here. Good evening, Chair. Last night there were  
14 two questions that you had asked me to address. The  
15 first one was raised by Fred Gaines who is the new  
16 attorney for Grafton and he had raised specifically  
17 the question of the fairness of the responses to  
18 comments coming out the Friday before the hearing.  
19 The short answer to that question is that it was not  
20 unfair and, in fact, the responses to comments  
21 needed to come out and out they were and the draft  
22 EIR had been circulated, but I'm going to defer to  
23 Bruce on that because he's going to give you a more  
24 detailed discussion of what the notice has been and  
25 what the opportunities that the public has had to

1 look at the draft beforehand to assure you that  
2 we've complied with the law in that regard. And that  
3 people have had a good opportunity and, you know, we  
4 continue to listen and take comments.

5 The second question that you posed to me  
6 really came from our last speaker of the evening it  
7 was attorney named Allen Wilian.

8 CHAIR ALTSCHUL: Wilian.

9 MS. HOGIN: And he cited to you a question  
10 of CEQA. And I also know from last night there are  
11 a lot of newcomers to this process so I try not to  
12 use acronyms without explaining them and also for  
13 the court reporter. CEQA is C E Q A. It stands for  
14 the California Environmental Quality Act the act  
15 which requires the city to do an environmental  
16 impact report before it makes decisions. He cited  
17 to you Public Resources Code Section 21-002. And he  
18 suggested that that section said that you could not  
19 legally approve the project absent any evidence that  
20 there is a substantial financial difference between  
21 the project that was before you tonight and the one  
22 that was approved in 1999.

23 Mr. Wilian's comments are well-taken to  
24 the extent that he is suggesting that a development  
25 agreement must be in the public interest. If this

1 project is ultimately going to be approved by the  
2 city council, then the city council is going to have  
3 to find the proposal, the overall burdens, compared  
4 to its benefits are, in fact, in the best interests  
5 of the city. But there is no provision of CEQA,  
6 however, that compels the commission to recommend  
7 approval or denial of a project as well you well  
8 know because we've been through this many times  
9 before, that is not the roll of CEQA. CEQA is  
10 primarily concerned with making sure that you  
11 understand what the environment implications of a  
12 project are before you decide whether to approve it  
13 or to deny it and that is essentially the roll of  
14 the EIR in these hearings to make you aware of what  
15 the implications are for the environment of the  
16 project.

17 The section of CEQA that was cited by  
18 Mr. Wilian sets forth basically the legislatures  
19 intent in CEQA or at least a portion of its intent.  
20 In a nutshell there is three components of that  
21 section. The first it just states the State of  
22 California policy that cities should not approve a  
23 project where there are feasible alternatives or  
24 there are feasible mitigation measures which would  
25 avoid a significant environmental impact unless they

1 are imposed. In other words, that section of CEQA  
2 says that it's California policy that if you can  
3 avoid a significant impact, then you should.

4 The second portion of that section says  
5 that the procedures that are set out in CEQA are  
6 specifically intended to create a methodology by  
7 which you can systematically identify what are  
8 feasible alternatives and what are feasible  
9 mitigations for impacts that are identified.

10 And the third part of that section says  
11 that individual projects that cause environmental  
12 impacts may still be approved by you if there are  
13 social, economic or other conditions that make  
14 alternatives or mitigation measures infeasible. In  
15 other words, if you can't avoid the impact, you can  
16 still approve the project if you have good reason  
17 to.

18 The legislative intent sections of any  
19 statute are basically aids to understanding overall  
20 what the statute is meant to say. It gives you some  
21 clues when you are trying to interpret ambiguous  
22 provisions. In this case the section also sort of  
23 offers us a substantive mandate and that is that the  
24 city must impose any feasible mitigation measure or  
25 alternative that it identifies.

1                   So, in other words, the city should not  
2 approve a project that has a substantial impact that  
3 could be but is not mitigated. And that's what  
4 Bruce has been working with you to understand the  
5 EIR it catalogs for you each of the potential  
6 impacts, and it concludes whether or not it is  
7 significant and if it is significant it identifies  
8 whether there are feasible mitigation measures.  
9 There are feasible mitigation measures then it  
10 evaluates whether those mitigation measures once  
11 imposed will bring you down below a level of  
12 significance, reduce the impact to a level below  
13 significant or whether it will remain significant.

14                   And that in a nutshell is the process that  
15 we've been undertaking and will continue to. That  
16 section does not nor does any section of CEQA  
17 prohibit the commission from recommending approval  
18 of the project whether or not there is a substantial  
19 financial difference between this project and the  
20 1999 project.

21                   I thought through the comments that Mr.  
22 Wilian had made because I was trying to sort of  
23 fully appreciate what he was getting at and I think  
24 that some of it goes not to CEQA so much as to the  
25 idea of a development agreement and a public

1 benefit.

2                   So if I may just one more minute,  
3 Mr. Chair, throw in a couple of premises that might  
4 assist the commission in organizing your thoughts as  
5 you look through this. The first is that the  
6 development agreement is basically a creature of  
7 state law. The legislature enacted the statute to  
8 provide property owners with a method of obtaining  
9 an agreement with the city that will freeze the  
10 rules that apply to the development of a project for  
11 a length of time. Ordinarily if you own a piece of  
12 property and the law changes then you are just  
13 subject to the new laws as it goes along. When you  
14 have a big project that might take years to finance  
15 and get investors and ultimately will be built-in  
16 projects -- I mean in stages, those potential  
17 changes in the law can be very threatening because  
18 it can upset the whole apple cart midway through.  
19 And in recognizing that the legislature created this  
20 mechanism where if the project is offering some  
21 benefits to the city, then you can enter into an  
22 agreement that basically freezes the rules for a  
23 period of time. And that's the core of the  
24 development statute is that it basically vests or  
25 locks in the entitlements for a period of time.

1                   The project that was described in the 1999  
2 development agreement is vested. The owners have a  
3 right to build it, that is a done inked deal. I  
4 think there is some confusion about what the  
5 relationship is between the project in front of you  
6 and that project. And I just want to be clear  
7 because I think it is interesting to make the  
8 comparisons, I think you need to know what the  
9 comparisons are. I think you should feel free to  
10 investigate that and to understand for yourselves  
11 what the difference is between if they build what  
12 they are entitled to build now or they build what  
13 they are proposing to build what the differences  
14 would be.

15                   But ultimately it's going to be your  
16 responsibility to look at the project in front of  
17 you on its merits and determine whether or not in  
18 the end the commission finds that that project on  
19 its own is he in the public's interest. I think  
20 that Mr. Wilian's question the implication that you  
21 are considering is linked somehow to making -- to  
22 looking at the delta or the differences and judging  
23 that is just incorrect. You have to look at this  
24 project on its own.

25                   CHAIR ALTSCHUL: Question. Is it a



1 correct statement that the current project that we  
2 are looking at is a separate application for a new  
3 project with the possible exception of the  
4 development agreement and that it is not an  
5 application to modify the 1999 approved project?

6 MS. HOGIN: Yes, that is the best way to  
7 look at it for this reason. The '99 project can go  
8 forward as it is, period. End of story. This  
9 project can't go forward unless you approve it,  
10 period. End of story. So you should look at this  
11 new one as a project do you want it or do you not  
12 want it. If you don't want it, they can still go  
13 forward with the 1999 project. If you do, this will  
14 replace it. It's sort of a replacement. I think  
15 it's important, as I say, and you should feel free  
16 to look at the differences because I think that it's  
17 interesting to the community but ultimately the  
18 findings you need to make is whether the project in  
19 front of you has a public benefit, is in the  
20 public's best interest. And that's all I had to  
21 say.

22 Back to you CJ.

23 MR. KEHO: Up next will be Terri. And  
24 Terri Slimmer will be discussing -- will have an  
25 update about the Los Angeles DOT letter that was

1 presented last night and also some comments about  
2 some of the major traffic questions that were made  
3 by commentators last night.

4 MS. SLIMMER: Good evening. I would like  
5 to first follow-up the statements that we made last  
6 night relative to the L.A. DOT letter and I'm  
7 pleased to report that those issues have been  
8 resolved. That, in fact, the applicant has  
9 reaffirmed their commitment to L.A. DOT in  
10 accordance with the January 2000 settlement and  
11 co-operation agreement.

12 Additionally, in conjunction with the  
13 applicant the City of West Hollywood has in working  
14 with L.A. DOT has agreed to providing the preemption  
15 -- the opti-con cameras the preemption -- the  
16 emergency vehicle preemption system in West  
17 Hollywood and the applicant has agreed to pay for  
18 that. So that resolves the L.A. DOT concerns of  
19 yesterday.

