



PLANNING COMMISSION MINUTES
Special Meeting
January 19, 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: John Dupont led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

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

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

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Wednesday, January 19, 2005 as presented. **Motion by Commissioner DeLuccio seconded by Vice-Chair Thompson and unanimously carried.**

5. APPROVAL OF MINUTES. None.

6. PUBLIC COMMENT.

MARVIN GREENHOUSE, WEST HOLLYWOOD, spoke regarding the integrity of the developers and city staff regarding the Sunset Millennium Project.

LYNN HOOPINGARNER, WEST HOLLYWOOD, Vice-President of West Hollywood North Neighborhood Association, spoke in regards to maintaining the quality of the neighborhoods in the City of West Hollywood and commented on the current projects in the city.

7. ITEMS FROM COMMISSIONERS.

Chair Altschul announced Susan Healy Keene has been appointed the permanent Director of Community Development and welcomed her.

8. CONSENT CALENDAR. None.

Chair Altschul explained in detail the proceedings for this special meeting and how the following item will proceed. He stated everyone will have an opportunity to speak.

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 4C 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 the minutes is a verbatim transcript of the proceedings:

....

13 CHAIRMAN ALTSCHUL: We will start the
14 Millennium hearing. We'll start it with disclosures
15 which -- Kate, do you want to start?
16 COMMISSIONER BARTOLO: No disclosures.
17 CHAIRMAN ALTSCHUL: Joe?
18 COMMISSIONER GUARDARRAMA: Last Friday I met
19 with Joyce Heftel. She took me around the Fountain View
20 Condominiums. We circled the block from Fountain to La
21 Cienega to Sunset and down Olive a few times.
22 I've also had a brief conversation with Steve
23 Afriat, the subject of which was potential meeting space
24 in the hotels which are the subject of this hearing.
25 That's it.

1 CHAIRMAN ALTSCHUL: Donald?

2 COMMISSIONER DeLUCCIO: Joyce Heftel also had
3 me up to -- on her roof surveying the proposed project
4 property. I also -- actually, awhile back I was out in
5 Century City at the Millennium company's offices where I
6 met with Steve Afriat and some of the representatives of
7 the project.

8 CHAIRMAN ALTSCHUL: John D'Amico?

9 COMMISSIONER D'AMICO: I also met with Joyce
10 Heftel and did the tour of her building. And we went to
11 GG's house, very nice house, GG, and looked out over the
12 proposed development site and discussed issues there.
13 Met with John DuPonce and his organization's traffic
14 representative. Met with the applicant's architect and
15 their representatives about the draft EIR, that happened
16 last fall.

17 CHAIRMAN ALTSCHUL: Barbara?

18 COMMISSIONER HAMAKER: I met with Mr. Afriat
19 and the architect and some of their representatives in
20 Century City about a week and a half ago, and I've been
21 quite ill since. I did speak to Joyce a couple of times
22 on the phone but I was just too sick to go over there.
23 So I'm glad that several of the other commissioners will
24 be able to report on her situation. Thank you.

25 CHAIRMAN ALTSCHUL: Eric?

1 COMMISSIONER THOMPSON: I also met with Joyce.
2 I also talked to a number of residents. The contents of
3 those conversations are sort of the concerns that were
4 expressed and are all adequately reflected in the
5 record.

6 And I also met with the applicant and various
7 representatives of the applicant to discuss the project.

8 CHAIRMAN ALTSCHUL: I also met with Joyce
9 Heftel and quite a few other residents, mostly on the
10 telephone, some in person, to discuss their concerns,
11 which, as Eric said, are quite thoroughly expressed in
12 the volume of paperwork that we have. I've also met
13 with several representatives of the applicant, most
14 notably Jeffrey Seymour, consultant for the applicant,
15 on several occasions. And also discussed with
16 representatives of both the applicant and Ms. Heftel the
17 process and procedures that we would take for these
18 particular hearings.

19 With respect to a letter that is on the desk
20 on my previous non-participation in the original
21 Millennium project. I own one half of 1 percent of
22 another hotel on Sunset Boulevard. In 1999, I believe
23 it was, when the original project was discussed, the
24 conflict of interest rules were different than they are
25 today. So therefore I chose to recuse myself at that

1 time. Given that these conflict of interest rules have
2 drastically changed, I have reviewed them and I have
3 also discussed it with the city attorney. I have
4 determined for myself that today there is no conflict of
5 interest under these particular rules so I will
6 participate in these hearings.

7 Without any other items at this time from the
8 commissioners, we'll proceed with the staff report and
9 we'll do -- first I would like to, however, inform
10 everybody here in this room, everybody watching on
11 television, that at the beginning of this week, or maybe
12 at the end of this last, our Susan Healy Keene has been
13 made the permanent Community Development Director of the
14 City of West Hollywood.

15 MS. HEALY KEENE: Thank you.

16 CHAIRMAN ALTSCHUL: C.J.

17 MS. HEALY KEENE: Actually, I'll start
18 tonight. Thank you very much. Good evening,
19 Commissioners. We're pleased to bring you tonight the
20 proposed modifications to the middle and east parcel of
21 the Sunset Millennium project and an amended and
22 restated development agreement. Your actions on these
23 items will be a recommendation to city council.

24 This project first approved in December of
25 1999, and initiated in June 2001 puts into action the

1 collective vision that was created in the Sunset
2 Specific Plan to manage and control direct growth, to
3 preserve the eclectic character of Sunset Boulevard, and
4 to promote responsible development.

5 In particular, and unlike other projects
6 recently before the Planning Commission, this project
7 does meet the requirements of a target site,
8 specifically, target sites 4C and 4D. The city believes
9 the proposed modifications, given the current economic
10 and market conditions, will better serve the city than
11 the previous proposal, by reducing A.M. and P.M. peak
12 hour trips, and also by increasing parking and open
13 space.

14 Due to the size of the project, and obviously
15 the amount of information before you, there's many
16 aspects of this project that are worthy of discussion.
17 What we're going to do tonight is address many of the
18 issues in our presentation and then respond to your
19 questions where you have further information you would
20 like.

21 C.J. Amstrup will begin our presentation
22 tonight and introduce the consultants as well.

23 CHAIRMAN ALTSCHUL: Thank you. C.J.

24 MR. AMSTRUP: Good evening, Chair Altschul,
25 Members of the Commission. I'll begin by describing the

1 development on each one of the parcels at the project
2 site. The middle parcel of the proposed project site is
3 located on the south side of Sunset Boulevard between
4 Alta Loma and La Cienega Boulevards. The proposed
5 development consists of two, nine-story residential
6 condominium buildings with ground floor retail and
7 restaurant uses facing Sunset Boulevard.

8 The condominium buildings will contain up to a
9 maximum of 190 residential units. 10 percent of the
10 on-site units would be affordable, remainder of the
11 units will be market rate. In lieu of additional
12 on-site affordable residences, the fees equivalent to an
13 additional 10 percent of the area of the on-site market
14 rate residences would be provided to the city for
15 affordable housing. The total number of on-site and
16 inland fees for affordable housing will be equivalent to
17 20 percent of the total number of required market rate
18 units, which is consistent with the city's ordinance
19 regarding affordable housing.

20 The middle parcel will also contain 12,916
21 square feet of retail use, 12,916 square feet of indoor
22 restaurant uses, and 2,250 square feet of outdoor
23 dining. All restaurant and retail uses will be on the
24 ground floor of the condominium complex. The floor area
25 ratio of the middle parcel would 3.65, that means the

1 floor area, the total floor area ratio of the buildings
2 would be 3.25 times the area of the site.

3 The Sunset Specific Plan, which designates an
4 FAR of 2.75, a density bonus of point 5 for residential
5 uses would permit the floor area ratio of the 3.25 in
6 the middle parcel, therefore the total floor area and
7 proposed density is within the floor area ratio allowed
8 under the Sunset Specific Plan of the middle parcel.

9 Each of the buildings would measure 100 feet
10 in height as measured to the top of the roof. As
11 required by the zoning ordinance, rooftop equipment
12 would be screened by a 15-foot tall mechanical screen.
13 Although the zoning ordinance permits mechanical
14 screening to have a maximum height of 10 feet, the type
15 of equipment required for buildings of this size,
16 primarily elevators and air conditioning equipment,
17 necessitate taller screens for complete screening.
18 Provisions in the amended and restated development
19 agreement would memorialize those standards permitting
20 the necessary screening.

21 The middle parcel would provide -- excuse me.
22 The east parcel of the proposed project site is located
23 at the southeast corner of Sunset and La Cienega
24 Boulevards. The proposed development consists of two,
25 ten-story, 100-foot tall hotel buildings containing a

1 total of 296 rooms. The maximum hotel floor area would
2 measure 221,000 square feet and these buildings would
3 include uses that are accessory to the hotel, including
4 6,975 square feet of restaurant space, 6,975 square feet
5 of retail space, 2,250 square feet of meeting space in
6 the west hotel and 2,250 square feet of outdoor dining
7 area. The proposed restaurants and retail space will be
8 located on the ground level.

9 The conditional use permits for the hotels
10 also include provisions for the accessory, sales,
11 service and consumption of alcohol within the hotel
12 restaurant, lounge, meeting rooms and in each guest
13 room, provision of room service and mini bars.

14 The applicant has not provided seating plans
15 or operational plans for the lounge and restaurants at
16 this time, therefore staff has included a condition in
17 the draft resolution requiring that part of the issuance
18 of building permits for each hotel, seating plans, menus
19 and hours of operation will be submitted by the
20 applicant for review and approval by the director of
21 community development.

22 The floor area ratio for the east parcel will
23 be 2.71. The east parcel's construction would allow for
24 25 percent open space, exceeding the 15 percent open
25 space requirement of the Sunset Specific Plan, and the

1 ground floor of the hotel structures would be developed
2 at grade with Sunset Boulevard.

3 There's also proposed a pedestrian bridge over
4 La Cienega Boulevard. The pedestrian bridge would span
5 La Cienega Boulevard and form a definitive gateway
6 structure over La Cienega Boulevard and south of Sunset
7 Boulevard. The bridge would be accessible to
8 pedestrians via sidewalks on both sides of La Cienega
9 Boulevard and would serve as a public amenity. The
10 architecture of the bridge would contribute to the
11 landmark quality at the intersection and would include
12 video screens composed of panels located on both sides
13 of the bridge, as well as arbor and signage.

14 The bridge will also provide an accessible
15 venue where broad views of the city landscape and city
16 lights to the south and to the hillsides north would be
17 available. The inclusion of the bridge in the current
18 proposal is reflective of a revised design. The
19 bridge was previously approved as part of the original
20 project, and what's being reviewed tonight is the bridge
21 but primarily in the form of a redesign of the project.

22 In terms of construction, the construction of
23 the proposed project will include the demolition of the
24 existing uses on the middle and east parcels, including
25 one and two-story, 43,000 square foot commercial office

1 building and theatre which is located on the middle
2 parcel. The seven story, 104 foot high, 50,000 square
3 feet Peterson building. A two-story, 28,000 square foot
4 office building, and existing parking structures and
5 surface parking lots.

6 Construction activities would include
7 excavation for parking structures, building and bridge
8 foundations. The vehicular tunnel underneath La Cienega
9 Boulevard, and an on-and-off-site utility lines,
10 including construction of the new sewer line from the
11 middle and east parcels to an existing trunk line in La
12 Cienega Boulevard. The excavation and construction of
13 the La Cienega bridge foundation pilings would also
14 require an encroachment into public sidewalk areas on
15 Sunset Boulevard east and west of La Cienega Boulevard.

16 Construction in the public right-of-way would
17 also be required for the widening of Sunset and La
18 Cienega Boulevards. Sunset Boulevard would be widened
19 by approximately 19 feet along the east parcel frontage
20 for a distance of approximately 100 feet to accommodate
21 the valet and patron drop-off in front of the terrace
22 and hotel -- excuse me, the residential -- the hotel
23 entrances. East of this, Sunset Boulevard would be
24 widened by approximately 10 feet to accommodate a turn
25 lane into the parking structure. The configuration of

1 Sunset Boulevard will also be altered along the middle
2 parcel frontage approximately 160 feet east of Alta Loma
3 Road and Sunset Boulevard. The street would be widened
4 approximately 19 feet to create a recessed curb for
5 valet service drop-off. Building construction would
6 include shoring, pilings, foundations, tie backs, crane
7 hoisting, dewatering, truck staging, and other features
8 typical of this scale of mid-rise development.

9 With regards to the amended and restated
10 development agreement, as Susan indicated in the
11 introduction, the City of West Hollywood reviewed a
12 similar project for these parcels in 1999, and that
13 project included a development agreement with Sunset
14 Millennium Holdings LLC. The west parcel, which is the
15 existing retail and garage located just immediately west
16 of the Playboy building, was completed under the terms
17 of this agreement. Middle and east parcels of the
18 project have not commenced. Recognizing the change in
19 management of Sunset Millennium in light of proposed
20 revisions, the project before us is -- the city has
21 waived the June 21st, 2004 requirement in that agreement
22 to file permit applications for construction on this
23 parcel.

24 Development agreement is a contract that
25 offers a developer the best right to complete a project

1 over a specified time period. Such an agreement
2 typically contains an extraordinary public benefit in
3 the form of an exchange of money or other benefit of
4 value to the community. The amended agreement addresses
5 changes to the performance and construction schedule
6 provisions memorializing standards for offsite
7 advertising kiosks -- and I'll go over the sign program
8 in a moment. The location of billboards on the north
9 parcel, rooftop creative signs and provisions to allow
10 rooftop equipment screening of a height necessary and
11 adequate to screen the equipment on top of the
12 structures.

13 In terms of environmental review, and I'll
14 briefly go through a schedule about the environmental
15 review, and also with us this evening is Bruce Lackow
16 from PCR, and he'll go through more specific
17 information. I just wanted to briefly talk about the
18 process.

19 Pursuant to CEQA, a notice of preparation for
20 the project was prepared by the City of West Hollywood
21 and distributed to the state clearing house, office of
22 planning and research, responsible agents and to other
23 interested parties on October 23rd, 2003. This started
24 a 30-day circulation period on November 21st, 2003.
25 During this period, state agencies provided initial

1 information used in preparing the -- sort of the
2 baseline for working on the EIR. Also during this time
3 the city held a public scoping -- shortly after, the
4 city held a public scoping meeting on February 3rd,
5 2004, during which interested parties submitted written
6 and oral comments. And, again, these comments were
7 incorporated into the scope for preparing the draft EIR.

8 The project description at that time, at the
9 time of distribution of the NOP, included a component
10 called a vehicle access corridor. The vehicle access
11 corridor connected valet parking from offsite uses to
12 the proposed project's parking structure on the east
13 parcel, and specifically, what that would have been was
14 an at-grade travel but it would have had walls on all
15 sides of it. It would have run from Olive to the
16 parking structure at the east parcel behind the Mondrian
17 and behind the Grafton. But that's subsequently been
18 deleted from the proposed project; however, the draft
19 EIR analyzes the project inclusive of that as
20 Alternative 5. The draft EIR was released for
21 public review and a notice of completion was filed with
22 the state clearing house on October 27, 2004. Notice of
23 completion set the closing of the public comment period
24 on the draft EIR for October 26, 2004, thereby allowing
25 a 60-day public comment period where 45 days is required

1 by state law. The city received 138 comment letters
2 during the public comment period, including letters, and
3 telecommunications. The Planning Commission also held a
4 public meeting on October 21st, 2004 to receive oral
5 comments on the draft EIR. The city prepared specific
6 responses to these written and oral comments and those
7 are included in the final EIR that's being presented to
8 you tonight.

9 I'd like to take a moment to discuss some the
10 issues related to parking and to signs. There were many
11 specific questions that I had, both from public and from
12 members of the Commission, so I wanted to just take a
13 moment to provide more clarity on the issues of parking.
14 And if you will look at your -- I don't know, let's see
15 if I've got it. At your desk is a matrix describing
16 public parking. And, unfortunately I, have misplaced my
17 copy. If you look at the matrix, the top block on this,
18 and I also would like to comment that these are
19 available at the back table also for members of the
20 public. This describes what the required parking is for
21 each use. So we have the parking requirements for a
22 hotel restaurant and hotel outdoor dining. And if
23 you'll notice those say 4.5 parking spaces per 1,000
24 square feet. For uses accessory to hotel, we allow the
25 parking to be done at a ratio of half of the normal

1 requirement.

2 If you look further down where it says
3 restaurant and outdoor dining, you'll notice that it's 9
4 per thousand for each of those uses, that represents
5 hotel and outdoor dining that is not affiliated and
6 accessory to that hotel but is located on that site.

7 So doing the math for the hotel restaurant,
8 hotel outdoor dining, hotel conference room, and we
9 have heard that -- there were comments from the public
10 that there was not parking provided for a hotel
11 conference. We parked that at 14 spaces per 1,000
12 square feet. Hotel rooms, one space for each room, and
13 then the restaurant, outdoor dining and retail. The
14 total parking required for the east parcel is 408
15 spaces. Parking provided for the east parcel is 811
16 spaces. So on the east parcel there's in excess of 403
17 spaces, or almost twice the required parking for the
18 east parcel.

19 On the middle parcel it's broken down by the
20 required parking for one- and two-bedroom units.
21 There's also a provision for residential guest parking
22 at one space per each four units. Then there's the
23 parking for restaurant, retail and outdoor dining,
24 again, all at the code required numbers. The total
25 required parking for the middle parcel is 556, the

1 parking provided onsite is 468 spaces, leading to an
2 on-site deficit of 88 spaces. However, on the previous
3 approval, a parking use permit was approved, identifying
4 120 spaces on the west parcel for the exclusive use of
5 uses provided on the middle parcel. So taking that into
6 account, the excess parking for the middle parcel is 32
7 stalls. Combining the excess parking for the east
8 parcel and the excess parking for the middle parcel,
9 overall excess parking for these two projects is 435
10 excess spaces.

11 They were also required by our request for a
12 discussion comparing the proposed signs for the current
13 project with the proposed signs -- the approved signs
14 under the previous project. And for that I'd like to
15 direct your attention to a table that's included in the
16 project plans on page 62. Going through that, just
17 quickly, on the left-hand column indicates existing and
18 entitled signs, creative billboards, tall walls. This
19 calls out that there are five tall walls, there is a
20 question about tall wall No. 3, and I'll be working with
21 the applicant to reconcile the city's records with the
22 records of the applicant. City records indicate that
23 there were three tall walls approved. It's the
24 contention of the applicant that four tall walls were
25 approved. And we're working on resolving that, we'll be

1 able to give you a definitive answer about the number of
2 tall walls previously approved tomorrow night. So three
3 or four tall walls approved under the existing
4 entitlement. The current entitlement includes five tall
5 walls, there's two each on each hotel, and there's one
6 on the residential tower.

7 Billboards, and these are the standard
8 billboards measuring 20 feet by 60 feet. There are
9 currently four -- two, double-face billboards on the
10 middle parcel, so four total faces, 20 feet by 60 feet
11 each. We revised -- the proposed plan before you this
12 evening also has those billboards basically relocated.
13 They're now in a deformation and they are located in a
14 vertical position. So the number of billboards remains
15 the same on each parcel.

16 Again, the bridge, previously it was proposed
17 to have -- the dimensions were 14-by-48-foot billboards
18 with an electronic medium, one facing south, one facing
19 north on the bridge over La Cienega. That's been
20 carried forward in the current proposal.

21 Creative signs for the rooftop remain the
22 same. The square footage approved under the previous
23 proposal and the previous development agreement has been
24 carried over to the square foot for the rooftop signs.
25 The rooftop signs are all now located on the east

1 parcel.

2 There's a term that's been used here called
3 kiosk. I want to explain a little bit about kiosk.
4 Kiosks are not what we typically think of as a small
5 retail sort of cart similar to what's been used down at
6 Gateway. The kiosks are actually consistent with what's
7 currently been erected over the west parcel, and they
8 are sort of pedestrian-oriented billboard structures.
9 They have offsite advertising, they're three-sided and
10 there would be one proposed on the middle parcel at the
11 residential entrance, and one at the plaza level of the
12 hotel parcel. So there were two previously proposed,
13 there's two currently proposed.

14 The area where there are additional signs come
15 into the hotel, identity signs. There are six hotel
16 identity signs, that would specifically identify the W
17 and Marriott Hotels on the two parcels. And retail and
18 tenant signage will be worked on with -- between the
19 applicant and John Chase, the city's urban designer for
20 final approval. So that is a comparison of the complete
21 signs. The biggest difference would be the addition of
22 either one or two tall walls, depending on which
23 numbers. Like I say, we'll have those for you tomorrow.

24 The project site has been -- the project has
25 been reviewed for consistency with the Sunset Specific

1 Plan and has been found to be consistent with the Sunset
2 Specific Plan, and has been processed in accordance with
3 the California Environmental Quality Act. For those
4 reasons, staff is recommending approval of the project.

5 At this time I'd like to turn the floor over
6 to John Chase, who's going to provide a discussion of
7 the urban design.

8 MR. CHASE: The middle and east parcels of the
9 Sunset Millennium are located on target sites as a
10 result of the five-year Sunset Specific Plan effort to
11 define where buildings should go on Sunset Boulevard.
12 Sunset Boulevard is a very famous boulevard that has a
13 range of buildings on it from large to small. Part of
14 the work in Sunset Specific Plan was to determine where
15 target sites were, where larger buildings were to go,
16 and to include measures into them that would avoid
17 having an uninterrupted wall building along Sunset
18 Boulevard. Both target sites in the middle and
19 east parcels have the view plazas that are an integral
20 building block of the Sunset Specific Plan.

21 The proposed condominium buildings on the
22 middle site are (inaudible) and rhythm, with the
23 interlocking L-forms of window surrounds wrapping around
24 as areas of exposed side walls. The surface of the
25 building is broken up by panels of precast concrete and

1 translucent and opaque glass. This project will
2 probably be the highest quality high-rise building in
3 West Hollywood due to the careful degree of architectural
4 articulation created by its window surrounds and
5 detailing of its surface skin with the various surfaces.

6 The view terrace for the building is to the
7 southwest of the building, access from Alta Loma. While
8 it will have good views, it may not be as well used by
9 the public as the space directly accessed at Sunset
10 Boulevard. The hotels are large, somewhat monolithic
11 blocks encased in glass skins. Above the first story
12 they are rectangular with typical floors, 20 planned for
13 the east hotel and 15 for the west hotel. The hotels
14 are a late modern design which the buildings' overall
15 skin is not primarily mediated by small-scale
16 articulation, rather, architectural interest in the
17 project is the relationship of large volumes and
18 sections of the building to one another.

19 The W and the Marriott Hotels are
20 distinguished from one another by the type of glass
21 skins they are clad in. Each is made up of large areas
22 of curtain wall which divide the building in an anchor
23 base which would be used to frame the two tall walls to
24 be placed on each building. A rectangular division of
25 the glass is used in both buildings to make up a back

1 drop to a second more attention-calling glass system.

2 The hotel buildings are not a product of a
3 style so much as they are a product of their building
4 type, a high rise hotel, requiring certain size floor
5 plate in order to accommodate an adequate number of
6 rooms on each floor, with repetition from floor to floor
7 creating an overall pattern. Articulating the facade
8 has been made more difficult by the necessity of
9 eliminating balconies in order to minimize noise
10 exposure to the neighbors.

11 MR. AMSTRUP: As promised, now Bruce Lackow
12 will provide us with more detailed information about the
13 environmental impact report and impact to the project.

14 MR. LACKOW: Thank you, C.J. My name is Bruce
15 Lackow. I'm a principal with PCR Services Corporation.
16 We're officed at 233 Santa Monica Boulevard -- Wilshire
17 Boulevard, excuse me, in Santa Monica. And let's see,
18 C.J. gave you the brief overview of the final EIR. What
19 I'd like to do is take a few minutes and walk you
20 through some of the major issues that were raised in the
21 commentary. I did a brief summary of the additional
22 mitigation measures that came out of the comments that
23 were provided by the public. Give you a briefing on the
24 residual significant impacts. Those are the significant
25 impacts after the application of mitigation measures for

1 which, pursuant to CEQA, there will need to be a
2 statement of overriding considerations. And I'd like to
3 just close my brief comments with a few thoughts and
4 observations about some of the late letters that were
5 received by the city yesterday and today, or more than
6 likely today.

7 Moving on to the major issues that were raised
8 in the EIR. In my mind, having spent the last two and a
9 half months diligently writing responses and considering
10 all the commentary that's been provided by the public, I
11 identified, basically there were four major issues,
12 really three major issues and one of regulatory
13 importance.

14 Let's start out with the procedural CEQA issue
15 which is the issue of recirculation. Recirculation is a
16 constant under CEQA that says that if the draft EIR was
17 deficient in certain ways, that it needs to be revised
18 and recirculated for public comment before there can be
19 an action by the city's decision maker. CEQA is very
20 specific about the criteria that constitute the basis
21 for recirculation. Basically, CEQA identifies four
22 different circumstances under which recirculation is
23 warranted. Based upon the response and comments, even
24 though we have supplemented the analyses and provided
25 additional explanation of the project and its

1 implication that were provided in the draft EIR, none of
2 the criteria that is specified under CEQA for
3 recirculation are present in this case and therefore
4 there is no legal obligation under CEQA to recirculate
5 the draft EIR. The final EIR is complete, adequate and
6 meets all CEQA requirements.

