

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

5
6 Location:)
7 Teleconference Meeting)
8 Official Zoom Platform)
9 _____)

10 DATE OF MEETING: January 19, 2023

11 PLANNING COMMISSION:

STAFF:

12 Stacey Jones, Chair

Jennifer Alkire, Planning Mgr.

13 Marquita Thomas, Vice-Chair

Francisco Contreras, Long Range
Planning Manager

14
15 Rogerio Carvalheiro, Commissioner Benjamin Galan, Build. & Safety
16 Manager.

17 Kimberly Copeland, Commissioner

Alicen Bartle, Project

18 Development Administrator

19 David Gregoire, Commissioner

Brian League, Property

20 Development Manager

21 Michael A. Lombardi, Commissioner

Laurie Yelton, Assoc. Planner

22 Erick J. Matos, Commissioner

Lauren Langer, City Attorney

23 Isaac Rosen, Assistant City Att.

24 David Gillig, Comm. Secretary

25 **Planning Commission Meeting**

26 **Thursday, January 19, 2023**

27 Jones: Okay.

28 Gillig: Okay, and we are good to go, Chair.

29 Jones: All right. All right. Great. Thank you everyone for
30 joining us this evening. The West Hollywood
31 Planning Commission acknowledges that the land on
32 which we gather and that is currently known as the
33 City of West Hollywood is the occupied, unseated
34 seized territory of the Gabrielino Tongva and the
35 Gabrielino Peach peoples. This planning commission
36 meeting is being live broadcast and teleconferences
37 on the city's website and is also provided on a
38 wide array of streaming media platforms to offer
39 access to the public to the fullest extent
40 possible. You may call in to make a comment and you
41 may also listen to this meeting by dialing 669-900-
42 6833. The meeting ID is 820 9771 2649. Once you've
43 entered that you can press the pound sign. WeHo TV
44 staff have confirmed this Planning Commission
45 Meeting is currently streaming successfully on
46 Spectrum channel 10 and online at weho.org/wehotv.
47 In addition, and as a courtesy, this meeting is
48 also successfully streaming on the city's YouTube

49 channel at youtube.com/wehotv. And on Roku, Apple
50 TV, Fire TV, and Android TV. WeHo TV staff monitor
51 this broadcast on all platforms throughout the
52 meeting and will notify the planning commission
53 secretary should broadcast disruptions arise.
54 Please do not interrupt the live meeting by calling
55 or text the planning commissioners about
56 difficulties viewing the meeting. Please understand
57 that internet speeds, device reliability, third-
58 party platform reliability, and individual or
59 personal technical issues are out of the scope of
60 this broadcast. If you are experiencing viewing
61 difficulties while watching this live stream,
62 please reload the page or visit weho.org/wehotv to
63 access our official live stream and to view a list
64 of other available streaming options and a guide to
65 trouble shoot your connection. If you continue to
66 experience difficulties, you can also call 323-848-
67 3151. I'm going to go ahead and call to order this
68 meeting of the West Hollywood Planning Commission.
69 This is a regularly scheduled meeting. It is
70 Thursday, January 19th. Happy New Year everyone.
71 It's lovely to see you. I am now going to ask
72 someone to lead us in the pledge of allegiance.

73 This is so much easier to do when we're in person.
74 I'm going to... you know what, I'll lead us in the
75 pledge of allegiance and then I will volunteer as
76 tribute. So please place your right hand over your
77 heart. I pledge allegiance to the flag of the
78 United States of America and to the Republic for
79 which it stands, one Nation under God, indivisible
80 with liberty and justice for all. Thank you,
81 everyone. Item 3 is roll call, David, can you
82 please call?

83 Gillig: Thank you. Good evening, Commissioner. Commissioner
84 Matos?

85 Matos: Present.

86 Gillig: Commissioner Lombardi?

87 Lombardi: Present.

88 Gillig: Commissioner Gregoire?

89 Gregoire: Present.

90 Gillig: Commissioner Copeland?

91 Copeland: Present.

92 Gillig: Commissioner Carvalheiro?

93 Carvalheiro: Present.

94 Gillig: Vice-Chair Thomas?

95 Thomas: Here.

96 Gillig: Chair Jones?

97 Jones: Here.

98 Gillig: And we have a full quorum.

99 Jones: Thank you. Item 4 is approval of the agenda. I
100 would like to make some recommendations for
101 changes. As I believe we have at least one recusal.
102 I would like to propose that we move item 10.D up
103 to the top of our agenda. Just a note that item
104 10.A will be continued to.. as being recommended for
105 continuance to February 2nd of 2023, which is our
106 next regularly scheduled meeting. But, again, so
107 this would mean that we would do.. A is going to be
108 continued, then B, then item D, then item C, and we
109 would close out with that.

110 Gregoire: Chair Jones, could we also move items from staff up
111 to after director's report?

112 Jones: I don't see any issue with that. Thank you for
113 flagging that Commissioner Gregoire. I just want to
114 make sure with legal, Lauren Langer and Isaac
115 Rosen, if you're on here. I think I see your names.
116 Are you able to advise that this is, is okay?

117 Rosen: Yeah, I would say so as long as that works for
118 staff. I think that's fine. I think you could take
119 each of those prospective changes to the agenda
120 moving 10.D to the top of the agenda, continuing

121 10.A to the next regular meeting on February 3rd,
122 and moving items from staff up before the public
123 hearings. I think you can all do that as one
124 motion. As so long as anyone needs to recuse
125 provided the opportunity in advance of that motion.

126 Jones: Okay. So, I would move to amend the agenda as
127 proposed. Do I have a second?

128 Jones: Commissioner Lombardi?

129 Rosen: (UNINTELLIGIBLE).

130 Jones: Commissioner Lombardi, please go ahead.

131 Lombardi: Yes, I'll second.

132 Rosen: And, Chair, I believe we do have an abstention on
133 moving item 10.A to the next regularly scheduled
134 meeting.

135 Carvalheiro: That would be me.

136 Jones: Okay.

137 Rosen: And, Commissioner Carvalheiro, can you just
138 announce your abstention and the reason on 10.A,
139 please.

140 Carvalheiro: Yeah. I will abstain from a vote because I have
141 conflict of interest with item 10.A which is
142 Sunset Billboard Program.

143 Rosen: Thank you.

144 Jones: Okay, great. Thank you. David, can you please take

145 the vote?

146 Gillig: Thank you. Commissioner Lombardi?

147 Lombardi: Yes.

148 Gillig: Commissioner Matos?

149 Matos: Yes.

150 Gillig: Commissioner Gregoire?

151 Gregoire: Yes.

152 Gillig: Commissioner Copeland?

153 Copeland: Yes.

154 Gillig: Commissioner Carvalheiro?

155 Carvalheiro: Abstain.

156 Gillig: Will be abstaining. Thank you. Vice-Chair Thomas?

157 Thomas: Yes.

158 Gillig: Chair Jones?

159 Jones: Yes.

160 Gillig: And the agenda is approved as amended noting

161 Commissioner Carvalheiro abstaining from the vote

162 on 10.A.

163 Jones: All right. Thank you. Item 5.A is approval of the

164 minutes from the December 15th, 2022, meeting. Just

165 to note that I was not present at that meeting so I

166 will need to abstain from the vote. Do we have any

167 motions for changes to the minutes?

168 Gregoire: I move approval.

169 Thomas: Second.

170 Gillig: Thank you. Commissioner Gregoire?

171 Gregoire: Yes.

172 Gillig: Commissioner Lombardi?

173 Lombardi: Yes.

174 Gillig: Commissioner Matos?

175 Matos: Yes.

176 Gillig: Commissioner Carvalheiro?

177 Carvalheiro: Yes.

178 Gillig: Commissioner Copeland?

179 Copeland: Yes.

180 Gillig: Vice-Chair Thomas?

181 Thomas: Yes.

182 Gillig: Chair Jones?

183 Jones: I abstain as I was not present at the December 15th
184 meeting. Thank you.

185 Gillig: Thank you. And minutes for December 15th, 2022, are
186 approved as presented noting Chair Jones abstained.

187 Jones: Great. Thank you, David. Item 6 is Public Comment.
188 This is the time that is reserved for general
189 comments about planning-related issues and not for
190 things that are on this evening's agenda. David, do
191 we have any public speakers at this time?

192 Gillig: Chair, I was received no public speakers for the

193 general comment item. If there... we do have several
194 people on the platform. If there is anybody that
195 would like to make a general comment on any item
196 that is not appearing on the agenda, just use the
197 raise hand feature in the platform or star 9 for me
198 if you're calling in and we'll give you three
199 minutes to make a comment. And, Chair, it looks
200 like we are all clear for public comments.

201 Jones: Great. Thank you. Just to note to anyone who may be
202 wanting to make a general comment later, you will
203 have an opportunity to do so again at the end of
204 the meeting. So, moving right along, Item 7 is our
205 director's report. I believe John Keho is on with
206 us this evening.

207 Keho: Good evening, everyone. John Keho, Director of
208 Planning and Development Services. Happy New Year.
209 I hope everyone had a good holiday break. So, we're
210 back to the routines. We have a lot of items going
211 to City Council in the next few weeks and months.
212 So, on the next City Council meeting, which is on
213 Monday on January 23rd, we have two items that the
214 planning commission looked at. And the first one is
215 8465 Santa Monica Boulevard and that is a
216 development agreement in billboard at the Holloway

217 Motel. And then we also have a ZTA going to the
218 City Council on the ADUs that the planning
219 commission took a look at. On the next meeting
220 after that in February... on February 6th, there will
221 be two items that will be of interest to everyone.
222 And that's... we'll be talking about potential bike
223 lanes on Santa Monica Boulevard and hopefully some
224 final regulations for out zones in the public right
225 of way. And so that's my update for tonight.

226 Jones: Great. Thank you, David. Any questions for Mister
227 Keho? Great. Thanks very much, John. Okay, Item 8
228 is Items from Commissioners. Do we have any
229 commissioners who would like to give a comment this
230 evening at this time? Okay. All right. With that
231 said, Item 9 is Consent Calendar, there is none.
232 And now we'll launch into our Public Hearings, Item
233 10. I also just want to make a note, I am toggling
234 between screens here, so please verbally queue me
235 commissioners if you see me. I'm looking at another
236 screen because I want to make sure. Oh,
237 Commissioner Gregoire, please go ahead.

238 Gregoire: Just a reminder, we moved items from staff up
239 before the public hearings.

240 Jones: Yes, you're right. Thank you very much for the

241 reminder. I appreciate that. With that being noted,
242 thank you for helping keep me in order, this is why
243 I still love paper sometimes. We do have Item 14,
244 that's Item's from Staff as Commissioner Gregoire
245 noted. Item 14 A is the planning manager's update.
246 Jennifer Alkire, do you have an update for us?