20 And we had a couple of small comments  
21 through a number of public comments last night so  
22 I'm going to hit those first and then I'll talk a  
23 little bit about Mr. Kassan's letter that  
24 represented the Fountain View residents. Let me  
25 find them first.

1                   First there was a comment relative to  
2                   Laurel Canyon not being assigned any traffic. In  
3                   fact, Laurel Canyon was assigned five percent of the  
4                   ten percent of traffic coming from the north. And  
5                   that is indicated in the text. It's not indicated  
6                   on the exhibit. The exhibit simply says ten percent  
7                   going to the north when there is actually two  
8                   percent and one percent divided up and five percent  
9                   on Laurel Canyon.

10                   The Santa Monica and La Cienega Boulevard  
11                   intersection remains impacted, yes, that's true.  
12                   Although it is anticipated that the applicant's  
13                   compliance with the city's DTM ordinance and  
14                   standard development will encourage public transit  
15                   use and reduce vehicle trips for the proposed  
16                   project employees and the applicant's contribution  
17                   for traffic signal synchronization implements and  
18                   traffic improvement would benefit and would, in  
19                   fact, lessen the traffic impacts from the proposed  
20                   project at that intersection. They are not enough  
21                   to reduce the traffic impact to a level of  
22                   insignificance.

23                   If we were in L.A. and we actually gave  
24                   them a seven percent credit for that we would, in  
25                   fact, reduce that intersection to a level of

1 insignificance, but the City of West Hollywood does  
2 not apply those types of credits to that.

3           So in that instance, our traffic study is,  
4 again, conservative. To Mr. Kassan's issues, we've  
5 reviewed all of those comments and we've concluded  
6 that the traffic analysis that has been prepared by  
7 GACO disclosed all of the project potential traffic  
8 impacts.

9           And let me again, say that we've applied  
10 the most reasonable and conservative methodology.  
11 There are examples where we've used the fifth  
12 generation of ITE instead of the seventh generation.  
13 The seventh being the newer one which would actually  
14 allow for a 20 percent less trip generation so,  
15 therefore, by using the fifth generation we have a  
16 higher trip level. ITE allows for passby trips as  
17 much as 40 to 60 percent. We've used 20 percent.  
18 Passby trips meaning if you are on your way home or  
19 someplace else you go by and you see something there  
20 at the project that you'll stop in.

21           So, again, we've been extremely  
22 conservative in those numbers, meaning we've  
23 projected the height in the worst case scenario. So  
24 we're comfortable with the analysis identifying all  
25 of the potential impacts.

1                   Further, we've identified all feasible  
2 mitigation measures that reduced the projects  
3 impacts to less than significant. Again, we have  
4 the applicant's contributing to things like the TDM  
5 and traffic synchronization, but those contributions  
6 do not bring the levels down to insignificant.

7                   So as such we do not believe that any  
8 further analysis relative to traffic is warranted.

9                   CHAIR ALTSCHUL: Thank you. Any questions  
10 for Terri? Kate?

11                   COMMISSIONER BARTOLO: Not to put you on  
12 the spot because this is not one of the questions  
13 that was posed, so if you can't give me a very  
14 specific answer, it's understandable, but one of the  
15 things that I sort of know, I know intuitively and  
16 I've seen enough studies to include this, but could  
17 you find -- what I would appreciate and perhaps also  
18 educate the audience on uses and the difference in  
19 the traffic patterns that are created based on the  
20 difference in uses. So, for example, when you  
21 compare residential uses versus office/hotel uses  
22 versus office, hotel uses versus residential, can  
23 you kind of articulate a form log that would sort of  
24 use a general industry specific rule of thumb that  
25 would articulate those differences?

1 MS. SLIMMER: Are you asking about a  
2 difference in the trip or how we do the methodology?

3 COMMISSIONER BARTOLO: Well, trip count  
4 would be a good example.

5 MS. SLIMMER: And Tom may need to jump in  
6 and help me here.

7 COMMISSIONER BARTOLO: Sorry.

8 MS. SLIMMER: It needs to be understood  
9 when we look at trip we look at a morning peak and  
10 an afternoon peak, which is basically employees.  
11 And that's generally the worst case scenario.  
12 Although, as I said we did look for a late night  
13 analysis for Friday and Saturday night on Sunset in  
14 this project. So, therefore, whether you say it's  
15 an office, you can automatically say that most of  
16 the trips are going to be in the morning and the  
17 afternoon. If you look at a late night restaurant  
18 that may not open until four or five o'clock, they  
19 are not going to have a morning peak trip  
20 generation, but they will have an evening trip peak  
21 generation.

22 If you look at a retail store, a lot of  
23 retail stores don't open till nine o'clock so they  
24 may have there on the outside of 7:00 to 9:00 window  
25 so they would have a percentage we would look at.

1 And they would also have a P.M. peak trip  
2 generation. Does that --

3 COMMISSIONER BARTOLO: Partly. One of the  
4 other questions isn't there higher occupancy count  
5 for office and most of offices employees versus,  
6 let's say, residential and that in yourself you  
7 already have less people coming and going from  
8 residential than office; is that correct?

9 MS. SLIMMER: Yes, that's correct.

10 COMMISSIONER BARTOLO: Can you give me a  
11 ratio or comparative?

12 MS. SLIMMER: Do you know off the top of  
13 your head? No.

14 COMMISSIONER BARTOLO: It would be based  
15 on square feet, three or four employees per square  
16 foot and it is comparably smaller for residential.

17 MS. SLIMMER: Correct. It depends on the  
18 type of office and the type of residential and  
19 sometimes it's broken down specifically by the  
20 height of the hotel rooms or, you know, the levels  
21 of the office buildings and things.

22 COMMISSIONER BARTOLO: Is it possible for  
23 staff for the next meeting to come back and do a  
24 comparative analysis of the 1999 entitlements in  
25 terms of the difference in uses and trip generation

1 based on in part an occupancy type of usage,  
2 et cetera.

3 MS. SLIMMER: If you look on page --

4 COMMISSIONER BARTOLO: I saw the  
5 percentages provided to us. I would like to  
6 understand how it gets there. And I think as we  
7 look at mixed use as viable alternatives for  
8 planning, I think it would be a really good idea to  
9 sort of firmly articulate the differences between  
10 commercial retail and residential and the average  
11 trip count generation for each use.

12 MS. SLIMMER: If we look, Commissioner  
13 Bartolo, if you look in Volume I --

14 COMMISSIONER BARTOLO: The one time I  
15 didn't bring my book with me.

16 MS. SLIMMER: Table 19 shows the trip  
17 generation estimates for the entire project.

18 CHAIR ALTSCHUL: What page is Table 19 on?

19 MS. SLIMMER: Page 273.

20 CHAIR ALTSCHUL: 273.

21 MS. SLIMMER: And then on Page 271 Table  
22 17 is the trip generation for the proposed project.

23 TOM: If you look at just a comparison of  
24 total peak trip generation you'll see for the office  
25 use there was a total trip peak generation of 282



1 trips compared to a total trip generation of a 105  
2 trips for the condominiums. So that's roughly 2.5,  
3 2.6 ratio if you just swapped out the residential  
4 for the office straight up.

5 COMMISSIONER BARTOLO: That is what I was  
6 asking. Thank you.

7 COMMISSIONER DELUCCIO: One follow-up  
8 question on the top of my list which I think you  
9 answered the question about how much meeting space  
10 and the meeting would be 2250 square feet in one of  
11 the hotels only, does that include the banquet  
12 facility space or would there be any?

13 MS. SLIMMER: I think that is a CJ  
14 question.

15 MR. KEHO: The 2250 square feet is the  
16 only meeting space. There is no banquet hall or  
17 anything like that. There are restaurants, but  
18 those are counted independently.

19 COMMISSIONER DELUCCIO: Because if there  
20 is a lot more meeting space banquet facilities,  
21 wouldn't that generate a lot more trips?

22 MS. SLIMMER: Again, if one makes the  
23 presumption that the banquet facilities and some  
24 people will actually be staying in the hotel, the  
25 ITE would indicate that that is an ancillary use

1 and, therefore, would not calculate any trips. We  
2 calculated an additional 50 percent of trips for  
3 those uses. So I think we would certainly be  
4 covered should that ever be the case.

5 CHAIR ALTSCHUL: Any further questions of  
6 Terri or on traffic? Thank you. I think we'll take  
7 a ten-minute break before we get to Bruce.

8 (Recess taken.)

9 CHAIR ALTSCHUL: CJ.

10 MR. KEHO: Thank you, Charles, members of  
11 the commission, picking up where we left off is  
12 Bruce Lackow the consultant working for the city who  
13 prepared the draft EIR and final EIR. So Bruce is  
14 going to cover some of the issues related to  
15 environmental impacts and the EIR left over from  
16 last night.