7 The second big issue that I think is --
8 warrants a little bit of discussion is the whole issue
9 of cumulative analyses. And if you remember from the
10 hearing that you folks held a couple months ago, there
11 was a lot of discussion by a lot of people about why
12 isn't Sunset/Olive included in the project, what about
13 all the other related projects that were in the
14 Sunset/Olive EIR, and things of that sort. So what I'd
15 like to do is take a minute or two and walk you through
16 what was done in the final EIR relative to that issue
17 that was raised by a fair number of members of the
18 public.

19 Basically, and first and foremost is that even
20 after consideration of the comments and observations
21 that were made by the public on the issue of cumulative
22 analyses, we reached the conclusion that the related
23 projects list that was in the draft EIR was valid.
24 Let's talk a little bit about why we reached that
25 conclusion. At the time the NOP was circulated for

1 Sunset Millennium, which, under CEQA, is the point in
2 the process whereby the related projects list is
3 developed, at that point in time Sunset/Olive was
4 inactive. Staff had tried to communicate with the
5 developer of Sunset/Olive, there was no communication
6 coming back, so at that point in time staff determined
7 that it was not appropriate to include Sunset/Olive as a
8 related project.

9 Obviously, subsequent to that point in time
10 Sunset/Olive was reactivated by the developer and was
11 brought before you, as I understand it, is in
12 continuance itself. So what we decided to do was even
13 though we reached the conclusion that the related
14 projects list that was included in the draft EIR is
15 adequate as presented, staff decided it was appropriate
16 for good planning practice to include Sunset/Olive as a
17 related project and re-examine what the cumulative
18 impacts of the Sunset Millennium project would be just
19 to understand what the differences would be if
20 Sunset/Olive was included as a related project.

21 Basically, and on a bottom-line basis, is that
22 with the exception of traffic, none of the cumulative
23 analyses identified any additional significant impacts
24 that weren't already identified in the original draft
25 EIR. With regard to traffic, with the addition of the

1 Sunset/Olive project there were significant impacts
2 before mitigation at two additional intersections and
3 that -- I'll go through those in a little bit. I want
4 to start talking about mitigation measures. And that
5 there were mitigation measures available to reduce those
6 impacts to less-than-significant levels. So even though
7 we're not obligated under CEQA to redo the cumulative
8 analyses, we did it anyhow because we thought it was the
9 right thing to do from a public disclosure perspective.
10 The results of that additional analysis yielded no
11 change in conclusions of significance with regard to
12 cumulative impacts.

13 Recognizing that there was a great deal of
14 commentary, not only about the Sunset/Olive project, but
15 also about the related projects list that was in the
16 Sunset/Olive EIR. There was a considerable number of
17 additional projects, while many were of small size,
18 there were a large number of them so we decided that it
19 was also good planning to also do another cumulative
20 analysis, which was to look at all the related projects
21 that were in the draft EIR, add Sunset/Olive, and then
22 add all of the other related projects that were
23 identified in the Sunset/Olive EIR and to redo that as
24 cumulative analysis and see how those results compared
25 or contrasted with those that are presented in the draft

1 EIR. And that analysis is presented in the final EIR as
2 one of the appendices.

3 What that analysis concludes is that even if
4 you load in all of those other projects, there is still
5 no change in the conclusions of significance with regard
6 to the cumulative impacts of the Sunset Millennium
7 project. In essence, what these analysis have
8 demonstrated is that the list of related projects that
9 we had included in the draft EIR was valid and was
10 appropriate. And even when you do these additional
11 analyses, you do not identify any additional significant
12 impacts that cannot be mitigated.

13 Another issue that was a recurring theme in
14 the October public hearing was the issue of emergency
15 access, and the issue of the delivery of paramedics
16 services, police and fire protection services to the
17 residents of West Hollywood, as well as residents of the
18 adjoining portions of the City of Los Angeles.

19 The Los Angeles County Fire Department in a
20 letter dated November 12th of 2004 indicated that from
21 their perspective, the development of the Sunset
22 Millennium project would not have a significant impact
23 in the delivery of fire protection services. Additional
24 coordination and work was undertaken with L.A. City Fire
25 and also L.A. Department of Transportation because this

1 is one of those issues where fire crosses over and has
2 the traffic implications, because the main issue is
3 getting people in and out of the hillside areas above
4 Sunset in a safe manner in the event of an actual
5 disaster.

6 Up until receiving a letter from L.A.
7 Department of Transportation this morning, we were under
8 the impression that they were satisfied with the
9 additional analysis that we had included in the final
10 EIR, and that the issue was resolved. However -- and
11 Tom Choe of Kaku Associates is with us tonight, and
12 he'll be able to perhaps comment a little bit more on
13 the LADOT letter that we received today.

14 The last issue that was raised in this
15 document or raised in the public comments is one of --
16 is one of regulatory. And that has to do with seismic
17 and the relationship of the proposed structures to the
18 fault line and doesn't have appropriate setbacks. To
19 just sum it up in one sentence, the project has been
20 designed and is proposed in accordance with the latest
21 regulations that have been adopted by city council with
22 regard to setbacks from the fault line. There's no
23 portion of the structure that is within 50 feet of a
24 mapped active fault.

25 Looking at -- one of the things that happens

1 when you do a final EIR, and one that we should do,
2 probably should have done first off, is to commend the
3 citizens of West Hollywood for the effort that they put
4 in to reviewing the draft EIR and commenting on it. It
5 was a tremendous effort. They identified a great number
6 of issues, many of which were addressed in the draft
7 EIR, but some of which needed some additional analysis.

8 As a function of responding to those comments,
9 there were a number of additional mitigation measures
10 added to the project post the draft EIR. Let's start
11 off with traffic. As I indicated, when we added
12 Sunset/Olive to the cumulative background condition,
13 there were two additional significant impacts of the
14 proposed projects. Those are the intersections of
15 Fountain and Sweetzer and at La Cienega and Melrose.

16 Basically, with the addition of a right-turn
17 lane, which in the case of Fountain and Sweetzer,
18 requires a P.M. peak-hour restriction of some on-street
19 parking. There will be a loss of one on-street parking
20 space just during the P.M. peak hour to accommodate the
21 additional right-turn lane. With that right-turn lane,
22 the significant impact at Fountain/Sweetzer is reduced
23 to a less-than-significant level.

24 With regard to La Cienega/Melrose, there is an
25 existing red curb, although not striped for a right-turn

1 lane, that exists at this location. And Tom can give
2 you more details on these mitigation measures. I'll
3 just lay them out as they are and you can probe with
4 additional questions as you see fit.

5 With some just paint, with just striping for
6 additional right-turn lane, the significant impact at La
7 Cienega and Melrose is reduced to a
8 less-than-significant level.

9 With regard to fire, as a function of the
10 discussions with L.A. Fire and LADOT, there were a few
11 additional roadway improvements that were identified to
12 facilitate evacuation and emergency access for the areas
13 north of Sunset. And there is also a mitigation measure
14 add requiring the applicant to pay fees to the City of
15 Los Angeles for their use in developing additional
16 mitigation measures to address the issue of emergency
17 access north of Sunset.

18 With regard to the issue of noise, we added
19 additional mitigation measures with regard to additional
20 limitations on truck deliveries, hours that deliveries
21 can occur, and how the trucks can basically operate when
22 they're on the project site. We are also -- in response
23 to some of the issues raised by the residents that are
24 south of the project, and to the Grafton Hotel, there's
25 a mitigation measure added to build a wall along the

1 boundary of the property, a six-foot wall along the
2 south boundary, and ten-foot wall along the east
3 boundary. And the wall, in conjunction with the design
4 for the parking driveway on the east parcel off of
5 Sunset, will address any and all of the noise and
6 vibration issues that are raised by the Grafton relative
7 to the proposed project.

8 With regard to construction, several measures
9 were added also in response to issues raised by the
10 Grafton. All of the impacts relative to the Grafton
11 have been reduced to less-than-significant levels as a
12 result of responding to their comments. Additional
13 mitigation measures were added with regard to the
14 operation of construction equipment on the project site,
15 involving crane, haul routes, interruptions in utility
16 service and also pest control, which was something that
17 was raised by maybe a half dozen to a dozen folks at the
18 October public hearing.

19 With regard to visual resources, what we did
20 was we firmed up and verified commitments from the
21 project regarding building materials and the amenities
22 that would be provided within the public view terraces.

23 Let's talk about significant impacts after
24 mitigation and a statement of overriding consideration.
25 What CEQA requires is that if a project results in

1 significant impacts after mitigation, at the discretion
2 of the decision making body, a statement of overriding
3 consideration needs to be adopted in order to certify
4 the EIR as adequate under the California Environmental
5 Quality Act.

6 With regard to the Sunset Millennium project,
7 there are four areas for which there are significant
8 impacts after mitigation. Let's pick those off one by
9 one, because this is an important point for you all in
10 terms of making your recommendations to council. With
11 regard to traffic, project impacts before mitigation,
12 four significant impacts. After mitigation, two
13 significant impacts. The significant impacts are at
14 Sunset/La Cienega and Holloway/La Cienega. And the two
15 significant impacts were also identified for the Friday
16 night and weekend night analysis. So in addition to
17 looking at A.M. and P.M. standard periods of time, we
18 also looked at late night period and we analyzed, Tom
19 did an analysis of that. And the findings of that
20 analysis are consistent with the impacts identified for
21 the traditional peak hours that are analyzed in the
22 traffic study.

23 While there are two significant impacts after
24 mitigation, the reason why there are those significant
25 impacts is the intersections at those two locations lack

1 sufficient roadway capacity and geometries to make
2 improvements to them so Tom did a diligent effort to try
3 to identify mitigation measures that would work at those
4 intersections, unfortunately, we were not able to
5 identify mitigation measures due to roadway geometry.

6 I'm sorry. Terri just corrected me. On the
7 two significant impacts, they are Santa Monica and La
8 Cienega, and I made a mistake, it's Sunset and Alta
9 Loma. So I apologize for that mistake. Thank you,
10 Terri.

11 With regard to cumulative --

12 CHAIRMAN ALTSCHUL: Excuse me. So Sunset and
13 La Cienega is not one of the intersections?

14 MR. LACKOW: Right.

15 CHAIRMAN ALTSCHUL: Holloway and La Cienega is
16 not one of the intersections?

17 MR. LACKOW: Those have been mitigated to
18 less-than-significant levels.

19 CHAIRMAN ALTSCHUL: It is Sunset and Alta Loma
20 and Santa Monica and La Cienega?

21 MR. LACKOW: Those are the results of the
22 traffic analysis.

23 CHAIRMAN ALTSCHUL: Quiet, please.

24 MR. LACKOW: On a cumulative basis, 12
25 intersections were identified in the future condition

1 and operating at LOS E or F. As such, we've concluded
2 that there was a significant cumulative traffic impact.

3 Let's talk a little bit about a reason for that.

4 While we loaded all of the related projects
5 into the future traffic base, any mitigation measures
6 that may be associated with those, because they are not
7 committed and funded or not loaded, so what you end up
8 having, is you end up having all the traffic, but none
9 of the solutions that may ultimately be identified
10 relative to those related projects when they come before
11 you on a case-by-case basis. So what we did was to
12 provide a very conservative analysis of what future
13 conditions would be.

14 With regard to visual, basically there's two
15 ways of looking at visual. One is looking down from the
16 locations -- more ways than that. There's a multitude
17 of ways to look at visual with this project. But
18 relative to significant impacts, there are two of note.
19 One is for those areas that are located north of Sunset
20 Boulevard, basically, anything more than a quarter mile
21 to a third of a mile up, basically those -- everyone
22 from that level down, so from Miller all the way up to
23 about a quarter mile to a third mile up, say, Miller,
24 and if you drew a line across at an elevation of about
25 550 feet. All of those people below that line would

1 have significant view impact, and there would be a
2 significant view impact from Miller as a public street
3 as well.

4 In addition, it will be concluded that there
5 would be significant view impacts traveling up La
6 Cienega looking towards the hills themselves.

7 In terms of air quality, there are both
8 operational and cumulative significant air quality
9 impact.

10 With regard to operational impacts, there are
11 significant impacts with one -- we identified mitigation
12 measures to reduce that impact. To the extent feasible,
13 those mitigation measures have been incorporated into
14 the final EIR and the mitigation monitoring report,
15 however we were not able to identify mitigation measures
16 sufficient to eliminate that significant impact, so that
17 becomes an impact that will need to be overridden.

18 In addition, we conservatively concluded,
19 because the general Southern California area is a
20 nonattainment for a couple of criteria pollutants, those
21 are the ones that are regulated by the Federal Clean Air
22 Act that because we would be contributing emissions of
23 those pollutants, we decided to conservatively call
24 those impacts significant as well.

25 With regard to construction, we recognized at

1 the outset of this project that construction was a big
2 issue for this project. If you try to build the kind of
3 project that is being proposed by the applicant on
4 Sunset Boulevard at La Cienega, construction is going to
5 be an important issue. As a result, rather than
6 segmenting and fragmenting an analyses of construction
7 into each of the issue areas, we decided to present
8 construction impacts holistically and put them all
9 together across all issues. And I can say relative to
10 documents I've both written and reviewed, that this is
11 the most comprehensive construction analysis that I've
12 seen to date.

13 What that analysis indicated is that despite
14 the identification of mitigation measures with regard to
15 visual quality, air quality and noise, that we have
16 identified all feasible mitigation measures but those
17 mitigation measures are not sufficient to reduce
18 construction impacts to less-than-significant levels.

19 So in summary, the recommendation, should you
20 decide to recommend certification of the EIR to the
21 council, will need to include a statement of overriding
22 consideration in the areas of traffic, visual, air
23 quality and construction.

24 To close out my comments this evening and hand
25 the presentation back to C.J., we received three

1 letters, one from the City of Beverly Hills, one from
2 LADOT, and one from an attorney representing the
3 Mondrian Hotel. We reviewed those letters. I can
4 comment that on the Beverly Hills letter, they are
5 basically reiterating the comments they made in the
6 draft EIR, on the draft EIR, and that those are
7 addressed in the final EIR. And that there simply is a
8 difference of opinion between their traffic engineers
9 and your traffic engineers. And CEQA allows for that as
10 long as there is sufficient evidence in the record to
11 support your decision that the conclusions of the
12 traffic study pursuant to the direction provided by the
13 city traffic engineer, is appropriate.

14 With regard to the letter that was drafted by
15 the attorney representing the Mondrian, let's talk about
16 that. All these letters are late letters. There's not
17 an obligation under CEQA to respond to late letters.
18 Given the importance of the project and the sensitivity
19 of staff and the Commission to environmental issues,
20 we've decided to look at the letters and see if there
21 was anything raised in the letters that warranted
22 further attention.

23 With regard to the letter from Mondrian,
24 basically there are two categories of issues. One is
25 its assertion that the project would result in urban

1 decay. While it's certainly within the realm of
2 possibilities, it is very speculative to assess one of
3 the implications of building these hotels on the Sunset
4 strip. I'm sure that for every expert that you can line
5 up that would say that this would contribute to, quote,
6 "urban decay," you can line up another expert that says
7 that this will continue and invigorate the Sunset strip
8 for its intended purposes as set forth in the Sunset
9 Specific Plan. So in our opinion the whole issue of
10 whether the project represents urban decay is
11 speculative and CEQA allows that issues that are
12 speculative do not need to be analyzed. And so at this
13 point, based upon the review we've done to date, we
14 consider the whole issue of urban decay as speculative
15 and doesn't warrant further discussion.

16 With regards to the other issues that are
17 raised in the letter from the Mondrian, all the issues
18 raised are addressed in the final EIR. No new issues,
19 no new impacts, no new mitigation measures.

20 So basically that sums up my observations
21 relative to late letters. I'll reserve comments on the
22 LADOT letter to Tom. And at this point I'll hand the
23 presentation back to C.J.

24 MR. AMSTRUP: Thank you. Commenting on that
25 LADOT letter is going to be Terri Slimmer. Tom Choe

1 will be discussing the methodology of the traffic and
2 circulation studies.

3 CHAIRMAN ALTSCHUL: Before we get into that,
4 perhaps there's some Commission questions to the
5 gentlemen that have just presented the EIR. Are there
6 any? I have one or two.

7 You indicated that as far as recirculation is
8 concerned, CEQA has four criteria that any one of which
9 might dictate recirculation. Could you just briefly
10 state what those four criteria are and tick them off so
11 we can know how or why you decided that it's not
12 necessary.

13 MR. LACKOW: Very good. The first criteria
14 is, does the -- in responding to the comments, is a new
15 significant impact that cannot be mitigated identified?
16 So a new significant impact that the public did not have
17 an opportunity to comment on. As I indicated, any and
18 all of the issues that were raised in the public
19 commentary, any potential impacts associated with those
20 are all reduced to less-than-significant levels. So the
21 first test with regard to recirculation is not met.

22 The second test is a substantial increase in
23 the severity of an impact. Basically, that is also not
24 the case. While we have added mitigation measures and
25 we've provided additional analyses and we've provided

1 corrections and additions to the draft EIR, there is not
2 a single instance in which there is a substantial
3 increase in the severity of an impact that was disclosed
4 in the draft EIR. So the second test is not met either.

5 The third test is failure to adopt a new
6 feasible mitigation measure for a significant impact of
7 the project. We reviewed all the mitigation measures
8 that were identified in the comments that were provided
9 by the public, and that totaled, when you throw the
10 letters together with responses, about a thousand pages
11 of commentary and responses, so it was quite a bit of
12 information. Any feasible mitigation measures for
13 significant impacts were incorporated into the project,
14 that was the reason why I spent a few minutes to review
15 with you whether the additional mitigation measures that
16 were added as a function of final EIR. So that test is
17 also not met.

18 And then the last one was that the draft EIR
19 was so fundamentally flawed and inadequate, that it did
20 not provide sufficient disclosure to the public. I
21 think that the draft EIR did a fine job in regard to
22 that. And it's the staff's opinion that the draft EIR
23 was comprehensive, it identified all the impacts,
24 potential impacts of the project that were known at that
25 point in time. It identified all feasible mitigation

1 measures. It identified a range of reasonable
2 alternatives for the proposed project. It met all CEQA
3 requirements. And as a result, it was not fundamentally
4 flawed in any manner, shape or form. So it did not meet
5 that test as well.

6 CHAIRMAN ALTSCHUL: One more. Did you look at
7 or make an assessment as to whether or not opening up
8 the cul-de-sac at Alta Loma would reduce Sunset and Alta
9 Loma to a less-than-significant impact?

10 MR. LACKOW: That was something that was
11 examined in the context of the final EIR. We do have
12 responses to that. Basically, what it turned out to be
13 was really kind of an exchange of impacts, because if
14 you opened up that cul-de-sac the expectation was that
15 you would have additional traffic through the
16 residential neighborhood and that the benefits that
17 would be accrued as a function of opening up that
18 cul-de-sac would be more than off set by increasing
19 neighborhood cut-through traffic. And as a result, it
20 was decided not to make a recommendation to remove that
21 cul-de-sac.

22 CHAIRMAN ALTSCHUL: Donald?

23 COMMISSIONER DeLUCCIO: Originally there were
24 four intersections that were considered significant
25 impacts and now there's two. What was true, that would

1 require an overriding statement of consideration because
2 you could not bring them down to less than significant.
3 Can you tell me what the other two are and how you were
4 able to bring them down to less than significant which
5 would not require them to be part of an overriding
6 statement of consideration.

7 MR. LACKOW: At this point in time what I'll
8 do is I'll hand the presentation over to Tom Choe of
9 Kaku Associates and let him answer that.

10 MR. CHOE: Okay. Let me just answer that
11 question. There were four intersections that were
12 significantly impacted. Two unmitigated and two that
13 were mitigated. One question that you had on the
14 mitigated one, what were the mitigations. At La Cienega
15 and Sunset, I believe there's a new northbound left-turn
16 lane and a north right-turn lane that's added as part of
17 the project at that intersection, and that reduces the
18 impact to less than significant. At the Holloway and La
19 Cienega Boulevard, additional through-lane was provided
20 by using the existing roadway width on Holloway on the
21 eastbound direction and taking some of the sidewalk
22 there to provide that additional lane, and that would
23 also reduce that to less-than-significant impact.
24 Unfortunately, at Alta Loma and Sunset Boulevard and
25 Santa Monica and La Cienega Boulevard, there was not

1 enough right-of-way anywhere that could be found to do
2 that type of thing. There's other improvements that
3 could be made but it would not reduce it to
4 less-than-significant impact.

5 CHAIRMAN ALTSCHUL: Thank you. C.J.?

6 MR. AMSTRUP: We're going to have Tom respond
7 because Bruce did such a comprehensive job on some of
8 the traffic issues, we're going to have Tom respond to
9 Commission comments and he can discuss methodology. So
10 at this time what I'm going to have is Terri is going to
11 discuss the letter from LADOT that was received this
12 afternoon. She'll go into the city's reaction in
13 response to that.

14 CHAIRMAN ALTSCHUL: Thank you. Terri Slimmer,
15 transportation manager.

16 MS. SLIMMER: Good evening, Chairman Altschul
17 and Commissioners. Late this afternoon we did receive
18 a subsequent letter from LADOT which reiterated, I
19 believe, a letter that they had sent us that's attached
20 in the appendix in late or early November. That letter
21 indicated that they were still not satisfied with our
22 responses relative to intersection analysis in the city
23 of L.A. However, subsequent to further conversations
24 with LADOT staff, Allyn Rifkin and James Okazaki, and
25 Kimberlina Nueven is also here from Jack Weiss' office,

1 I'm pleased to say that's really no longer an issue and
2 the applicant and city and LADOT are working to resolve
3 that. We expect that that will be -- all issues
4 relative to that letter will be resolved tomorrow.

5 CHAIRMAN ALTSCHUL: Thank you. Donald has a
6 question.

7 COMMISSIONER DeLUCCIO: Terri, I have a
8 question on that. Would somebody be able to testify
9 this evening to what you just said from the City of Los
10 Angeles?

11 MS. SLIMMER: I don't know that they can but I
12 think Kimberlina is here and I think she does have a
13 Speaker slip and I think she'll indicate that, yes,
14 there is a letter, and, yes, there is a concern but
15 there is cooperative effort on going in and that we
16 expect a result shortly. I think that would be her
17 testimony, yes.

18 COMMISSIONER DeLUCCIO: Thank you.

19 CHAIRMAN ALTSCHUL: Terri, with respect to the
20 parking matrix that C.J. introduced. You have looked at
21 it and you have analyzed it, I take it?

22 MS. SLIMMER: I have not seen the latest one
23 that he may have handed you. I probably saw an earlier
24 version of it, yes.

25 CHAIRMAN ALTSCHUL: But on the version that

1 you saw, were the parking standards correctly applied?

2 MS. SLIMMER: That is normally -- that's a
3 standard that's applied by the planning department.
4 It's not something that transportation does, although we
5 do review it and we concur with C.J.'s assessment.

6 CHAIRMAN ALTSCHUL: You do concur?

7 MS. SLIMMER: Yes, we do.

8 CHAIRMAN ALTSCHUL: And you concur with the
9 bottom-line result that there are 435 total excess
10 spaces?

11 MS. SLIMMER: With the project as designed,
12 yes.

13 CHAIRMAN ALTSCHUL: John.

14 COMMISSIONER D'AMICO: Terri, you just spoke
15 but I want to say back what I heard you say so I
16 understand. You're saying the letter from the
17 Department of Transportation cites two specific concerns
18 but that the city staff and Jack Weiss' office are
19 addressing those concerns and you believe that by
20 tomorrow somebody, you or them, will say that these are
21 no longer concerns?

22 MS. SLIMMER: Yes. Correct.

23 CHAIRMAN ALTSCHUL: Any further questions?

24 C.J.?

25 MR. AMSTRUP: That concludes staff's

1 presentation.

2 CHAIRMAN ALTSCHUL: Any further questions of
3 staff at this time? Either staff or the environmental
4 consultants?

5 MR. AMSTRUP: Excuse me. Susan has one
6 comment that she'd like to make about the development
7 agreement.

8 MS. HEALY KEENE: I just wanted to make sure
9 that you and the Commissioners had before you as well
10 the two items in the development agreement, that would
11 be specifically 3.3.4, affordable housing, that issue,
12 and Exhibit H13, the fees issue. There is a separate
13 attachment before you tonight that fills in that
14 information and it is also available at the back table.

15 CHAIRMAN ALTSCHUL: That was under the cover
16 letter from Ray Reynolds?

17 MS. HEALY KEENE: That's correct.

18 CHAIRMAN ALTSCHUL: I think we all have that.
19 At this point we will take a --

20 COMMISSIONER DeLUCCIO: I have a question.

21 CHAIRMAN ALTSCHUL: Sure.

22 COMMISSIONER DeLUCCIO: The development
23 agreement actually probably -- it outlines the public
24 benefits that the city would get from the project; is
25 that correct?

1 MS. HEALY KEENE: Yes.

2 COMMISSIONER DeLUCCIO: What about -- it says
3 there's 435 excess parking spaces, I don't see -- is
4 that considered a benefit to the city?