247 Alkire: Sure. Okay, so coming up on planning commission
248 agendas for February, we've got the item that's
249 being continued tonight 8497 to 8499 Sunset
250 Boulevard will be on February 2nd. We've also got a
251 conditionally used permit for overnight animal
252 boarding at 8549 to 8551 Santa Monica Boulevard. We
253 will be reviewing a draft environmental impact
254 report public comment for 7811 Santa Monica
255 Boulevard. That's the Bond Project. And we'll also
256 be asking for appointments to the design review
257 sub-committee and to the newly created, assuming
258 that they create it, City Playhouse Council Designs
259 Steering Committee. And then for February 16th, we
260 will be hearing a Zone Text Amendment for multi-
261 family parking standards. That's it for February.
262 Both of those at this time are virtual still. They
263 will be on Zoom. If anything changes, we will let
264 you know. But I believe February 2nd, at least,

265 hearing has already started to be noticed. So, the
266 ability to move that back to an in-person even with
267 the case... the covid cases being down, is unlikely.
268 But we will keep you all posted. For subcommittees,
269 we've got the Design Review Subcommittee continues
270 to not have anything on the agendas coming up. The
271 Sunset Arts and Advertising Subcommittee we, we do
272 not have an upcoming date at this time. Were we...
273 let me just... I'm sorry. We can discuss the dates
274 for that. I... sorry, I got tripped up on that. We do
275 have one item that's coming up, but we don't have a
276 set date yet. So, I will fill you in as we know
277 more. And then for the Long Range Planning Project
278 Subcommittee, we have a meeting scheduled for
279 February 16th to discuss tree canopy standards,
280 multi-family parking standards, and non-residential
281 uses in residential zones. So that's it for the
282 updates. And if you have any questions for me?
283 Jones: Does anyone have questions for Jennifer Alkire?
284 Commissioner Lombardi, please go ahead.
285 Lombardi: Just one question. Maybe I was taking my notes too
286 fast and just wanted to make sure I heard right.
287 February 16, the planning commission meeting, you
288 said Zone Text Amendment on multi-family parking

289 standards and then also long range, we'll be
290 discussing that on the same date?

291 Alkire: That is interesting. Maybe Francisco can shed some
292 light on the scheduling. Maybe one of those is
293 updated and I didn't realize. Francisco, do you
294 have any other information on that?

295 Contreras: Yeah, I think the Long Range Planning Subcommittee
296 will review it first before it goes to planning
297 commission. I think we may have just not updated
298 the Planning Commission Calendar correctly. So, it
299 will only be one, not both, for sure.

300 Lombardi: Okay. Got it. Thank you. And all related to that
301 February 16th date, I just wanted to provide an
302 FYI, I think I will be absent. I think I'll be in
303 Southeast Asia. I guess if it's remote, depending
304 on time, I could look at that. But just wanted to
305 give a heads up now.

306 Jones: Thank you.

307 Lombardi: That's it. Thank you.

308 Jones: Anyone else? Looks like no. Thank you and thank you
309 again, Commissioner Gregoire, for reminding me.
310 Commissioner Thomas... Vice-Chair Thomas, I'm sorry.
311 I believe that you rose your... raised your hand, I
312 just want to make sure that you're acknowledged.

313 Thomas: No, I was sneezing. Thank you though, Chair.

314 Jones: Okay. Thank you. Okay, so we're a little out of
315 order here, but that's okay. We did Item 7, we
316 moved Item 14 up. No one wanted to comment so Item
317 8 is finished. Consent Calendar, there is none.
318 Again, that's finished. Item 10.A again, is public
319 hearings. So just as a note, Item 10.A, which is
320 8497 to 8499 Sunset Boulevard, this has been
321 recommended for continuance to February 2nd, 2023,
322 which is our next regularly scheduled meeting. We
323 can now move... I believe the order was to move then
324 to Item... (UNINTELLIGIBLE) as Item D on the agenda.
325 This is the ZTA for a multi-stall gender neutral
326 restroom facilities.

327 Galan: All right. Let me get set up here. Apologies, I'm
328 setting up my presentation here. Could the
329 commission see my presentation?

330 Gillig: Yes. Looks like you're good to go.

331 Galan: All right. Thank you. So good evening, Chair Jones
332 and Co-Chair Thomas and members of the commission.
333 My name is Ben Galan. I'm the Building & Safety
334 Manager for the city of West Hollywood. With me is
335 Francisco Contreras. He is with Long Range Planning
336 Manager. Thank you for your time tonight. Today

337 we're asking commission to adopt a resolution that
338 will expand the applicability of Section 19.20.260,
339 gender neutral public toilet facilities. As you
340 recall on November 3rd, 2022, the Planning
341 Commission adopted a resolution recommending that
342 the City Council approve an ZTA. They incorporated
343 the gender-neutral public toilet facilities section
344 into our zoning ordinance. On December 5th, the
345 City Council approved the ordinance, but directed
346 staff to clarify the language and add specific
347 tenant improvement work that require existing
348 buildings or spaces to provide gender neutral
349 toilet facilities. The direction was to amend the
350 ordinance to include commercial renovations
351 requiring a building permit that includes the
352 removal and interior partitions or a complete floor
353 plan alteration, and complete renovations that
354 include the relocation expansion or accessibility
355 upgrades of existing restrooms. The original intent
356 was to include these types of improvements in the
357 ordinance, but the text needed to be further
358 clarified. We ask that the commission approve the
359 ZTA as recommended. And we thank you for your time
360 and we're open for any questions.

361 Jones: All right. Thanks very much, Ben. Do we have any
362 questions for staff at this time? I'm looking
363 through. I don't see anyone. It looks like we don't
364 have any questions at this time from the
365 commission. Oh, Commissioner Lombardi, please go
366 ahead.

367 Lombardi: Thank you, Chair Jones. I remember that we had some
368 of this discussion during our meeting as well with
369 the planning commission in terms of what would
370 trigger this requirement and 50% construction. So,
371 I'm glad to hear there's some clarification. I'm
372 sorry. It's been a little bit since I've, I've
373 looked at this update, but what did you
374 specifically change? Could you... how did you clarify
375 this statement? I'm trying to find it in the
376 exhibit.

377 Galan: Sure. So originally, the way the ordinance read, it
378 was just including Item 1 on this slide. And we're
379 now further clarifying..

380 Lombardi: Okay.

381 Galan: ...with Item 2 and 3.

382 Lombardi: Okay. You've been more specific about it, which is
383 how I understand when projects are usually
384 triggered with that 50% threshold. But it's good to

385 see that you're making that abundantly clear in the
386 code revision. Thank you.

387 Jones: Thank you Commissioner Lombardi. Any other
388 questions from commissioners for staff at this
389 time?

390 Lombardi: No.

391 Jones: Okay. Okay. Well, with that we will move to public
392 comment for this item as we do not have an
393 applicant. So, David, do we have any public
394 speakers on this item?

395 Gillig: Chair, I received no comments to... recently no
396 requests for speaking on this item. However, if
397 there is anybody on the platform that would like to
398 make a comment, please star 9 for me if you're
399 calling in. If you're on the platform, use the
400 raise hand feature and we will give you three
401 minutes to comment. And, Chair, it looks like we
402 are all clear for public comments on this item.

403 Jones: Okay. Great. Thank you. If anyone does want to
404 speak, please do indicate with your keypad. But
405 with that being said, I'm going to go ahead and
406 close the public comment portion of the public
407 hearing and we will move into deliberation. Do we
408 have someone who would like to go first or a

409 motion?

410 Gregoire: I'll move approval of this item.

411 Carvalheiro: I'll second it.

412 Jones: Okay. We have a motion and a second on the floor.

413 Unless there's anything that anyone wants to

414 discuss and I never want to stifle debate and

415 discussion, so we can call the vote unless anybody

416 wants to discuss further any of the... only of the

417 items or... and elements of the ZTA.

418 Gillig: Thank you. Commissioner Gregoire?

419 Gregoire: Yes.

420 Gillig: Commissioner Carvalheiro?

421 Carvalheiro: Yes.

422 Gillig: Commissioner Copeland?

423 Copeland: Yes.

424 Gillig: Commissioner Lombardi?

425 Lombardi: Yes.

426 Gillig: Commissioner Matos?

427 Matos: Yes.

428 Gillig: Vice-Chair Thomas?

429 Thomas: Yes.

430 Gillig: Thank you. Chair Jones?

431 Jones: Yes.

432 Gillig: And the motion carries unanimously approving

433 resolution number PC 23-1506. There is no appeal
434 process. This is a recommendation to City Council.

435 Galan: Thank you.

436 Jones: All right. Thank you very much and thank you, Ben.

437 All right, so it's a little tricky. So, again, Item

438 10.A was continued for the approval of the amended

439 agenda. We moved Item 10.D up to follow Item 10.A.

440 And now we will move to Item 10.B. This is 1047

441 North Crescent Heights Boulevard. This is a public

442 hearing to determine general plan consistency for

443 real property acquisition. And I'm going to pass

444 this over to staff.

445 Bartle: Good evening. Can everybody see my screen?

446 Jones: Yes.

447 Bartle: Great. My name is Alicen Bartle. I'm the Project

448 Development Administrator for the Property

449 Development Division. And I'm joined tonight by the

450 manager of our division, Brian League. On December

451 19th, 2022, the City Council authorized the

452 purchase of Real property at 1047 North Crescent

453 Heights pursuant to government code Section 65402,

454 a finding must be made that the acquisition of the

455 land is consistent with the city's general plan.

456 The... this is a street view of the site. It is zoned

457 R3A. It is on a 6,551 square-foot lot, and it is
458 currently improved with a 1,508 square foot single-
459 family residence and a 700 square foot ADU. The
460 single-family residence in front is vacant and the
461 ADU is owner-occupied. Immediately adjacent and
462 contiguous to the site is city-owned parcels that
463 are located on the southwest corner of Santa Monica
464 Boulevard and Crescent Heights Boulevard. The
465 future use of the property is to be determined, but
466 the acquisition of this site is an opportunity for
467 the city to consolidate the property for a larger
468 development site. Likely a mixed-use development
469 which will include affordable housing or a... or a
470 100% affordable housing project with the adjacent
471 property next to it. This item per CEQA. The
472 property acquisition is categorically exempt
473 pursuant to Sections 15378 and 15061B3 because it
474 has no potential for resulting in physical change
475 in the environment and it can be seen with
476 certainty that there's no possibility the proposed
477 acquisition will have a significant effect of the
478 environment. The acquisition will have no direct
479 and reasonable or indirect physical change in the
480 environment because no development is being

481 proposed on the site, simply the acquisition. And
482 any future use of the site will come back and
483 follow appropriate CEQA review. The general plan,
484 we find it consistent in four areas. LU-1 is to
485 maintain an urban form and land-use pattern that
486 enhances quality of life and meets the community
487 vision for its future. The proposed project
488 furthers the implementation of this land-use policy
489 because it supports a needed housing type in the
490 urban environment that promotes health, safety, and
491 well-being. H-4, it provides for adequate
492 opportunities for new construction of housing. H-5,
493 it provides a government environment that
494 facilitates housing development and preservation.
495 And H-6, which is to promote equal access for
496 housing for all. The proposed project furthers
497 implementation of the housing policy because it
498 supports meeting adverse housing needs in our
499 community. And with that I will stop my share and
500 Brian and I are available for any questions.