17 So Bruce, can you take it?

18 MR. Lackow: Thank you, CJ. Good evening  
19 chairman and commissioners. It's good to see you  
20 again and thank you for the opportunity to allow me  
21 to assist you in your understanding of the project  
22 and its environmental implications. Based upon the  
23 testimony that we heard last night and the written  
24 comments that we also got a chance to peruse over  
25 last evening some of us did continue to work after

1 the hearing last night, at least I know at least one  
2 somebody did that work, I think it might have been  
3 me. But regardless because I want you to be  
4 prepared today to present some feedback to you with  
5 regard to what you heard to further your  
6 understanding of the issues that are on the table  
7 because the project is very important from many  
8 dimensions whether it be from the city's  
9 prospective, the adjoining residents, the adjoining  
10 cities, it's a very important project and needs to  
11 be taken very seriously as it has been so far and  
12 will continue to be through its review by the city  
13 council.

14 So when thinking about the testimony from  
15 last night and looking over the written commentary,  
16 of course, there were recurring themes we heard from  
17 multiple speakers, so rather try to pick off very  
18 specific comments one by one because we know that  
19 could go on for quite some time and I don't want you  
20 to use the commission's time in that way. What I  
21 would like to do is provide you an overview of a  
22 handful of issues and then allow you to ask specific  
23 questions about any of the particular issues  
24 relative to your individual areas of interest and/or  
25 want to achieve a greater level of understanding



1 use because there was a lot of time spent  
2 particularly by the Fountain View people they spent  
3 a considerable effort to review the Sunset specific  
4 plan and while we will not review their comments on  
5 a policy by policy basis, we feel that it's  
6 appropriate to provide some level of commentary with  
7 regard to the issues raised.

8           We'll also talk a little bit about  
9 construction. We'll talk about noise and air  
10 quality. We'll talk about public services. And  
11 we'll also talk about one or two additional points  
12 with regard to CEQA adequacy in addition to the  
13 points that were raised by Christi.

14           With that as a brief overview, let's just  
15 launch right into it. With regard to seismic, it's  
16 both the law and the policy of the City of West  
17 Hollywood not to allow construction on active  
18 faults. No ands, ifs or butts. No exceptions. No  
19 exclusions. If it's an active fault no construction  
20 can happen. Appendix F of the draft EIR provides a  
21 full and complete analysis in support of the  
22 determination that the northerly fault is  
23 appropriately classified as inactive. This  
24 technical analysis was reviewed and approved by the  
25 city as part of the draft EIR process. And that

1 staff includes that the information in the EIR is  
2 satisfactory to support a decision by the planning  
3 commission that the issue is appropriately analyzed.

4 Furthermore, compliance with the city's  
5 building code will require that the confirmation of  
6 the status of the fault occur at the time that a  
7 permit the first permit is pulled relative to  
8 construction activity at the site.

9 So basically we have provided you  
10 sufficient information to base your decision with  
11 regard to the project and the classification of the  
12 fault as inactive, and that there will be additional  
13 confirmation of that through the permit and plan  
14 check process.

15 In addition, Ed Sabans the city's peer  
16 reviewer on geotechnical issues is with us tonight  
17 so should you want to probe further with regard to  
18 the seismic issue, Ed is available to provide  
19 additional geotechnical information. Okay?

20 CHAIR ALTSCHUL: We have one question,  
21 Bruce.

22 MR. Lackow: Go right ahead.

23 VICE-CHAIR THOMPSON: We want to ask  
24 questions as we go through these various things.

25 MR. Lackow: It might make sense.

1                   VICE-CHAIR THOMPSON: I just -- I mean, I  
2 understand what you just said, but I just want to  
3 raise two things from last night. The first one was  
4 one of the speakers defined or defined active and  
5 talked about the 11,000 year -- do you remember  
6 those comments?

7                   MR. Lackow: Yes.

8                   VICE-CHAIR THOMPSON: Those obviously seem  
9 inconsistent with what you just said, and I'm just  
10 wondering where those came from.

11                  MR. Lackow: At this time rather than play  
12 geologist I'll just hand it over to a real geologist  
13 and let Ed brief you on the issue.

14                  VICE-CHAIR THOMPSON: The comment I'm  
15 talking about last night about the definition of  
16 active or the definition of active being 11,000  
17 years.

18                  MR. Lackow: Showing displacement.

19                  MR. SABANS: That's the state --

20                  CHAIR ALTSCHUL: Would you please state  
21 your name and city of residence.

22                  MR. SABANS: My name is Ed Sabans from  
23 Yorba Linda. I've been a geology reviewer for the  
24 city since 2000.

25                  VICE-CHAIR THOMPSON: And so just

1 reconcile, I just want to understand, reconcile that  
2 definition with the conclusion that he just reached.

3 MR. Lackow: Okay. Maybe I'll take a shot  
4 at it, and, Ed, you can backfill with information.  
5 I didn't realize the pun. Basically, the  
6 demarcation is if you did an investigation of the  
7 fault, if it showed displacement of the soil within  
8 the last 10,000 years and then in human terms that  
9 seems like an awful long time. But in geologic  
10 terms, obviously, it's not a very long time. So if  
11 the investigation shows that there has been  
12 displacement in the last 10,000 years based upon  
13 criteria established by the state, that fault is  
14 classified as active. If there is no evidence of  
15 displacement in the last 10,000 years, it is  
16 classified as inactive.

17 Based upon the stratigraphy of the soil  
18 beneath the site there has been a determination that  
19 there is no evidence of displacement in the last  
20 10,000 years and, therefore, it's classification is  
21 inactive.

22 VICE-CHAIR THOMPSON: Is that right?

23 MR. SABANS: Fine.

24 VICE-CHAIR THOMPSON: And the second  
25 question I had is one of the speakers made a



1 specific comment last night about the ingress and  
2 egress of the heavy trucks and whether or not that  
3 had an impact on the active or inactive status of  
4 fault two and I didn't know whether -- they made the  
5 claim, I think that there was a lack of analysis in  
6 that regard. How did that fit in.

7 MR. Lackow: Let me just restate it for  
8 Ed's benefit, and also to help clarify. There was  
9 an assertion made by one of the commentators that  
10 construction activities on the site would somehow  
11 trigger an adverse geologic effect with regard to  
12 the fault almost in essence that saying on-site  
13 construction would cause a seismic event with regard  
14 to the fault.

15 MR. SABANS: There has never been any  
16 evidence to suggest that in the very near surface  
17 that any activities by man in terms of unloading  
18 ten, 20, 30 feet of soil could possibly affect the  
19 kinematics, the physics of a fault plane. So that's  
20 really not possible.

21 VICE-CHAIR THOMPSON: Those were just two  
22 points of clarification.

23 COMMISSIONER HAMAKER: Bruce, let me just  
24 ask one thing, so I guess what I'm hearing is the  
25 gentleman that I think identified himself as a

1 geologist last night, it's possible just as two  
2 doctors come up with a different diagnosis he came  
3 up with a different conclusion?

4 MR. Lackow: Yes.

5 COMMISSIONER HAMAKER: Based on his  
6 observations and his reading. I actually wasn't  
7 paying attention to where his conclusions came from  
8 particularly and maybe you were, and perhaps that  
9 the two of you know that the research that was done  
10 on our EIR is more in depth than what he had done.

11 MR. Lackow: Let's talk a little bit about  
12 that point and let's talk about how CEQA deals with  
13 disagreement among experts, because that is a  
14 concept under CEQA and if I guess if I could play  
15 engineering geologist maybe I can play attorney, I  
16 guess I have many hats in my closet and I'll switch  
17 between them right now.

18 Basically as you pointed out much like a  
19 doctor if you showed two doctors an X-ray or an MRI  
20 they could very easily reach a conclusion about a  
21 different diagnosis as what is wrong with the  
22 individual. Basically what that individual had done  
23 and I'm sure he's well qualified capable competent  
24 engineering geologist, based on his review of the  
25 data he reached a different conclusion than what was

1 reached in the geotechnical reports prepared for the  
2 project and reviewed by Ed and others at the city.

3 Basically, what CEQA does with that  
4 because it clearly recognizes that these types of  
5 events will occur, so it has a concept called  
6 disagreement among experts. The city is empowered  
7 under CEQA to choose among those experts as long as  
8 there is substantial evidence in the record that  
9 supports the determination by the commission.

10 In this case the commission would be  
11 making a determination that the geotechnical reports  
12 that are part of the draft EIR in conjunction with  
13 information that has been provided through the final  
14 EIR and at the planning commission hearings  
15 constitutes substantial evidence to support the  
16 finding that at this point in time for purposes of  
17 the planning commission's decision that there is  
18 sufficient evidence in the record to support a  
19 conclusion that the fault is inactive.