5 MS. HEALY KEENE: Yes, that is considered a
6 benefit. That is above and beyond required parking.

7 COMMISSIONER DeLUCCIO: I don't see that
8 anywhere in the development agreement.

9 MS. HEALY KEENE: Let me check and find the
10 number for you. Exhibit E-1 Mr. Reynolds is telling me.

11 COMMISSIONER DeLUCCIO: In the development
12 agreement?

13 CHAIRMAN ALTSCHUL: Yes.

14 If there are no further questions of staff at
15 this time, we will take a ten-minute break before we
16 proceed with the applicant. Thank you.

17 (A recess was taken.)

18 CHAIRMAN ALTSCHUL: We will resume the hearing
19 with the applicant's presentation. The applicant will
20 have 25 minutes total for their presentation. They may
21 have as many speakers as they wish in the 25 minutes.
22 David, when the speakers change, please stop the clock.

23 And we'll start with the applicant. Who is
24 going to start first? And will anybody who speaks,
25 please state your name and your city of residence.

1 MR. ACKERMAN: Good evening, and thank you for
2 this opportunity. My name is Richard Ackerman, and I
3 reside in the City of Malibu. I am a principal in the
4 firm of Apollo Real Estate Advisors. I am based in Los
5 Angeles. We are the owner on behalf of one off the
6 funds of the Sunset Millennium project which is the
7 subject of tonight's discussion.

8 Apollo Real Estate Advisors is a global money
9 management firm with over 20 billion dollars in
10 worldwide real estate investments. We have recently
11 completed the Time Warner Center in New York City, the
12 largest commercial development in the United States, and
13 are currently redeveloping the Beverly Connection on La
14 Cienega and plan to build the new convention center
15 hotel in Los Angeles.

16 Five years ago the city approved this project
17 after much debate for a 371 room hotel and 200,000
18 square feet of office buildings. We could build that
19 project today; however, after I took personal
20 responsibility for the project, I thought we could do a
21 much better job. So I convinced Lou Wolf, the best
22 hotel developer in the United States, to join me. And I
23 hired two world class architects, Steve Cantor and Andy
24 Cohen to help me redesign the project. Together with
25 the city staff you have this new project in front of

1 you. It is a smaller project with less impacts, more
2 parking and much-needed housing.

3 Before I turn this presentation over to our
4 project architect Andy Cohen, I'd like to thank the city
5 staff for working with us for over two years developing
6 this plan, and all the members of my team for the
7 tremendous effort that the group has put together for a
8 very exciting project. Our technical and legal team is
9 here this evening to provide an overview of the project
10 and to respond to any questions that you have.

11 I'd like to introduce Andy Cohen, a principal
12 of Gensler Architects who will provide a project
13 overview.

14 MR. COHEN: Good evening. I'm Andy Cohen with
15 Gensler Architects and we're thrilled to be here
16 tonight --

17 CHAIRMAN ALTSCHUL: City of residence, Mr.
18 Cohen?

19 MR. COHEN: City of residence is Manhattan
20 Beach.

21 I'm thrilled to be here tonight to present to
22 you the amended design for the Sunset Millennium
23 project. This has been a highly interactive process
24 working with the community, the Planning Commission,
25 staff and the design review committee interactively on

1 the design of this project. I wanted to thank everyone
2 involved for their input that has positively impacted
3 the project.

4 I'd like to point out as I go through the
5 presentation, point out some of those positive impacts
6 that have happened because of this interactive process.

7 First, I'll point to this board here -- by the
8 way, there are a series of boards around the room and we
9 welcome everyone to take a look at them. I first focus
10 on this board which compares the 1999 approved entitled
11 project with this amended project. The 1999 project had
12 371 rooms, hotel rooms, the new project has 296 rooms.
13 It's about a 20 percent reduction in hotel rooms.

14 Retail and restaurants, the approved design in
15 1999 had 52,000 square feet of restaurant, retail, the
16 amended design has 39,782 square feet, or about 23
17 percent less of restaurants and retail.

18 The office and residential, the original
19 project had offices with occupants based on a square
20 foot count of little over 700 occupants would have been
21 in the office, and for the residential that Richard
22 pointed out, 190 residential units with 325 calculated
23 residents, so approximately half the number of people
24 will be in the buildings themselves.

25 Peak hour traffic trips, and Sam Ross is here

1 to answer any questions. On A.M. peak trips, very
2 important, on the existing entitled project there were
3 509 A.M. peak trips, the new peak trips have 30 percent
4 less for the A.M. peak at 354. P.M. peak at 610, again,
5 about 29 percent reduction for 434 peak trips.

6 Open space, the Sunset Specific Plan had 15
7 percent requirement for open space. The approved 1999
8 project has about 27 percent, and the project that
9 Steven Cantor and I are going to present to you tonight
10 has 34 percent. So we're almost double that was
11 specified in the specific plan.

12 Parking, and this has been pointed out, the
13 entitled project in 1999 had 333 stalls in excess of
14 code, and the product today that's amended has 435
15 stalls.

16 The building heights that were approved in
17 1999 were 100 feet tall and today we're coming back with
18 the 100 foot tall, with the exception of the Peterson
19 Building that exists on the site, which is 104 feet tall
20 today.

21 I'll refer to this overall master plan. We
22 have in front of you a book that has a lot of renderings
23 and illustrations that depict a lot of the process that
24 we talk about during the design review subcommittee
25 process. On the east parcel and the west parcel and the

1 middle parcel we've created very much a vibrant
2 pedestrian-oriented ground floor space and the series of
3 renderings that depict that vibrancy that will occur at
4 the ground floor.

5 At the perimeter of the south of the property
6 we spent a lot of time working on layered landscaping
7 options, which really create landscaping in the
8 foreground and at the building face itself, which
9 mitigates views and obviously creates wonderful
10 landscaping at the perimeter of the project.

11 Again, we have these series of boards that we
12 very much would like for you to view, and there are
13 those examples in your book. In working on this project
14 this has been a true collaboration with Steven Cantor.
15 And Steven Cantor is going to come up right now and
16 describe the middle parcel.

17 Also just quickly point out that the tall
18 walls, we spent a bunch of time integrating the tall
19 walls into the designs of the facades, so they're very
20 much integrated into the architecture. And through the
21 process of working with the design review subcommittee,
22 have really integrated those into the overall
23 architectural expression and vernacular.

24 MR. CANTOR: Thank you, Andy. My name is
25 Steven Cantor, Cantor Architects. I'm a resident of Los

1 Angeles. I am also president of the A plus D Museum
2 which resides at 8560 Sunset Boulevard, and we invite
3 all of you to come to our museum.

4 We're the architects of the middle parcel.
5 The middle parcel is between Alta Loma and La Cienega.
6 It comprises two separate buildings, it has a view
7 corridor that ranges from approximately 50 feet wide to
8 about 80 feet wide, which is actually an increase from
9 the prior project. The two buildings are residential in
10 nature, they're condominium buildings. Each one is nine
11 floors high. There is a 10 percent onsite affordable
12 housing component, and the other 10 percent will go to
13 offsite housing.

14 The building has a one-story lower level
15 pedestrian level retail and restaurant band that goes
16 all the way across the project with outdoor dining, and
17 we encourage outdoor activities along the entire front
18 of the project. So the concept is that the building
19 layers up from a one-level podium up to the upper
20 building that steps back away from the view corridor.

21 The project has 268 cars dedicated to the
22 residential portion, that's 2.5 cars per unit,
23 approximately. There is a public view terrace off of
24 the back of our building that is about 5,000 square feet
25 and it is a terrace that has trellises and seating

1 features and has a tremendous view of the city to the
2 south.

3 There is an increase in this particular
4 project by going from the prior project of 27 percent
5 open space to now 34 percent open space on this project.
6 So we have an increase of open space. The building has
7 a 15-foot mechanical screen that completely conceals all
8 mechanical on this project. The prior project had a
9 25-foot mechanical screen, so effectively it's a lower
10 project.

11 We have an increase of our outdoor dining and
12 outdoor activity area, up about 33 percent greater than
13 the prior project. Then I wanted to talk briefly about
14 the aesthetics of the project. And I wanted to thank
15 the design review committee that we worked with through
16 that phase of the project because the project was quite
17 different in its aesthetics originally. And through
18 working with the design review committee we believe that
19 sort of collectively the building has been improved and
20 refined architecturally.

21 The concept of the building is to do a
22 timeless modern building that is wrapped with smooth
23 precast, with large incredible views to the city beyond.
24 The glass is clear and non-reflective, and there are a
25 variety of glass types in the project, such that it cuts

1 down glare, and some is translucent in nature.

2 All interior screening and window systems will
3 match through the building so that there be a continuity
4 across the entire project. The mechanical screens on
5 top are curvilinear so that they tend to dissolve into
6 the sky.

7 And there's a rich landscaping involved with
8 our project, there's a large pool area, view deck area,
9 and entrance courtyard on the project with palm trees
10 and rich landscaping and water features.

11 The primary vehicular access to the project is
12 off of Alta Loma. There's also exits out of the project
13 on La Cienega. So with that, I'd like to turn over the
14 presentation to Nicki Carlsen who's going to discuss the
15 -- I'm sorry, to Lou Wolf.

16 MR. WOLF: Mr. Chairman, members of the
17 Commission, I'm Lou Wolf. I live in the City of Los
18 Angeles. And I'm not the best hotel developer in the
19 United States, but I am a persistent developer and I
20 love projects that have an urban flavor to them in a
21 community that's trying to balance both its urban and
22 residential life. This one is very intriguing and I'm
23 sure you've been at it for a very long time.

24 I am involved in a lot of hotels, both in
25 development and ownership with a lot of brands, which

1 include Four Seasons, Fairmont, Ritz Carlton, one, the
2 Rosewood Group. We have a Hilton and we have a Marriott
3 Courtyard. So I think I've been exposed to a wide range
4 of different brands, and I know what their impact can be
5 on a community and also on introducing people to a job
6 and careers they very might not otherwise have. Hotels
7 are very good entry-level activities.

8 From the planning point of view, when I was
9 first approached by Mr. Ackerman to get involved in the
10 project, I was interested in the 370-room hotel but it
11 seemed to be rather large for the scale of the community
12 and it wasn't next to or coordinated with the other
13 hotels that my wife and I frequent, even though I'm
14 usually the oldest person in the restaurants we go to in
15 your fine community. So the idea of moving the hotels
16 to where they can be associated closer to the other
17 hotels and not be that monolithic wall that a 370-room
18 hotel, was intriguing to me. We did -- so we did reduce
19 the number of hotel rooms and we went to -- we have a
20 total of about 295 in two hotels. Rather small hotels
21 by hotel standards. One is a W Hotel, which is the
22 Starwood brand, some of you may be familiar with them.
23 Starwood has a very intriguing approach. They do not --
24 they prefer the developers to select interior designers
25 that may have never done a hotel before. And they give

1 you a suggested list which went all the way from Paris
2 to Los Angeles. We selected a fantastic firm that is --
3 that if we can finally get this project built, I think
4 you'd all be proud to see the concepts that are
5 involved.

6 The Marriott is a probably the best
7 reservation system in the world, and we like to benefit
8 from that. That's a hotel of 135 rooms. Both are
9 relatively small, sharing a very interesting site.
10 Parking below and excessive parking, which I heard the
11 numbers tonight and that's very pleasing to us in the
12 hotel business. And it will help the other hotels and
13 probably relieve some traffic.

14 So I've never seen a project this precisely
15 evaluated, even though I do a lot of urban
16 redevelopment. I know what the former project is, it's
17 not terrible, I think this is probably an improvement in
18 terms of its scale. But from a hotel point of view, I
19 think having two brands will contribute more to the
20 community than having one. Thank you.

21 CHAIRMAN ALTSCHUL: Ms. Carlsen, are you going
22 to speak? No. And Mr. Weston, are you going to speak?

23 MR. WESTON: Only for rebuttal.

24 CHAIRMAN ALTSCHUL: That then concludes the
25 applicant's presentation.

1 Our next group of speakers will have 25
2 minutes are consultants that have been put together by a
3 group of residents. May I have those speaker slips,
4 please. As I said, there are four in this group, you
5 will have a total of 25 minutes. When you take the
6 microphone, would you please again state your name and
7 your city of residence. Kenneth Wilson.

8 MR. WILSON: My name is Kenneth Wilson,
9 Altadena. I'm a California certified engineering
10 geologist. We have independently reviewed the draft EIR
11 seismic hazard section and appendix F, geologic and
12 seismic hazards investigations for Hill, Farrer &
13 Burrill. These documents conclude that fault 1 along
14 the southerly edge of the east parcel is active and
15 requires a 50-foot building setback from foundations.
16 They also conclude that fault 2 near the center of the
17 east parcel under hotels A and B is inactive.

18 Faults within California are classified as
19 active if they have experienced displacement within
20 approximately the last 11,000 years. The technical
21 basis in the EIR is inadequate for determining that
22 fault 2 is inactive. If fault 2 proves to be active, a
23 50-foot setback would be required based on city council
24 resolution 043104 adopted July 2004, and to be
25 consistent with state law.

1 In 1998 Esporation Trench Law documents that
2 fault 2 displaces and ruptures undated reddish soil
3 deposits. This is not in dispute. If it could be
4 proven that fault 2 reddish soil deposits are
5 substantially older than 11,000 years, the fault could
6 be considered not active. In such a case, a setback
7 might not be required. However, based on the
8 information in the EIR, these faulted reddish soils
9 could be as young as several thousand years old, or as
10 old as 130,000 years. The reason for this uncertainty
11 is that the main technical basis for determining the age
12 of the reddish soil deposits near fault 2 was a
13 professional estimate based mainly on the correlation of
14 soil color with soil age. Oversimplifying the
15 estimation method somewhat, they assumed that the redder
16 the soil, the older the soil.

17 This same professional estimate of soil age
18 was made in the year 2000 by the project's consulting
19 geologist for fault 1 reddish soils. However, further,
20 more accurate testing of fault 1 reddish soils was
21 performed in 2001 at the city's request. Using
22 radiometric age dating of charcoal samples from the
23 fault 1 soils, these tests proved that the majority of
24 the faulted soils are 8,600 to 10,000 years old, instead
25 of 30,000 to 120,000 years old. These tests change

1 fault one from an inactive to active fault and resulted
2 in a 50-foot setback recommendation.

3 It can only be concluded, based on the
4 information in the EIR, that no one can know with
5 reasonable certainty whether fault 2 is active, possibly
6 active, or inactive. Several choices are available to
7 attempt to resolve this uncertainty about the age of
8 last movement on fault 2. One could apply to the
9 reddish soils in fault 2 the same 2001 radiometric ages
10 found less than a hundred feet away for the fault 1
11 reddish soil. This would make fault 2 active.

12 One could go back to the 1998 trench area
13 within the fault 2 reddish soils to provide datable
14 charcoal and perform accurate radiometric age dating.
15 Since charcoal was noted in one boring in the fault 2
16 soils adjacent to the 1998 trench, this seemed like a
17 reasonable step. Alternatively, one could do what was
18 done for the EIR and use radio carbon dates and other
19 soil color estimated dates from offsite projects 300 to
20 1300 feet away from the east parcel. In any case, it is
21 our opinion the required work to properly date the
22 reddish soil deposits at fault 2 has not been performed.
23 Deferral of this soil dating until after certification
24 of the final EIR would be inappropriate considering the
25 project feasibility and life safety concerns.

1 In summary, the technical and scientific key
2 to obtaining active defensible estimates for the age of
3 fault movement is to know the age of the unfaulted and
4 faulted soils. It is always preferable to have soil
5 samples that have radiometric dates, and that the soil
6 samples come from the site where the building is being
7 built. Professional estimates of soil age based mainly
8 on soil color may be adequate for some research studies
9 for buildings that would not have significant human
10 habitation or where nearby onsite radiometric ages can
11 be used as a cross-check.

12 The city geology reviewer recognized this in
13 2001 and required more field study analysis associated
14 with fault 1. When data were inconclusive in 1998, the
15 contractor Harzner recommended -- excuse me, correctly
16 assumed fault 1 to be active because they could not
17 prove it was inactive. They suggested a 50-foot setback
18 in lieu of the 100-foot setback then required by the
19 City of West Hollywood. We believe our approach is
20 prudent and fault 2 requires further evaluation. Thank
21 you.

22 CHAIRMAN ALTSCHUL: Steven Alpert, to be
23 followed by Hans Gerreau.

24 MR. ALPERT: Good evening, my name is Steve
25 Albert, principal of the Albert Architects. We're in

1 Culver City and I reside in Malibu.

2 I was asked by the Fountain View residents to
3 help articulate their concerns regarding certain aspects
4 of the environmental impact report. And I'll just
5 concentrate on some of the design aspects.

6 The first one -- there are about three or four
7 concerns. The first one was actually brought up in the
8 public comments by a woman who expressed a concern about
9 contextualism. And the concerns of the Fountain View
10 residents is the same. In reviewing the environmental
11 impact report, there was a lack of specificity that we
12 believe in specifically what features in regards to
13 density, height, bulk, and required design buffers, the
14 buffers that are required in the Sunset Specific Plan,
15 that respond to the context of the site and the scale of
16 the neighboring properties.

17 Second major concern was one of -- was just
18 discussed, in terms of soil conditions. What the
19 residents of Fountain View, those homeowners would like
20 to better understand what are the specific foundation
21 design and shoring methods and evidence that the project
22 geologist has approved the foundation plans for those
23 methods.

24 Also, is there an opinion in the EIR that the
25 project geologist concurs that construction will not

1 have significant impact or any damage to the surrounding
2 properties.

3 Third concern --

4 CHAIRMAN ALTSCHUL: Excuse me. Stop the
5 clock, please. Would the cell phone holder please go
6 outside. Thank you. Go ahead, Mr. Alpert.

7 MR. ALPERT: Thank you, Mr. Chairman.

8 Third concern that -- from the Fountain View
9 homeowners was how will the Sunset Millennium project
10 reduce -- or what methods are they going to use to
11 reduce noise level that would come from scheduled public
12 gatherings at the pools, view decks and other function
13 spaces to an acceptable decibel level.

14 Next item is, how is parking screened? There
15 was a lack of specificity in the landscape plans that
16 demonstrate screening. There was also lack of
17 specificity in the building section showing the height,
18 location of barrier walls and retaining walls adjacent
19 to the property -- to the Fountain View property.

20 Last major item that I'll get into is during
21 construction. If the project were to be approved, the
22 Fountain View residents would request that the project
23 developer provide a survey crew, a structural engineer
24 and geologist to mark an elevation down or height of the
25 Fountain View building nearest to the project, to mark

1 that height at the start of construction and for that
2 height or data to be monitored during construction so
3 that any changes in the height, that is, any settling of
4 the Fountain View project, is known immediately, and
5 that the project geologist would be on hand to verify
6 any changes in soil conditions of the Fountain View
7 property and their footings by observations and reports.
8 That also, the project structural engineer be available
9 to monitor the Fountain View project, garage walls,
10 slabs, et cetera, for any indication of cracking or
11 damage.

12 These recommendations or these requests are --
13 have been put in a submittal to the Planning Commission
14 and we find -- in my own experience we find that all of
15 these are normal requests of any significant project and
16 should be made part of the approval should it be granted
17 for this project. Thank you.

18 CHAIRMAN ALTSCHUL: Thank you. Hans Gerreau,
19 to be followed by Arthur Kasada.

20 MR. GERREAU: My name is Hans Gerreau from
21 Irvine, California. I was requested by the Fountain
22 View Association to focus on the noise and air quality
23 impacts associated with the project development,
24 particularly as it relates to potential for mitigation.
25 The EIR contains a large number of mitigation measures

1 which are identified as -- that they would be
2 implemented, if feasible, or to the extent that they
3 could be implemented, or if possible, without an
4 adequate commitment. But on the other hand, a lot of
5 those measures were then perceived to be implemented in
6 concluding that the impact would be reduced to a
7 less-than-significant level in many cases. That's not
8 necessarily the case. I think the -- we have identified
9 a list of suggested mitigations in your handout there
10 that we believe should be considered for the proposed
11 project. And our evidence of the fact that all known
12 reasonable measures have not been implemented, which is
13 what's required under CEQA, if you were to prepare a
14 statement of overriding considerations.

15 The biggest concern that I have in reviewing
16 the documents is that the door is being left open for a
17 nocturnal hauling. The EIR concludes that there be ten
18 hours a day of hauling at 20 trucks an hour, so it would
19 be 200 truck trips a day in order to get the demolition
20 debris or the excavation material out of the hole. The
21 haul route on the site for the east parcel is directly
22 along the southern property line. The
23 EIR further concludes that they will try to avoid
24 hauling during the morning rush hour and during the
25 evening rush hour, which means that they have a window

1 from 10:00 A.M. to 3:00 P.M. which is five of the ten
2 hours they need. If they're going to avoid the morning
3 and the evening and the late afternoon rush hour,
4 they're going to have to go into the evening hours in
5 order to haul the dirt out of there. The question is,
6 how many hours? The noise ordinance would restrict that
7 at the discretion of the director of community
8 development if it's found that the traffic impact
9 mitigation of hauling at night would exceed the impact
10 to the residents that are there. Given that
11 possibility, we've suggested a number of mitigation
12 measures that should be included if that nocturnal
13 hauling is adopted as part of the -- ultimately approved
14 by the community development director.

15 We should point out that the current noise
16 impact analysis concludes that the residents of Fountain
17 View will be exposed to levels as high as 86 decibels.
18 The threshold of hearing damage is 90 decibels, so it's
19 pretty close to a level that would require OSHA testing
20 for anybody exposed to that level.

21 The last issue I should point out is that the
22 DEIR fails to incorporate a recent court decision handed
23 down in Bakersfield which says that your -- that the
24 lead agency cannot adopt a statement of overriding
25 considerations if the EIR is not clear enough, in terms

1 of what the actual physical result is of the impact.
2 And for air quality in particular, there is no direct
3 discussion of what the effect is of the fact that
4 particulate matter would exceed the 10.4 threshold
5 that's being assigned as significant, or that regional
6 smog emissions would increase. And I think that in
7 light of that decision, the EIR could be found
8 technically inconsistent with that.

9 If I could just briefly identify the
10 mitigation measures that I believe have not been
11 adequately considered. And, again, they're listed in
12 your outline there. I would propose that they install
13 dual-pane windows. That the applicant, at his expense,
14 have dual-pane windows installed in the perimeter
15 windows of habitable rooms of Fountain View
16 Condominiums. That individual homeowners be provided
17 with a HEPA filtration device in order to cut down on
18 the dust within their units during the construction
19 period. That the developer provide a subsidy for the
20 homeowners to clean their house more frequently and to
21 run air conditioners and filters in order to block out
22 the dust. That if a nocturnal hauling activity occurs,
23 that it be limited from 7:00 P.M. to 11:00 P.M. and no
24 activity occur between 11:00 P.M. and 7:00 A.M. That a
25 solid wall be constructed along the southern perimeter

1 of the eastern parcel cantilevered out over the project
2 so that the trucks coming in enter effectively within a
3 tunnel, as opposed to being in direct view of the homes.
4 A short wall is being proposed, but the garage is
5 downstairs, the living room is upstairs, they'll look
6 directly into the trucks coming in and out of the
7 facility. We're suggesting that a half tunnel be
8 constructed in order to block out that.

9 We would also recommend that access to the
10 surface lot be restricted after 9:00 o'clock for no new
11 entries in order to cut down on the tire squeal. And
12 that delivery truck restrictions be maintained at 8:00
13 P.M. to 8:00 A.M. and that no trucks are in the loading
14 dock in the east parcel. That concludes my presentation
15 unless you have any questions.

16 CHAIRMAN ALTSCHUL: Thank you. Arthur Casson.

17 MR. CASSON: Arthur Casson. I reside in
18 Culver City and consulting traffic engineer. I've been
19 a traffic engineer for over 45 years. Parking -- I'm
20 handing out copies of my comments, there's eight pages
21 of comments on the final EIR. And I will hit the
22 highlights as well as I can in the allotted time.
23 Parking is an issue that's come up several times this
24 evening. They talk about providing 435 extra spaces
25 onsite after the development is completed. Currently,

1 according to the draft EIR, there are 457 spaces on
2 site. And after the close of business for each day,
3 those spaces are used for valets who are servicing the
4 Mondrian Hotel and the House of Blues. So if there are
5 435 spaces now being used onsite, and there are going to
6 be -- 457 now onsite, 435 in the future, that's actually
7 a slight reduction in the spaces that will be available
8 to other users in the neighborhood. There would not be
9 any additional spaces to the general public. For
10 instance, there are going to be 20 spaces removed from
11 the frontages of each of the -- of the two parcels.
12 People will not be able to park on Sunset Boulevard in
13 front of those parcels. 20 spaces removed. Well, those
14 are metered spaces, people stop there for a brief time,
15 do their business, impulse business, perhaps. They are
16 not the kind of people who are going to be driving into
17 this project, giving their car to a valet, paying the
18 very high fees that will be necessary. Those spaces on
19 the street are lost.

20 In the shared parking analysis, which is the
21 basis for their estimated 435 extra spaces, they talk
22 about the residential parking on a shared basis. Well,
23 no shared parking analysis should assume sharing of
24 residential spaces. In the first place, in this
25 location the residential parking will be separated from

1 the rest of the parking by -- because of security and to
2 give comfort and convenience to the residents.
3 Generally, parking in a place like this is assigned
4 parking. There will not be access to the general public
5 for the residential parking. So those parking spaces
6 cannot be assumed to be available to everybody who comes
7 along.