501 Jones: Thank you, Alicen. That may be the fastest
502 presentation I've ever seen you do. With that being
503 said..

504 Bartle: I'm happy to slow down and go over anything that

505 anybody has questions on.

506 Jones: Thank you. Do we have any questions for staff at
507 this time by commission? I'm going to take that as
508 a no. Okay. David, do we have any public speakers
509 on this item?

510 Gillig: Chair, I've received no requests to make a public
511 comment on this item. Once again, if anybody's on
512 the platform that would like to speak on this item,
513 please star 9 for me if you're calling in. If
514 you're on the Zoom platform, please use the raise
515 hand feature. And, Chair, it looks like we are all
516 clear for public comments on this item also.

517 Jones: Okay. Great. Thank you very much. Again, if you are
518 a member of the public and would like to comment on
519 this item, please do use your keypad to indicate
520 that you would like to do so. But for now, I'm
521 going to go ahead and close the public comment
522 portion of the public hearing and we will move it
523 to deliberation. Do I have a commenter or a mover?

524 Matos: I would like to move the item.

525 Gregoire: I will second.

526 Carvalho: I'll second.

527 Jones: That was about four second's. It sounds like I have
528 a mot... we have a motion from Commissioner Matos and

529 a second from Commissioner Carvalheiro.

530 Rosen: And, Commissioner Matos, just to be clear so that

531 the, the motion is to find... or approve staff's

532 recommendation and find the general plan

533 consistency finding and the CEQA exemption,

534 correct?

535 Matos: Yes. Yes.

536 Rosen: Thank you.

537 Jones: And I don't want to stifle debate if the... sorry,

538 David, I just wanted to make sure, is there anybody

539 who would like to comment on this before we call

540 the vote? Okay. Great. David, I think we can go

541 ahead and call a vote.

542 Gillig: Thank you, Chair. Commissioner Matos?

543 Matos: Aye.

544 Gillig: Commissioner Carvalheiro?

545 Carvalheiro: Yes.

546 Gillig: Commissioner Copeland?

547 Copeland: Yes.

548 Gillig: Commissioner Gregoire?

549 Gregoire: Yes.

550 Gillig: Commissioner Lombardi?

551 Lombardi: Yes.

552 Gillig: Vice-Chair Thomas?

553 Thomas: Yes.

554 Gillig: Chair Jones?

555 Jones: Yes.

556 Gillig: And the motion passes. (UNINTELLIGIBLE). Passes for
557 resolution #PC 23-1507 by unanimous vote. We do
558 have an appeal process for this. The resolution on
559 Planning Commission just approved memorializes the
560 commission's final action on this matter. This
561 action is subject to appeal to the City Council.
562 Appeals must be submitted within 10 calendar days
563 from this date to the city clerk's office. Appeals
564 must be in writing and accompanied by the required
565 fees. The city clerk's office can provide appeal
566 forms and information about the waiver of fees.

567 Jones: Thanks very much, David. So, we're going to move to
568 item 10.C. This will be our final public hearing of
569 the evening. This is 8527 to 8555 Santa Monica
570 Boulevard and 8532 to 8552 North West Knoll Drive.
571 Now, just to give everyone the lay of the land, I
572 do want to make sure that we have ample
573 opportunities should it arise for bathroom breaks
574 and taking breaks. Oh, and just one second,
575 Commissioner Gregoire, so I'd like to ask if we'd
576 like to take a quick break now? Yes? Take a quick

577 break now? I'm getting a nod from Commissioner
578 Matos. Is that okay with everybody if we take a
579 quick break now? Okay. So, we'll take a quick five-
580 minute break. But before we do, I'd like to give
581 Commissioner Gregoire an opportunity to recuse.

582 Gregoire: Yes, thank you so much. I just want to announce on
583 the record that I have to recuse myself from this
584 matter involving 8527 to 8555 Santa Monica
585 Boulevard as I have a real property conflict of
586 interest. I , I live and own property within 500
587 feet of, of the subject project. So, I will be
588 saying good night to everyone. Have a good evening.

589 Jones: Thank you, Commissioner Gregoire. Have a good
590 evening. We'll see you next time. Okay. So, with
591 that, again, before I move into the item because I
592 do expect this is going to take some time, we will
593 take a quick five-minute break. It's currently 7:02
594 PM. Let's meet back here at... we'll make it 7:08 to
595 make it even. Everyone can get things together and
596 get a glass of water, maybe grab a snack, you know,
597 giving you an opportunity to gather yourselves. So,
598 see you back here in five and a half minutes. Okay,
599 everyone, it is 7:08. One, two, three. There he is.
600 Okay. Okay and with that, I think we can go ahead

601 and get started. David, are we good to go? You
602 ready?

603 Gillig: Yes, Chair, we are good to go.

604 Jones: Okay. Great. Thank you very much. Okay, everyone,
605 thank you. Again, we are going to launch into Item
606 10.C. Again, this is our final public hearing of
607 the evening. This is 8527 to 8555 Santa Monica
608 Boulevard and 8532 to 8552 North West Knoll Drive
609 officially continued from Thursday, September 15th
610 and then again Thursday, November 3rd, and
611 Thursday, December 1st. I am going to pass this
612 over to Laurie Yelton, who will give the staff
613 report.

614 Yelton: Thank you and good evening, Chair Jones and
615 commissioners. Can everybody hear me? Okay.

616 Jones: Yes.

617 Gillig: You're good.

618 Yelton: Before you tonight is the request to demolish three
619 commercial structures, surface parking lots, and
620 four single-family dwelling units on 6 contiguous
621 parcels in order to construct a new 5-story,
622 158,836 square-foot mixed-used building with 44,274
623 square-feet of commercial space including 12 live
624 work units, 111 parking... I'm sorry, apartment units

625 of which 17 are affordable with three parking
626 levels located at 8527 through 8555 Santa Monica
627 Boulevard and 8532 through 8552 North West Knoll
628 Drive which will be... we will refer to going forward
629 as 8555 Santa Monica Boulevard. The proposed
630 project is a qualifying housing development project
631 as defined by state law, which dictates specific
632 procedural requirements when considering a
633 qualifying HAA project. As such, the project will
634 assist the city in meeting its housing goals by
635 adding 111 new residential units, including 17
636 affordable units, to the city's housing stock
637 helping the city achieve its regional housing needs
638 allocation or RENA of 3,933 units before the year
639 2029. This housing development project is subject
640 to the Housing Accountability Act and applicable
641 state housing law as the project is more than 70%
642 residential exceeding the 2/3rds residential
643 threshold under the HAA and meets applicable
644 objective development standards in effect that the
645 time... the time was... the proposed project was
646 incomplete in 2016. The projects mixed of uses will
647 enhance the street scape and improve pedestrian
648 activity among Santa Monica Boulevard, a key

649 commercial corridor. It is also near major transit
650 which follows the state legislature's recent intent
651 to provide more housing near public transportation
652 and in-transit corridors. The project has been
653 analyzed and pursuant to the California
654 Environmenti... Environmental Quality Act or sequel
655 (Phonetic) guidelines and an Environmental Impact
656 Report was prepared. The original draft
657 Environmental Impact Report was circulated in 2017
658 and a recirculated draft EIR was circulated in late
659 2021. The proposed project study vowed to have one
660 significant and unavoidable impact with regard to
661 construction noise. The proposed project's
662 temporary construction-related noise impact remains
663 above the threshold of significance even with
664 mitigation incorporated. So, the commission is
665 being asked to adopt a statement of overriding
666 considerations. The applicant is not requesting any
667 legislative changes or variances. The proposed
668 project complies with the code in general plan of
669 what is allowed and envisioned for the site and is
670 compliant with the applicable objective city
671 standards in effect when the project was deemed
672 complete in 2016, some of which are not consistent

673 with the current code requirements. The project
674 includes height and FAR bonuses based on the
675 proposed mixed-use nature of the project in
676 accordance with the mixed-use development overlay
677 zone, an FAR bonus for the provision of affordable
678 housing, an FAR bonus available to mixed-use
679 projects that achieve a minimum of 98 points on the
680 West Hollywood Green Building Point System. From
681 the time the application was submitted in 2012,
682 approximately 13 meetings have been conducted with
683 respect to this project by the city and by the
684 applicant to discuss a proposed project. The
685 project has been reviewed by the city's Urban
686 Design Team and has hear... been heard by the Design
687 sub-committee five times. The city also held two
688 public hearings on the recirculated draft EIR
689 before the Transportation Commission and before the
690 Planning Commission in November of 2021. The
691 proposed project consists of a mixed-use building
692 with a height of 55 feet and five stories along
693 Santa Monica Boulevard and North West Knoll Drive
694 and includes the following uses: 111 par... apartment
695 units of which 17 are affordable; base density of
696 60 units for the commercial lots and a base density

697 of 22 units for the residential lots; 15,494 square
698 feet of commercial live/work use, which is 12
699 units; 3,930 square feet of restaurant and café
700 uses; 14,488 square feet of retail space; 3,643
701 square feet of personal service hair salon use; 133
702 bicycle parking cells; and 6,711 square feet of
703 office space. The apartment units include studio,
704 one bedroom, and two-bedroom units that range in
705 size from 410 square feet to 1,721 square feet with
706 an average unit size of 905 square feet. The
707 project includes 2,000 square feet of required
708 common open space located on the second level and
709 includes at least 120 square feet of private open
710 space per unit with a total of 22,483 square feet
711 of miscellaneous open space located throughout the
712 project. The building is proposed to be constructed
713 based on Type 1.B. construction, which means the
714 building will be made of concrete. Per the
715 California Building Code, the proposed unit layout
716 is com... in compliance with the Type 1.B.
717 construction. The project includes 12 live/work
718 units, which is a commercial use and is not
719 characterized as a residential use even though it,
720 it includes a housing component. It provides for

721 the creation of alternative workspace that will
722 provide an incentive for entrepreneurs, business
723 owners, artists, artisans, architects, designers,
724 and other individuals to continue to work in West
725 Hollywood and contribute to the city's economy. As
726 far as we are aware, live/work units do not count
727 toward the cities RENA numbers, therefore it does
728 not count toward the inclusionary account or
729 requirements. The proposed building height is
730 measured as provided by code for sloping lots. The
731 residential slope is approximately 5.1% sloping,
732 and the commercial lot is approximately 13.2%
733 sloping, which qualify for a sloping site. The
734 proposed mixed-use structure would be a maximum of
735 55 feet in height measure along Santa Monica
736 Boulevard and along North West Knoll Drive. Along
737 Santa Monica Boulevard, the height of the building
738 would be approximately 48 feet from the ground
739 surface to the top of the third floor at the
740 property line. The code does not require a front
741 yard building setback in commercial zones. However,
742 the first floor is setback three and a half feet
743 from the front property line. The second and third
744 floors are cantilevered and extend to the front