20 As I indicated, there will also be a  
21 requirement as part of the city's building code that  
22 applies to not only Sunset Millennium but any  
23 project that is built in the city that a  
24 confirmation of that determination be part of the  
25 plan check and plan review process that the project

1 will be subject to at a later date.

2                   So it's not a one time decision that you  
3 have to make. And that what staff is indicating is  
4 that there is sufficient evidence to support our  
5 conclusion and that it will be confirmed at a later  
6 date at a more appropriate time in the process.

7                   MS. HOGIN: Bruce, may I just interject  
8 something just to add a little bit to that because I  
9 know that from where you sit it could be very  
10 intimidating to be asked to decide among experts. I  
11 mean, the example that Bruce used was very daunting  
12 if you were going to get an MRI and you were going  
13 to pick which doctor to go, you would want to go to  
14 the foremost conservative one in fear of something  
15 terrible happening. And I just wanted to let you  
16 know, although I'm not a geologist either, I do  
17 spend a lot of time in the --

18                   COMMISSIONER D'AMICO: I'm not a  
19 geologist.

20                   MS. HOGIN: I do spend a lot of my time in  
21 the city of Malibu and I do know a lot about geology  
22 and geologist. Wanted to explain to you the process  
23 we use here of peer review. Because Bruce -- Ed as  
24 he introduced himself said that he has been working  
25 in the city since 2000 and that means that he has

1 become familiar with this city's geology in  
2 particular up and down not just this site up and  
3 down, and he has no dog in this fight. And we under  
4 CEQA are required to give independent review. He's  
5 not for this project and he's not against this  
6 project either way. And so the property owner who,  
7 in fact, is for this project hires a geologist who  
8 is a professional who has professional integrity,  
9 who has, you know, a reputation and has ethics --  
10 I'm not suggesting his opinion could be bought, but  
11 he is asked to find a viable way to build the  
12 project. That is his job. And he puts together his  
13 geology report, but the city doesn't rely on that,  
14 the city hires an independent geologist who we ask  
15 to be skeptical and to use industry standards and to  
16 look at it again and tell us what he thinks of it.

17 So what you are looking at here in the  
18 record then is not only the opinion of the geologist  
19 who he puts his professional, you know, sign on it,  
20 signature to it who has been hired by the applicant,  
21 but also a second opinion who, again, as I say has  
22 no interest one way or another in the project, but  
23 is here to make sure we don't make any geologic  
24 mistakes.

25 CHAIR ALTSCHUL: Joe.

1                   COMMISSIONER GUARDARRAMA: My question is  
2 for Ed. Is it true that different methodology was  
3 used to determine the active and inactive status of  
4 the two faults?

5                   MR. SABANS: In the broadest sense, there  
6 were different techniques, there were different  
7 techniques that were used after the review of the  
8 2000, the additional data that was acquired for  
9 fault one the southern fault where there was the  
10 possible evidence of some disruption of the soil  
11 layers based on the initial interpretation by  
12 William Lattis. So we asked them to put in some  
13 additional borings that were large diameter borings  
14 24 inches that geologists actually go in the hole  
15 and could observe the soil. And in that in those  
16 borings they did identify a fault plane and were  
17 also able to collect some carbon samples which were  
18 subsequently analyzed and to determine an age of the  
19 soils that had been disrupted. That was the recent  
20 study that was undertaken to evaluate the southeast  
21 corner of the east parcel.

22                   The study that was done in 1998 on the  
23 northern fault involved a number of borings  
24 transects or lines of borings that were oriented  
25 across the site and determined that there was

1 disruption of the soil of some of the soils  
2 underlying the site. In those transects, though, or  
3 in the borings that were done along these different  
4 lines the consultants were able to discern old soil  
5 horizons and the determination that old soil  
6 horizons were present was based on the color of the  
7 soil which is typically reddened in a soil that has  
8 been exposed at the surface for some time and the  
9 iron materials oxidize and turn to rust and rust --  
10 I'll just use, that is a simple term. The other  
11 thing that happens as soils are exposed to the  
12 surface is clay the finest grain particle in soils  
13 begins to develop as the other constituents of the  
14 soil are exposed to rain and chemical and physical  
15 weathering processes. These are called agilic  
16 horizons. They are very diagnostic of material that  
17 has been exposed at the ground surface for a long  
18 time, typically, on the order of 20, 30,000 years.

19 Fault two was evaluated across the site  
20 after the report was provided to Bingham &  
21 Associates my employer at the time and then we  
22 reviewed it, we had access to look at the core and  
23 we did see these old soils that were being described  
24 and used as the time -- as sort of the age dating of  
25 the faults. So there are clearly unbroken old soil

1 horizons greater than 11,000 years overlying the  
2 fault planes that have been mapped across the site  
3 related to fault two. That is the crux of why fault  
4 two was interpreted to be not active and based on  
5 our review we concurred with the consultant's  
6 opinion.

7 COMMISSIONER GUARDARRAMA: So if the old  
8 soil horizons if the same type of borings -- well,  
9 it actually was done on the first fault, fault one.  
10 If those old soil horizons had been found in fault  
11 one it would have been determined to be inactive and  
12 no further testing would have been necessary?

13 MR. SABANS: That's right.

14 COMMISSIONER GUARDARRAMA: Okay.

15 MR. SABANS: The other point I should bring  
16 up on fault two there was a trench because of the  
17 shallow nature of the old soils in the bedrock the  
18 consultants were able to excavate a trench which is  
19 a very uncommon occurrence in the city because in  
20 general the young soils are quite thick so the  
21 trench can never extend into the type of material  
22 that you need to indicate that the fault is  
23 inactive. And in that they did expose very old  
24 soil, they did expose faults and were able to make  
25 direct observations of the faults not disrupting old



1 agilic horizons.

2 CHAIR ALTSCHUL: Donald.

3 COMMISSIONER DELUCCIO: Just a quick  
4 question. You guys have determined these are  
5 inactive faults, however, does the city require that  
6 they build so many feet back from these fault lines?

7 MR. SABANS: No, not from inactive faults.  
8 If it were, for instance, fault one, the southern  
9 fault has been determined to be active and,  
10 therefore, a fifty-foot set back has been  
11 established from that.

12 COMMISSIONER GUARDARRAMA: I have one more  
13 question just to be very, very clear. Was there  
14 anything in the methodology of the testing of fault  
15 No. 2 that would -- that is different or in any way  
16 lighter or not quite as exhaustive as other  
17 comparable sites that you've seen?

18 MR. SABANS: No. The work that was done,  
19 the transects are really the standard of practice  
20 that has been developed over the 24 or so studies  
21 that have been developed that have been performed in  
22 the city. Collecting the continuous core samples is  
23 the standard of practice that is accepted in the  
24 city. In the cases where there is some potential or  
25 there isn't enough data because you are looking at

1     discreet vertical samples that are spaced tens of  
2     feet apart in the cases where we do see some  
3     potential disruption where the soil layers are not  
4     very plain or there may be some small disruption or  
5     tilting, we typically comment upon that and ask for  
6     additional borings to be placed between those that  
7     are a problem. And in some cases even the large  
8     diameter borings that the geologist can enter if  
9     we're in the northern part of the city where shallow  
10    groundwater isn't an issue as it is in some parts of  
11    the city.

12                   COMMISSIONER GUARDARRAMA: All right.

13     Thank you.

14                   CHAIR ALTSCHUL: Thank you.

15                   MR. Lackow: Thank you, Ed. We'll move on  
16     to the next issue which is also geologically  
17     related, so if you don't mind.

18                   CHAIR ALTSCHUL: Before you do that,  
19     Bruce, could you in one sentence summarize your  
20     conclusion about what you and Ed just said?

21                   MR. Lackow: That the findings and  
22     conclusions that are presented in the draft EIR  
23     remain valid and are unchanged. That the no  
24     additional mitigation measures are required with the  
25     mitigation measures that have been imposed seismic

1 impacts are reduced to less than significant levels.

2 CHAIR ALTSCHUL: Thank you.

3 MR. Lackow: Okay. With regard to  
4 liquefaction, I'll spare you the gory details unless  
5 there is some interest on the commission of probing  
6 further on that issue. But a number of comments  
7 were raised last evening regarding the potential for  
8 adverse effects due to liquefaction. The issue of  
9 liquefaction much as fault rupture was fully and  
10 completely analyzed in the draft EIR and additional  
11 responses were provided in the final EIR with regard  
12 to issues that were raised. The draft EIR also  
13 identified a few mitigations measures with regard to  
14 liquefaction to provide additional certainty that  
15 the project development could go forward without  
16 having a significant impact with regard to  
17 liquefaction. And that so with the imposition of  
18 the mitigation measures that are in the draft EIR  
19 all potential liquefaction impacts have been reduced  
20 to less than significant levels. Okay?