8 Also, what is the pattern of use of
9 residential parking spaces? Well, that's never really
10 been established in significant studies. The main study
11 on the subject shared parking did not consider
12 residential uses at all. It's only commercial uses.
13 Residential uses -- residential parking cannot be
14 considered as available to non-residents.

15 Let me talk about some of the other items in
16 the -- in my comments, the trip distribution. Laurel
17 Canyon Boulevard of course is the nearby artery that
18 goes into the San Fernando Valley. And according to the
19 trip estimates, 10 percent of the traffic for the
20 development will be to and from the San Fernando Valley,
21 yet in the EIR not a single percentage of those trips
22 was assigned to Laurel Canyon Boulevard. I don't know
23 what the explanation would be, but certainly somebody
24 from the San Fernando Valley will be coming to and going
25 from this development.

1 Traffic leaving the east parcel. If it's
2 leaving the driveway on Sunset, it will most likely turn
3 right onto eastbound Sunset. If it's leaving the
4 drop-off area in front, it will be facing eastbound. So
5 we have traffic turning eastbound. But 60 percent of
6 that traffic wants to either go south or west. How are
7 those drivers going to get to those directions? How are
8 they going to fulfill their desires? Well, the first
9 street they come to is Olive. If you turn down Olive
10 and go through to Fountain, you make a turn onto
11 Fountain and very quickly you're at La Cienega Boulevard
12 and you can go south, or you can proceed through the
13 Fountain/Olive intersection down to Santa Monica
14 Boulevard and you have several routes where you can go
15 west. That was never considered as a possibility even
16 though it is so logical and so rationale. And as we
17 know in West Hollywood with the amount of cut-through
18 traffic that there is, it is quite likely to be
19 occurring.

20 Driveway operations. Throughout the EIR there
21 are discrepancies. Some places the driveways are
22 right-turn only, some places the driveways are going to
23 have left-turn access, and it's quite difficult to
24 understand what they're going to -- what they are really
25 going to provide. Well, let's talk the worst case. The

1 draft EIR says left-turn entry and exit except during
2 peak periods. Fine. That means that there are going to
3 be left turns out of these developments, for instance,
4 the driveways on La Cienega Boulevard, or there will be
5 people stopping on La Cienega Boulevard to turn into
6 these developments, both the middle and the east parcel.
7 They're going to be stopping in through traffic lanes
8 because there are not going to be any left-turn lanes
9 serving the driveways. The accident potential, the
10 congestion potential, both very high with these designs.

11 Now, how would the left turns be prohibited?
12 Well, you talk about a sign, a sign requires
13 enforcement. We all know driving around anywhere in Los
14 Angeles, West Hollywood, or any other city in the basin,
15 people obey the signs as long as it doesn't
16 inconvenience them. So there are going to be an awful
17 lot of people making the left turns, maybe some of them
18 will make them dangerously. Not a very good thing.
19 This becomes a very high maintenance project for the
20 city, because they're going to have to have enforcement
21 out there frequently. They're going to get an awful lot
22 of complaints about people turning out of these
23 driveways causing congestion and the potential for
24 accidents on La Cienega Boulevard in particular.

25 The trucks will have to travel through the

1 neighborhood to reach the west parcel. The truck
2 driveway is on La Cienega Boulevard for the west parcel,
3 it's the southern driveway on La Cienega. Trucks will
4 be coming from the south, that's where most of the Los
5 Angeles basin is, that's where the nearest freeways are,
6 that's where the industrial distribution places are that
7 trucks originate. So they'll be coming from the south.
8 They come up La Cienega, truck driver finds he cannot
9 turn into the driveway -- well, next time what's he
10 going to do? Well, perhaps he'll turn onto Holloway and
11 go up to Sunset and go around. Perhaps he'll turn onto
12 Fountain and find his way onto Sunset and Sweetzer and
13 come around. So you're going to have trucks, in order
14 to obey the left-turn prohibition, having to go through
15 neighborhoods, residential neighborhoods.

16 What's the access from -- described in the
17 draft EIR? The final EIR? Access from westbound Sunset
18 to the hotels. Well, you drive along westbound Sunset,
19 you pass the hotels, you drive past La Cienega, you
20 drive to Alta Loma, you turn left onto Alta Loma, you
21 enter the west parcel, you travel through the west
22 parcel parking structure to get to the tunnel. And once
23 you get to the tunnel you go through to the east parcel
24 parking structure. Well, gee, I just got here from
25 Detroit, how do I know that? How are people going to

1 find their way?

2 To reiterate what Hans said about the trucks.

3 Those construction trucks, if they only have five hours,

4 that means 40 trucks an hour, that's one truck every

5 minute and a half in and out.

6 CHAIRMAN ALTSCHUL: Thank you, Mr. Casson.

7 Ladies and gentlemen, I appreciate your

8 enthusiasm to the speakers but we have a long night

9 ahead of us. I have about 70 speakers slips, each

10 speaker will be allowed three minutes, so that's 210

11 minutes or 230 or minutes. It amounts to about four

12 hours. So if we can hold down our applause, it will cut

13 down the amount of time. And I'm sure everybody will

14 appreciate it. Go ahead and applaud if you want to.

15 We're here for the duration, but I think you might be

16 more comfortable having this flow a little bit faster.

17 Of 70 speaker slips, we have indicated that the Fountain

18 View group can have consecutive speakers. And there are

19 about 35 of them. But in order to be fair and parcel

20 out the time for speaking a little bit evenly, we'll

21 take about half the remaining speakers, we'll do the 35

22 or 37 from the Fountain View group, then we'll do the

23 other half of the remaining speaker slips. So if you'll

24 please state your name and your city of residence. And,

25 again, you have three minutes. We'll start with

1 Kimberlina Wettem. Kimberlina Wettem, to be followed by
2 Jeffrey Duwon.

3 MS. WETTEM: Good evening, Chairperson and
4 Planning Commission Members and the City of L.A.
5 Representative and consultants who have been working
6 over the last couple of months. My name is Kimberlina
7 Wettem, I'm the field deputy for Councilman Jack Weiss.
8 I reside in the City of Los Angeles.

9 I'd like to comment in regards to the letter
10 from the Department of Transportation. Well, before I
11 do that, I'd just like to comment that this has been a
12 long process with a lot of history working with your
13 people and our City of L.A. residents, and it's a tough
14 one for us. This project isn't in our city. As well as
15 there was a previous settlement agreement with the
16 previous developer in the year 2000, unfortunately the
17 agreement was not kept. There was to be dollars
18 exchanged for some traffic improvements in the City of
19 L.A. And as it stands, the City of L.A., Department of
20 Transportation with the current FEIR, feel that there
21 are some unmitigated traffic impacts within the City of
22 L.A., including some fire department concerns. We look
23 forward to working with the City of West Hollywood and
24 the developer to try and mitigate, hopefully, all of the
25 concerns, and we look forward to working with our

1 community members on making improvements. Thank you.

2 CHAIRMAN ALTSCHUL: Thank you. Jeffrey Duwon,
3 to be followed by Stan Lothridge.

4 MR. DUWON: Good evening. My name is Jeff
5 Duwon, resident of Los Angeles. And I have taken a
6 great interest in this project. I was -- went through
7 the hearings at the beginning of it back when the
8 original project was being reviewed. And my conclusion
9 has to be that the fundamental issue is the system and
10 the system seems to be broken. I'm looking at two
11 gigantic three-inch volumes of the Final Environmental
12 Impact report. And I get to 22 from Jean Drobren and
13 she said about the emergency access. "They pour onto
14 Sunset Boulevard. This street is day and night a
15 traffic level service F." Then we go to the response.
16 And it goes on and on and it says, "As such refer to
17 response to comments No. 5116 and 72." So if we proceed
18 to 5116, we get to a section here that says, "Emergency
19 access and evacuation issues have been further evaluated
20 in response to public and LAFD comments in topic
21 response No. 3." In topic response No. 3 it says,
22 "Issues would be further reduced and the implementation
23 of new mitigation factors F6 and F7 as listed, and
24 corrections and additions in 8F and 8G." So then we go
25 to 8F and 8G somewhere down the line here. 8F and 8G --

1 8F is the mitigation measure F6, "The applicant shall
2 remove the Sunset Boulevard all west of Alta Loma Road
3 as the roadway prudent to facilitate emergency access."
4 So that's one thing. That's one mitigation.

5 The other mitigation factor is F7, which is to
6 provide funding for the emergency vehicle traffic signal
7 of 100,000 dollars. Then we go back to topic 3 and we
8 have a long analysis, cumulative analysis of the traffic
9 flow which finally ends up with this conclusion. It
10 says, "Based on the analysis of this data, it is
11 concluded that actual vehicle trips in the study area
12 are expected to be less than the peak-hour generation
13 for each of these residential routes, as they analyzed
14 it in the Crane study. As such, there would be less
15 vehicular traffic in an emergency events than under
16 normal conditions." Unless the emergency event happens
17 at 5:00 o'clock on Thursday afternoon, then it's twice
18 as bad. So nobody seems to be considering that.

19 Further, with the improvements identified,
20 quote, "There would be additional capacity at
21 intersections in the proposed project area." Well,
22 that's removing a (inaudible) on Santa Monica and giving
23 100,000 dollars for an emergency vehicle. It's nice but
24 I don't think it's going to do it. There seems to be a
25 -- I was amazed at the conclusion that the report gave

1 to you was I urge you to accept this report and pass
2 over the fact that we're not hitting the traffic
3 requirements, the emergency access requirements, the air
4 quality requirements and the view requirements. So what
5 is there left?

6 CHAIRMAN ALTSCHUL: Stan Lothridge, to be
7 followed by Lisa Anthomas.

8 MR. LOTHDRIDGE: Stan Lothridge, West
9 Hollywood. I'm one of the public -- of the public
10 fighting to save the historic property known as Tara,
11 generously given to the city for its enjoyment and care
12 but now proposed by the city council to be destroyed by
13 developers. Overdevelopment threatens our city and I
14 proudly join those fighting to save the Sunset strip. I
15 have lived here since the '60s, I remember Poopies, Wil
16 Wright's, Larue, Swab's Drug Store, the best cigar
17 counter in the city. More important, I remember that
18 when we became a city our council was us. It listened
19 to and represented us. Unfortunately, over 20 years the
20 council has metamorphosized into a (inaudible) where the
21 council becomes royalty, unquestioned and freely
22 spending the city money on dinners and trips with closed
23 ears to the residents' wishes, taking the developer's
24 money to keep the party going. It should be clear to
25 you that the residents are strongly against this

1 project. That overwhelming magnitude would have a
2 serious and deleterious effect upon both the residents
3 and existing businesses in the area.

4 Development is not inevitable as Mayor Duran
5 states. It is now time that you and the city council
6 listen to the residents, that we determine our city's
7 future, not developers.

8 CHAIRMAN ALTSCHUL: Lisa Anthomas, to be
9 followed by Ed Buck.

10 MS. ANTHOMAS: Lisa Anthomas, Los Angeles. I
11 think it's time for the City of West Hollywood to make
12 sure that in fact the sun sets on this proposed
13 development. It's time for the developers to stop
14 ruling the City of West Hollywood and to have a major
15 effect on those of us who live just off of Sunset
16 Boulevard. To listen to the developers and to listen to
17 the EIR, one would think that this project was taking
18 place in a vacuum. Trust me, it is not taking place in
19 a vacuum.

20 I live in an apartment where, in my dining
21 room, I am at eye level with Laurel Canyon Boulevard. I
22 sit there in the mornings, there is traffic. I sit
23 there in the evenings, there is traffic. It's coming
24 directly at me. Even a 10 percent increase would be
25 amazing. When I try to get home in the evening, there

1 is traffic. I have to fight that traffic. And, yet,
2 this EIR is saying, well, there's a significant air
3 quality effect but let's just pretend that there isn't
4 and say there's an overriding necessity to improve --
5 approve this project. And that overriding necessity has
6 to be the money of the developers. The developer claims
7 that they're providing much-needed housing. Well, the
8 housing that they're providing is not for the people who
9 live in West Hollywood. The affordable housing that
10 they're providing, half of it they're going to pay the
11 in-lieu fee, and just from reading their agreement you
12 know that's what's going to happen.

13 And this 17 affordable units, God knows what's
14 going to happen with those. But with all the
15 development that is going on in the City of West
16 Hollywood, affordable housing is being destroyed at a
17 much greater rate than the 17 units that this project
18 purports to be going to provide. You know these hotels
19 are not -- their idea of how many trips are going to be
20 generated, who's going to come to these hotels? People
21 are going to come in their cars. People are going to
22 come here and have banquets, they're going to have
23 events. All of those people are going to be traveling
24 through not only West Hollywood but they're going to be
25 traveling through my neighborhood, which is only one

1 block north of Sunset and where I am only one block
2 north of West Hollywood. This is the worst project that
3 I can imagine for this neighborhood, and it's going to
4 destroy the city. Whoever said urban decay was going to
5 be part of this project was absolutely right, because
6 nobody is going to come here because it's going to be so
7 difficult to get to. Thank you.

8 CHAIRMAN ALTSCHUL: Ed Buck, to be followed by
9 Les Zadar.

10 MR. BUCK: Good evening, my name is Ed Buck.
11 I'm a resident of the City of West Hollywood and have
12 been for 15 years. I am very sympathetic with the task
13 before you. There's been talk about this developer as
14 though he's doing us a great big favor. One of the
15 oldest tricks in the developer's play book is coming
16 into a city and saying, we're going to build ten
17 buildings, 40 stories each right on that corner. And
18 everybody goes oh, my God, they're going to overdevelop.
19 Okay. Okay. Then they bend and say we'll only build
20 four buildings with 12 stories each. This is kind of
21 like saying would you rather us cut your arms and your
22 legs off, or should we just cut your arms off? How
23 about none of the above.

24 You know, don't come into this town, Mr.
25 Developer, et al., and tell us what a favor you're doing

1 us by only cutting our arms off with this reduced
2 project. It's still too big. It's still in the wrong
3 place. The 10 percent increase going up Laurel Canyon,
4 I have had the misfortune of driving Laurel Canyon on
5 many occasions. One of the things I don't think has
6 ever been studied is that you reach a ceiling, period,
7 no more cars can get through Laurel Canyon. It just
8 can't happen. Try going up Laurel Canyon at rush hour.
9 You just -- you wait. So it becomes a question of now
10 do you wait for an hour, do you wait for two hours? We
11 are rapidly reaching a point where you're just going to
12 wait 24 hours. You can't get any more cars through
13 there. Something that hasn't been addressed.

14 The misrepresentations, although I'm sure the
15 Commission members are all very aware of this. The
16 first one there, I love that. If you look at the scale
17 it looks like Sunset Boulevard all of a sudden has
18 become 180 feet wide. There is -- I mean, it's fraud.
19 I appreciate that you make nice little doo-dads and you
20 spent a lot of money, but what you're doing is trying to
21 pull the wool over our eyes and we see it.

22 Many of the speakers who will speak after me
23 will be paid by some of the developers and the
24 representatives, please understand they do in fact have
25 a financial interest in this project if they work for a

1 developer or a consultant. Thank you.

2 CHAIRMAN ALTSCHUL: Thank you, Ed. Les Zador?

3 Not here.

4 Bob Nutech, to be followed by David Kirsch.

5 MR. NUTECH: Hello. My name is Bob Nutech.

6 I'm a resident of the City of Los Angeles. I also chair

7 the public safety committee for the Bel Air Beverly

8 Crest Neighborhood Council, which, again, the borders

9 are 405 Freeway to Laurel Canyon, Mulholland to Sunset

10 Boulevard, excluding Beverly Hills. First, let me read

11 you a conversation I had with Chief Bammattre who's the

12 chief of LAFD when I asked him to comment on this

13 project. It says, "Bob, LAFD provided input and

14 analysis for this project since its inception a number

15 of months ago. LAFD is on record as opposing the

16 project until adequate traffic mitigation is addressed."

17 Right now you've told us that Alta Loma,

18 Sunset and La Cienega and Holloway are unmitigateable.

19 So I think that kind of speaks for itself. I also

20 think, again, for the residents who live above Sunset,

21 this is -- our public safety. We have to be able to

22 evacuate that hillside. We need emergency services to

23 reach us. And, again, so far I don't think these issues

24 have been addressed.

25 To make matters worse, we have two road

1 closures up there currently. One is Cold Crest, which
2 is a major evacuation route for the citizens of the
3 hillside to go up and over the hill. It is now closed
4 due to mud slide. Mulholland is also closed due to mud
5 slide. Yes, they are temporary, but at the same point,
6 what happened in La Conchita can absolutely happen here.
7 I deal a lot with a lot of public officials, whether
8 it's council offices in both cities, whether it's
9 sheriff's deputies, whether it's LAPD, LAFD, whatever.
10 I've had many, many conversations with them about this
11 hillside. They're extremely concerned about us being
12 able to evacuate.

13 Now, that brings us to fire storms, which,
14 again, can travel 30 miles an hour. You cannot outrun
15 them, you cannot out drive them. With all the smoke and
16 confusion, trying to get off that hillside, it's going
17 to be very, very difficult and probably impossible task
18 for a lot of people.

19 I also want to know who is going to pay for
20 the extra services, police services, for the residents
21 north of Sunset and possibly having the bid come up
22 there to take care of all the new people that will be
23 coming into the city because of this? Also what I'd
24 like to know is if some of these intersections are
25 unmitigateable, if this project is built how many lives

1 will be lost? Because absolutely we will lose people.

2 CHAIRMAN ALTSCHUL: Thank you. David Kirsch,
3 to be followed by Mindy Bradick.

4 MR. KIRSCH: Good evening. My name is David
5 Kirsch, I reside in Los Angeles. I'm here on behalf of
6 the Carpenters, Contractor's Cooperation Committee to
7 show our support for this project. In addition to the
8 economic benefits --

9 CHAIRMAN ALTSCHUL: Wait, excuse me. Turn off
10 the clock, please. Everybody has had respect for
11 speakers of one point of view. Please have respect for
12 speakers of another point of view.

13 MR. KIRSCH: Thank you.

14 CHAIRMAN ALTSCHUL: Go ahead.

15 MR. KIRSCH: In addition to the economic
16 benefits to the city, I would just like to point out a
17 very important issue. A previous speaker mentioned that
18 some of us that are going to be speaking here on support
19 of the project are consultants or have a financial
20 interest. I just would like to point out that there are
21 hundreds and hundreds of construction workers, men and
22 women who reside in this community, who reside in this
23 surrounding community, who, thanks to this project, are
24 going to be able to have a good job with healthcare,
25 with pension benefits. You're going to have

1 apprenticeship opportunities, you're going to have a lot
2 of opportunities. And we think this is an important --
3 we think this is a project that is visually stimulating.
4 I think it's going to be good for the city. But, again,
5 just as important, we're talking about hundreds and
6 hundreds of people, young people that, thanks to this
7 job, are going to have the opportunity to have a future.
8 They're going to be able to make a good living. They're
9 going to have an opportunity, and I think that's a key
10 thing that we have to remember.

11 CHAIRMAN ALTSCHUL: Excuse me. Stop the
12 clock. As long as there is disrespect in the audience,
13 we will pause until respect is restored.

14 Continue, sir.

15 MR. KIRSCH: So I thank you for your time.
16 And I think it's something to take into consideration
17 that we are all interconnected. You have to look at the
18 big picture. And we commend the developer for the
19 decision to go with quality craftsmanship for a quality
20 project. And, again, think about all the young men and
21 women in this community and throughout the communities
22 that are going to have an opportunity and a future.
23 Thank you.

24 CHAIRMAN ALTSCHUL: Thank you, sir. Mendi
25 Brandish, to be followed by Todd Bianco.

1 MS. BRANDISH: Mendi Brandish, resident of
2 Burbank and intern executive director of the West
3 Hollywood Chamber of Commerce. The West Hollywood
4 Chamber supports the Sunset Millennium project. The
5 Chamber supported the previous version of this project
6 which was approved by the city in 1999. In our opinion,
7 this development is superior to that project because it
8 will bring additional benefits to West Hollywood, while
9 creating fewer impacts on the surrounding community.
10 Through its stylish architecture and design elements,
11 the Sunset Millennium complies with the city's Sunset
12 Specific Plan. In fact, this project not only meets the
13 plan's guidelines, but also exceeds its recommendations
14 in some aspects, such as creating more open space than
15 required. This mixed use development will bring new
16 hospitality business to West Hollywood with its two
17 premiere brand hotels along with ground-floor retail and
18 restaurant space, plus boost the city's housing stock
19 through addition of 190 condominium units.

20 The Chamber's particularly supportive of the
21 excess parking provided by the project and the unique
22 plan to integrate parking among the sites thereby better
23 serving the parking needs, not only of the Sunset
24 Millennium tenants, but of the nearby businesses. The
25 parking plan has the added bonus of reducing on-street

1 valet parking circulation.

2 The Sunset Millennium project promises a
3 number of other benefits for the City of West Hollywood.
4 It will further upgrade the image and uses on Sunset
5 Boulevard, generate an estimated 2.8 million dollars in
6 annual revenue to the city, create nearly 400 new jobs,
7 add much needed market rate and affordable housing
8 units, widen and improve the intersection of Sunset and
9 La Cienega Boulevards, and dedicate millions of dollars
10 to public art.

11 The Chamber therefore respectfully requests
12 that the Planning Commission vote to approve the new
13 Sunset Millennium project. Thank you.

14 CHAIRMAN ALTSCHUL: Todd Bianco, followed by
15 Randy Sturgess. Todd Bianco. Yes? Todd Bianco? No?
16 Not here.

17 Randy Sturgess, to be followed by Rosemary
18 Menski.

19 MR. STURGESS: Hi, good evening. Thank you.
20 My name is Randy Sturgess and I reside in the middle of
21 West Hollywood. I don't envy you Commissioners, you're
22 faced with a really difficult task. On one hand you
23 have a very glittering project with exciting buildings
24 that's promising to inject some degree of economic
25 vitality into the community. On the other hand, you

1 have a very large group of very upset residents of West
2 Hollywood.

3 I don't oppose development at Sunset and La
4 Cienega, what I do oppose is the scale of this project.
5 I moved into West Hollywood because I liked the night
6 life. I happen to live on Olive and Fountain across
7 from the House of Blues. I like people on the street.
8 I like the restaurants to go to. I like the vitality
9 and the vibrant night life. This project is just too
10 big. By the developer's own estimates, which I dare say
11 may be somewhat understated, they're projecting over 400
12 cars per hour. If you do the simple math and multiply
13 it out, even allowing conservative couple of feet
14 between cars, that is over half a mile of two lanes of
15 cars back to back every hour. If you look at it over
16 the course of a rush-hour period, that is two lanes of
17 cars back to back stretching from Sunset on La Cienega
18 beyond the Beverly Center. That is what we will face
19 every rush hour morning and night. I don't think you're
20 visualizing what this is bringing to that intersection.

21 I don't mind some -- even large scale
22 development at that corner. This is just too darn big.
23 And I really encourage you to reject what's out there
24 now. It's too much for that neighborhood to sustain.
25 It's going to mean side traffic on little streets like

1 Olive. It's going to make it very unpleasant.
2 I dare say you will hear from a number of
3 people who support this project, I guarantee you the
4 vast majority of them have an economic interest in this,
5 whether they are for unions, whether they are in condos
6 that have been bought off, or whether they are in the
7 vast millions of the developer and his financial people
8 and PR people and all of that. The ordinary residents
9 who live in West Hollywood, the vast majority, do not
10 want this. Thank you for your time.

11 CHAIRMAN ALTSCHUL: Rosemary Menski, to be
12 followed by Jimmy Bryant.

13 MS. MENSKI: Good evening, I'm Rosemary
14 Menski. I'm a 50-year resident of West Hollywood. I
15 think you're probably all too young to remember when
16 Sunset Boulevard was one long billboard, billboard,
17 billboard. It was terrible. Somewhere along the line,
18 I think it was after West Hollywood was incorporated,
19 the city council wisely got rid of all of those signs.
20 Now we're going to go back to that with these wall --
21 what do they call them wall -- okay. And there's going
22 to be one after the other. It's going to look exactly
23 as tacky as it did when the city council decided to get
24 rid of all of those sign boards years ago. Please,
25 please, look at the aesthetic part of this. The

1 building, the property is very important up there. And
2 upgrading it, it has to happen, but look at the
3 aesthetics and figure out the beautiful part of that --
4 the Sunset strip without all of these awful signs.
5 Thank you.

6 CHAIRMAN ALTSCHUL: Jimmy Bryant, to be
7 followed by Barbara Baine.

8 MR. BRYANT: My name is Jimmy Bryant. I'm the
9 president of the Hollywood Crescent Property Owners
10 Association, a group of over a hundred people and I
11 speak for them. I live in Los Angeles just above the
12 corner of Sunset and Crescent Heights. I spoke before
13 this group when this original plan came up and I spoke
14 for the plan because I thought it was a good plan for
15 this property, and even though I thought it was too big
16 I thought it would work. And now it looks like it's
17 going to be even bigger and I don't think that will
18 work. As everybody has said, I think it's too much of
19 an impact on this neighborhood, this community, and I
20 just don't understand how the traffic will be handled,
21 since it's already impassible.