745 property line. The fourth floor is setback eight
746 feet from the front and the fifth floor is setback
747 27-37 feet from the front property line. The fifth
748 floor has two heights, a lower height setback of 27
749 feet and an upper height of approximately 34 feet.
750 Per laterate... laterally sloping site measurement
751 requirements, which at least... is at least 5% or
752 more from the front property line to the rear
753 property line, elevation measurements were taken
754 from the site survey at all corners of the property
755 from the property line... from property line to
756 property line as shown in the height diagram. These
757 elevation measurements establish the midpoint for
758 the parcel and measured upward from that point. An
759 imaginary line is then drawn perpendicular to and
760 extended outward toward the front or rear property
761 line until it reaches the angle line. From the top
762 of the midpoint line, the angle is drawn in a
763 profile of one foot vertically to two feet
764 horizontally or a two-to-one cut to connect the
765 lower midpoint line with the perpendicular line.
766 The area within the diagram becomes the building
767 envelope. The site has been developed and is flat
768 in some areas. However, the method of determining

769 whether a site is sloped is measure from the front
770 and rear property lines of the project site to
771 create logical building design on the parcel that
772 may be flat in some areas and sloped in others
773 since the... it is a development site that has been
774 developed over the years. Essentially, it's
775 connecting the imaginary lines from all corners of
776 the project parcels and using that differential to
777 create the building envelope within this volume and
778 placing a project appropriately on the overall
779 project site. It is worth noting that this is not
780 the first time the code has been applied using the
781 laterally sloping site method using multiple
782 parcels that are sloped and in some areas are, are
783 flat... sloped in some areas and flat in others. As
784 long as the slope is greater than 5%, it is at the
785 option of the applicant to choose which sloping
786 site method to use for the project. The adjacent
787 hotel building has an existing height of 60 feet
788 and one-half along Santa Monica Boulevard with an
789 additional approximate two-foot architectural
790 projection. So, the proposed 55-foot mixed-use
791 building would be of a lower height along Santa
792 Monica Boulevard especially since the fifth floor

793 is set back at least 25 feet at the front of the
794 building. In 2016, State Density Bonus Law allowed
795 a 35% percent maximum combined density bonus that a
796 developer could seek under government code 65915.
797 The applicant is seeking that 35% density bonus for
798 that project. However, changes to State Density
799 Bonus Law means that if the applicant were to
800 resubmit or otherwise revise their application
801 material, they could seek and qualify for a larger
802 percentage and higher number of density bonus units
803 above 35%. The commercial component of the project
804 includes a base density of 60 units. And of these,
805 the applicant is providing six very low-income
806 units and six moderate-income units on the
807 commercial lots. This qualifies the project for a
808 35% density bonus or .7 FAR for residential
809 purposes and 3 concessions under the West Hollywood
810 Municipal Code and California State Density Bonus
811 Law, though they are only seeking two concessions.
812 The applicant is utilizing the area provided under
813 the density bonus for residential units. The
814 commercial zone characterizes density in terms of
815 FAR and not units for purposes of calculating the
816 affordable density bonus. Since the project

817 utilizes both commercially zoned and residentially
818 zoned parcels which calculate density differently,
819 the affordable housing calculations are separated
820 out for the commercial and the residential parcels.
821 The project includes 17 affordable units, and the
822 applicant has requested a density bonus under state
823 law. The city's inclusionary requirement requires
824 that 20% of the base units be affordable. This
825 project has a base unit count of 60 units on the
826 commercial lots and 22 units on the residential
827 lot. The 20% local requirement would require 12
828 affordable units and the project on the commercial
829 lots and 5 affordable units on the residential
830 lots. No residential units are being demolished on
831 the... on the commercially zoned properties. And four
832 single-family residential dwelling units are being
833 demolished on the four residentially zoned
834 properties. The project would meet the State Law
835 Replacement Requirements because more than four
836 affordable units are being provided for the
837 project. The applicant is entitled to three
838 affordable housing concessions per... pursuant to
839 government code 65915 for providing the percentage
840 of affordable housing units. In this case, 10%

841 moderate-income units, and 14% very low-income
842 units. The applicant is requesting to use two of
843 the three available concessions. Concessions can
844 include a reduction in site development standards
845 or a modification of zoning code requirements or
846 architectural design requirements. The two req..
847 concessions requested are an additional story not
848 to exceed 10 feet in height and a mezzanine parking
849 level for residential and bicycle spaces consisting
850 of a partial level located above a portion of the
851 first floor and below a portion of the second
852 floor. The proposed parking.. the proposed project
853 would provide a total of 347 parking spaces and 3
854 levels of parking pursuant to the parking
855 requirements in effect in 2016. Guest parking
856 spaces are not required for projects utilizing
857 housing density bonus. The applicant submitted a
858 parking demand study and as a result, has requested
859 a reduction of 9 commercial parking spaces from 356
860 to 347. Because this project was deemed incomplete
861 in 2016, subsequent code changes do not apply. This
862 includes revised parking requirements that were
863 adopted by City Council in 2018, which is.. was
864 based on extensive demand settings conducted in the

865 city. It is worth noting that if the same project
866 were submitted now, the commercial component of the
867 project would require 75 parking spaces, 106 fewer
868 spaces than what is proposed with this project.
869 When the project was deemed complete, the city
870 utilized a Green Building Point system as noted
871 above. The project is required to comply with the
872 standards in place at the time the project is
873 deemed complete. The proposed project would achieve
874 90 points on the city's Green Building Point System
875 checklist. As an incentive for reaching 90 points,
876 the applicant requests a .1 FAR bonus which was
877 available to high-achieving projects under the
878 applicable version of the green building program.
879 The project is otherwise consistent with the West
880 Hollywood general plan. It has been designated...
881 designed to balance the economic and land-use goals
882 of the city and encourages a vibrant, walkable
883 vision for this area that has endured since the
884 city's first general plan was adopted in 1988. The
885 project would be transformed to this portion of the
886 city of Santa Monica Boulevard and West Knoll Drive
887 in the center of West Hollywood West. The existing
888 buildings on the subject site are in disrepair,

889 underutilized, and do not help achieve the goals
890 and policies of the city. Condition 6.42 and 6.43
891 in the project resolution require the project
892 include a minimum of 90 green building points to be
893 reviewed and approved during the building and
894 safety plan check process prior to building permit
895 issuance. The submitted plans are preliminary and
896 for planning review at this time. It should be
897 noted that the plans will include significantly
898 more detail prior to the... to the building and
899 safety plan check process in which green building
900 points will be reviewed again by all city
901 departments for compliance at that time. If the
902 project does not meet the 90 green building points,
903 the project shall be revised to include a reduced
904 FAR by .1. An EIR was prepared for this project to
905 evaluate any potential environmental effects that
906 would result from development of the proposed
907 project and to inform the public and decision-
908 makers of these potential effects. It evaluates and
909 discloses potential effects, the severity of said
910 effects, and any mitigations that could alleviate
911 identified impacts, and finally, any alternatives
912 to the project that could eliminate or

913 significantly reduce any identified significant and
914 unavoidable environmental impacts. The EIR
915 identified one significant unavoidable impact of
916 this pro... of this project with regards to
917 construction noise, which was determined to be a
918 significant and unavoidable temporary or periodic
919 increase in noise levels. Mitigation measure N-1H
920 requires the construction of a feasible sound
921 barrier along the westerly property line during the
922 shoring fees of construction to reduce construction
923 noise impacts. During the building construction
924 phase, temporary sound barriers or mobile sound
925 barriers may be used as appropriate to attenuate
926 construction noise during noise-generating
927 equipment including creating an excavation
928 equipment used on site. Despite the implementation
929 of this mitigation measure, the construction noise
930 impact would remain significant and unavoidable.
931 Generally large projects like this, including the
932 spr... Sprouts project across the street from the
933 proposed project also had an unavoidable
934 construction noise impact. Since the significant
935 impact associated with the proposed project cannot
936 feasibly mit... be mitigated and cannot be avoided by

937 the adoption of a feasible alternative, staff
938 recommends the adoption of a statement of
939 overriding considerations. This is a set of
940 findings illustrating that the project meets city
941 goals and the city finds that the merits of the
942 project outweigh the potential impacts on the
943 environment. The city has balanced the project's
944 benefits including the addition of 111 additional
945 housing units against a significant and unavoidable
946 impacts. This city finds that the project's
947 benefits outweigh the significant and unavoidable
948 impact and therefore that the impact is acceptable
949 in light of the proposed project's benefits. The
950 city finds that the benefits of the proposed
951 project is an overriding consideration that
952 warrants approval of the project notwithstanding
953 the project's significant and unavoidable impact
954 related to construction noise. The project will
955 provide several public benefits such as affordable
956 housing, provision of local jobs, an increased
957 sales tax base, general plan implementation, rental
958 units, live/work units, enhancement of pede...
959 pedestrian activity, public serving uses, and an
960 increase in pedestrian, bike, and transit mode

961 share. The project otherwise is consistent with the
962 West Hollywood General Plan and balances the
963 economic and land use goals of the city and
964 encourages a vibrant, walkable vision for this area
965 that has endured since the city's first general
966 plan adopted in 1988. The project would be
967 transformational to this portion of the city along
968 Santa Monica Boulevard and West Knoll drive in the
969 center of West Hollywood. The existing buildings on
970 the subject site are in disrepair, underutilized,
971 and do not help achieve the goals and policies of
972 the city. Therefore, the project is adequately
973 conditioned so as to not endanger, jeopardize, or
974 otherwise constitute a menace to the public
975 convenience, health, interest, safety, or general
976 welfare of persons residing or working in the
977 neighborhood of the proposed use. In conclusion,
978 the project is constructed along a major corridor.
979 Santa Monica Boulevard, supports critical goals and
980 objectives of the city's general plan and will
981 assist the city in meeting its housing goals by
982 providing 111 new residential units including 17
983 affordable units to the city's housing stock. The
984 project also includes 12 live/work units, which is

985 a unique land-use that can provide a more
986 reasonable cost of living by combining live and
987 work and is a land-use that the city encourages.
988 The project's mix of uses will enhance the
989 streetscape and improve pedestrian activity along
990 the commercial corridor and is near a major transit
991 which follows the state's legislature intent to
992 provide more housing near public transportation and
993 in-transit corridors. Thus, the project is
994 consistent with recent legislative intent in
995 addition to the State Density Bonus Requirements.
996 As previously mentioned, the project is more than
997 70% residential and is subject to the housing
998 accountability act. Due to these benefits, staff
999 recommends approval of the proposed project subject
1000 to the conditions and draft resolutions PC 22-1481
1001 and 22-1482. Staff, the applicant's team, the
1002 city's environmental consultant from Rincon and
1003 Fehr and Peers are available for any questions you
1004 may have. Additionally, it may be helpful if all
1005 questions are directed to city staff and staff can
1006 then direct the question to the appropriate party.
1007 That concludes our presentation. Thank you.
1008 Jones: Great. Thanks very much, Laurie. So, the way this

1009 will go, just in terms of order, is I'm going to
1010 open the floor up to just questions of staff. This
1011 is just questions of staff about items contained in
1012 a staff report. Should anybody have questions,
1013 please not to... please try not to indicate how you
1014 might feel or, you know, vote on the item should
1015 things move forward. So, this is just the time to
1016 ask questions. After that, we'll do disclosures.
1017 Then we'll move into public comment... sorry, then
1018 the applicant, then public comment. And then the
1019 rebuttal. So, we'll have a final opportunity to ask
1020 questions of the applicant and then we will move
1021 into deliberation. I know that's a lot. So... but in
1022 any case, does anyone have questions for staff at
1023 this time about items contained in the staff report
1024 or about Laurie's presentation? Commissioner
1025 Carvalheiro?