21 Is there any interest in asking additional  
22 questions about liquefaction?

23 Okay. Thank you, Ed. Moving to some  
24 additional points to raise with regard to the  
25 traffic issue. Basically, there is just about two

1 or three points that I think warrant attention  
2 beyond those that Terri Slimmer had touched upon a  
3 little bit earlier this evening. Terri had focused  
4 on the traffic impacts. The issue of traffic and  
5 circulation also addresses parking impacts. And as  
6 we know and there was some discussion with the  
7 development of the project there will be a loss of  
8 some on street parking places that are located in  
9 front of the middle parcel and in front of the east  
10 parcel. And what I would like to just briefly  
11 mention is just the conclusion of the EIR on the  
12 issue is that with the additional parking spaces  
13 that are available in the parking structure relative  
14 to its code requirements that there are sufficient  
15 spaces to offset the loss of the on street parking  
16 spaces and, therefore, the projects impacts with  
17 regard to parking are concluded to be less than  
18 significant.

19 Okay. One piggybacking on that issue was  
20 the point that was discussed at length by Mr. Kassan  
21 last night and that had to do with the issue of the  
22 457 parking spaces that currently exist on the site  
23 versus the statements in the staff report, the  
24 development agreement and the EIR with regard to the  
25 435 spaces. Basically, that what we want to say on

1 that point is that while there are 457 existing  
2 spaces on the site, their availability for public  
3 parking is solely at the discretion of the applicant  
4 and that if the uses on the site were to re-occupy  
5 then those parking spaces would be used for those  
6 and would not be available for the public. Probably  
7 the most relevant example of that would be the  
8 Tiffany Theater should the Tiffany Theater be  
9 reactivated as a fully operating theater that it  
10 would very easily create a demand for, you know, one  
11 to two hundred parking spaces. And so that use the  
12 existing parking spaces is a basis to comparison  
13 with the surplus parking is really kind of an apples  
14 and oranges type of situation. What you have with  
15 the proposed project is a permanent commitment from  
16 the applicant that in addition above and beyond  
17 in perpetuity there will be 435 parking spaces beyond  
18 those required by the city.

19 So the benefit is an enormous amount of  
20 general public parking that may or may not be  
21 available versus a permanent commitment for  
22 additional parking. And we thought that was an  
23 important point to address.

24 Okay. Just to clarify and restate because  
25 there were a number of comments having to do with

1 left turns. And left turns in and out of the  
2 driveways on La Cienega as well as in and out of the  
3 driveways on Sunset. Just to clarify that point,  
4 although discussed last evening is that there are --  
5 let me say it this way: Left turns from La Cienega  
6 and on to La Cienega are prohibited. There are no  
7 left turns in and out of the driveways on La  
8 Cienega. For the driveway on Sunset, left turns are  
9 prohibited during the P.M. peak hours. During  
10 nonpeak hours you will be able to make a left turn  
11 from Sunset into the driveway, but during P.M. peak  
12 hours left turns are prohibited and there are -- and  
13 all of the driveways on La Cienega are right turn  
14 in, right turn out. I thought that was an important  
15 point to make.

16 CHAIR ALTSCHUL: Well, in my experience  
17 negotiating Sunset every day many times a day  
18 westbound traffic is very intense in the A.M. peak  
19 hours, would it not be practical to prohibit left  
20 turns also in the A.M. peak hours?

21 MR. Lackow: Thank you very much, Terri.

22 MS. SLIMMER: I think what we said was we  
23 would restrict peak hours. We have not quantified  
24 A.M. or P.M. or even late nights, Fridays or  
25 Saturdays, so that allows us to get the turn pocket

1 in. Let's look at the gaps in traffic and figure  
2 out what is best relative to each individual  
3 situation. So we may, in fact, initially prohibit  
4 the P.M. peak hours and the Friday and Saturday  
5 night peak hour left turns and then come back and  
6 analyze it if we need an A.M. that leaves it open  
7 for us to change that also.

8 CHAIR ALTSCHUL: Are the left hands turns  
9 going to be controlled?

10 MS. SLIMMER: Only by the wisdom of the  
11 driver and the gaps in the traffic.

12 CHAIR ALTSCHUL: That means they are  
13 uncontrolled. Thank you. Thanks, Terri. Or maybe  
14 we should designate a sacrificial traffic monitor.

15 MS. SLIMMER: I think it would be me.

16 CHAIR ALTSCHUL: I think it should be Ed  
17 Garren. He's laughing the loudest.

18 MS. SLIMMER: I believe and I'm going to  
19 look over to Tom I think we -- I think what Bruce  
20 said was there is no left turns whatsoever on La  
21 Cienega and I believe that we are actually allowing  
22 the same nonpeak hour left turns off of La Cienega.  
23 So let me look at Tom -- that famous word assumption  
24 has come up. In an analysis there is no assumption  
25 of left turns off of La Cienega. It doesn't

1 preclude us from either allowing them or not  
2 allowing them after the fact.

3 CHAIR ALTSCHUL: Thank you.

4 MR. Lackow: Okay. Moving onto the last  
5 point with regard to traffic, which was there were a  
6 few speakers which talked about the potential for an  
7 increase in accidents as a function of the signage  
8 on the bridge. With regard to that issue,  
9 conditions of approval were established from the  
10 previously approved project and that those  
11 conditions of approval have been carried forth and  
12 incorporated into the current Sunset Millennium's  
13 conditions of approval. And staff has reviewed the  
14 issue and has reach the conclusion that the  
15 incorporation of those conditions of approval are  
16 sufficient to preclude any significant impacts with  
17 regard to the issue of accidents.

18 With that and if you would like more  
19 discussion on that, I think that would be something  
20 that CJ will handle.

21 COMMISSIONER D'AMICO: I have one question  
22 about loading and unloading and large trucks. My  
23 reading of this is that all trucks pull off of the  
24 streets do their business and turn around on the  
25 site and then drive out the way they drove in or



1 have I read that wrong?

2 MR. Lackow: I think you are correct, but  
3 let's have Terri opine on that point?

4 MS. SLIMMER: Yes, you are correct.

5 COMMISSIONER D'AMICO: Thank you.

6 MR. Lackow: Very good. At that point  
7 then we'll --

8 CHAIR ALTSCHUL: Just one second.

9 COMMISSIONER DELUCCIO: Mine may be  
10 unrelated, but it has to do with construction. A  
11 comment came up last evening about besides normal  
12 construction hours of discretion I think one of the  
13 mitigation measures was the discretion of the  
14 director of transportation, I'll just say, there  
15 could be overnight construction activity.

16 MR. Lackow: I was going to get to that in  
17 a few, but we can reshuffle the deck and we can take  
18 it now. Quite a number of people expressed concerns  
19 about the potential for around the clock  
20 construction. In response to those concerns staff  
21 and I have collaborated and what we have is a  
22 revised mitigation measure H-10 and so we have  
23 copies of a hand markup of revisions to that  
24 mitigation measure. What I'll do is I'll read it  
25 for the record and then I'll indicate what things

1 have changed in the mitigation measure. So the  
2 mitigation measure now H-10 reads:

3 "If construction activities become such  
4 that they significantly affect  
5 vehicle circulation the director  
6 of community development shall  
7 consider temporarily extending not  
8 suspending but extending the  
9 city's construction work hour  
10 regulations 8:00 A.M. to 7:00 P.M.  
11 weekdays. Until" -- and this is a

12 new assertion and this is what provided the  
13 protection --

14 "Until no later than 11:00 P.M. but only  
15 if the director of community  
16 development determines that those  
17 construction activities address a  
18 short-term circumstances and must  
19 be completed within that time  
20 based on applicable construction  
21 standards and would not otherwise  
22 be accommodating during the city's  
23 standard construction work hours."

24 So basically what we're doing is we're  
25 extending the period of construction for an

1 additional four hours and it has to be for  
2 extraordinary circumstances. It can't simply be,  
3 gee, it would be nice if we could construct for an  
4 extra four hours. It really has to do with issues  
5 such as including but not limited to concrete pours  
6 and things of that sort that really that once you  
7 start you really need to complete in order to  
8 protect the integrity of the construction.

9 And at this time --

10 CHAIR ALTSCHUL: Just one question about  
11 the first and that is to Christi. It's my  
12 understanding that presently only the city manager  
13 can extend hours of construction past those that are  
14 permitted.