22 I had to go to the doctor this morning in
23 Santa Monica, I left my house at 9:30, I got on Sunset,
24 I couldn't move. I got down to Fountain, I couldn't
25 move. And imagine what it will be like when this

1 project is completed and all the additional traffic that
2 will be generated. Thank you very much.

3 CHAIRMAN ALTSCHUL: Barbara Baine, followed by
4 John -- I think it's Muchmore.

5 MS. BAINE: How do you do. My name is Barbara
6 Baine. I live north of Sunset in the hills. And I'll
7 be very brief. I feel that I do have something of value
8 to add to this evening, and that happens to be my
9 experience, my personal experience on behalf of the
10 Actor's Studio with the Apollo Real Estate Advisors.
11 The Actor's Studio, by the way, just in case anybody has
12 any concerns that money is being exchanged in my behalf,
13 is a non-profit arts organization which, because of a
14 particular coming together of circumstances has been
15 able to to give a gift to the community, and that
16 started with a meeting last May for the first time with
17 the Apollo people, Richard Ackerman and Bennette Kenton.
18 At which time we proposed that we reawaken the Tiffany
19 Theatre and use it, have live, have something going on
20 in there instead of being abandoned and gutted. And
21 they responded immediately, embraced it fully in a very
22 creative way and almost overnight rehabbed it. The
23 quality of the work was excellent. The -- everything
24 they did was impressive. And probably the most
25 important thing that I feel, and I have had some

1 experience working with developers in various city
2 projects, this group of people has delivered everything
3 they promised us, and therefore we were able to have a
4 gift for the city. We were able to bring -- right now
5 we have two productions up, one is (inaudible), which is
6 in regards to the Vietnam War called Touch the Names
7 about the memorial in Washington, a beautiful thing, and
8 a play -- Tony winning play write George Firth. In
9 other words, we've revitalized that spot with the work
10 of Apollo Real Estate Advisors. I just want to make
11 note of my experience with it and maybe that will
12 hearten you. Thank you.

13 CHAIRMAN ALTSCHUL: John Muchmore, Queens
14 Road. John Muchmore? Not here. Kelly Jenkins, to be
15 followed by Meg Eachwell. Kelly Jenkins.

16 MS. JENKINS: Kelly Jenkins, City of West
17 Hollywood. In business and in life you should choose
18 your battles. It seems as though the city has chosen
19 every single development project as its battle. And
20 they've shown -- they've shoved the approval down the
21 throats of all its residents. You are destroying the
22 quality of life for the residents of the City of West
23 Hollywood.

24 Four issues, big issues cannot be mitigated.
25 Two traffic scenarios, pollutant emissions, visual

1 impacts, and just general air quality. I mean, are you
2 kidding? What is there that's good about the project?
3 Only money. This all boils down to money. The money --
4 the people that are here that are in support of this
5 tonight have their hand in the proverbial honeypot,
6 they're either the developers, real estate agents who
7 want to sell the units, investors in the upcoming
8 businesses, or politicians hoping for financial support
9 in the next election. Is there anyone else here from
10 WeHo that supports it that did not receive anything in
11 return? You're widening residential streets, removing
12 neighborhood sidewalks to offset the increase of some of
13 the traffic, the visitor traffic. You're destroying the
14 neighborhoods, and yet you still can't even mitigate the
15 problems. How dare you decrease mine and my family's
16 air quality for your project. Can I mitigate that issue
17 on my property taxes.

18 Visual impacts, I can't even comment on that
19 because I don't live above Sunset, but I can say that
20 the guests and the residents won't be visually impacted
21 by looking down into my backyard. Everyone parking is
22 not a benefit, the specialist already told us they're
23 actually decreasing it. Jobs are not a benefit and
24 unless you can guarantee that they're going to people in
25 this community, which I don't think you can legally do.

1 Video screens are dangerous, they're ridiculous to put
2 on that bridge. There are so many other things. Will
3 you be increasing the budgets of public services for
4 police, fire, et cetera, to offsite the large increase
5 in visitors? And according to go the traffic department
6 regarding the trucks and construction, you cannot
7 control the traffic, the truck traffic through
8 residential areas because we do not have scales in the
9 City of West Hollywood, therefore we can't enforce it,
10 even if we put signs up.

11 I just want to note the efforts of the
12 signatures and the calls the developer has put forth
13 under false circumstances in the neighborhood, which
14 were just ridiculous. And the phone calls, mind you, on
15 top of that. You always profess protecting affordable
16 housing, senior housing, the sexual independence and the
17 racial independence, gender independence throughout this
18 community what we can all do together. Guess what,
19 that's us. Protect us. You brought us here, now
20 protect us. Thank you.

21 CHAIRMAN ALTSCHUL: Mae Eachwell, to be
22 followed by Scott Schmidt.

23 MS. EACHWELL: Good evening, my name is Mae
24 Eachwell and I've been a resident of the West Hollywood
25 and Los Angeles area for 30 years. I just feel very

1 strongly that one of the very first speakers this
2 evening mentioned the quality of life. And I think the
3 thing of the quality of life very much of living in our
4 area has been wonderful. And if you think of the Sunset
5 strip and what it looks like and how -- the whole feel
6 of it, my feeling in looking at the drawings over there,
7 is that it's very much suddenly injecting Las Vegas into
8 here. And all these glass buildings, it stops being the
9 quality that reads West Hollywood. And the whole Sunset
10 strip, Sunset Plaza Drive, people love to go and sit
11 outside and enjoy being in this area because they're not
12 dwarfed by huge buildings. I just think that one really
13 needs to think very carefully about ruining the look of
14 what is this area, which is so special of West
15 Hollywood. That if you make it into Las Vegas, will
16 people want to come here? You have six hotels at the
17 moment, do you need eight? Just think about really what
18 you're actually creating here because I do think that we
19 have something very special and it is really up to you
20 to make sure that we still keep it. Thank you.

21 CHAIRMAN ALTSCHUL: Scott Schmidt.

22 MR. SCHMIDT: Good evening, Mr. Chairman and
23 members of the Commission. I'm Scott Schmidt, I'm a
24 resident of West Hollywood. I live actually a couple
25 blocks down on De Longpre near Sweetzer. And my

1 interest in this project is as a neighbor I deal with
2 the parking that comes off of Sunset and all the people
3 that are going to the clubs up there. And it's a
4 pleasure for me to see somebody who comes in and wants
5 to build more parking for West Hollywood. We have sort
6 of three principles I always hear at city council
7 meetings. We don't have enough parking, we don't have
8 enough housing, affordable or market rate, and we don't
9 have enough money to do things like build a library here
10 in the park and upgrade the services for the community.
11 Well, we've got a developer here in this project that is
12 saying we want to bring more parking, we want to bring
13 more housing to the community, we want to bring more tax
14 revenues into West Hollywood. If we can't accept this
15 project, we're not going to meet the goals for the city
16 in a large public policy sense. So I urge your support.

17 CHAIRMAN ALTSCHUL: We'll now take the 37
18 speakers that have been put in order by the Fountain
19 View Homeowners' Association and other related groups.
20 And we'll start with Robert Silverstein.

21 As always, please state your name and city of
22 residence.

23 MR. SILVERSTEIN: Thank you. My name is
24 Robert Silverstein, La Canada, California. I'm an
25 attorney with Hill, Farrer & Burrill and I represent

1 Save Our Sunset Strip Coalition, which is a coalition of
2 homeowners and homeowners' associations in Los Angeles
3 and West Hollywood. I'm going to focus my comments
4 tonight specifically on seismic issues. An earthquake
5 fault identified as fault No. 2, which is represented in
6 red, cuts through the east and middle parcels. If fault
7 2 is active, then the project must be abandoned. In
8 this case the EIR claims that fault 2 is inactive,
9 however, the work to accurately date the soil at fault 2
10 was never performed. Instead of using the reliable
11 radiometric method of dating, which was used in 2001 for
12 the fault No. 1 which is marked in blue and which also
13 traverses the site, the EIR instead relies on guesswork
14 and conjecture. Note that when they studied the blue
15 fault, fault No. 1, they thought that it was ancient
16 until they actually dug in there, did the proper test,
17 sent it to Lawrence Livermore Laboratories, and lo and
18 behold, it came back as recent, meaning 8,000 to 10,000
19 years. In geologic time, that's like this morning.

20 The failure to accurately date the soils in
21 fault 2 stems from a fear of the answer. The omission
22 of this critical study shows the fatal lack of, quote,
23 "a good faith effort at full disclosure of environmental
24 impacts," close quote, which is mandated by CEQA. Very
25 simply, lives are at risk if this project is built. At

1 present there is no reliable data to show that fault 2
2 is not an active earthquake fault. To the contrary, the
3 best evidence obtainable from fault No. 1, just 100 feet
4 away, suggests that fault 2 is active. Under state law
5 and West Hollywood Municipal Code Provisions, habitable
6 structures cannot be built over active earthquake
7 faults.

8 191 families are going to be trusting the city
9 that the city is doing the right thing. Which data
10 would you believe? Data that's 100 feet away that shows
11 active fault traces, or data that's right in that fault?
12 Or instead what the EIR says, data from about 1300 feet
13 away and as far as 40 miles in Alta Dena. One can
14 conclude that the fact they have chosen to take data
15 from so far away suggests that perhaps they don't want
16 to know what's directly underneath. This is called
17 whistling through the graveyard.

18 We urge the Planning Commission to require
19 radiometric testing at fault 2 just as it was required
20 by the city in 2001 at fault No. 1. We also request
21 that SOS representatives be allowed to be present at the
22 time of soil boring and that the samples be sent to
23 Lawrence Livermore Laboratory where the fault No. 1 soil
24 borings were analyzed. Thank you.

25 CHAIRMAN ALTSCHUL: And a very nice round of

1 applause for the wonderful board holder GG.
2 Leonard Siegel, to be followed by Fred Gaines.
3 MR. SIEGEL: My name is Leonard Siegel, and I
4 live in Westwood. I'm an attorney with the firm of
5 Kulik, Gottesman, Mouton & Siegel. I represent
6 homeowners' associations throughout Southern California,
7 and including many in West Hollywood. Along with Mr.
8 Silverstein who represents the coalition, I'm here to
9 represent the interest of the Fountain View Homeowners'
10 Association.
11 Mr. Silverstein has already identified an
12 important deficiency with respect to this project. I'd
13 like to comment briefly from a slightly different
14 perspective to demonstrate how the EIR has failed to
15 address the cumulative adverse effects of this -- of
16 related projects. Let me comment first with -- in this
17 respect. I have visited the Fountain View Condominium
18 project for meetings and such at various times,
19 typically in the late afternoon or in the evening. I
20 must say I dread that trip from my home in Westwood to
21 get to this meeting -- to meetings at the complex,
22 simply because of the inordinate traffic on Sunset.
23 Like other guests of the community, we have to
24 deal with the terribly limited street parking on
25 Fountain, the restricted parking at certain hours

1 essentially makes parking a virtual impossibility.
2 Moreover, if one is to park in the very limited parking
3 onsite at the condominium complex, one still faces the
4 treacherous task of exiting the building onto Fountain.
5 This predicament is not unique to the residents of my
6 client Fountain. It is, as I'm sure all of you know, a
7 common problem in many of the other condominium
8 associations in West Hollywood where the onsite parking
9 is severely limited, and in some cases of course
10 non-existent. This condition is even more aggravated
11 with the countless apartment complexes in this
12 community.

13 The acknowledged significant increase in
14 traffic resulting from this development will cause
15 irreparable harm to the Fountain View residents, not
16 only insofar as their use of Fountain would -- the
17 street Fountain would, but other adjacent streets. This
18 is simply one of the many factors that has been
19 grievously ignored by the EIR, which fails to address
20 the cumulative effect of the related projects.
21 Specifically, the addition of the proposed Sunset/Olive
22 project will inevitably have a very severe significant
23 adverse material impact insofar as parking and traffic
24 and other related considerations.

25 The conclusionary and the unsupported

1 statements which I've noted at page 167 of the final
2 report identifying only two potentially significant
3 traffic impacts, one at Fountain Avenue at Sweetzer and
4 the other at La Cienega and Melrose, is patently
5 unwarranted conclusion.

6 CHAIRMAN ALTSCHUL: Thank you, sir.

7 MR. SIEGEL: Thank you very much.

8 CHAIRMAN ALTSCHUL: Fred Gaines, to be
9 followed by Lisa Wineberg.

10 MR. GAINES: Thank you, Mr. Chairman, members.
11 Fred Gaines, I live in Calabasas. I'm with the law firm
12 of Gaines & Stacey. We represent the Grafton Hotel on
13 Sunset. I want to address some of the procedural and
14 due process issues in front you today. The purpose of
15 this hearing process, and in particular the CEQA
16 process, as you know is to provide the public adequate
17 opportunity to be informed and to participate. You're
18 being asked in your staff report to make findings,
19 including the findings that proper procedures have been
20 followed, that the public has had an adequate
21 opportunity to participate, even specifically the
22 finding that the staff report and other documents were
23 available by last Friday. In fact, two volumes of the
24 final EIR response to comments which were -- it was
25 announced would be available last Wednesday, were

1 actually available Thursday.

2 Volume I of the response to comments, which is
3 483 pages in response just to the Grafton Hotel's
4 comments, was available Friday in the afternoon. That's
5 the afternoon the Friday before the three-day holiday
6 weekend. The staff report at 318 pages was available
7 about 10:00 P.M. Friday evening. 1800 total pages were
8 released since last Thursday on this project. And
9 you're being asked to find if the public has had an
10 adequate opportunity to review that and be here to
11 comment in an appropriate way.

12 In addition, there's new documents today,
13 including a memorandum from the Economic Development
14 Director handed out at this meeting. There is -- let's
15 face it, there's no possible way that even as experts
16 and lawyers we could have digested that material. But
17 forget whether you could have done it or I could have
18 done it, the public has to have the opportunity to fully
19 participate. And there's simply no way you can find
20 that 1800 new pages of material, forget the original
21 draft EIR released in the last three days, there's been
22 a proper opportunity to read that, to participate and to
23 be here and participate in an identified way.

24 Recirculation of the draft EIR is required.

25 The issue was glossed over by staff earlier. According

1 to the California code regulations, it is required when
2 new information is added without the opportunity for the
3 public to comment. As to the Grafton Hotel,
4 particularly you heard that they put a new condition in
5 that they're going to build this wall. Well, that's
6 true, they did do that, but we've had no opportunity to
7 have any study of that. It's not something that was
8 studied in the EIR that we've had a chance to comment
9 on. When you make those kind of changes, when you put
10 in new mitigation measures that affect that -- that have
11 environmental impacts, that is the purpose of
12 recirculating the EIR so that those can be had. That's
13 just one with regard to the Grafton. In this case these
14 responses to comments include new intersections that may
15 have impacts. They include a new cumulative impacts
16 report. You have new terms in the development agreement
17 being offered here today, and you still have unstudied
18 issues relating to light and shadow, traffic patterns
19 and other issues. So we believe recirculation of the
20 draft EIR is required --

21 CHAIRMAN ALTSCHUL: Thank you, Mr. Gaines.
22 There's a question for you.

23 COMMISSIONER THOMPSON: Are you with the same
24 law firm that was with -- retain Grafton in the
25 beginning and made the comment letter or are you a

1 different firm?

2 MR. GAINES: We are a different firm. And we
3 replaced the other firm.

4 COMMISSIONER THOMPSON: You replaced the other
5 firm. So the first firm is no longer --

6 MR. GAINES: That's right.

7 COMMISSIONER THOMPSON: Great. Thanks.

8 CHAIRMAN ALTSCHUL: The name of your firm
9 again, Mr. Gaines?

10 MR. GAINES: Is Gaines & Stacey.

11 CHAIRMAN ALTSCHUL: Thank you. Lisa Wineberg,
12 to be followed by Mark Robbins.

13 MS. WINEBERG: Good evening members of the
14 Planning Commission. I'm Lisa Wineberg, I'm an attorney
15 also with the law firm Gaines & Stacey and also
16 representing the Grafton Hotel. I have a number of
17 issues to whip through in my three minutes. First of
18 all, the statement of overriding consideration that
19 you're being asked to recommend to the city council
20 today is inadequate. There's no substantial evidence in
21 the record to support the list of project benefits set
22 out in the proposed findings which is required by CEQA
23 guidelines 15093(b). For example, it says that there's
24 the promotion of a human scale atmosphere that
25 accommodates the bright lights of Sunset Boulevard's

1 entertainment image and sense of community for local
2 residents. There's absolutely no substantial evidence
3 in the record or any evidence in the record at all that
4 this is enhancing the sense of community for the local
5 residents. I think you have heard tonight that it does
6 not.

7 It also states that the project generates
8 increased sales tax. There's no evidence in the record
9 to support that, or an overall increase in economic
10 activity, no evidence. And it also states that it will
11 provide for the provision of affordable housing units
12 throughout the city. All I've heard tonight is that
13 money is going to be paid and up to maybe 19 units are
14 going to be in this one particular spot. It also states
15 that they'll be provision and public parking spaces in
16 excess of requirements, but as Mr. Casson testified
17 earlier, there's actually going to be a reduction of
18 parking that's currently available to offsite uses,
19 including the Grafton Hotel, the Mondrian and the House
20 of Blues once this project is built. A reduction from
21 447 to 435.

22 There's also an improper deferral of
23 mitigation measures for the project's construction
24 impacts, which is impermissible under Sunstrum versus
25 County of Mendicino. Rather than define the mitigation

1 measures in the final EIR or the mitigation monitoring
2 plan, the conditions of approval simply provide for the
3 applicant to provide the director of community
4 development with relevant information prior to issuance
5 of a building permit. This is condition No. 5.7. This
6 is not even discussed in the mitigation monitoring
7 program at all. And the construction period mitigation
8 plan calls for information on helicopter hauling, this
9 is certainly something that's never been discussed in
10 the EIR, and obviously would have huge impacts in the
11 neighboring hotels and residences. It also asks at that
12 time for the applicant to describe any proposed
13 construction noise mitigation measures. Obviously this
14 is way too late in the process. These mitigation
15 measures have got to be determined, analyzed and
16 disclosed now.

17 Many of the mitigation measures in the
18 mitigation monitoring program leave much to -- much
19 information out. And it's impossible to determine
20 whether or not they're adequate. For example, A12 and
21 A18 say that view terraces and plazas must be accessible
22 to the public during, quote, unquote, "normal business
23 hours." This is not defined. It leads to the
24 conclusion like it's closed at night --

25 CHAIRMAN ALTSCHUL: Thank you, Ms. Wiseberg.

1 I have a question. Your statement that there's no
2 evidence to support the conclusions that there will be
3 economic stimulus. If you put in -- or that there would
4 be any additional sales tax or any additional revenues.
5 If you put in 6,000-some-odd square feet of retail,
6 doesn't one assume that sales tax will inure from that.
7 If you take too long empty blocks, one with an empty
8 two-story office building with a theatre that's used
9 sometimes and another with the Peterson building that
10 has an empty old shack in front of it and you replace
11 that with 190 units of condominiums for supposedly
12 350-some-odd residents, and then in the next block you
13 fill 290 hotel rooms with occupancy tax, is there not a
14 reasonable assumption of economic stimulus?

15 MS. WINEBERG: It's an assumption. There
16 needs to be substantial evidence in the record that
17 needs to be a report with studies to support such a
18 conclusion.

19 CHAIRMAN ALTSCHUL: Thank you very much. Mark
20 Robbins.

21 MR. ROBBINS: Good evening, Mr. Commissioner,
22 members of the Planning Commission. My name is Mark
23 Robbins and I'm an attorney with the law firm of Eppert,
24 Richman & Robbins and I'm a resident of the City of
25 Santa Monica. I'm here tonight because the -- I

1 represent Morgan Hotel Group, which is the owner and the
2 operator of Mondrian Hotel. The Mondrian Hotel became
3 interested in this project when it reviewed the letter
4 that was submitted by the Piper Rudnick law firm that
5 represented The Grafton Hotel. And we also reviewed the
6 staff report's response that was issued late last week.
7 Our concerns are echoed in a lot of the issues that are
8 raised in the Piper Rudnick letter, but also what we
9 would like to also add to the discussion tonight is one
10 of the issues that we believe is required to be more
11 fully addressed in the EIR is that potential economic
12 impact that the new project would have and how it's
13 ramifications could impact the environment and the
14 physical structure of the city. Mr. Lackow, I believe,
15 in his statement said that comments that were made in
16 the letter that we submitted to the Commission were very
17 speculative. And perhaps they are speculative, and as
18 Ms. Wineberg just announced, there's no data, there's
19 nothing in the report, there's nothing in the EIR that
20 discusses whether the City of West Hollywood on the
21 Sunset strip can absorb 300 more hotel rooms. Can it
22 absorb this additional retail space? Can it absorb this
23 additional restaurant space? So while it is true that
24 maybe additional space may generate more tax revenues,
25 more income for the city, but it wouldn't if it's taking

1 it at the expense of existing businesses, at existing
2 hotels, at existing office buildings and existing
3 restaurants. So I think it's important that the EIR be
4 rereviewed, looked at to make sure that the city can
5 absorb these additional hotel rooms and absorb this
6 additional business and make sure that its ramifications
7 will not have any significant economic -- excuse me,
8 environmental impact on the city. You do not want to
9 have a situation of urban decay where businesses are
10 closing, business owners are not able to properly
11 maintain their projects because of an overinflux of too
12 many rooms coming on to the market at one time. So we
13 ask that these issues be more fully investigated and
14 further data be defined and developed in order to
15 determine whether a project of this size and this scope
16 is really viable and necessary at this time. Thank you.

17 CHAIRMAN ALTSCHUL: At this time we will take
18 a ten-minute break. It's been almost two hours since
19 we've had one. And we remind the Commission not to
20 discuss the item at hand.

21 (A recess was taken.)

22 CHAIRMAN ALTSCHUL: We'll start with John
23 Duponce, to be followed by Michael Spencer.

24 MR. DUPONCE: Hi, I'm John Duponce, resident
25 of West Hollywood and area director of operations for

1 Robert Devine Services. Our company operates three
2 hotels here in West Hollywood, El Montrose, The Le Parc
3 and Grafton, and I'm here on behalf of the Grafton
4 tonight. We just have some questions. We need to
5 operate our business during this construction and we
6 just would like to know how we're going to get our
7 guests in there. How they're going to be able to sleep.
8 How we're going to get them out of there. We would just
9 like to have some answers to those questions. That's
10 all I'm going to say tonight. I know you have a lot of
11 speakers, I'll keep it very brief. Thank you.

12 CHAIRMAN ALTSCHUL: Thank you. Michael
13 Spencer.

14 MR. SPENCER: Michael Spencer, resident of
15 Burbank, general manager of the Grafton on Sunset as
16 well as a board of directors of business improvement
17 district on Sunset Boulevard.

18 Again, I support John Duponce and I'm not an
19 attorney, I'm an operator. I'm just concerned. I'm on
20 the strip daily. I'm there at nights, I see the
21 traffic. I see the problems. I'm very concerned how
22 the guests are going to make a left into the hotel. As
23 it is, as well as the project, with all the traffic that
24 there is now, without any kind of left-turn signal being
25 put there to control that or direct the traffic. I'm

1 very concerned about the hours of construction while my
2 guests sleep. It is a late-night-type hotel on the
3 strip and they tend to sleep late. So to have early
4 morning construction noise is going to be a tremendous
5 impact. I'm worried about the rodent issues from the
6 construction, from when they start digging next door,
7 what's going to happen. We are a boutique hotel. We've
8 worked very hard to develop the Grafton from the Park
9 Sunset into a first class boutique hotel. I just want
10 to maintain that experience for our guests.

11 I'm worried about the change of the valet
12 lane. How are my guests going to arrive at the hotel
13 and then get into the hotel if they make that current
14 lane where you can park to a no stopping zone. I just
15 don't know how it's going to happen. I just want
16 answers. Again, I think it's a beautiful project but I
17 just want to know how I'm going to maintain my business.
18 Thank you.

19 CHAIRMAN ALTSCHUL: GG Jerdaie, to be followed
20 by Randal Alair.

21 MS. JERDAIE: GG Jerdaie, the City of Los
22 Angeles and West Hollywood. I've been sitting here all
23 evening listening to this and I've been looking at these
24 pictures and I have a couple of questions that I liked
25 to ask. When they did all these drawings I would like

1 to know why the Sunset Millennium didn't bother to do a
2 drawing of this. Maybe you'd like to see all the faults
3 that are underneath their proposed buildings. There's
4 an issue of liquefaction. In the event that something
5 happens with the fault, for example, the one that was at
6 Northridge that was called a slip fault, nobody knew
7 that it was active, how many people were hurt? What
8 happened? You're going to put 191 people in condos
9 above a fault that could be active. I'm personally
10 concerned about that. Since they have not done this
11 study, I would ask that they do it and I'm willing to
12 put up the first 500 dollars for the study to be done.
13 If this is an active fault, I don't want people dying.
14 I'm sure you don't either. And I'm sure that nobody
15 wants the responsibility in the City of West Hollywood
16 to put people's lives in danger. The fire department
17 has already told us that lives will be in danger because
18 the response times are not going to be met. The seconds
19 count. Now we're talking about liquefaction in faults.
20 Now we're talking about traffic, then we're talking
21 about the fact that there are certain issues that can't
22 be mitigated.