1026 Carvalheiro: Thank you. Laurie, the drawings that we're looking
1027 at or the drawings that was last issued to us as
1028 dated October 6th, 2022, there is not a further
1029 iteration of this drawing set, correct?

1030 Yelton: That is correct. This... that... this is the same set
1031 of plans that, that we've had for the last few
1032 continuation planning commission hearings.

1033 Carvalheiro: Okay. So, there's no other versions and it's, it is
1034 the set that is included in the agenda as a link.
1035 So, there's no discrepancy there? The public sees
1036 the same thing that we've seen? (Talking over).

1037 Yelton: That is correct.

1038 Carvalheiro: Okay. Great. And then I mean I was on design
1039 review, we reviewed this project three times. The
1040 reason... and it seems like... well, I know this
1041 project responded to our comments, but also the
1042 project has not evolved significantly over the last
1043 two or three iterations from a plan point of view
1044 even though we have made comments.

1045 Yelton: That is correct.

1046 Carvalheiro: That's why it didn't come back to design review?

1047 Yelton: That's correct.

1048 Carvalheiro: Okay. And then the low-income housing units, you
1049 know, they have not been identified yet, but code
1050 protects their locations at... and it's... it will be
1051 determined later on in the pro... in the permit
1052 process, correct? So, we don't need to be worried
1053 about some low-income... any of the... those units
1054 being placed in awkward locations in the building,
1055 they will be equal across the board?

1056 Yelton: That is correct. The code requires that all

1057 affordable units, you know, be the same finishes,
1058 disbursed throughout the building, not, you know,
1059 on one floor or in one corner, and our, our housing
1060 division will determine which units will be
1061 affordable based on the need at that time.

1062 Carvalheiro: Okay. And then the sloping site method which, you
1063 know, has caused a lot of controversy. I mean, I
1064 did a deep dive with a colleague into the code and
1065 the code isn't very clear in terms of how that
1066 plain is determined. It is determined at the
1067 midpoint, but neither one of us found any example
1068 where you were connecting multiple points of the
1069 site to create a slope. But, you know, given that
1070 the... who, who on staff made the final decision from
1071 a staff point of view that the sloping site method
1072 is the right way to approach this site?

1073 Yelton: It's the, the method in which as long as there's a
1074 5% slope, it's at the discretion of the applicant.
1075 So, the applicant submits the plans with the
1076 measurements as they... as they did in the... in the
1077 diagram that was up on the screen. And, and staff
1078 reviewed... you know, we had a team review the plans
1079 to, to ensure that it met the code requirements.
1080 The, you know, the points that all corners of the

1081 property were all, you know, provided by a survey.

1082 And then... and then it meets the code in terms of

1083 the, the midpoint and drawing the invisible line.

1084 And that building is within that, that envelope.

1085 **Carvalheiro:** I get it. It's a tough one to sort of explain and

1086 you and I have gone through the diagrams in the

1087 past and, and I understand that. And like I said,

1088 code isn't entirely clear on this one. So, it is

1089 left up to us to decide and to staff to verify. For

1090 me in looking at it, it just seemed like staff

1091 decided that... or agreed based on the fact that it

1092 likely creates a better building than creating it

1093 as a flat site.

1094 **Yelton:** That is correct. (Talking over).

1095 **Carvalheiro:** And then my last... my last question is really about

1096 the Union Bank and artistry buildings. I mean, are

1097 those comparable to this site given they don't

1098 traverse residential lots?

1099 **Yelton:** I think... is John available? To... I think... I think

1100 John looked into that previously.

1101 **Keho:** Commissioner, could you repeat that question? I was

1102 (talking over).

1103 **Carvalheiro:** Yeah. I was just, you know, is it... is it a fair

1104 comparison to look at 855 Santa Monica and the

1105 Union Bank and artistry buildings? Because neither
1106 , neither the Union Bank or the artistry buildings
1107 traverse residential lots. So, it makes sense that
1108 those would be treated as... on a flat plain versus
1109 this sloping method.

1110 Keho: So that is the case, but also those buildings, I
1111 believe, are either one or two stories. And as
1112 Laurie had indicated, an applicant has the ability
1113 to request one of the two ways to do the
1114 calculations. And if they didn't request it, to use
1115 a sloping site, then we wouldn't have looked at it
1116 in that way.

1117 Carvalheiro: All right. That makes sense. Okay. Those are my
1118 questions. Thank you.

1119 Jones: All right. Thank you. Do we have other questions of
1120 staff from commissioners? Commissioner Matos,
1121 please go ahead.

1122 Matos: Thank you, Chair Jones. I have a quick question
1123 regarding the Green Point System. My understanding
1124 is that this is no longer being used in projects
1125 and as a 2016 item, is that correct?

1126 Yelton: That's correct.

1127 Matos: Okay. My next question is how does the city verify
1128 that the use of environmental friendly materials

1129 were used in the project that granted them the
1130 green points? How and when does the city make that
1131 determination that they were in fact used?

1132 Yelton: So, we have our building official Ben Galan on the
1133 call and he can probably shed some light on that.
1134 It's to my understanding that what is provided on
1135 the plan, it also has to be verified in the fields
1136 by the building inspector, and then I believe
1137 there's also a third-party architect that has to
1138 sign off on that as well that the green building
1139 point in question was used. Like, if it's a fly-ash
1140 material or if it's a concrete, especially
1141 environmentally friendly concrete that they have to
1142 prove that was used in the project. So, it's not
1143 just the matter of putting it on the plans and
1144 then, you know, not, not incorporating into the..
1145 into the project. If you have further questions,
1146 maybe Ben can add something to that.

1147 Galan: I think you, you covered it, Laurie. It's, you
1148 know, it's reviewed during the plan check process
1149 and verified and out in the field our inspectors
1150 verify that. What was indicated on the plans is
1151 what's being installed or built out on the field.

1152 Matos: Got it. So, is there a follow-up after the plan

1153 check phase to ensure that, you know, double check
1154 that they were in fact used, the materials?

1155 Galan: That happens through the inspection process. And
1156 depending on the type of material, some of these
1157 specialized material need certifications. The
1158 inspectors also collect those out in the field
1159 before any certificate of occupancy is issued.

1160 Matos: Okay. So, it's in the field, verified, before
1161 certificate of occupancy?

1162 Galan: That's correct.

1163 Matos: Okay.

1164 Jones: Commissioner Matos, are those your questions? Any
1165 more questions now?

1166 Matos: That's my only question for now.

1167 Jones: Okay. Vice-Chair Thomas, please go ahead.

1168 Thomas: Thank you, Chair. At last month's meeting we talked
1169 about CVC changes and state building code changes
1170 and I wanted to find out from staff, would any of
1171 those changes impact this project?

1172 Yelton: Yes. The plans that are submitted through the
1173 building city pro... process are subject to the
1174 building code at that... that are in effect at that
1175 time. So, when this project... so if this project
1176 were submitted say tomorrow to Building Safety Plan

1177 Check, it would be subject to the, the building
1178 code at the time which is the updated code that
1179 just changed in January of this year.

1180 Thomas: Are there any.. are there any significant changes
1181 that we should know about today that would impact
1182 our decision or..

1183 Yelton: I don't think there's any specific changes to this
1184 project that, that would require a redesign or
1185 some.. a major change.

1186 Thomas: Okay. Great. Thank you. My other question is that
1187 the facade on North West Knoll Drive was previously
1188 deemed to be of exemplary design which allows the
1189 building to maintain the required first-floor front
1190 set back of 14'1". And is not required to have the
1191 additional 6-foot setback on the floors above the
1192 first floor. And our code ordinarily the first
1193 floor would.. the setback would be 15 feet because
1194 there were several questions about this. So, I just
1195 wanted to confirm that the reason it's 14'1" is
1196 because it's the average of the two adjacent
1197 properties. Is that correct?

1198 Yelton: That is correct. That's correct. So, it's the
1199 average of the two. On this.. in this case, it's the
1200 two.. the next.. the next two properties up West

1201 Knoll and those two front setbacks average 14'1"
1202 and so the front... the, the front... or the first-
1203 floor setback is 14'1". And generally, if it was
1204 not deemed exemplary design, it would have to... the
1205 second floor... second floors and above would have to
1206 be an additional six feet back, you know, for that
1207 setback. Because... but because it was deemed the
1208 residential component deemed exemplary design, all
1209 of the, the... along the whole building face is
1210 14'1". It did not have that additional six-foot
1211 setback on the second floors and above.

1212 Thomas: Okay. Thank you. Also, the staff report states that
1213 the businesses on Santa Monica Boulevard will have
1214 open space. Has the city agreed to an encroachment
1215 since the project would otherwise be infringing on
1216 the public sidewalk?

1217 Yelton: I'm sorry, a public open space?

1218 Thomas: It was in the report that the businesses are
1219 anticipated to have, I think, about 200 or so
1220 square feet of open space and I was just trying to
1221 figure out how that would happen. It seems like it
1222 would... they would need to have an encroachment in
1223 order for that to happen. And I'm also... I'll ask
1224 the applicant the other question.

1225 Yelton: Okay. Let me look into this and get back to you.

1226 Thomas: Okay, and I just have two more questions.

1227 Yelton: Okay. Sure.

1228 Thomas: In the mitigation measure N1D on construction
1229 noise... notice, excuse me, it states that if there's
1230 any noise complaints, they will be addressed within
1231 24 hours. And then in mitigation measure N1B, it
1232 states that if a noise complaint is registered, the
1233 contractor shall retain a city-approved noise
1234 consultant within one week of the complaint. And
1235 that consultant shall provide a letter reporting...
1236 report summarizing potential measure to reduce
1237 noise levels, but it stops there. And my question
1238 is, is there a certain amount of time that the
1239 applicant has to implement those measures? Because
1240 it, it just doesn't close the loop. It's... there's a
1241 consultant, there's a report, and then what?