15 MS. HOGIN: There is actually a committee  
16 process that involves the building official and when  
17 this thing gets finally incorporated I think we're  
18 better off relying on the process that is in place  
19 than to create some new responsibility for the  
20 director.

21 CHAIR ALTSCHUL: So in other words, to  
22 give the authority to the city manager?

23 MS. HOGIN: Right. I think Ms. Dobrin, I  
24 believe, described the process last night and she  
25 was right about that.

1 CHAIR ALTSCHUL: Yes.

2 MS. HOGIN: It does include the director.

3 MR. Lackow: Since we started with  
4 construction we'll touch upon a couple of  
5 construction items that I wanted to mention based  
6 upon the commentary last evening and then we'll  
7 circle back and talk about land use which is  
8 obviously a very important issue and germane to the  
9 commission. There was some questions particularly  
10 from Grafton with regard to access during  
11 construction. There were mitigation measures in  
12 place in the draft of the final EIR that would  
13 assure access to all businesses and residences  
14 throughout the entire construction period. So that  
15 there will not be any point in time where access to  
16 an adjoining property will be precluded as a  
17 function of the projects construction.

18 Okay. That pretty much concludes what  
19 points I wanted to make with regard to construction.

20 Moving on to land use probably first and  
21 foremost is it's very important to note that the  
22 project is in substantial compliance with all  
23 applicable policies of the city's general plan, the  
24 Sunset specific plan and any and all other design  
25 guidelines that the city administers in their review

1 of development proposals. And that that's very  
2 important. And with that said, I'll move onto the  
3 next point.

4 COMMISSIONER DELUCCIO: Did I read  
5 something about an overlay zone that would require  
6 amendment -- would it require amendment to the  
7 general plan?

8 MR. KEHO: The overlay zone does not  
9 require an amendment to the general plan. It  
10 establishes the area covered by the development  
11 agreement and memorialized it on the zone map.

12 COMMISSIONER DELUCCIO: It doesn't require  
13 a zoning change map?

14 MR. KEHO: It is a change to the designing  
15 map.

16 COMMISSIONER DELUCCIO: So that is  
17 different than is currently permitted?

18 MS. HOGIN: Yes.

19 COMMISSIONER DELUCCIO: So that is beyond  
20 what typically is permitted as far as land use goes?

21 MR. Lackow: That is one of the  
22 discretionary actions with the proposed project is  
23 not only the adoption of the amended and restated  
24 development agreement, but also the adoption of a  
25 development - DA overlay zone that would be the

1 implementing mechanism at a zoning level for the  
2 development agreement.

3 COMMISSIONER DELUCCIO: What is the  
4 purpose of that? Is that to permit the V-shaped  
5 billboards?

6 MR. KEHO: The V-shaped billboards are one  
7 of the items on that. One of the other items is  
8 rooftop creative signs. It also allows off site  
9 advertising on the advertising kiosks. There is one  
10 on each one of the parcels. And it also -- and we  
11 covered this yesterday in the project description  
12 because of the height of these buildings standard  
13 rooftop equipment would not fit under our current  
14 standards with 10 foot screening so it allows  
15 additional height for ten foot screening and it  
16 memorializes the revised standards to accommodate  
17 those.

18 COMMISSIONER DELUCCIO: So a lot is driven  
19 by the billboards?

20 MR. KEHO: Some of it is driven by the  
21 billboards, yes.

22 MR. Lackow: Okay. Moving on, one other  
23 land use issue that I wanted to address is that  
24 there were several questions with regard to the  
25 mitigation measures that talked about the hours that

1 the public view terraces would be available to the  
2 public. Based upon discussions with the applicant  
3 it's been determined that the public view terraces  
4 would be available to the public between the hours  
5 of 8:00 A.M. and 10:00 P.M.

6 Okay? Moving on to a little bit of a more  
7 technical issue, and I'll ask for the commissions  
8 patience with going through this and I'll explain  
9 why I want to go through this in a little more  
10 detail. One or two of the significant impacts of  
11 the proposed project have to do with construction  
12 air quality and construction noise and also regional  
13 air quality. And one of the technical consultants  
14 that was retained by the Fountain View residents the  
15 gentleman Hans Jurro had submitted a letter  
16 identifying some additional mitigation measures that  
17 they thought were appropriate to incorporate into  
18 the project.

19 Based upon case law when you have a  
20 situation where there is a significant impact after  
21 mitigation and somebody from the public identifies  
22 additional mitigation measures the city is obligated  
23 to evaluate whether those additional mitigation  
24 measures are feasible or not in order to address the  
25 significant residual impacts of the project.

1                   In addition to that, I also want to talk  
2 about that there was -- the draft EIR noise analysis  
3 is based upon noise levels generated by the full  
4 range of on-site uses. There was some questions  
5 about whether the noise analysis included the public  
6 gathering places, whether it included the swimming  
7 pools. I can attest that the technical analysis of  
8 noise included noise levels associated with all of  
9 the public gathering places as well as the pools and  
10 any other stationary source of noise that is  
11 associated with the project.

12                   There was some discussion about impacts to  
13 Fountain View and perhaps other adjoining properties  
14 as a function of the project on the site. With  
15 regard to that, I'll point you to mitigation measure  
16 H-4(B) which provides the requested protections  
17 regarding damage to adjoining properties due to  
18 construction of the proposed project. So that is an  
19 issue that has already been incorporated into the  
20 final EIR as a mitigation measure.

21                   I also want to reiterate that the analyses  
22 conducted in the draft EIR are appropriate. They  
23 are adequate. And the assertions made by the  
24 technical consultant Mr. Jurro regarding  
25 inadequacies of the draft EIR are without technical



1 merit. We reviewed our methodologies today and we  
2 feel very strong that what we did was appropriate  
3 and accurate and is a reasonable and foreseeable  
4 portrayal of future noise conditions in and around  
5 the project site.

6           Getting back to the mitigation measure  
7 issue. The -- Mr. Jurro in his written  
8 correspondence identified nine different mitigation  
9 measures. We discussed those mitigation measures  
10 with the applicant and we've reached an agreement  
11 that the applicant is willing to incorporate into  
12 the project or into the mitigation monitoring and  
13 reporting program for those nine mitigation  
14 measures. We are currently undertaking additional  
15 analysis to determine the feasibility of the  
16 remaining five mitigation measures and we would like  
17 to request the commission to direct staff to  
18 continue their investigation of the feasibility of  
19 those mitigation measures and should they deem to be  
20 feasible to also incorporate those into the projects  
21 mitigation monitoring reporting program.

22           CHAIR ALTSCHUL: At this point without  
23 objection of any of the commission members, staff  
24 shall be so directed.

25           MR. Lackow: Thank you very much, Chair.

1                   One other thing I wanted to say is that  
2                   some of the mitigation measures didn't address  
3                   significant impacts of the project. For example,  
4                   there are mitigation measures suggested that with  
5                   regard to noise impacts during the operations of the  
6                   proposed project. As the EIR concluded that those  
7                   impacts are less than significant, there is no  
8                   obligation under CEQA and the city is not obligated  
9                   to impose those mitigation measures, but we will  
10                  examine them further per your direction.

11                  Okay. With regard to public services --  
12                  unless there are questions relative to noise and air  
13                  quality? Seeing none, we'll go on to public  
14                  services and I'll quickly wrap up my presentation  
15                  and hand the questioning back over to the  
16                  commission. With regard to public services it's  
17                  anticipated that the project would generate a net  
18                  fiscal benefit to the city that would be more than  
19                  what is necessary to pay for any additional demands  
20                  for police and fire protection services that are  
21                  required by the project.

22                  Furthermore, the project design  
23                  incorporates security measures that would further  
24                  reduce the projects demand on police services and  
25                  the project would also be a participant in the

1 Sunset business improvement districts security,  
2 private security agreement and that the collection  
3 of these activities will assure that the city is in  
4 a position should this council so desire to fund the  
5 needs that there were no significant impacts with  
6 regard to delivery of police and fire services as a  
7 function of the project.

8           The last point I want to talk about is to  
9 add a couple additional points.

10           COMMISSIONER DELUCCIO: Excuse me, one  
11 second. Something came up last night about  
12 emergency access which if you could just elaborate  
13 on that.

14           MR. Lackow: Oh, that's right. Thank you  
15 very much. I had a handwritten note. As we talked  
16 about last night, emergency access goes hand in hand  
17 with the traffic issues of L.A. DOT. So in my  
18 initial notes I did not have any comments on that  
19 because when I put my notes together for this  
20 evening's meeting there had not been resolution or  
21 agreement with L.A. DOT at that time. As Terri  
22 Slimmer had indicated earlier on in the evening,  
23 agreement has been reached with DOT whereby they are  
24 satisfied with the traffic mitigation package that  
25 is on the table relative to their jurisdiction and

1 given the relationship between traffic and emergency  
2 access as DOT is accepting of the traffic mitigation  
3 measures we are anticipating that Los Angeles Fire  
4 Department will follow suit and also be supportive  
5 of the measures and reach the conclusion that is in  
6 the draft EIR and reiterated in the final EIR that  
7 the proposed project would have a less than  
8 significant impact with regard to delivery of  
9 emergency access in and around the project site.