23 Overriding considerations, which, according to
24 the general plan, indicates that if -- that there be an
25 overriding consideration if in fact there can be

1 mitigation. They admit there can't be any mitigation,
2 so how can you get an overriding consideration? I can't
3 understand how these things are not being addressed more
4 seriously, especially with regard to human life. This
5 is about greed, it's about developer's greed. It's
6 about the greed of the city who wants the money and the
7 taxes and whatever else that they can get. They're not
8 paying attention to what's going to happen to the
9 people. I actually am asking and begging and pleading
10 with you to demand that this test be done. If this
11 fault is active then this project cannot be continued.
12 If the fault is not active, then, fine, let's deal with
13 the other issues, but let's at least try to protect
14 human life. This is absolutely disgusting.

15 CHAIRMAN ALTSCHUL: Roger Olara, to be
16 followed by Joyce Heftel.

17 MR. OLARA: Good evening, Mr. Chair,
18 Commissioners, my name is Roger Olara, I'm a resident of
19 West Hollywood. I reside at Fountain View. I
20 originally got involved in this because I heard so many
21 conflicting stories and I wanted to form an opinion for
22 myself. I am a businessman and I have sat on both sides
23 of the table in these types of equations. I'm
24 prodevelopment within reason and purpose and I am a fan
25 of many different types of architecture. I can

1 appreciate the amount of investment, the importance of
2 the return and the time that has already gone into this
3 project. And I would like to say that it is wonderful
4 and give it my blessing but I cannot. After reviewing
5 the staff report, all 250, 350 pages, I did prepare a
6 letter of my own comments that I will turn back in to
7 you today for you to review about suggestions and other
8 mitigations items that arose. I'm encouraging you, the
9 Commissioners and the city council to deny this project
10 and send it back to be redeveloped, for the reason of
11 its purpose, its design, its integration, air pollution,
12 noise pollution, excess traffic, the need for it in the
13 area and the assumptions that are being made to the
14 Sunset Specific Plan. A major concern of ours is of
15 course the back area of the east parcel, which, only
16 until lately, were we able to see the diagram that
17 clearly showed us where the loading docks were, that
18 there was a door in the back where the trash was. Not
19 until very lately, which was Friday. These are all very
20 concerning things for us because there's a great impact
21 on our property and our lives. It is not that we are
22 trying to hold everything away from everybody, we are
23 concerned about our lives, our investments in the city.
24 There has been a lot of modifications made, as far as
25 the Sunset Specific Plan. I urge you that the reason

1 that was made -- that was made for a certain reason.
2 And that exceptions to that plan should really be done
3 very cautiously, and that it should be as close to the
4 plan as you can possibly get.

5 It's really a -- it's very unfortunate that
6 the Tiffany Theatre is going to be destroyed. Yes, the
7 actor's studio is in there now. The problem with the
8 theatre is no one was really running it, no one was
9 really pushing it. With the reduction in funding for
10 the arts, theatres around this city in Los Angeles are
11 closing, they're becoming very expensive, there are very
12 little -- few theatres that people of this community can
13 actually get into. The Tiffany Theatre was a perfect
14 opportunity for that to happen in Los Angeles. Thank
15 you.

16 CHAIRMAN ALTSCHUL: Joyce Heftel, followed by
17 Roger Stropes.

18 MS. HEFTEL: Hi, Joyce Heftel, Fountain View.
19 You will be calling a lot of people that -- on the
20 speaker slips that have left because they're senior
21 citizens and they just couldn't stay any longer, but
22 they were in here in support of Fountain View and were
23 prepared to speak.

24 CHAIRMAN ALTSCHUL: Mrs. Hamaker and I are
25 senior citizens too.

1 MS. HEFTEL: I know, but some of them have
2 been -- at any rate, that's what's going to happen. I
3 thank everybody for their kindness. Wait, you're taking
4 up my time. I brought up the speaker slips at the table
5 where somebody speaking put in I agree so people would
6 notice, I think that's pretty -- there's phone surveys
7 going around where they're getting real sneaky saying we
8 support Sunset Millennium. The entitled project would
9 bring more money to the city than this new project with
10 less congestion, less construction problems.

11 I want to point out something that's in the
12 Sunset Specific Plan, and I quote, "New development
13 which occurs on Sunset Boulevard may be subject to risk
14 of damage. Current city policies requires individual
15 developers to perform site specific analysis to
16 determine if the fault lies on their individual
17 properties. Under this policy if the fault is
18 discovered, the project must be abandoned."

19 That's on page 33 of the Sunset Specific Plan.
20 I don't know, we know it's on the fault and I don't know
21 everybody's saying that's okay. This says it should be
22 abandoned.

23 Mitigation H10, which says they can work all
24 night long. That would be cruel and unusual punishment
25 for Fountain View. You would sleep deprive us for eight

1 to ten months. It's not a discomfort, this is serious.
2 People are going to get sick. You can't do it -- if
3 they can't do construction during normal hours then they
4 can't do it. It's not right, all night long from 7:00
5 P.M. to 8:00 A.M. for eight to twelve months? This
6 can't be. Barbara Hamaker said at the draft
7 environmental hearing, "If the project generates more
8 traffic than the street can handle, isn't that reason
9 enough to deny the project?" This is the project that
10 should be denied. They say they're going to utilize --
11 they've got underutilized property. So does Sunset
12 Plaza. What do we want, another (inaudible) with Sunset
13 Plaza? At some point you have to say they want to
14 overutilize it. There's got to be some compromise.
15 Now, the rest of our speakers are going to get into the
16 other contradictions between the Sunset Specific and the
17 general plan and this project. Please, we beg you not
18 to approve it as it is. We're not against development,
19 we are against overdevelopment. We are against this
20 project because of the problems it's going to bring to
21 us. And it's going to kill Fountain View and we don't
22 deserve it. I please urge you to deny this project in
23 its form. Send it back to be redesigned. Put the
24 loading docks underground as they're supposed to be.
25 CHAIRMAN ALTSCHUL: Ms. Heftel, you said

1 you're not opposed to a project but you're opposed to
2 what is presented here. Have you and people from your
3 building met with the developers to have a dialogue and
4 a discussion?

5 MS. HEFTEL: Yes.

6 CHAIRMAN ALTSCHUL: Okay.

7 MS. HEFTEL: And the discussion was, they're
8 doing what they're doing and what -- and our lawyers
9 said not to go any further with their discussion because
10 it wasn't pleasant.

11 COMMISSIONER DeLUCCIO: I have a follow-up
12 question to that. Did somebody represent to you that
13 you had to have a -- you had to send the applicant some
14 possible mitigations that -- additional mitigations that
15 you're asking from the developer?

16 MS. HEFTEL: Fountain View, at its expense,
17 which is breaking my heart that we're coming up with our
18 own money to protect ourselves where the city should be.
19 Yes, we handed in an eight-page -- because it's a long
20 font so it's really five pages.

21 COMMISSIONER DeLUCCIO: The evening is getting
22 late, have you previously shown that to the developer
23 when you've met with the developer, articulated those
24 particular mitigations should this project go forward?

25 MS. HEFTEL: No. They conditioned any

1 conversation we had on our not objecting to their
2 project. Before we could have any conversation of any
3 sort like that, it was conditioned. And it was clearly
4 conditioned in front of our attorney and GG, that we
5 would have to support the project and give up our rights
6 to object. So we came to the city because it's
7 perfectly proper to come to the city and ask you to give
8 us the protection so we don't have to give up our proper
9 legal rights. And our architect told us do not do that
10 because there's things you don't know about. If you
11 sign off, you're going to have no place to go.

12 COMMISSIONER DeLUCCIO: I got you. Thank you.

13 MS. HEFTEL: Any more?

14 CHAIRMAN ALTSCHUL: Yes. More. If the
15 applicant was willing to meet with you tomorrow morning
16 without any conditions prohibiting you from objecting to
17 the project for a discussion to see if there can be some
18 meeting of the minds on some of these issues, would you
19 and a certain number of your people be willing to do
20 that?

21 MS. HEFTEL: After consultation with our
22 attorney. I'm not an attorney, I don't know. But for
23 sure if there's any conditions ever attached to it, no,
24 we're not. But if --

25 CHAIRMAN ALTSCHUL: That's not what I said. I

1 said, if there were no conditions attached to it to have
2 an open discussion and bring your attorneys, by all
3 means --

4 MS. HEFTEL: I've got a board of seven people.

5 CHAIRMAN ALTSCHUL: All right. Thank you.

6 MS. HEFTEL: I can't say that.

7 CHAIRMAN ALTSCHUL: I take that as a no.

8 MS. HEFTEL: I don't have --

9 CHAIRMAN ALTSCHUL: I take it as a no.

10 MS. HEFTEL: Don't take it as a no.

11 CHAIRMAN ALTSCHUL: Roger Stropes, to be
12 followed by --

13 COMMISSIONER DeLUCCIO: One second, I'm not
14 finished yet.

15 MS. HEFTEL: Please don't take that as a no,
16 I'm just not in power to make the decision of the board.
17 I need to ask them.

18 COMMISSIONER DeLUCCIO: Does the applicant
19 have a copy of that document?

20 MS. HEFTEL: I put it on the table.

21 COMMISSIONER DeLUCCIO: I would make sure that
22 the applicant has a copy, and perhaps the applicant
23 would like to take a look at it before tomorrow evening.
24 That's all I'm going to say right now. Thank you.

25 MS. HEFTEL: It's on the table.

1 CHAIRMAN ALTSCHUL: Roger Stropes, to be
2 followed by Susan Markhime.

3 MR. STROPES: Hello, I'm Roger Stropes, I live
4 in West Hollywood. I'm a resident of Fountain View. As
5 Joyce said, we've prepared a list of things that we
6 believe are contradictory to the statement in the
7 development agreement that concludes the Sunset
8 Millennium project meets all of the requirements of the
9 Sunset Specific Plan and has been designed to be in
10 keeping with surrounding areas including in mass and in
11 scale. And because this list will run longer than three
12 minutes, we're going to tag team this. So all the
13 comments you hear will be what we believe are
14 contradictory statements to that conclusion.

15 The first is, page 11 of the Sunset Specific
16 Plan states, "The plan reiterates the City of West
17 Hollywood's commitment to maintaining the high quality
18 of life enjoyed by its residents. And it is consistent
19 with the city's innovative approach to planning and
20 development."

21 The proposed Sunset Millennium project will
22 reduce the high quality of life enjoyed by the Fountain
23 View residents, both during construction and after. We
24 are the most impacted building to that project.

25 Page 11 of the Sunset Specific Plan states,

1 "The plan seeks to integrate Sunset Boulevard into the
2 greater community balancing commercial needs and
3 neighborhood concerns."

4 At the top of the list of the surrounding
5 neighborhood concerns are improved air quality and less
6 traffic congestion. The proposed Sunset Millennium
7 project will add thousands of more vehicle trips a day
8 to the neighborhood and thereby reducing air quality and
9 significantly increasing traffic.

10 Page 36 of the Sunset Specific Plan. One of
11 the purposes of the Sunset Specific plan is to achieve a
12 sense of continuity through overall high quality
13 designed. It was stated at the design review meeting a
14 design for the hotels is an acceptable design, not high
15 quality. In the EIR the developer promised a high
16 quality design. The hotel is not a high quality design
17 that would be considered a landmark quality to be the
18 gateway to the Sunset strip. We believe it must be sent
19 back to be redesigned.

20 Page 53 of the Sunset Specific Plan,
21 "Development requires density and heighten. Goals No.
22 2, allow increase in density and height at locations
23 where impacts are more easily mitigated."
24 Sunset and La Cienega is not a location where impacts
25 are easily mitigated.

1 Page 53 of the Sunset Specific Plan, "Develop
2 requirements, density and height. Goals No. 2, create a
3 cohesive sense of design in density and height so that
4 the new development feels integrated with existing
5 developments."

6 That project is not integrated with the
7 existing developments. And I'll turn the balance of
8 this list over to Susan.

9 CHAIRMAN ALTSCHUL: Susan Harkheim, to be
10 followed by Marvin Porton.

11 MS. MARKHEIM: On page -- Susan Markheim,
12 Fountain View. Page 78 of the SSP No. 5, "Massing and
13 design for new development. The architecture of new
14 developments must express the spirit and variety of
15 existing structures and support the existing diversity
16 found on Sunset Boulevard."

17 The two-block study angular hotels do not
18 integrate or express the spirit and variety of the
19 existing structures.

20 Page 53 of the SSP. "Development
21 requirements, density and height. Goals No. 4,
22 encourage the creation of public amenities by allowing
23 density and height bonuses in exchange for good urban
24 design features and desirable uses such as theatres and
25 parks." No parks are being created and the

1 Tiffany Theatre is being demolished. Bars and
2 restaurants are not equitable replacement for a theatre,
3 nor in keeping with the Sunset Specific Plan.

4 On page 196 of the SSP 4C, D, F, No. 16,
5 "Theatre Uses. Preserve theatre uses in the Tiffany
6 Theatre site and develop additional theatre spaces on
7 4C, D, E and F. These theatre spaces shall be
8 orientated towards the sidewalk and are permitted to
9 share parking with daytime office uses on the same
10 block, a bonus 02 FAR for theatre use is available."

11 No theatre space is created, only taken away.

12 Page 63 of the SSP, No. 5. "Calculating
13 allowable height on sloping. Over 4 percent slopes
14 requires using the height measurements chapter of the
15 zoning ordinances in the zoning code articles something,
16 something. This chapter establishes a means for
17 measuring heights on a sloping slide and assures that
18 the new buildings conform to topography creating an
19 appropriate transition in scale between commercial and
20 residential projects and are allowed incorporated
21 projecting architectural elements for distinguished
22 designs. This process requires measuring from the
23 building's front and rear facets and find the building's
24 silhouette for the bulk of the building that is
25 appropriate and sensitive to particular topography."

1 This is not being done. Units, rear units at
2 Fountain View will be facing a 40-foot solid wall.

3 I think I'll pass this on to the next speaker.

4 CHAIRMAN ALTSCHUL: Marvin Porton, to be
5 followed by Lauren Whitehead.

6 MR. PORTON: Marvin Porton, West Hollywood.
7 Long-time residents of Fountain View.

8 CHAIRMAN ALTSCHUL: Do you want to raise the
9 mic, Mr. Porton.

10 MR. PORTON: Is that better?

11 On page 76 of The Sunset Specific Plan, No. 3.
12 "Urban design standards and guidelines. No. 2,
13 buildings on the south side of the street shall not cast
14 significant shadows on adjacent residences and shall be
15 required to respond to the sloping features of the sides
16 by proposing architectural solutions such as terracing
17 at the rear of the sites."

18 Terracing is not being done at the rear of the
19 structure, instead of using architectural solutions
20 they're building well above the 100-foot limit to 140
21 feet. Shadow will be cast on Fountain View during the
22 summer solstice where one half of the back Fountain View
23 complex will be in the shadow beginning at 3:00 P.M.

24 On page 81 of the Sunset Specific Plan, No. 8,
25 "Buffers between commercial and residential zones. All

1 new developments and retrofitting of existing buildings
2 will be evaluated based on the following standards for
3 buffers between commercial and residential zones. A
4 decorative masonry wall designed as a buffer will be
5 required between residential and adjacent commercial
6 uses including parking. Two, grading measures such as
7 sunken parking areas or landscape berms should be used
8 as a means to screen parking lots from adjacent
9 residential zones and/or elevation change. And No. 3,
10 where a residential zone is divided from a commercial or
11 parking zone by a significant topographic or elevation
12 change. Requirements for setbacks. Landscape buffers
13 or decorative walls may be waived by the director of
14 community development."

15 Five-foot setbacks between property lines are
16 being removed. Five-foot and 15-foot setbacks removed
17 at the north corner of Fountain View, allowing truck and
18 auto to come within five feet of Fountain View. That's
19 not very far.

20 "Parking structures shall have all walls
21 facing residential areas designed as facades compatible
22 with the contents."

23 None of these standards are being met by the
24 proposed Sunset Millennium. They're incorporating a
25 decorative masonry wall that's only six feet instead of

1 ten feet. The facing wall is designed as a facade. And
2 I think I'll turn it over to the next person.

3 CHAIRMAN ALTSCHUL: Lauren Whitehead, to be
4 followed by John Delazaro.

5 MS. WHITEHEAD: Hi, Lauren Whitehead. I live
6 on the Northwest corner Fountain View, West Hollywood.
7 On page 103 of the SSP Plan, "Residential mixed use.
8 Geographic area 4C, D & F, residences shall not be
9 permitted on the ground floor of Sunset Boulevard."

10 Four residences are located on the ground
11 floor of the condo complexes. The Millennium says that
12 they're in compliance with item B except for the four
13 residential units on the ground floor. A project is
14 either in compliance or not in compliance. The condos
15 are not in compliance.

16 On page 114 of the SSP, "City programs. The
17 general plan contains an air quality element that sets
18 air quality goals for the entire city. The primary goal
19 for the city is to promote air quality that is
20 compatible with health, well-being, and enjoyment
21 of life by controlling point sources and minimizing
22 vehicular trips to reduce air pollutants. The general
23 plan calls for the city to work towards the attainment
24 of ozone, nitrogen dioxide, carbon monoxide and sulfate
25 standards as enforced by the South Coast Air Quality

1 Management District. These states and federally
2 mandated goals are described below, in terms of
3 congestion management plan in the air quality management
4 plan."

5 The construction of the proposed Sunset
6 Millennium project and traffic generation will reduce
7 the air quality.

8 On page 189 of the SSP, "Area 4 La Cienega
9 Gateway goals. The La Cienega Gateway will provide a
10 link between the shopping and eating establishments of
11 Sunset Plaza and the hotels and offices located east of
12 La Cienega. New buildings at the intersection of La
13 Cienega Boulevard and Sunset Boulevard will create a
14 major gateway to the strip at the head of La Cienega and
15 will provide opportunities for a significant commercial
16 anchor. Sites 4C and 4D have been chosen as target
17 sites because traffic increases can be accommodated from
18 La Cienega Boulevard, which is a major commercial
19 roadway. The topography allows the unique opportunity
20 for a landmark tower to mark the top of La Cienega.
21 Site 4A has a significant height bonus permitted because
22 the topography can accommodate such a landmark building
23 without adversely affecting public views. The height
24 bonus is only permitted in exchange for the creation of
25 a public park on site 4A located in the City of Los

1 Angeles."

2 No public park has been created.

3 On page 190 of the SSP, "Area 4 La Cienega

4 Gateway Objectives. 1, develop the dramatic building of

5 landmark quality at the top of La Cienega that will act

6 as a gateway to Sunset Boulevard at this key location."

7 The designs of the hotels are not of landmark

8 quality.

9 "2, accommodate large office use by permitting

10 additional height and density on large parcels on the

11 south side of the street."

12 The entitled project included offices, the

13 proposed project does not.

14 CHAIRMAN ALTSCHUL: John Delazaro, to be

15 followed by Bonito Sari.

16 MR. DELAZARO: I'm John Delazaro, I live in

17 West Hollywood at the Fountain View. To finish off our

18 thought. The Sunset Specific Plan, the same item says

19 "You should reserve the views from the hillside

20 neighborhoods by prohibiting the continuous wall on the

21 tall building along the street, to develop the

22 commercial properties in such a way as to be sensitive

23 to the nearby residents."

24 The design of the hotels and condos are not

25 sensitive to residents.

1 I'm going to go take a well-needed break,
2 probably just for a minute to show support for my
3 homeowners here. I'm the president of the board of the
4 Fountain View Homeowners' Association. And so first I
5 wanted to make sure we thank the Planning Commission for
6 giving us this opportunity to have us all speak at the
7 same time. Obviously, we greatly appreciate that and we
8 hope you realize that we deserve that opportunity when
9 you look at the map over there and see how impacted we
10 are by this development.

11 I also want to apologize, but it is due to the
12 late release of the second draft of the EIR, just about
13 ten days ago, if not less with the holiday weekend
14 included, that we did not have time to get our experts
15 to look at the mitigation list that you just spoke about
16 to Joyce a few moments ago. And we did not have an
17 opportunity yet to send it to the developers because of
18 the short time we've had that report. It is available
19 today and I'm sorry it was not available before then.
20 By allowing us this opportunity to all speak at once, I
21 believe that you obviously feel that we are important
22 and Fountain View is the most impacted development in
23 the area.

24 According to the map over there, you can just
25 look at it, we're the closest large residence to this

1 project. We touch at the base of these two hotels. The
2 delivery and the trash is right behind our building.
3 Our balconies at the back of our units touch the trash
4 in these delivery areas that will be used. We were not
5 paid experts, we're not the day workers who want a few
6 hours of job to go home to where they live, we're the
7 residents of West Hollywood in this building. We're 94
8 units strong. The building is worth over 50 million
9 dollars in the aggregate. We have more than 150
10 residents and voters in the building. So thank you for
11 providing this opportunity. I represent the residents
12 that are here. As you can tell from some of our experts
13 and a number of residents here, we're all very
14 concerned. We urge you to at least send this project
15 back for a redesign to address all the concerns that
16 you've heard tonight. And if you do still feel
17 compelled to recommend that this project go to the city
18 council with approval, please include the mitigation
19 concerns that will protect the Fountain View and its
20 residents. Thank you.

21 CHAIRMAN ALTSCHUL: You have a question, sir.

22 COMMISSIONER THOMPSON: I have one question.
23 As between the project that's proposed and the 1999
24 project, which one do you prefer?

25 MR. DELAZARO: I prefer the 1999 project

1 because it does not include the two hotels right at our
2 back fence.

3 COMMISSIONER THOMPSON: Right. Thanks.

4 CHAIRMAN ALTSCHUL: Bonita Sari, to be
5 followed by Janet Cummings.

6 MR. SANG: Actually, it's Bonita Sang,
7 Fountain View. Good evening. Everybody's tired here.
8 I just want to picture in your mind what happened to the
9 guy (inaudible). And think about the residents here and
10 the community. Think about us when you decide this
11 project. Thank you.

12 CHAIRMAN ALTSCHUL: Janet Cummings, to be
13 followed by Peter McFarland.

14 MS. CUMMINGS: Janet Cummings, Fountain View,
15 West Hollywood. On page 193 of the SSP, 4D, C6, "Bridge
16 or tunnel link. A single large office tenant on 4C and
17 4D may be accommodated by linking these blocks with an
18 underground pedestrian tunnel beneath La Cienega, or by
19 connecting them with an enclosed bridge over the street.
20 If linked by a bridge, the bridge shall be innovative
21 and dramatic in the expression of either its engineering
22 or its architecture. Such a structure will act as a
23 gateway at the top of La Cienega and be a suitable
24 architectural transition between the two buildings. A
25 conventional glass tube walkway is not acceptable."

1 I would add the sign -- a moving sign would
2 not be acceptable either. It would be very distracting
3 to drivers going up and down La Cienega. The plans are
4 for a conventional glass tube which, per SSP, is not
5 acceptable.

6 "Open space and streetscape requirements, 4D5,
7 F13 median. All properties on 4A, D, C, E shall conform
8 to the median fund, to install a median down the center
9 of Sunset Boulevard between La Cienega and the existing
10 median at Sunset Plaza."

11 There is no planned median. The Sunset
12 Millennium project is inconsistent with the general
13 plan. General plan policy allows modification of the
14 plan's permitted density, intensity height and other
15 development standards, provided that, "A, impacts of the
16 modification can be mitigated by an acceptable
17 compensation mechanism." Since many issues with the
18 Sunset Millennium project have significant impacts that
19 can't be mitigated as stated in the FEIR, the city is
20 allowing the statement of overriding consideration to be
21 an acceptable compensation mechanism, which is in
22 contradiction to this policy.

23 Infrastructure and community service on page 2
24 states that Santa Monica Boulevard and La Cienega had
25 one of the ten highest accident rates in the city. The

1 additional trip generation that will be due to the
2 proposed Sunset Millennium will increase that accident
3 rate. It is irresponsible to allow a jumbotron to be
4 placed in the middle of the street on La Cienega near
5 Sunset. It will distract drivers' attention while on a
6 steep incline, feet away from seven driveways where cars
7 will be pulling in and on. The jumbotron must not be
8 allowed. Accidents will occur as a result of the
9 distraction. Public safety cannot be put at risk so the
10 city can take a 10-percent cut of the profit from the
11 jumbotron.

12 Protect policy. Protect and preserve
13 residential neighbors from the intrusion of short
14 come --

15 CHAIRMAN ALTSCHUL: Thank you, Ms. Cummings.
16 Peter McFarland, followed by Art Kemp.

17 MR. MC FARLAND: Hello. My name is Peter
18 McFarland. I've lived in West Hollywood since 1999 and
19 I currently live at the Fountain View. Back to this
20 jumbotron. This jumbotron must not be allowed.
21 Accidents will occur as a result of this distraction.
22 Public safety cannot be put at risk so the city can make
23 a 10-percent cut on the profit from this jumbotron
24 without the overriding consideration being that money is
25 more important than human life and safety.

1 Policy 5.3, "Protect and preserve residential
2 neighborhoods from the intrusion and shortcutting
3 through traffic in commercial overflow traffic and
4 parking." The proposed Sunset Millennium project is in
5 conflict with this particular policy.

6 Policy 8.1, "Ensure that adequate service
7 levels of law enforcement and fire protection are
8 maintained within the City of West Hollywood." The EIR
9 did not address the needs for law enforcement that will
10 be needed if this proposed project is built.