1242 Yelton: Okay. That's a good question. I'll need to look
1243 into that, that as well.

1244 Thomas: Okay.

1245 Yelton: I'll get back to you.

1246 Thomas: Okay. Okay. And then my final question is about the
1247 carriage lane. There was a lot of conversation
1248 about the carriage lane when this was brought

1249 before the Planning Commission in 2019 as it
1250 relates to deliveries. And I... is it... would it... is
1251 it possible to... would it be possible to implement
1252 that carriage lane on West Knoll? It seems like
1253 that... there was a lot of conversation around that,
1254 but it's not in our most recent packet. So, I just
1255 don't know if there was any more exploration about
1256 the possibility of a carriage lane.

1257 Yelton: I think we have Bob from transportation that may be
1258 able to answer that.

1259 Cheung: Hi. Can you repeat the question again, please?

1260 Thomas: Sure. In... when this project was presented in 2019,
1261 there was a lot of conversation about the, the
1262 concerns about traffic on West Knoll. And there was
1263 a recommendation about a carriage lane so that the,
1264 you know, the larger vehicles can get out of the
1265 way. I mean, the, the expectation is that the
1266 delivery people will go underground. But on the off
1267 chance that they don't, is there possible to have
1268 that carriage lane so that they can... the larger
1269 vehicles can be there and the other vehicles can
1270 pass by. I just didn't know if there was any
1271 exploration around the, the carriage lane.

1272 Cheung: So, I'm, I'm sorry, I'm drawing a bit of a blank.

1273 So, you're talking about the carriage lane on West
1274 Knoll, not on Santa Monica, right?

1275 Thomas: Honestly, I , I think that, that was a little bit
1276 of an assumption on my part. There was... I read
1277 through all of the transcripts from the previous
1278 meetings and I... to be... to be fair, there was no
1279 specificity about where the carriage lane would be.
1280 I just assumed that it would be West Knoll because
1281 that's where the lobby would be. But...

1282 Cheung: Well, because West Knoll doesn't really have the
1283 room for a carriage lane unless you take additional
1284 right of way, so I don't think it's feasible to
1285 have... even have a carriage lane on West Knoll.

1286 Thomas: Uh-huh (AFFIRMATIVE) .

1287 Cheung: On Santa Monica, it a carriage lane, again, it's,
1288 you know, you'll have to take some sidewalk away,
1289 as well as probably some right of way from the
1290 private property in order to accommodate a carriage
1291 lane. But, you know, I think there are enough
1292 queuing or storage in the driveway. As well as, you
1293 know, we took a look at the traffic that goes in
1294 and out of that driveway both on Santa Monica and
1295 West Knoll. And, you know, they're averaging one
1296 vehicle per minute, so we don't really see a need

1297 to have, have concerns about queuing or trucks
1298 queuing other vehicles going into the site.

1299 Thomas: Okay. Thank you. And, Chair, those are all my
1300 questions for staff.

1301 Jones: Great. Thank you. Additional questions for staff?
1302 Commissioner Lombardi, please go ahead.

1303 Lombardi: Thank you, Chair Jones. I'm going to try to start
1304 big picture and then drill into some other
1305 questions here. But apologies if I jump around a
1306 little bit. Some of my questions have already been
1307 addressed by other commissioners and, and answered,
1308 but I guess I just wanted to start with an
1309 understanding. When this project was last heard by
1310 the Planning Commission, in totality there were
1311 fewer parcels. It's now reached an aggregate total
1312 size of over 60,000 square feet. And so, what, at
1313 what point is a major redesign triggered? I... it
1314 seems like 30% or 40% of the project has evolved.
1315 Or maybe to start, what was reviewed with design
1316 review for example? Is it a version of what we're
1317 looking at now? The enlarged project?

1318 Yelton: The previous project included five parcels and it
1319 was essentially the same project. I believe it was,
1320 forgive me my memory, I think it was 97 units and

1321 then we went to the Planning Commission and there
1322 was discussion about the, the , the, the less than
1323 60,000 square foot project site, which would have
1324 required a waiver. The applicant then purchased the
1325 adjacent property for a total of six properties.
1326 So, the, the, the size of the five parcels was
1327 approximately 55,000 square feet, and then with
1328 this additional partial... parcel, it was 61,000
1329 square feet. Generally speaking, when people
1330 submit, you know, have... submit projects, you know,
1331 they'll revise them, they'll add to them, they'll
1332 take away from them. This wasn't something that,
1333 you know, with the... with an additional 6,000 square
1334 foot lot that, you know, triggered a new
1335 application or a different project. So, with that,
1336 we recirculated the Environmental Impact Report
1337 that included that additional parcel. And, again,
1338 that was something that we... that, that historically
1339 we wouldn't have said, "This is a brand-new project
1340 and you have to resubmit an entire new project
1341 because of this additional 6,000 square foot
1342 parcel."

1343 Lombardi: Okay. And, and what was... so what was reviewed by... I
1344 understand what was reviewed by the planning

1345 commission. It has not, not gone to design review
1346 since that Planning Commission meeting in this
1347 larger six-parcel size?

1348 Yelton: It has.

1349 Lombardi: Just so this is...

1350 Yelton: It, it did go to...

1351 Lombardi: It did? Okay.

1352 Yelton: ... design review committee with the additional lot
1353 in December of 2019, I believe.

1354 Lombardi: Got it.

1355 Yelton: Commissioner Carvalheiro was on that... on that body
1356 at that time and they did review the project. And
1357 so that... it hasn't changed much since that, that
1358 hearing.

1359 Lombardi: Okay. Thank you for tying that loop to help me
1360 understand. And then what I'm also trying to
1361 understand that relates to this is clearly a
1362 threshold was hit where the EIR knew to be reviewed
1363 and revised again, so a magnitude of change that
1364 was large enough for that. So how is that triggered
1365 but not considering this a new project or, or
1366 revising the codes and standards that it needed to
1367 apply to? I know it's only 6,000 square feet, but
1368 then you multiply that up, the area has changed by

1369 a significant percentage. So, can you explain the
1370 rational behind how one thing has been triggered in
1371 terms of the EIR, but not in terms of the codes
1372 that apply to the project?

1373 Yelton: I think Karly from Rincon can address that, that
1374 question. It's to my understanding that, that it
1375 was not required, but it was something that we
1376 chose to do. Karly, can you shed some light on
1377 that?

1378 Alkire: Can I... before Karly jumps in, can I just... I have
1379 one quick thing and then I'll kick it over to her.
1380 I just wanted to speak real quick to the
1381 recirculated EIR and the fact that we have
1382 projects. Thankfully not regularly, but it happens
1383 that projects have recirculated EIRs and it's not
1384 necessarily something that kicks the project over
1385 into one category or the other. In fact, you'll be
1386 hearing a, a comment hear... you'll have a comment
1387 hearing at our next meeting for a recirculated
1388 draft EIR. So, so just setting the stage that
1389 that's not necessarily a correlation or the same
1390 trigger. And with that, I'll leave it to Karly.
1391 Thank you.

1392 Kaufman: Thanks, Jennifer. Hello, chair and commissioners.

1393 I'm Karly Kaufman of Rincon Consultants. We
1394 assisted the city on the CEQA compliance for this
1395 project. I think Jennifer might have answered your
1396 question which was kind of more about code
1397 enforcement. But yeah, for the EIR to be
1398 recirculated, there's certain triggers for that
1399 under CEQA. One of them is if there would be new,
1400 new unavoidable impacts or substantially more
1401 severe unavoidable impacts. This project didn't
1402 meet that criteria. However, because there was
1403 significant new information for the project,
1404 primarily the expanded project footprint to add the
1405 additional parcel, the city felt that would be...
1406 constitute significant new information requiring
1407 recirculation of the draft EIR. So, the draft EIR
1408 was updated to reflect the expanded project
1409 footprint and expanded project size. And the
1410 analysis was all updated and the, the EIR was
1411 recirculated.

1412 Lombardi: Okay. Thank you. That helps me understand on the
1413 EIR side, I guess on the code side it's... of the
1414 standpoint that it's still the same project and
1415 maybe there's some interpretation there. In terms
1416 of... I want to move onto other questions though. I

1417 have a couple of quick follow-up questions on the
1418 sloping plane method. So, in previous PC hearings,
1419 questions were raised about a precedent with using
1420 the sloping plane method. Incomparable or adjacent
1421 properties. I think we may have just touched on
1422 that a little bit. It was my understanding the
1423 sloping plane method was actually denied by other
1424 projects that were nearby or adjacent. So, I'm
1425 trying to understand, has there been an example of
1426 a property like this which has been developed and
1427 is now primarily flat and an applicant asked to use
1428 a sloping plane method and it was denied. Or even
1429 the other way around, that it was reviewed, and the
1430 city deemed that appropriate.

1431 Yelton: I'm not aware of any projects that were denied.
1432 Again, the code specifically reads that it's at the
1433 discretion when... if you have a 5% or greater
1434 sloping site, it's at the discretion of the
1435 applicant to choose which method they wish to use.
1436 So, in talking to my team, I... we... nobody can think
1437 of any incidence where any, any project was denied
1438 since it's at the discretion, discretion of the
1439 applicant.

1440 Lombardi: Okay. Okay. Thank you. And then the sloping plane

1441 method has been applied with the residential
1442 portion of the project and the commercial portion
1443 of the project which are multiple parcels. But one
1444 thing that I noticed in the municipal code is that
1445 there is a lot of reference in determining the
1446 sloping plane method that discusses the parcel. So,
1447 I think that in your description in the staff
1448 presentation earlier you mentioned property line
1449 and project site in terms of determining those
1450 midpoints and other data lines for the sloping
1451 plane method. But we have residential and
1452 commercial portions of the project that have
1453 multiple parcels and it seems that our code is
1454 referencing the parcel to determine the sloping
1455 plane method and combined parcels were used in this
1456 case. Has that ever been done before?

1457 Yelton: Yes, it has. So, I think... I think when the code
1458 references parcel, it means project site. This
1459 project site includes six parcels. They will all be
1460 tied together. There's a condition that requires
1461 prior to building permit issuance that all, all
1462 the... all the lots must be tied together. Of course,
1463 they have to be tied together. There's a building
1464 that spans, you know, multiple property lines and

1465 you can't have a building that spans, property
1466 lines are not connected, so we're looking at this
1467 project site as one whole project site where we
1468 take the, the measurements from all four corners of
1469 all sites and then draw, you know, that line. So,
1470 it's not individual par... parcels because this
1471 project consists of six parcels. So, we're looking
1472 at the entire property from all, all... I say
1473 corners, but West Knoll it's curved. But from all,
1474 you know, essentially corners of the property.