10 Moving on to CEQA adequacy, I think I just  
11 have two or three points to really make about CEQA  
12 adequacy in addition to what Christi has already  
13 made.

14 And the first has to do with the point  
15 that was made by several speakers that, gee, this  
16 final EIR is quite large and quite substantial and  
17 was released last week and we haven't had sufficient  
18 time to review it. Let's review what the legal  
19 requirements under CEQA are with regard to that.  
20 And for that, let's take maybe a little step  
21 backwards. In the CEQA process there really are  
22 three stages to the CEQA process. There is the NOP  
23 stage the notice of preparation where the city  
24 notifies interested parties that an EIR is going to  
25 be prepared. That has a required circulation period

1 of 30 days. Okay?

2 The second stage is the draft EIR stage.  
3 CEQA has requirements for public review for that.  
4 CEQA requirements are 45 days for projects that  
5 involve state agencies. Recognizing the importance  
6 of the project to the citizens of the City of West  
7 Hollywood, the staff concluded that a public review  
8 period of 60 days was appropriate. That is also a  
9 formal requirement. Okay?

10 With regard to the final EIR, there is no  
11 such requirement in CEQA for public review of the  
12 draft -- of the final EIR. The only requirement in  
13 CEQA relative to the final EIR is that the public  
14 agencies that comment on the draft EIR need to  
15 receive a copy of the final EIR ten days prior to  
16 certification of the final EIR. I can report that  
17 copies of the final EIR have been sent by a FedEx so  
18 we have written record of receipt of the final EIR  
19 by each of the public agencies that have commented.

20 So pursuant to CEQA requirements the city  
21 has complied with all CEQA requirements with regard  
22 to formal public review and public review periods  
23 relative to the EIR.

24 There was also an assertion that the EIR  
25 needed to be re-circulated because new information

1 was added without the opportunity for the public to  
2 comment. New mitigation measures were added and a  
3 new cumulative analysis was conducted.

4 CEQA provides as we discussed last evening  
5 very clear direction regarding the grounds upon  
6 which re-circulation is required under CEQA. On  
7 this point, it's very important to note that the  
8 reasons identified by the speakers do not meet the  
9 tests for re-circulation as set forth in CEQA. So.

10 The conclusion that we reached prior to  
11 hearing the testimony last night that re-circulation  
12 is not required is further supported based upon the  
13 evidence that was placed into the record last night  
14 during the public testimony.

15 So it is staff's opinion that the EIR is  
16 adequate -- the EIR as it is currently drafted is  
17 adequate and meets all requirements of CEQA and  
18 re-circulation is not required.

19 In closing, an assertion was also made  
20 regarding a requirement that the project's initial  
21 approval be incorporated into the EIR's monitoring  
22 program. There is no requirement in CEQA that  
23 requires such an activity. That is simply and  
24 solely at the discretion of the planning commission  
25 or the city council. There is no CEQA requirement

1 on that.

2 With that, I turn the meeting back to the  
3 commission for any additional questions you may  
4 have.

5 Thank you.

6 CHAIR ALTSCHUL: Kate?

7 COMMISSIONER BARTOLO: This is a question  
8 of staff of some things that I would really  
9 appreciate to receive by next Thursday or before  
10 next Thursday. One would be a comparative graph  
11 that demonstrates the 1999 versus the proposed  
12 entitlements. It was done partially up there, but  
13 not completely. I would like to really understand  
14 the FAR differences at the total square footage  
15 differences. I just spent some real time trying to  
16 put it together. I want to make sure I'm right in  
17 understanding the difference.

18 Two, there is I still have an outstanding  
19 question in terms of the public benefits, a break  
20 out of the business license versus the property tax  
21 increment would be really helpful of the 1999 versus  
22 the proposed.

23 Three, to the extent I think you actually  
24 dealt with it fairly extensively in terms of the  
25 response of the issues raised, I think it would be

1 great to have a master list of the conditions and  
2 mitigations that were requested by the people that  
3 testified yesterday and today.

4 Four, I would like to understand the --  
5 just a brief list of the departments and additional  
6 staff review required in terms of some of the  
7 different plans that would be part of the conditions  
8 for approval.

9 And five, again, I think a lot of it was  
10 dealt with, but if perhaps there are any outstanding  
11 issues in terms of the Fountain View analysis,  
12 Fountain View apartment residents analysis of the  
13 perceived lack of conformity with the project and  
14 the Sunset specific plan, I would just like to get a  
15 better understanding. That's all.

16 CHAIR ALTSCHUL: Any further questions of  
17 Mr. Lackow or CJ at this time? CJ is there anything  
18 further to tonight's report?

19 MR. KEHO: One of the items that I said I  
20 would have for you this evening was confirmation of  
21 the number of existing versus proposed tall wall  
22 signs. The previous project was entitled to have  
23 three tall wall signs. There were two on the  
24 Peterson building. Those are actually existing and  
25 approved signs. And those are up on the Peterson



1 building. One of them would have been relocated  
2 when the Peterson building was remodeled under the  
3 new previous entitlements. And the other one was an  
4 east facing tall wall sign on the roof, but not  
5 constructed eastern office building on the east  
6 parcel. So there were three previously approved.  
7 The current proposal has five. There is two on each  
8 hotel. And then there is one on the residential  
9 building at the corner of La Cienega and Sunset. So  
10 it's an increase in entitled tall wall signs from  
11 three to five.

12 VICE-CHAIR THOMPSON: So there was a  
13 discrepancy last night whether the currently  
14 entitled project was three versus four and it was  
15 three?

16 MR. KEHO: Correct.

17 CHAIR ALTSCHUL: Anything else, CJ?

18 MR. KEHO: That's all I have at this time.

19 CHAIR ALTSCHUL: All right. At this time  
20 we are going to continue the matter of the Sunset  
21 Millennium Project understanding and realizing that  
22 the public hearing is still open and with that,  
23 Christi, if you'll give an admonition?

24 MS. HOGIN: You are doing pretty good,  
25 Mr. Chairman. Just to remind you that you are not

1 to take any ex parte communications at this point,  
2 you have closed the public testimony portion of the  
3 hearing and so no one would have a chance to rebut  
4 it and to avoid having to re-notice and re-hear that  
5 all over again, we're going to stop the influx here,  
6 you'll be getting copies of all of the letters that  
7 have been given to you and then we'll resume our  
8 deliberations on Thursday based on the record that  
9 you have and that which we've collected for you  
10 tonight.

11 CHAIR ALTSCHUL: And next Thursday we will  
12 have a rebuttal period for the consolidated  
13 homeowners group and a rebuttal period for the  
14 applicant and then go into an extensive deliberation  
15 and discussion among the commission. Is there any  
16 further direction or request of staff by any  
17 commission members for next Thursday? Okay.  
18 Hearing none, I would also like to reiterate a  
19 comment that I made last night in that I think we  
20 can see from the report of the experts and the staff  
21 that the input that was received last night was  
22 extremely helpful and that there was an addition of  
23 mitigation measures and there was very thoughtful  
24 consideration of the testimony and the written  
25 materials that were supplied by the various

1 consultants that were brought in from the residents.

2 I personally and on behalf of the  
3 commission would like to thank Bruce Lackow, the  
4 other consultants and our incredible wonderful staff  
5 for working the last 21 hours to come to the point  
6 that we've come to tonight. I think it's an amazing  
7 work product and it's very, very beneficial to this  
8 particular process. I would also hope that in  
9 between now and next Thursday, perhaps without any  
10 obligation on anybody's part that the residents of  
11 Fountain View and the developers could meet and  
12 discuss and confer and have kind of a little  
13 mini-neighborhood meeting and see if there are any  
14 further areas of agreement and if there are fine,  
15 and if they are not, nobody is any worse off. And  
16 with that, we'll continue this matter until next  
17 Thursday night, January the 27th. And we'll take a  
18 five-minute break.

19 (Recess taken.)

20

21 (TIME NOTED: 9:14 P.M.)

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25

1 STATE OF CALIFORNIA )

2 ) ss:

3 COUNTY OF LOS ANGELES )

4

5 I, KELLIE MITCHELL, CSR No. 7273, do

6 hereby certify:

7 That the foregoing proceedings were taken  
8 down by me in shorthand and thereafter transcribed  
9 under my direction and supervision.