11 Objective 12.2, "Reduce the amount of
12 vehicular emissions in West Hollywood." The proposed
13 Sunset Millennium project will generate so much extra
14 traffic and vehicular emissions that its construction is
15 in direct contradiction to this objective.

16 Hazards, faulting. "Damage from fault rupture
17 is very difficult to mitigate through structural design
18 alone. Careful studies are needed before subdivisions
19 and site plans are prepared to allow the incorporation
20 of setbacks from any recent traces of the fault." In
21 the FEIR the setbacks are just about being eliminated,
22 which would put Fountain View especially at risk. We
23 cannot allow this as residents.

24 Noise, 17A, "Prevent and mitigate the adverse
25 impacts of noise on city residents." This has not been

1 done. We are told no mitigation is possible. If no
2 mitigation is possible, then the Sunset Millennium
3 project cannot be built, and instead a project that is
4 capable of mitigating the adverse impacts of the noise
5 on the city residents should be. Thank you for your
6 time.

7 CHAIRMAN ALTSCHUL: Art Kemp, to be followed
8 by Barbara Stone. Art Kemp? Not here. You can't speak
9 for him.

10 CHAIRMAN ALTSCHUL: Barbara Stone, to be
11 followed by Christopher Baker.

12 MS. STONE: My name is Barbara Stone, and I've
13 been a resident of Fountain View for 18 years. 17.1.4
14 requires the redevelopment minimize the noise impact of
15 trips generated on residential neighborhoods by
16 controlling the location of driveways and parking. The
17 location of the driveways and parking for the Millennium
18 does the opposite, in terms of additional trips
19 especially down Olive and Fountain for exiting, and
20 especially down La Cienega and Hacienda to enter.

21 17.2.3 requires that automobile and truck
22 access to commercial properties located adjacent to
23 residential parcels be located a maximum practical
24 distance from the residential parcel. This is not being
25 done in regards to Fountain View, it's too close.

1 17.2.4 requires that all parking for
2 commercial uses adjacent to residential areas be
3 enclosed within a structure or on the surface lots which
4 hours of operation should be limited. There are 28
5 parking spaces planned for the rear of the hotels at
6 Fountain View's rear, some only five feet from Fountain
7 View's property line. Many of these spots are tandem
8 spots which will require more than one car be started
9 and moved to allow for other cars to exit. This is a
10 violation of 17.2.4.

11 17.5.1 requires construction activities which
12 may impact adjacent residential units to be limited to
13 8:00 A.M. to 7:00 P.M. during weekdays except under
14 special circumstances approved by the city. Limited to
15 interior construction between 8:00 A.M. and 7:00 P.M. on
16 Saturdays and prohibited on Sundays. Mitigation measure
17 H10 directly contradicts this general plan policy.

18 General violations of the Sunset Specific
19 Plan. One states all parking should be underground.
20 The EIR states they're in compliance except there are 20
21 to 30 spots at the rear closest to Fountain View not in
22 compliance.

23 No. 2 states all loading docks and trash area
24 be enclosed and underground. The EIR says ours is in
25 compliance because the loading docks and trash at the

1 condos are underground so just ignore the two loading
2 docks and trash, so just open at the rear impacting both
3 Fountain View and the Grafton.

4 3 states on Sunset structures that are
5 supposed to be 90 percent retail and 10 percent
6 residential, but the middle parcel is 10 percent retail
7 and 90 percent residential. Then there's some kind of
8 strange map that says putting all three parcels
9 together, the project is now 50 percent retail, 50
10 percent residential. That still isn't 10 percent
11 residential or 90 percent commercial. The EIR says the
12 construction noise will be excessive and unreasonable,
13 this mitigation measure must not be used because if it
14 were used the Commission would be sentencing the
15 residents of Fountain View to four to six months of
16 sleepless nights.

17 General Objections. Again, the traffic study
18 is incorrect. No. 2, the residents' air quality
19 is being compromised. No. 3, liquefaction hazard zone,
20 which we've been involved with before a few weeks ago.
21 No. 4, the Commission sent a project back to be
22 redesigned because it was only adequate. John Anshal
23 said in the design meeting the Sunset Millennium hotel
24 designs were only adequate. The EIR states that the
25 developer would use superior design. 5, this project

1 needs to be sent back to become superior and not just
2 adequate. This is supposed to be the gateway to the
3 Sunset strip. The gateway project at Santa Monica had
4 20 design review meetings, there were only three or four
5 for the Sunset Millennium. 5, violation of the SSP, all
6 parking will be below ground. I guess I'm out of time.

7 CHAIRMAN ALTSCHUL: Christopher Baker,
8 followed by Herbert Simon. Christopher Baker? Not
9 here. Herbert Simon.

10 MR. SIMON: My name is Herbert Simon. I've
11 been a resident of Fountain View for 28 years.

12 Violation of the general plan, all trash loading will be
13 underground. The east parcel facing Fountain View does
14 not comply. May I also say that there's no provision to
15 prevent trash trucks and other delivery trucks from
16 backing up with the loud screaming back-up signal that
17 they have which is enough to drive you crazy.

18 Violation of the general plan. All buildings
19 will be 50 feet away from an earthquake fault. They are
20 building the parking on top of an earthquake fault.

21 Violation of the SSP, a project on Sunset must
22 be predominantly commercial. The condos are 90 percent
23 residential, and 10 percent commercial. The Sunset
24 Specific Plan must not be altered to this extent.

25 Traffic objection. No matter what the FEIR

1 traffic reports say, the residents' common sense and
2 experience with La Cienega says that there will be
3 queuing on La Cienega. Last night I left Ralph's on La
4 Cienega at 7:15, I got one block north of Beverly
5 Boulevard and traffic came to a halt and it was creeping
6 all the way up to Sunset, car behind car, two lanes
7 wide. It was just impossible. Cars that want to go to
8 the front, drop off in limos will have to wait on La
9 Cienega while the valets get cars pulled back into the
10 already grid-locked traffic on Sunset to pull into the
11 parking entrance on Sunset. There also will be cars
12 entering and exiting the La Cienega parking Fountain
13 View exit on La Cienega. Now it's often blocked by
14 traffic waiting for the light and pulling into the
15 Peterson building parking. We experience waits of
16 sometimes five minutes before we can make the right onto
17 La Cienega. If you allow thousands of more cars to be
18 generated heading the Sunset and La Cienega -- our exit
19 and Hilltop House's only exit will be virtually
20 unusable. Valet lane on Sunset will cause back-ups on
21 La Cienega. The valet lane does not reduce traffic on
22 Sunset as they claim because the valets have to pull the
23 cars back into Sunset to get to their parking entrance.
24 And since the cars will be pulled out to Sunset not at a
25 corner or intersection --

1 CHAIRMAN ALTSCHUL: Thank you, sir. Laurie
2 Woodrow, to be followed by Libby Chase.

3 MS. WOODROW: Laurie Woodrow, I'm a resident
4 of Fountain View. Since the cars will be pulled onto
5 Sunset not at a corner or intersection, but in the
6 middle of the street, accidents are bound to happen,
7 just as accidents happen when cars pull out of parking
8 spaces. Realistically, valets will be rushed to get the
9 cars into the garage and get back to moving another car.
10 3, fire and emergency access to Fountain View's hilltop
11 entrances will be delayed in the precious minutes that
12 are the difference between life and death. That's it
13 for our written presentation.

14 So in the interest of time, I'll let you move
15 on to the next person.

16 CHAIRMAN ALTSCHUL: Thank you. Libby Chase,
17 followed by Barbara Simon.

18 COMMISSIONER BARTOLO: Chairman Altschul, may
19 I make a comment, please. If I just may for a moment.
20 I just want to applaud you because I think you did an
21 outstanding job assembling that mass information,
22 presented, I think, incredibly coherently. I think we
23 all have a pretty good idea of how much work it took.
24 So, well done.

25 CHAIRMAN ALTSCHUL: Thank you, Kate. Libby

1 Chase, followed by Barbara Simon.

2 MS. CHASE: I'm Libby Chase. I'm a 15-year
3 resident of Fountain View. The Millennium project is
4 going to be built on an earthquake fault. To make
5 things worse, the ground is also on a liquefaction
6 hazard zone. Fountain View has survived all the
7 earthquakes so far quite nicely, I have just repainted,
8 very few cracks. The construction of Sunset Millennium
9 project could, and according to some experts, will
10 compromise Fountain View's structure integrity. You
11 can't approve a project that could and most likely will
12 hurt residents and property that is a part of this
13 community. It's the city's responsibility to protect
14 us. Please deny this project.

15 CHAIRMAN ALTSCHUL: Barbara Simon.

16 MS. SIMON: Normally I would -- I have nothing
17 to say that hasn't been said already, but I want to say
18 one thing, and that is, I'm very tired and I know you
19 are too, the thought of living through this project is
20 something that I -- it is making me a little bit ill at
21 the moment, because I keep thinking about it and trying
22 to decide whether we, after 28 years at Fountain View,
23 very happily, whether we are going to move. And if we
24 do, it would be out of West Hollywood because this kind
25 of project, if you will not stay true to the Sunset

1 Specific Plan as is a matter of ordinance, I take it, or
2 something that you have approved, and if you cannot
3 conform to it better than this, I don't want to live in
4 West Hollywood anymore. And I will miss you all. Thank
5 you.

6 CHAIRMAN ALTSCHUL: Neal Johnson, followed by
7 Mila Padrina. Neal Johnson? Yes.

8 MR. JOHNSON: My name is Neal Johnson, C.P.A.
9 I live in Fountain View as well. And everybody's tired
10 so I just want to say I agree with everything my
11 colleagues and friends in Fountain View have said.
12 We're a great cohesive community. Thank you for your
13 time.

14 CHAIRMAN ALTSCHUL: Mila Padrina, followed by
15 Porbe Shaw. Mila Padrina? Not here. Porbe Shaw? Not
16 here. Anatoli Skuvanski? Joyce is he here?

17 MS. HEFTEL: No, but he's against it too.

18 CHAIRMAN ALTSCHUL: Is that an editorial
19 comment? Sally Berman. She's not here? Okay. Sally
20 Berman. Thank you.

21 MS. BERMAN: I'm Sally Berman. I'm probably
22 the oldest person in the building. And I was a tenant
23 in 1976, so everybody else has covered everything. But
24 I just wanted to say that I don't think this Millennium
25 thing is going to work.

1 CHAIRMAN ALTSCHUL: Horice Barbetty, followed
2 by Sydney Johnson. Horice Barbetty. Not here, Joyce?
3 Horice?

4 MR. BARBETTY: Hello. My concern is traffic.
5 I drive and I live in Fountain View. We cannot get in
6 or out of our units because of the traffic is block.
7 The other day was 7:00 P.M. and I tried to leave to go
8 to West Hollywood and there was a bus stopped on one of
9 the lanes of La Cienega with the lights, everything was
10 perfect. Now the traffic was all the way past Santa
11 Monica because of the light on La Cienega to a left turn
12 was blocking the traffic. Now the traffic on the right
13 side was blocked by the bus. So that's an experience
14 we're going to have with more traffic in that area. Our
15 streets are full to capacity. If you people drive in
16 the morning from West Hollywood to Beverly Hills, it's a
17 long wait and there's no way you can solve it. You just
18 have to wait. The same happens when you want to leave
19 Fountain View on the Fountain exit. You can't make a
20 left turn unless you're a kamikaze. Or if you make a
21 right turn you have to wait and beg this driver to let
22 you get in. So we live in a beautiful community and we
23 have no streets to drive and that's a fact. And we're
24 going to put more cars into it. I don't know, you guys,
25 I think you got a problem. Thank you.

1 CHAIRMAN ALTSCHUL: Sydney Johnson, followed
2 by Fred Bassic. Sydney Johnson? Fred Bassic, followed
3 by Dietrik Gorian.

4 MR. BASSIC: Good evening, ladies and
5 gentlemen. I'm a 28-year resident of Fountain View.

6 CHAIRMAN ALTSCHUL: Your name, please.

7 MR. BASSIC: Fred Bassic. I've enjoyed living
8 there, I've enjoyed the community, I've enjoyed working
9 with people in the building and of course I've existed
10 very well up until the time I became ill. Now I have to
11 gauge myself every morning when I go to the facility,
12 medical facilities, leaving at least a half hour before.
13 What am I to look forward to when this project is
14 started? One night I had to stay at my son's house
15 because I couldn't get into my project because the
16 limousines blocked both driveways. We have two access
17 areas, ingress on both sides, La Cienega and Fountain.
18 This could be horrendous. We've got to downsize the
19 project so people can live a normal life. There are
20 more people than myself that have disabilities, some
21 worse, some less than what I have. You have to be
22 concerned about the lives of these people. Think of it
23 just as yourself, where you would live, that you want
24 comfort and peace and tranquility, we want the same
25 thing. Use your good judgment, make this project the

1 way it should be. It's too big for the area. West
2 Hollywood is a beautiful area, we want to keep it that
3 way. It's not going to be beautiful if you have to
4 leave half hour or 45 minutes to go to a destination,
5 particularly to a medical facility. Thank you very
6 much.

7 CHAIRMAN ALTSCHUL: Peter Gorian, followed by
8 Conwell Newton. Conwell Newton? Jim David?

9 MR. DAVID: He's a senior but he stuck around.
10 Jim David, West Hollywood. I've lived in L.A. all my
11 life. That's 75 years. I've lived -- been an owner and
12 a resident of Fountain View since 1976. I bought that
13 condominium because I liked the building and I liked the
14 area. I like to be close to the action, which is the
15 Sunset strip. But in the last 28 years I've seen the
16 conditions in that area go from pretty good to real bad.
17 And it can only get worse if this project is approved as
18 it's proposed. It's grossly out of place where it's
19 proposed to be built. It's way too big. I was thinking
20 that there are other undeveloped areas on the strip in
21 West Hollywood. In the future, other developers are
22 going to come to the strip and they're going to want to
23 build some big projects down the street in West
24 Hollywood on the Sunset strip, and the City of West
25 Hollywood. The city council, is eager to increase

1 revenues, they're going to want to approve those
2 projects. It's only going to get bigger, the traffic is
3 going to get worse and the quality of life is going to
4 deteriorate. It's bad enough now. I hope that you will
5 see the wisdom in reducing this project to manageable
6 proportions. As you know, the Fountain View condo is
7 directly behind this proposed project. We are affected
8 more than anybody. We have an interest in seeing that
9 this doesn't get out of control. I hope you understand
10 that. Thank you.

11 CHAIRMAN ALTSCHUL: Elaine Gayle, followed by
12 Martha Yuro. Elaine Gayle? Not here. Martha Yuro or
13 John Banneker? Not here. Linda Barrens? Not here.
14 Michael Fishler?

15 MR. FISHLER: Michael Fishler, resident of
16 West Hollywood Fountain View. I have to agree with
17 basically everything everybody said that's against the
18 project. I firmly believe it ought to be reconsidered
19 at any cost. I had the opportunity not too long ago to
20 talk to two sheriffs that were doing traffic control in
21 the area, traffic was backed up for over a mile up
22 Sunset and almost a mile down La Cienega. And they
23 complained that they didn't think they had enough
24 sheriffs now to handle West Hollywood, especially in the
25 traffic situation it is now. And they were certainly

1 convinced that given the development, the size of it and
2 the way it's planned right now, there certainly won't be
3 enough sheriffs to handle it, should it go forward as
4 planned. Thank you.

5 CHAIRMAN ALTSCHUL: Thank you. And that
6 concludes the coordinated group of speakers from
7 Fountain View. We will continue with the rest of our
8 speakers. For those who want to keep track of what's
9 going on, we have 27 speakers left.

10 Pat Stewart, to be followed by Jean Dobrin.
11 Pat Stewart? Not here. Jean Dobrin.

12 MS. DOBRIN: Jean Dobrin, resident of West
13 Hollywood. Poor little, really tiny, tiny West
14 Hollywood surrounded by two powerful cities but
15 unfortunately the target area for financially
16 well-endowed developers, 99.5 percent of whom never have
17 been and never will be residents of West Hollywood and
18 not suffer the deprivations that can be forced upon us.
19 I understand that the staff report states that the
20 requests to construct this project 24 hours daily can be
21 approved by the community development director, not
22 true. Must be approved by code compliance, building and
23 safety, planning director, or the manager and the city
24 engineer and the sheriff's department must be informed.
25 Only the city manager can unilaterally waive this

1 requirement of -- that the working hours in West
2 Hollywood are 8:00 A.M. through 7:00 P.M., Monday
3 through Friday, no exterior work on Saturdays and no
4 work on the holidays. The request to have this work 24
5 hours a day is -- the ordinance says that it is this way
6 because this is, to implement the recurring words all
7 through the city documents, "so as not to destroy the
8 residents' sleep between the hours of 10:00 P.M. and
9 8:00 A.M." I'm lucky, I'm so old I don't have to get up
10 and go to work anymore. This khutspe request cannot be
11 granted. Residents cannot lose a decent night's asleep
12 and go to work with sleep deprivation. Out of the
13 question.

14 In conclusion, I wanted to say that, please
15 everyone be aware there's a phrase in this document,
16 "statement of overriding consideration." I hope
17 everybody knows what that means, the project is not
18 right but we're going to do overriding consideration.
19 This is so blithely used constantly by the city council,
20 and it's the most dangerous words that you will ever
21 hear. Don't give up. Thank you.

22 CHAIRMAN ALTSCHUL: Lynn Hoopergarner. Lynn,
23 followed by Steve Smith.

24 MS. HOOPERGARNER: Lynn Hoopergarner, West
25 Hollywood Neighborhood Association. I'm also a

1 certified management consultant and I'm not opposed to
2 development. And I also count among my many clients a
3 multi-billion dollar construction company. So don't
4 view this as opposed to construction and development.
5 The entire EIR sets as a standard the negative. Nowhere
6 in this document does it say that this project adds to
7 our community. Under visual quality it actually states
8 it would not substantially detract from the existing
9 style or image of the area. What a terrible standard.
10 How about creating something that adds to the visual
11 quality of our architecture, such as the Argyles, Sunset
12 Plaza, the Blue Whale, but does not substantial detract?
13 The SSP says a landmark quality building.
14 There is not an architect on the planet that would say
15 anything about this is anywhere near landmark quality.
16 Most of the comments that I made in my comments were
17 responded to by the city and the EIR developers as noted
18 and incorporated into the final EIR review with no
19 reference to where they were noted and reported and
20 incorporated. None of the responses to my comments were
21 responsive nor specific.
22 Just a few more points. Mitigation Measure A
23 10, "Billboards shall be physically and visually
24 maintained by the applicant." How is that a mitigation?
25 They have to maintain their billboards? That's not a

1 mitigation. Most of the mitigations aren't in fact
2 mitigations. "Significant traffic impacts are not
3 anticipated at the Holloway/Westmount or
4 Holloway/Hancock intersections." That's a quote. How
5 can they say that the Holloway/La Cienega intersection
6 is going to be unmitigateable and a block away, where
7 there's no light, it's not impacted? The FEIR uses,
8 quote, "strong pedestrian ambiance," unquote, of all of
9 this. And yet it also states that, quote, "blank walls
10 at the pedestrian level." How can you have a strong
11 pedestrian ambiance and have blank walls at the
12 pedestrian level? That's just mutually exclusive. The
13 pedestrian bridge is just another billboard not going to
14 be used by anyone. Everyone's going to use the
15 crosswalk, they're not going to walk halfway down the
16 hill, up the stairs, across the pedestrian walkway, back
17 down the stairs and up the hill again, it's a useless
18 piece of property. Thank you.

19 CHAIRMAN ALTSCHUL: Steve Smith, followed by
20 Tony Deaquano. --

21 MR. SMITH: Steve Smith, West Hollywood.
22 Thank you, Mr. Chairman, Commissioners. Well, the
23 Millennium approached us again and this time there
24 aren't any angels in this project. All there is is
25 crime and grid lock and sign pollution. And you have

1 the ability, you and council can do something about
2 that. When I sat where you are years ago, the city
3 attorney advised me on the development agreements
4 that -- because of the nature of development agreements,
5 you can do just about anything. Right now what you're
6 doing is locking in the current standards so that if
7 tomorrow we see we want to stop the proliferation of
8 liquor licenses, you can't do anything about that unless
9 you do it in the development agreement now. We get
10 crime and grid lock from this project because the city
11 won't draw a limit on liquor licenses, on the glottis of
12 the boulevard, which is connected in signs. But you and
13 the development agreement can look at the issue of how
14 many liquor licenses there are going to be over how many
15 square feet. If you will, you can look at that and give
16 the recommendation to the council. But the kind of grid
17 lock, why is it going to come here? It's not going to
18 come here because Apollo is dying to produce hotels for
19 us, they will come here because council wants the
20 revenue from the hotels. But most of all, it's the sign
21 pollution. I heard Andy and John from the council a few
22 months ago talk about the need to curb tall walls and
23 maybe signs in general. Now is the time to do it. We
24 don't have architecture, we have five tall walls and 20
25 plus signs in search of architecture, and they didn't

1 find it. It's not the fault of these architects. When
2 these architects were told several years ago when the
3 first rushed renderings for the hotel weren't good
4 enough, they went back. It may not have been a design I
5 was in love with, but it was substantially improved.

6 A few weeks ago this Commission, I think it
7 was on December 2nd, on a much smaller project on Laurel
8 Avenue said the architecture wasn't good enough. I
9 think you were beginning then to develop the standard,
10 that the bigger the project is, the greater its impact,
11 and the higher the standard of architecture you should
12 hold to. This project, then, should be held to a higher
13 standard than you have done so far. Design review
14 committee, as staff report says, as I know from being
15 there, said that this design on the hotel was
16 acceptable. Acceptable is not a high enough standard,
17 Commissioners, on something like this. Again, sign
18 pollution. The developers, when I sat where you sat,
19 developers said to us and councilmembers, we can't do
20 the project without signage. L.A. Business Review said
21 they got 70 billion dollars from their signs. They're
22 still saying we need more, we need better, we got to
23 make changes here, another reason to be looking at the
24 development agreement in greater detail than any of you
25 possibly could have done, and any of us could have done

1 so far.

2 Going back to the very origins of this all.

3 Looking at the middle parcel, shouldn't be signs on
4 residential.

5 CHAIRMAN ALTSCHUL: Tony De Amano, followed by
6 Elaine Young.

7 MR. DE AMANO: Good evening and thanks for
8 this opportunity. There is only one of me, but I can
9 guarantee you --

10 CHAIRMAN ALTSCHUL: Can you state your name
11 and residence.

12 MR. DE AMANO: Tony DeAmano, I live at 1228
13 North La Cienega here in West Hollywood. There's only
14 one of me but I can guarantee you, contrary to what
15 everyone has been saying when they come up here, and
16 these words are my own and I was not paid to say them by
17 anybody. The Fountain View has been consistently
18 proclaiming themselves to be the most directly impacted
19 building by this project, which is just not true. Take
20 a look at the project plans, our building is entirely
21 facing the project on all sides -- well, facing the
22 project. The entire building is adjacent to the
23 project. We feel that the project is good for the area.
24 We think that the additional parking and the visual
25 enhancements to the area are going to do a lot for our

1 property values and the values of people around us.
2 I'd also like to comment that we, the
3 supporters of the project, have been very polite
4 throughout the entire proceeding and have not heckled
5 anybody up here and have not been laughing behind their
6 backs while they're speaking.

7 It's also very interesting to hear all these
8 complaints about traffic to the area coming from their
9 building. I'm sure that before they were there there
10 were -- I know that the place -- the location that their
11 building is built upon used to be bungalows, I'm sure
12 there weren't 200 bungalows there. So now we've got 90
13 plus cars coming from their building. So now they're
14 turning around and complaining because somebody wants to
15 develop something in the area that brings more traffic
16 into the area. I think that's a little ironic.

17 I'd like you also to take an opportunity to
18 think about projects like The Grove and The Gateway.
19 I'm sure that many of the concerns that were expressed
20 to you today were expressed when those projects were
21 brought up. And as you can see, those two projects
22 turned out to be very successful, and they've definitely
23 enhanced the areas that they were brought into as well.

24 We have had no problems getting an audience
25 with the developers of this project. They have been

1 very attentive to our concerns. And the project clearly
2 reflects that they have paid attention to what we've
3 said and what we've asked of them and presented to them.

4 So if anyone else has said that they were not able to
5 chat with them about something, we had no conditions and
6 they've been very gracious to us and we appreciate that.

7 I'd also like to take an opportunity to invite
8 all of you to come to our location, since I see you've
9 gone to several of the other people's homes to see how
10 they're impacted by this project. Come and take a walk
11 over to our building and see how directly impacted we
12 will be and to hear what myself and the other owners in
13 the building will tell you and how much they are in
14 favor of this project.

15 CHAIRMAN ALTSCHUL: Thank you, sir. Barbara.

16 COMMISSIONER HAMAKER: Hi. Are you at Hilltop
17 House?

18 MR. DE AMATO: Yes, I am.

19 COMMISSIONER HAMAKER: Can you tell me, do you
20 use the same entrance and exits that the other people
21 do?

22 MR. DE AMATO: That the Fountain View?

23 COMMISSIONER HAMAKER: Yes.

24 MR. DE AMATO: Basically, yes, our driveways
25 are right up against each other. Basically, it's

1 there -- they have a very, very long driveway that goes
2 along the entire length of our building. And they have
3 guest parking spaces there and their garage spaces.
4 Ours is right on La Cienega Boulevard.