1475 Lombardi: Okay. But that's the item that I'm hung up on when
1476 I look at the code. But I'll leave it at that. And
1477 then another question I have that relates to some
1478 of this. So, in, in our code there's also some
1479 references to height limitations and setbacks. So,
1480 this project is... are we defining this as mixed-use
1481 project?

1482 Yelton: Yes.

1483 Lombardi: Given that it's got... okay. Thank you. And then in
1484 terms of some of our code requirements, I think
1485 it's Section 19.10.050, there's, there's a note
1486 about a limit of 35 feet in height adjacent to R1,
1487 R2, R3, and R4 residential zoning districts. If you
1488 look at some of the, the drawings including the axe

1489 on a metric drawing in the project documentation of
1490 projects 50 feet. I know there's some public
1491 comments that suggest it's higher. How, how is this
1492 seeing it or interpreting it in your opinion as, as
1493 being allowable for this project? How, how have
1494 they been able to work around that height limit
1495 requirement? Because we have a tall structure right
1496 adjacent to the condo property that's just to the
1497 north.

1498 Yelton: So, if you look at... I'm just looking at the, the
1499 first-floor plan. Sorry, let me get that up. And
1500 the arch... the project architect is here and can
1501 probably answer some of these questions as well.
1502 Sorry, I'm trying to get the plans. Do we have... do
1503 we want James, the project architect, to address
1504 that comment?

1505 Alkire: Before we do that, maybe we let them have their...

1506 Lombardi: Yeah.

1507 Alkire: ... presentation and then we... they can address
1508 questions.

1509 Lombardi: Thank you. Okay. We can wait. And then I'll, I'll
1510 move onto the noise mitigation measures. And I
1511 guess one question I have is there's... I think there
1512 was not of a noise barrier 15 feet high.

1513 Yelton: Uh-huh (AFFIRMATIVE).

1514 Lombardi: And I'm wondering where that's being determined
1515 from. Is that at grade? Is that at... along the line
1516 of where that barrier's required? Like, can you be
1517 more specific?

1518 Yelton: Karly, do you want to answer that?

1519 Kaufman: Yeah. Sorry, I was just flipping over to pull up
1520 the text and the mitigation. But yeah, it's
1521 typically measured just from the ground level from
1522 where the barrier is located. And I think we said
1523 at least 15 feet high. So, it could be higher than
1524 that.

1525 Lombardi: Okay.

1526 Yelton: And then... and then...

1527 Lombardi: I guess I'll, I'll...

1528 Yelton: And then also...

1529 Lombardi: I'm going to look at this text again. I don't...

1530 Yelton: Sorry. And then also there's, there's, like, noise
1531 blankets that, that could be at the... at the actual
1532 machinery that produces the noise on the sight
1533 during the shoring phase in addition to that wall.

1534 Lombardi: Okay. Okay. Thank you. And then a question I have,
1535 has the city ever employed sound meters on a site?
1536 Because this seems to be a large concern here.

1537 Something that would maybe be on site to notify
1538 especially if there's construction or noises after
1539 hours that's considerable because we know this will
1540 probably be a long duration of construction. I'm
1541 curious if that's something that has been
1542 implemented before or might help address this one
1543 mitigation measure that seems to be unavoidable for
1544 this project.

1545 Yelton: Jennifer or John, do you know of any in the past?
1546 I, I cannot think of any.

1547 Alkire: I'm not aware of any now.

1548 Yelton: Yeah.

1549 Lombardi: Okay. I know it's being applied in some
1550 municipalities for things like traffic and car
1551 noise, so that's just a question I have relating to
1552 that. The other general... I'll leave it as general
1553 for now, maybe the applicant can answer this
1554 better. But there are outdoor, private open spaces
1555 that are shown on the plans, but they don't look
1556 like they're private. So, did, did staff check
1557 this? Is there... I'm not sure how...

1558 Yelton: Which units are you referring to?

1559 Lombardi: I think there's several of them, but I could
1560 probably get to one of them. So, for example, on

1561 the 3rd and 2nd floor plans the units to the far
1562 east would be the numbers 24 and 25, also 35. It's
1563 on the other side of that hallway. They have
1564 private open space, but you actually have to walk
1565 through that private open space to get, between or
1566 to either unit. It's not, you know, someone would
1567 be walking by you potentially to access another
1568 unit.

1569 Yelton: Right.

1570 Lombardi: And then also they're in... they're in corridor space
1571 which could also have people passing by. So, I'm
1572 trying to understand how that applies as private
1573 outdoor space.

1574 Yelton: Well, according... the, the, the main... Calif... West
1575 Hollywood Municipal Code Section 19.36.2802E, it
1576 says uncovered areas required at least 33% of the
1577 perimeter of the private open space of each unit
1578 shall be open to the outdoors, and a corridor is to
1579 the outdoors. So, we believe this the private open
1580 space and these three units specifically that you
1581 referred to comply with the private open space
1582 requirement.

1583 Lombardi: Okay. So, it will be open to the outdoors and
1584 they're open to a corridor that is open to the

1585 outdoors?

1586 Yelton: Correct.

1587 Lombardi: In this case. Okay.

1588 Yelton: Correct.

1589 Lombardi: Interesting. And I think that might be my last
1590 question because I asked the other general
1591 questions. So yeah, that's it for my questions for
1592 staff. Thank you.

1593 Jones: Great. Thank you. Do, does anyone else have
1594 questions for staff at this time? Commissioner
1595 Copeland, please go ahead.

1596 Copeland: Hi. Thank you, Chair. Some of the questions have
1597 just been asked, but I do have several. The merging
1598 of these lots is discretionary, is that correct? I
1599 mean it could be at the... at the commissions
1600 discretion to think if it should be better in two
1601 separate... it's not mandatory that these lots be
1602 merged, just discretionary?

1603 Yelton: I say... Jennifer?

1604 Alkire: So, so the merging of the lots is required to build
1605 this building and it is discretionary to the extent
1606 that the project is discretionary. The project is
1607 protected under the housing accountability act. So,
1608 in that sense this is the project as it's being

1609 proposed and the merging of those lots is part of
1610 it.

1611 Copeland: Okay. I know there's a new mixed-use ordinance that
1612 was passed recently that does not allow buildings
1613 to cross lot lines, but this of course was 2016. So
1614 that was before that. So, there's... it's not... we
1615 shouldn't be looking at it through that lens at all
1616 then is what you're saying?

1617 Alkire: That's correct.

1618 Copeland: Okay. You did mention that you did not... couldn't
1619 think of any other properties that had been denied
1620 using the sloping method, but do you know of
1621 another property on Santa Monica Boulevard that has
1622 used it to give us an example?

1623 Yelton: That's correct. I don't know about any on Santa
1624 Monica Boulevard specifically. I think there was a
1625 project at 8950 East Sunset, which is now the James
1626 Hotel, that used the, the sloping site method and
1627 consisted of multiple parcels. I'm also told that
1628 1120 Larrabee was also graded and developed, but it
1629 consisted of multiple parcels. But the sloping site
1630 method was used for, for that site as well.

1631 Copeland: And you're not aware of any denials that you can
1632 think of?

1633 Yelton: No. Uh-huh (NEGATIVE).

1634 Copeland: When it comes to the green points, the mature trees
1635 that are being removed from the residential lots,
1636 was there any one for one replacement required for...
1637 requirement for those trees at the time or are we
1638 talking about old standards once again? (Talking
1639 over).

1640 Yelton: That's correct. Right.

1641 Copeland: At that time, that was not in place?

1642 Yelton: Correct.

1643 Copeland: Okay. But the trees that are eligible for the green
1644 points, are they required to be on the actual
1645 project property or can they be on the city
1646 parkway? (Talking over).

1647 Yelton: They have to be on private property.

1648 Copeland: They have to be on the property of the
1649 (UNINTELLIGIBLE), okay.

1650 Yelton: Correct.

1651 Copeland: You can't... you can't count the ones that are in the
1652 parkway, the city (UNINTELLIGIBLE)?

1653 Yelton: No.

1654 Copeland: Okay.

1655 Yelton: And again, this is... I just wanted to clarify; this
1656 is a preliminary landscape plan. So, it's... when

1657 they submit to building and safety, they'll have to
1658 submit a more detailed landscape plan that will be
1659 thoroughly reviewed and, and crosschecked for Green
1660 Building Points as well.

1661 Copeland: Okay. And if, if these Green Building Points are
1662 deemed to be insufficient, would that then require
1663 a return to Planning Commission because of the... if
1664 they... with the entitlements that they're receiving
1665 because of these green points?

1666 Yelton: Yes. It would, would require a, a revision to the
1667 project because I think they're getting, what is
1668 it, 4,000 square feet... additional square feet. So
1669 yes, it would... it would require a redesign.

1670 Copeland: Okay. When we're talking about the permeability
1671 requirements. So, do planters or things that do not
1672 touch the ground and are not in dirt, do they... do
1673 they meet the permeability requirements for those
1674 green points? Again, I know it's another green
1675 points questions, but...

1676 Yelton: So, permeability, it's Section 19.26.050, planters
1677 where trees will be planted above the subterranean
1678 or semi subterranean parking structure, shall have
1679 a minimum soil depth of three feet. So, these areas
1680 will... there are above a subterranean parking garage

1681 do have three feet. And so therefore they are... it
1682 is permeable area. And they do have more than 50%
1683 permeable area within their setbacks. So, they do
1684 comply.

1685 Copeland: Okay. The... so these affordable units are not
1686 required to be in the residential lot or in the
1687 residential building?

1688 Yelton: No. They're dispersed throughout the project.

1689 Copeland: (UNINTELLIGIBLE) they can be dispersed throughout
1690 both...

1691 Yelton: Uh-huh (AFFIRMATIVE).

1692 Copeland: ...commercial and residential building?

1693 Yelton: Correct.

1694 Copeland: Okay. The, the live/work units, I realized they
1695 require a business license.

1696 Yelton: Uh-huh (AFFIRMATIVE).

1697 Copeland: If that business happens to fold, would that result
1698 in an eviction of the tenant from the living
1699 quarters? Or what would be the... is this... and also
1700 about the live/work units, the maximum occupancy
1701 and operation hours, are those set by code or up to
1702 the discretion of the building's owner or the
1703 live/work occupant?

1704 Yelton: That's a good question. I can look into that and

1705 get back to you. I don't know specifics on that.

1706 Copeland: Okay. I think the... there was a question before
1707 about the interior two bedrooms without egress
1708 using except... an exception because of the all
1709 concrete...

1710 Yelton: That's correct.

1711 Copeland: ... structure, is that correct?

1712 Yelton: Projects aren't, aren't with 1B Construction are
1713 not subject to the same requirements as Type 5
1714 Construction. So, it... the project currently does
1715 meet the ingress and egress requirements for Type
1716 1B construction.