10 That the foregoing transcribed pages contain a  
11 true and correct transcription of my said shorthand  
12 notes so taken.

13 I further certify that I am neither  
14 counsel for nor related to any party to said action,  
15 nor in anywise interested in the outcome thereof.

16 IN WITNESS WHEREOF, I have subscribed my  
17 name this 27th day of January, 2005.

18

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22

KELLIE MITCHELL, CSR No. 7273

23

**ACTION:** 1) Continue this Item to a specially scheduled Planning Commission meeting on Thursday, January 27, 2005. **Motion carried by consensus of the Commission.**

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:15 PM AND RECONVENED AT 9:20 P.M.**

**B. 1351 Havenhurst Drive.**

**Development Permit 2004-021, Variance Permit 2004-005, Tentative Tract Map 2004-012.** Terry Blount, Associate Planner, presented the staff report. He stated the applicant is requesting to construct a four-story, twelve-unit condominium building and a public park on a vacant lot. Variances have been requested regarding the Zoning Ordinance standards pertaining to the front, side, and rear setbacks, driveway slope, non-permeable surfaces, common open space, and building height.

Staff recommends approval of this project.

Chair Altschul opened the public testimony for Item 9.B.:

RICHARD LORING, PACIFIC PALISADES, presented the applicant's report. He spoke on the history of the project, financing, façade treatment, front and rear yard setbacks, park frontage and design and building dimensions. He detailed the "sound piece" for the park.

ALLAN WILION, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the indemnity issue(s) regarding the City and developer. He also commented on the possibility of the influx of homelessness in the park.

ZOLTAN PALI, LOS ANGELES, architect, spoke in support of this item.

PAMELA MORA, WEST HOLLYWOOD, opposes staff recommendation. She had concerns regarding the design of this project in relation to the neighborhood.

MARNE CARMEAN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the "speakers" in the public park and stated the possibility of the influx of homelessness in the park, would not materialize.

RICHARD LORING, PACIFIC PALISADES, presented the applicant's rebuttal. He spoke on the indemnity between the developer and the City of West Hollywood.

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

Commissioner D'Amico presented the Design Review Subcommittee report. He commented on the public/private partnership and the design of the public park.

John Chase, Urban Designer, spoke on the design of the public park. He also detailed the style of architecture and how it corresponds to the current neighborhood.

Vice-Chair Thompson questioned the indemnity language.

Commissioner DeLuccio questioned and asked for clarification of the current building heights on either side of the project.

**Commissioner DeLuccio motioned approval of staff's recommendation. Seconded by Commissioner D'Amico.**

Vice-Chair Thompson stated his approval of this project.

**ACTION:** 1) Approve the request; 2) Adopt Resolution No. PC 05-576 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2004-021 AND VARIANCE 2004-005, FOR THE CONSTRUCTION OF A FOUR-STORY, TWELVE-UNIT CONDOMINIUM BUILDING, ON AN APPLICATION OF RICHARD LORING FOR HAVENHURST, LLC, FOR THE PROPERTY LOCATED AT 1351 NORTH HAVENHURST DRIVE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 05-577 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2004-012 (MINOR LAND DIVISION 61282), ON AN APPLICATION OF RICHARD LORING FOR HAVENHURST, LLC, FOR THE PROPERTY LOCATED AT 1351 NORTH HAVENHURST DRIVE, WEST HOLLYWOOD, CALIFORNIA"; 4) Adopt Resolution No. PC 05-578 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT A CITY CONSTRUCTED AND OPERATED PUBLIC PARK IS CONSISTENT WITH THE GENERAL PLAN, FOR THE PROPERTY LOCATED AT 1351 NORTH HAVENHURST DRIVE, WEST HOLLYWOOD, CALIFORNIA".; and 5) close Public Hearing Item 9.B.  
**Motion by Commissioner DeLuccio, seconded by Commissioner D'Amico and unanimously carried.**

**C. 1137 N. Hacienda Place.**

**Demolition Permit 2004-024, Development Permit 2004-032, Modification Permit 2004-012, Modification Permit 2005-001, Tentative Tract Map 2004-017, Variance Permit 2004-012.**

Francie Stefan, Senior Planner, presented the staff report. She stated the requested permits are to allow the demolition of two residential units and construction of an eight-unit, 11,100 square foot condominium building using the courtyard incentives and design standards with sixteen subterranean parking spaces.

The applicant is requesting six incentives related to front yard and rear yard projections, driveway slope, additional rooms, semi-subterranean parking, and compact parking stalls.

Since the Design Review Subcommittee meeting, the rear yard setbacks have been reduced on the first floor from ten feet to eight feet and on the third and fourth floors, from twelve feet to ten feet.

Applicant is requesting a modification to reduce the side yard setback from seven feet, to six feet, four inches, and a modification to allow a ten percent reduction on the length of two standard size parking stalls from eighteen feet, to sixteen feet, five inches.

The applicant is requesting a variance to allow a rear yard setback of ten feet on the third and fourth floors, where a fifteen foot setback is required.

Staff recommends denial of the variance, due to the inability to make the required findings for a variance, but recommends approval of all the other requested permits for the project.

Commissioner D'Amico presented the Design Review Subcommittee report. He commented on the overall design of the project and the courtyard design aspects. He also notated the design was brought forward with a variance.

Chair Altschul opened the public testimony for Item 9.C.:

CLYDE WOOD, WEST HOLLYWOOD, presented the applicant's report. He detailed the courtyard design and commented on the variance for the property.

RIC ABRAMSON, WEST HOLLYWOOD, presented the applicant's report. He gave a history of the project and spoke regarding the neighborhood, architectural design, landscaping and garden features, creative window patterns on the front façade and water wall. He also detailed and justified the variance that has been requested for this project. He further answered questions regarding the setbacks on the property.

DAVID SUDECK, STUDIO CITY, presented the applicant's report. He stated for the record, (respectfully) the disagreement with the staff report, for the recommendation for denial of the ten foot variance. He detailed the "Seven Fountains" findings in relation to this property.

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

Commissioner Guardarrama questioned the grounds for a zero setback.

Christi Hogin, Assistant City Attorney, detailed the issues and the grounds for the variance.

Discussion was held regarding the property setbacks and topography of the project with neighboring properties.

**Chair Altschul motioned approval of the project and application, including the variance based on the finding facts that both north and south properties built to zero setback coupled with a sloping property. Seconded by Vice-Chair Thompson.**

Christi Hogin, Assistant City Attorney, confirmed for the record that staff is to bring back an amended Resolution under Consent Calendar for approval; to the next regularly scheduled Planning Commission meeting of Thursday, February 3, 2005.

**ACTION:** 1) Approve the request; 2) Adopt Resolution No. PC 05-573 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2004-032, MODIFICATION PERMIT 2004-012, MODIFICATION PERMIT 2005-001 AND DEMOLITION PERMIT 2004-024 AND APPROVING VARIANCE PERMIT 2004-012, FOR AN EIGHT-UNIT RESIDENTIAL BUILDING USING THE COURTYARD HOUSING STANDARDS AND DEMOLITION OF TWO RESIDENTIAL UNITS, FOR THE PROPERTY LOCATED AT 1137 N. HACIENDA PLACE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 05-574 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2004-017 (MINOR LAND DIVISION 062040), FOR THE PROPERTY LOCATED AT 1137 N. HACIENDA PLACE, WEST HOLLYWOOD, CALIFORNIA"; and 4) close Public Hearing Item 9.C. **Motion by Chair Altschul, seconded by Vice-Chair Thompson and unanimously carried.**

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.



**12. EXCLUDED CONSENT CALENDAR.** None.

**13. ITEMS FROM STAFF.**

Susan Healy Keene, Community Development Director, thanked John Keho, Acting Planning Manager, for his service in this position and stated that C.J. Amstrup, Senior Planner, will now be assuming duties as Acting Planning Manager. She also thanked the Commission for all their hard work in the last month.

**14. PUBLIC COMMENT.**

ROBERT SILVERSTEIN, LA CANADA, commented on the geological testing regarding Fault No. 2; and the Sunset Millennium Project.

**15. ITEMS FROM COMMISSIONERS:**

Vice-Chair Thompson thanked staff on the efficiency of the proceedings of the Sunset Millennium Project.

Chair Altschul thanked John Keho, Acting Planning Manager, for his services in this position and staff on the Sunset Millennium Project.

**16. ADJOURNMENT:** The Planning Commission adjourned at 10:25 P.M. to a specially scheduled meeting of the Planning Commission, which will be on Thursday, January 27, 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 3<sup>RD</sup> DAY OF MARCH, 2005.

  
CHAIRPERSON

ATTEST:

  
Community Development Director