5 COMMISSIONER HAMAKER: So, theoretically, when
6 you're entering -- when you're leaving your building,
7 you have to wait if there's a bus there?

8 MR. DE AMATO: I haven't experienced the same
9 issues that they claim they experience on a regular
10 basis coming in and out of their building. I would
11 never say there's no traffic on La Cienega and it's not
12 sometimes a pain in the neck, but their money would be
13 better spent if they would stop hiring consultants and
14 send the residents to a driving school, because it's not
15 that difficult to get out of that driveway.

16 COMMISSIONER HAMAKER: Don't make me laugh,
17 I'm sorry.

18 MR. DE AMATO: Typical of all of you.

19 CHAIRMAN ALTSCHUL: Let's not be
20 disrespectful, please.

21 COMMISSIONER THOMPSON: I'm sorry, are you in
22 the front row talking to him while --

23 MR. DE AMATO: Yes, she is.

24 COMMISSIONER THOMPSON: Are you muttering
25 things to him? That's completely inappropriate.

1 UNKNOWN PERSON: I apologize.

2 MR. DE AMATO: It was hard enough to get up
3 here and pass through all these people with the "NO"
4 symbols and I appreciate that.

5 COMMISSIONER HAMAKER: Thank you. I admire
6 you. And I apologize for not knowing more about your
7 situation. As I said, I was sick and I wasn't able to
8 go to the Fountain View people. That's why I wanted
9 this verified for myself. How many condos are in your
10 building?

11 MR. DE AMATO: It's 16 units. And we only
12 have one entrance and exit, and it's on La Cienega, and
13 it's like 500 feet from the corner of Sunset.

14 COMMISSIONER HAMAKER: Do you happen to know
15 when it was built?

16 MR. DE AMATO: 1960.

17 COMMISSIONER HAMAKER: '60?

18 MR. DE AMATO: '60, yeah.

19 COMMISSIONER HAMAKER: Thank you very much.

20 CHAIRMAN ALTSCHUL: Elaine Young, followed by
21 Heavenly Wilson. Is she gone? Elaine Young? Not here.
22 Heavenly Wilson? Is she gone? Lane Lawson.

23 MR. LAWSON: Thank you, Chairman, thank you
24 Planning Commission. My name is Lane Lawson. I'm a
25 resident of Santa Ana, however I'm representing Clear

1 Channel Outdoor who resides in Los Angeles. I think
2 that the developer Apollo has done a great job tonight
3 outlining the project and the benefits the city will
4 definitely receive from the project. Clear Channel
5 loves being a part of this community and continues to
6 strive to be a good corporate citizen to the community,
7 and we look forward to being a part of this project and
8 being part of the city for years to come.

9 Just on a side note, doing business with
10 Apollo has been a great experience. Has been actually
11 pretty exciting, and I believe that the city will also
12 feel that way when they proceed. Therefore Clear
13 Channel Outdoor respectfully requests that you approve
14 the changes that are being asked to be made tonight.
15 Thank you.

16 CHAIRMAN ALTSCHUL: Daniel Watson, followed by
17 Richard Slauson. Daniel Watson? Not here. Richard
18 Slauson, followed by Steve Harmona.

19 MR. SLAUSON: Good evening, Commissioners. I
20 heard someone say they're a senior but they stayed. I
21 wasn't a senior before the meeting started tonight but I
22 feel like I am now.

23 My name is Richard Slauson, I'm the executive
24 secretary of the Los Angeles and Orange County Building
25 and Construction Trades Council. We represent the

1 construction craftworkers who, if this project moves
2 forward, and we hope it will, will be working on the
3 job. It's asbestos workers, brick layers, boilermakers,
4 electricians, elevator constructors, operating
5 engineers, iron workers, laborers, painters, cement
6 masons, plasterers, plumbers and pipe fitters, roofers,
7 sheet metal workers, teamsters and carpenters. These
8 are well-trained, highly-skilled experienced
9 craftworkers. There will be journeyman and apprentices
10 working on this project. And as I said, we hope the
11 project moves forward. I'm happy to be here in the City
12 of West Hollywood once again. I was here at many of the
13 evening meetings that were held when the project was
14 originally approved and we were supportive of the
15 project then. We were disappointed that the project did
16 not move forward and was not completed. We did have
17 craftworkers working on the job, provided many
18 opportunities for people on the project, the first phase
19 of the project began and was finished.

20 When the city council first approved the
21 project it was a tremendous concern for the benefits as
22 well as the impacts on the residents of the city. That
23 was a good project, in this new design we feel is a
24 better project. The staff has done a great job in
25 assessing the project and its impacts and with the added

1 mitigation of the significant impacts, as there would be
2 with any project, the Sunset Millennium project will
3 provide overall benefit to West Hollywood. Up-scale
4 retail in Hollywood and hotel facilities, added parking
5 and open spaces, residential housing where it's sorely
6 needed and the mandated affordable housing units. Added
7 to these are the jobs that will be available because of
8 the development. I didn't say where I lived, I live in
9 Torrance, California, another city that's -- has
10 development ongoing constantly. We had the country's
11 largest mall in Torrance until it was supplanted by
12 larger malls back East. We have chemical plants,
13 refineries, hospitals, schools, all of the things that
14 make up a community. More industrial than West
15 Hollywood would ever consider having. All of that's due
16 to the influx of people moving to California, new
17 residents moving here. Projects like this provide the
18 housing and the work facilities and the entertainment
19 facilities that those individuals need. We hope that
20 the staff recommendation is approved by your Commission
21 and it moves to city council for their approval. Thank
22 you very much.

23 CHAIRMAN ALTSCHUL: Thank you. Steve Carmona,
24 followed by Bobby Cohen.

25 MR. CARMONA: Good evening, Honorable

1 Commissioners, I was looking at my time and I almost
2 said good morning. My name is Steve Carmona, and I
3 represent National Electrical Contractors Association,
4 which is an organization of over 300 signatory
5 contractors, and the International Brotherhood of
6 Electrical Workers, which is an organization of over
7 7500 highly-trained, skilled electricians.

8 The Sunset Millennium project, in our opinion,
9 will provide many benefits to the communities of West
10 Hollywood. First of all, it will provide jobs,
11 much-needed jobs in our construction industry, and also
12 permanent jobs. In addition, it will provide housing.
13 Housing regionally is -- there is a shortage. And we
14 commend the City of West Hollywood for imposing the
15 affordable housing component as in doing your part and
16 making sure that affordable housing is addressed in this
17 community.

18 This project will also provide retail and
19 other amenities for many of the constituents here in
20 West Hollywood and also for the tourism that people
21 coming into the City of West Hollywood can experience, a
22 positive experience. In addition, it will provide
23 much-needed revenue to the city coffers. I think it's
24 safe to assume that the revenue generated by this
25 project will not decrease the quality of services that

1 the City of West Hollywood provides.
2 There was also a point made earlier about
3 doing this just for money, but I can tell you that being
4 in the shoes of a city administrator of over six
5 departments of public works, that it's very difficult to
6 maintain a certain level of quality services. And
7 economic development is such a key function in any city,
8 and this project is one that brings many of those
9 benefits. It will bring many of those tax revenues that
10 are actually critical to providing much-needed services
11 to your constituents. So on behalf of NECA and IBW we
12 respectfully request your support in moving this project
13 forward. Thank you.

14 CHAIRMAN ALTSCHUL: Bobby Cohen, followed by
15 Sandra Engleman. Bobby Cohen? Not here. Sandra
16 Engleman? Not here. Macky Gordon? Not here. Egor
17 Kagan? Not here. Marcia Gordon? Not here. Myles
18 White? Not here. Terri Gustufson.

19 MS. GUSTUFSON: Hi, my name is Terri
20 Gustufson. I'm a resident of West Hollywood for 43
21 years and a homeowner on De Longpre for 25 years. I
22 want to start out by saying that when somebody says a
23 less-than-significant impact, it's very hurtful to the
24 residents, at least it is to this one. Everything that
25 that that gentleman said was less than significant was a

1 very significant impact. I live directly behind the
2 Argyle Hotel, my bedroom window, my balcony, my living
3 room faces the Argyle loading dock. I get significant
4 impact from the trash pick-up a couple times a day, from
5 their commercial trucks that load and unload their food
6 products and linen products and all kinds of things.
7 Fortunately, the new owner is working very closely with
8 me and he has helped the situation. My heart goes out
9 to the people that live directly behind this project
10 that's being developed because I can tell them for sure
11 that trash and truck deliveries are going to be a
12 significant impact for them.

13 We have so many problems already. I go to the
14 bid meetings every month and we already have the Argyle,
15 the House of Blues, The Saddle Ranch, Miyagis, the Sky
16 Bar that bring significant traffic in and there's other
17 places too that I haven't mentioned. I can't imagine
18 what this is going to do to our area with the volume of
19 people that will be coming.

20 I have a real concern about the impact of the
21 fault. During construction, I don't know -- a lot of
22 that was technical gobble-de-goop and I don't know if
23 there has been studies made what can happen to a fault
24 when there's heavy trucks and the general construction
25 of the buildings and demolishing of the other building,

1 if this can have an effect on us.

2 I'm also concerned about the already existing
3 businesses on Sunset and how this construction is going
4 to affect them. Just please think long and hard before
5 making the decision to pass this project. It's going to
6 greatly affect so many people and it's just -- it's
7 going to be a big problem.

8 I also have a concern about the -- all the
9 commercial spaces that they're talking about. There's
10 spaces that are for lease that are new there. The one
11 under the big videotron, there's a newsstand and a
12 restaurant and the Sunset Best Western, that place can't
13 get arrested. No place works there. Please consider
14 this.

15 CHAIRMAN ALTSCHUL: Sally Porton, to be
16 followed by Sidney Smilove.

17 MS. PORTON: Sally Porton, resident of West
18 Hollywood for over 30 years and a resident of Fountain
19 View for nearly that long. I'm going to speak as a
20 mother because nobody's expressed that concern. There
21 are children living in Fountain View, some of them
22 young, some of them teenagers. And the air quality
23 issues, the not being able to sleep at night, there's
24 noise pollution, all of that really concerns me. Other
25 than that, all I can do is add my affirmation to

1 everything else that's been said. Obviously this
2 project is not a good idea if you happen to live in
3 Fountain View. I would invite you to come and visit. I
4 didn't know you were there before, I'm sorry I missed
5 you if you did come. I'd invite you to come but I don't
6 think you're going to be able to get there with the
7 traffic now, let alone later.

8 I'd just like to say that I'm a union member
9 of artists union. I have been on national boards of
10 unions, I support unionism, but I'd like to know where
11 all these electricians and all these elevator people and
12 construction people are going to park and about the
13 traffic just to get the thing constructed, let alone
14 after it's finished. Thank you.

15 CHAIRMAN ALTSCHUL: Sidney Smilove? Not here.
16 Jean Matheson? Not here. Mark Kraduski, followed by
17 Jack Labowe.

18 MR. KRADUSKI: Mark Kraduski, West Hollywood
19 and Los Angeles. I think this would be a great project
20 for Torrance. Back in the '70s when I was ten years old
21 and we used to come up to Sunset Boulevard to party,
22 that was from Orange County, I never realized 30 years
23 later that Orange County would be following me up here.
24 It's a mediocre project. Again, as I've told you guys
25 before, I'm not opposed to development but I don't -- if

1 we just want -- I think we're all suffering from techno
2 overload right now, so why don't we just use a little
3 common sense. How could anybody with an ounce of common
4 sense approve this project? I mean, come on, let's get
5 real. That one guy that said he was in love with the
6 project and stuff, you know, God, I've lived in the city
7 for 20 years and you can't drive down the street without
8 getting frustrated with traffic. What rock has he been
9 living under.

10 And I've talked with you guys about this
11 before. The infrastructure, these people got up here
12 and they talked about these Band-Aid effects about
13 they're going to put a right turn, they're going to put
14 a left turn in. The problem still is, you still got the
15 same traffic coming, you got two lanes coming and going
16 from Sunset Boulevard, La Cienega, Beverly, Holloway.
17 Along the preferential everything is still going to stay
18 the same. So big deal if you're going to put a
19 left-turn lane or block one lane or close the street.

20 And another issue that was never brought up
21 tonight was, the EIR never even addressed ingress and
22 egress into -- up and down Queens and Kings Road. How
23 can we discount all the thousands of people that live up
24 above Kings and Queens Road? I mean, we've got to get
25 emergency vehicles up there. I mean, try to get home

1 from dinner on a Friday or Saturday night. It's a
2 literal nightmare once you start approaching, I would
3 say, Santa Monica Boulevard heading up. It's just --
4 it's absolutely a nightmare trying to navigate which way
5 you're going to go home so you can go to bed.

6 Anyway, great project for Orange County. Hope
7 you guys do it down there.

8 CHAIRMAN ALTSCHUL: Jack Labowe, followed by
9 Daniel Trizman.

10 MR. LABOWE: Jack Labowe, West Hollywood
11 resident for many, many years. The soil issue is a real
12 big issue here for the developer and for the City of
13 West Hollywood. These fault issues are major and I
14 can't see how you can approve this EIR and even let this
15 issue become an issue down the line for the City of West
16 Hollywood. I think the developer really does need to go
17 back and you need to delay this to make them look at
18 this issue. This is a very dangerous issue.

19 Secondly, someone was talking about your
20 constituency and the city council's constituency. The
21 city council and the citizens of this West Hollywood
22 area have become very disjointed. There's not a
23 cohesion like there was at one time. It's like the city
24 council knows what's best for us. We are the residents
25 who started this city. And we want the city council to

1 listen to what the residents have to say, not what the
2 union has to say, not what Chamber of Commerce has to
3 say. It's our quality of life. It's our city. It is
4 not the city council's city. And many of you live here,
5 it is some of your city too, but you have to protect us.
6 And it's our quality and there's a ground swell of
7 community members here who have become very upset with
8 what is going on with the development here. And it's
9 going to build very big. I think many of you remember
10 the hedge issue, well you've got that issue here. It's
11 big time. So I ask you to deny this EIR report at this
12 time until they can straighten this out and downsize
13 this project. Thank you.

14 CHAIRMAN ALTSCHUL: Daniel Trizman. Not here.
15 Lynn Segal? Not here. Kathryn Sorrows? Not here. I'm
16 sorry?

17 MS. SORROWS: Take a look. Take a look.

18 CHAIRMAN ALTSCHUL: What are we looking at?
19 You're moving too fast. Okay.

20 CHAIRMAN ALTSCHUL: Start the clock.

21 MS. SORROWS: Take a look.

22 CHAIRMAN ALTSCHUL: She's passing around
23 pictures of two children.

24 MS. SORROWS: These are my kids.

25 CHAIRMAN ALTSCHUL: Your name?

1 MS. SORROWS: I live in West Hollywood.

2 CHAIRMAN ALTSCHUL: Your name and your city of
3 residence.

4 MS. SORROWS: My name is Kathryn Sorrows. I
5 live in West Hollywood and I can't believe that you
6 could consider compromising the air quality --

7 CHAIRMAN ALTSCHUL: Stop the clock. Just a
8 minute. Ms. Sorrows, you list your address as 8433
9 Harold Way; is that correct?

10 MS. SORROWS: Yes.

11 CHAIRMAN ALTSCHUL: That's in West Hollywood?

12 MS. SORROWS: Yes.

13 CHAIRMAN ALTSCHUL: Where?

14 MS. SORROWS: Between Kings and Queens.

15 CHAIRMAN ALTSCHUL: North of Sunset?

16 MS. SORROWS: Yeah, it's Los Angeles. Sorry.

17 CHAIRMAN ALTSCHUL: Thank you. Go ahead,
18 start the clock.

19 MS. SORROWS: My apologies. Their air quality
20 will be compromised with this project. I can't believe
21 that you could consider doing such a thing. You should
22 be ashamed. Now, I had a few other things. I'm late to
23 this. I've just moved to the area, so I just want to
24 make a couple of comments. The pedestrian walkway, is
25 that wheelchair accessible? I don't know. Could be a

1 legal point. Sunset and La Cienega. It's not Time
2 Square, it's not Columbus Circle. It's a three-way
3 intersection. We don't have the circulation. The
4 100-foot height plus the screening equals what? Is that
5 within city regulation? I'm wondering if there are any
6 conference and banquet facilities within these hotels.
7 What does that do to impact the traffic flow in the
8 area?

9 The jumbotron, have there been studies about
10 the increase in traffic accidents due to jumbotrons?
11 Just curious. Also, I was wondering if the L.A. Fire
12 Department and the Department of Transportation, if they
13 were able to take into consideration the Sunset/Olive
14 project and the Sunset Millennium projects together, the
15 data together when they were making their
16 recommendations.

17 Regarding David Kirsch's statement and also
18 the lady from the Chamber of Commerce. David Kirsch
19 mentioned the hundreds of people working as a support
20 for the project. Where are they going to park? Also,
21 the people, the 400 jobs that were mentioned, where are
22 they going to park? Because, as we've mentioned,
23 they're decreasing the parking here. Also, we mentioned
24 the air quality, the pollution that's going to affect my
25 kids. I'm sorry, but all these billboards, that's

1 visual pollution, I don't want it for my children.

2 CHAIRMAN ALTSCHUL: And our last public
3 speaker this evening, Alan William.

4 MR. WILLIAM: Thank you very much. I'm a
5 resident of West Hollywood. I live on Olive directly
6 below the area in question. I grew up in the City of
7 West Hollywood. I've been here for 40 years, in and out
8 of West Hollywood.

9 First of all, I understand that you're caught
10 between a rock and a hard place because the city was
11 suckered and misled and duped into approving the Sunset
12 Millennium project in the first place. The issue for
13 you is not whether to approve the project, the damn
14 thing's been approved, the issue for you is whether
15 you're going to elect to modify the project. That's the
16 issue before you right now. And the only way that you
17 can modify the project is by finding a declaration that
18 you believe that you can find. However, under CEQA you
19 can't do it unless there is a substantial financial
20 difference between the original project and this
21 project. And nowhere in anywhere have you disclosed the
22 financial benefit from the original project and the
23 financial benefit from the modified project. You cannot
24 do it legally. And you have to have a hearing on that
25 particular issue because it's not been disclosed in the

1 EIR. It's not been disclosed anywhere that I know of.
2 And under CEQA 21002, I'm telling you, you can't do it.
3 So all of this stuff is all nonsense until I see a
4 financial statement of the financial benefit to the city
5 pre and post.

6 Secondly, with regard to the EIR. I just --
7 you know, I incorporate my letters to the city. Piper
8 Rudnick's letter, which is one of the most brilliant
9 letters I've ever read written by a law firm in
10 planning, I incorporate that as well. But if you go to
11 page 6 of this document it says there are going to be
12 nine out of the 22 intersections are going to be F
13 intersections. Nine out of 22 are going to be F
14 intersections. I don't mean A, B, C or D, I'm talking
15 about F intersections.

16 Also, at page 25 is the same thing, and more
17 importantly, at page 37 it talks about the significant
18 impacts. I'm not going to repeat them, but they're all
19 listed right there. This was a pork barrel project when
20 it was approved. You want the 14 percent bed tax.
21 That's all the city cares about is the 14 percent bed
22 tax from this particular project. What was the bed tax
23 before compared to the bed tax now? What is the benefit
24 to the city before, and the benefit to the city now? If
25 there is no substantial increase in benefit, that can't

1 be approved. They can squirm, they can say whatever
2 they want to say, but you have no jurisdiction and no
3 power to do it under CEQA and it's nowhere to be found.
4 So I'm telling you, please disclose it somewhere. Thank
5 you.

6 CHAIRMAN ALTSCHUL: Thank you, sir. And that
7 concludes the public speakers for this evening. The
8 plan for tomorrow is that if there are people that
9 arrive at the meeting tomorrow that were not here
10 tonight, we will allow them to speak. Anybody that was
11 here tonight may not speak again tomorrow, whether they
12 actually did speak or whether they left. So if they in
13 any way were here tonight, the opportunity to speak was
14 this evening. After whoever comes tomorrow night to
15 speak in citizens comments are heard, we will then do
16 rebuttal for -- first for the Fountain View Coalition
17 and then secondly for the applicant. And then we will
18 do discussion amongst the Commission. And, again, also
19 have input from staff on all of the issues that were
20 raised this evening, and perhaps some additional issues.

21 There is a full agenda tomorrow night. There
22 are, I believe, two other projects, plus the review of
23 the resolution on a project that was heard both in
24 December and January, so it too is going to be a pretty
25 full evening.

1 Are there any comments -- there's no new
2 business, there's no unfinished business, no consent
3 calendar exclusion. Items from staff? Susan.

4 MS. HEALY KEENE: Are there any questions that
5 you want staff to have answered for tomorrow night? Are
6 there any particular questions you want us to return
7 with?

8 CHAIRMAN ALTSCHUL: Any direction to staff for
9 tomorrow night? I think the questions that have become
10 obvious through the testimony, I think most of the
11 questions will need to be addressed by Mr. Lackow is it?
12 And I saw him taking copious notes and I'm sure we will
13 hear extensively from him. Any other directions?
14 Barbara?

15 COMMISSIONER HAMAKER: Susan, I would just
16 like to -- obviously the earthquake issue --

17 CHAIRMAN ALTSCHUL: Please, ladies and
18 gentlemen, we're still have a meeting. If you want to
19 talk, take it out either to the parking lot area or to
20 the patio out in front.

21 COMMISSIONER HAMAKER: Obviously the
22 earthquake issue that was discussed and the gentleman
23 that just spoke about the financial differences between
24 the approved project and this project, if Christi could
25 give us some information tomorrow on that, I'm sure she

1 will. And if you have limousines ready to take us home,
2 that would be real nice.

3 CHAIRMAN ALTSCHUL: Eric?

4 COMMISSIONER THOMPSON: I had two. One was
5 fault 2, is it active or is it inactive, and what's the
6 basis? The second one was, somebody made a comment
7 about the finding that the -- one of the findings which
8 is the adequacy of the opportunity to review the draft
9 EIR. And maybe, Christi tomorrow night or someone could
10 speak to that to make sure we've satisfied that
11 standard.

12 COMMISSIONER BARTOLO: I would also be
13 interested in, I guess, one of the last speaker's
14 comments, a demonstration of the financial benefit from
15 the 1999 entitlements and currently.

16 CHAIRMAN ALTSCHUL: That I think Christi needs
17 to address perhaps tomorrow. Also, there is the
18 possibility that if all of this cannot be totally
19 assessed and reviewed and discussed tomorrow night, that
20 we may need another special meeting within the next six
21 or eight weeks to fully encompass our responsibility for
22 this project. So let's think about that too between now
23 and 6:30 tomorrow night. Items from staff? Public
24 comment, one speaker Steve Smith.

25 MR. SMITH: Steve Smith, West Hollywood.

1 Generic comment about all projects, where you think
2 there's a noise on any project, you've got the ability
3 to impose mitigations. If you think there needs to be
4 double panes on any adjacent project to any project you
5 think generates noise, you can do that. You don't have
6 to intimidate or push buildings together with developers
7 so they can be bought off in silence. If they still
8 want to say we're against crime or grid lock or any
9 other issue, they can do it. But in the meantime, if
10 you think there's a noise mitigation on any adjacent
11 project, you've got the ability and ethical duty to do
12 that and help to direct staff on any major projects that
13 come down the road to bring you specific language doing
14 that. Thanks.

15 CHAIRMAN ALTSCHUL: I've been told that we can
16 all leave whatever materials we want to here on the
17 table, rather than drag them all home and bring them
18 back for tomorrow night. The applicant can leave all of
19 their boards and their massing models here too. Are
20 there any items from Commissioners? Hearing none, the
21 meeting is adjourned until the next regularly scheduled
22 meeting, which is tomorrow night, Thursday, June 20 at
23 6:30 P.M. in the West Hollywood Park Auditorium. Thank
24 you all very much for coming.

25 (TIME NOTED: 11:45 P.M.)

1 STATE OF CALIFORNIA) ss:

2 COUNTY OF LOS ANGELES)

3

4 I, CATHRYN L. BAKER, C.S.R. #7695, do

5 hereby certify:

6 That the foregoing hearing was taken before me

7 at the time and place therein set forth.

8 That the hearing was recorded stenographically

9 by me, were thereafter transcribed under my direction

10 and supervision and that the foregoing is a true record

11 of same.

12 I further certify that I am neither counsel

13 for nor related to any party to said action, nor in

14 any way interested in the outcome thereof.

15 IN WITNESS WHEREOF, I have subscribed my

16 name this _____ day of _____, 2005.

17

18

19

20 _____
Cathryn L. Baker, C.S.R. No. 7695

21

22

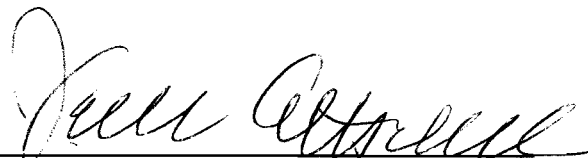
23

24

25

16. **ADJOURNMENT:** The Planning Commission adjourned at 11:45 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, January 20, 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 3RD DAY OF FEBRUARY, 2005.



CHAIRPERSON

ATTEST:



Community Development Director