1717 Copeland: Okay. So, there couldn't be any significant
1718 materials changes during this project without
1719 triggering a redesign or (talking over).

1720 Yelton: Correct. Correct. And, and just , just to throw,
1721 throw it out there, if it was... if they did change
1722 it to, to say, Type 5 Construction for example, the
1723 project then would not meet the ingress and egress
1724 requirements so it would have to be redesigned so
1725 that it met those requirements.

1726 Copeland: Okay. A question came up from the public about the...
1727 this site was not deemed eligible for any further
1728 historic or cultural resource review including the

1729 Queen Violet Courtyard Restaurant. Is that correct?

1730 Yelton: Karly from Rincon can probably shed some light on
1731 that with the historical analysis that was done as
1732 part of the EIR.

1733 Kaufman: Yeah. There were historic evaluations prepared for
1734 all of the buildings on the site that would be
1735 demolished and none of them were found to be
1736 eligible to be listed on there.

1737 Copeland: None of them were found eligible. Okay. Neither for
1738 cultural resource or for historic, okay.

1739 Kaufman: Correct.

1740 Copeland: Let's see.. other questions. I think I'll turn it
1741 over to someone else right now. I, I'll probably
1742 have some questions for the applicant if that's
1743 okay.

1744 Jones: Of course.

1745 Copeland: The parking situation, should that be addressed to
1746 the applicant? The issues with parking?

1747 Yelton: Yes, that would be..

1748 Jones: I think if you consider it an issue, probably yes.

1749 Copeland: Thank you, Chair.

1750 Jones: Thank you. Okay. We can ask as many questions as we
1751 like. Any additional questions for staff by
1752 commission at this time? Okay. I take that as a no.

1753 Let's do disclosures, then we're actually going to
1754 have Commissioner Carvalho do the Design Review
1755 Subcommittee Summary. He's actually the only person
1756 who is still on commission who heard this at DRS
1757 last, I believe. So, we'll do disclosures and then
1758 the Design Review Subcommittee Summary, and then
1759 we'll move into the applicant's presentation. Do we
1760 have disclosures at this time? Commissioner Matos?

1761 Matos: Thank you, Chair Jones. I conducted an independent
1762 solo site visit for the purposes of this meeting. I
1763 was by myself. I met with residents to discuss
1764 matters to discuss in the staff report. And I met
1765 with the applicant to discuss matters contained in
1766 the staff report.

1767 Jones: Okay. I believe I saw your hand next, Commissioner
1768 Copeland.

1769 Copeland: Yes. I also visited the site on several occasions
1770 and spoke with residents about matters, matters
1771 contained in the staff report. Thank you.

1772 Jones: Great. Thank you. Commissioner Carvalho, please
1773 go ahead.

1774 Carvalho: Yup. I've had several conversations with the
1775 client's representative on this time and in our
1776 October meeting that was... before it was moved

1777 forward and the time before that.

1778 Jones: Great. Thank you. Commissioner Lombardi, please go
1779 ahead.

1780 Lombardi: I have also visited the project site on several
1781 occasions, and I have discussed items contained
1782 within the staff report with community members on a
1783 few occasions as well.

1784 Jones: Great. Thank you. Any other disclosures? I do want
1785 to disclose that I have visited the site on a
1786 number of occasions in the past four-plus years
1787 since we... I was on commission when I originally
1788 hear this item. I have met with the applicant prior
1789 to this meeting and discussed items contained in
1790 the staff report. That's all I have to disclose.
1791 With that, Commissioner Carvalheiro has kindly
1792 offered to run us through the Design Review
1793 Subcommittee's most recent meeting and feedback on
1794 this project so everyone's in the loop. So,
1795 Commissioner Carvalheiro, take it away.

1796 Carvalheiro: Yeah, it's been a while so I'm just going to read
1797 off what I have. So, Item 1, we discussed the fact
1798 that the original pool was in a location where it
1799 would rarely receive sunlight. We asked that the
1800 applicant consider moving it to a more usable

1801 location so it can become an asset for the project.
1802 Two, the green colored panel scheme on the previous
1803 Santa Monica elevation felt dated and we asked that
1804 they consider a new color scheme and improve
1805 materials on the face of the building. We also
1806 asked that the applicant consider bringing the same
1807 level of design detail used on the residential
1808 units to the front of the building in order to make
1809 the building feel more cohesive. The
1810 live/workspaces are at the bottom of a very narrow
1811 light well. We doubted that natural light would
1812 make it down to the live/workspaces other than in
1813 the summer when the sunlight is directly overhead.
1814 We asked that they consider making this public area
1815 wider so more natural light can access the lower
1816 units. Landscaping on the front of the building
1817 felt random and not thought through. We asked for
1818 the planter's landscaping to be more effectively
1819 integrated into the project. We ask that the
1820 applicant not use planters as patio dividers for
1821 required open space. We ask that the applicant
1822 consider pushing back the ground floor, so it
1823 aligns with buildings down the street to connect
1824 and create an active outdoor seating area along the

1825 entire block. We ask the applicant to consider
1826 further recessing the floors above level two on
1827 Santa Monica Boulevard in order to reduce the
1828 building mass on the street. We ask them to push
1829 back the mechanical equipment, so it was not at all
1830 visible from the street. We ask that the applicant
1831 step the building back from the Ramada (phonetic) so
1832 guest rooms receive more natural light and a relief
1833 from a mass of a new building. We ask for
1834 integration of drop-off and pickup zones so trucks
1835 do not have to park on West Knoll or Santa Monica
1836 Boulevard. Santa Monica Boulevard entrance felt
1837 small... too small to handle all commercial parking,
1838 loading, unloading, restaurant drop off, and
1839 residential parking. We asked to consider widening
1840 the Santa Monica entry to three lanes. One lane for
1841 drop off, like uber, one lane for exit, and one
1842 lane to enter. We ask that the applicant reconsider
1843 residential parking access via Santa Monica
1844 Boulevard so they do not have to go through
1845 commercial parking, loading zones, and a gate to
1846 get to their parking. That's all that I have.

1847 Jones: Excellent. Thank you very much. Okay. With that, we
1848 are going to give the applicant an opportunity to

1849 present. Typically, the applicant would have 10
1850 minutes and as of this moment they do. But the
1851 applicant has requested an additional five minutes
1852 should it be needed to fully explain and kind of
1853 give their whole presentation. I, I'm not inclined
1854 to grant this unilaterally. So, I'm curious to know
1855 by consensus of the commission if we have alignment
1856 to give the applicant an additional five minutes. I
1857 see Commissioner Matos nodding.

1858 Carvalheiro: Yes.

1859 Jones: Everybody? Okay. Okay. Okay. All right. Great. All
1860 right, thank you. Okay. So, the applicant will have
1861 15 minutes to give their presentation. And with
1862 that, I will hand it over to them.

1863 Seymour: Thank you, Chair Jones, members of the commission.
1864 My name is Jeff Seymour. I'm with Seymour
1865 Consulting Group. I reside in West Lake Village.
1866 First and foremost, on behalf of our project team,
1867 we wish to thank and commend city staff with
1868 special thanks to Miss Yelton and Miss Alkire for
1869 their assistance. Suffice to say, after 13
1870 community meetings, 5 design review subcommittee
1871 meetings, and over 60 project revisions, we bring
1872 to you a project tonight support... that supports the

1873 city's goal to increase residential housing and is
1874 devoid of any variances conforming to the city's
1875 zoning code and the California Housing
1876 Accountability Act. At this time, I'm going to hand
1877 the presentation over to the project counsel, Nicki
1878 Carlsen, for further comment. Audio.

1879 Carlsen: So sorry. Anyway, good evening, Chair, Vice-Chair,
1880 Commissioners. I'm Nicki Carlsen with Alston and
1881 Bird representing the applicant. We are happy to be
1882 here presenting the project to you tonight after
1883 several continuances. We believe the project is
1884 ready for approval and it deserves your support.
1885 Like, like Jeff, let me thank staff. Staff has been
1886 exceptional. Right? Their knowledge, understanding
1887 of the city's rules has been immensely helpful.
1888 Many, many thanks to staff for your work,
1889 dedication, and the untold hours that have been
1890 spent on this project over the years. And the city
1891 has kept us on our toes, right, to ensure that all
1892 applicable objective standards have been satisfied.
1893 This is important, objective standards, because the
1894 Housing Accountability Act, you heard and read
1895 about this in the staff report. And the Housing
1896 Accountability Act is the state law the compels the

1897 approval of residential projects that comply with
1898 the objective standards of the local agency. And
1899 here the project complies with those objective
1900 standards. Therefore, the Housing Accountability
1901 Act compels approval of this project. It's a strong
1902 statement, but it's accurate. The state has taken a
1903 very strong hand in compelling the approval of
1904 housing projects. With that said, we're here
1905 tonight to make sure you have a complete picture of
1906 the project. We have our team of consultants as
1907 noted on hand to respond to any questions that you
1908 might have. And, and equally important, right, our
1909 plans of landed ... right? We're presenting a project
1910 that's compliant with the code and the city
1911 standards and we don't believe that any further
1912 changes or additions to the plan's of project
1913 conditions are appropriate. Again, we believe the
1914 project deserves the commissions support and
1915 approval, but either way, thumbs up or thumbs down,
1916 we would like a decision tonight. Let me touch on a
1917 few of the topics raised and I've heard all the
1918 questions. So very helpful to hear your questions.
1919 And I'll try to weave in some answers if I can. The
1920 first topic: height. Of course, this issue has been

1921 raised for years, literally. And every time the
1922 city has confirmed the applicability of the sloping
1923 site method which of course is mentioned already is
1924 at the election of the applicant. The city has
1925 confirmed the calculations for this sloping site
1926 method and the city has confirmed that we're within
1927 the envelope. The basis for the calculations start
1928 with a survey. Some commenters are stated the site
1929 is flat. It is not flat according to the survey.
1930 The survey.. the survey points are used exactly as
1931 directed in the city's code on the property lines
1932 at various points. Based on the questions that I
1933 heard before, I wanted to clarify one thing with
1934 respect to the project site versus the parcels.
1935 Actually, the sloping site method is used for the
1936 residential parcels by themselves and then for the
1937 commercial parcel separately. When this project was
1938 first started many, many years ago, we used the
1939 whole site and the city said, "No, you can't do
1940 that. We want to see what it looks like just on the
1941 residential parcels and on the commercial parcels."
1942 So, if you look at that height diagram, you will
1943 see that midpoint from Santa Monica to the middle,
1944 the parcel line between the residential and the

1945 commercial, and then West Knoll the same direction.
1946 Second topic: groundwater table. Commenters have
1947 asked questions regarding the site's groundwater
1948 levels and this, too, has been studied for years.
1949 (UNINTELLIGIBLE).. one of the silver linings in a
1950 project that has taken years to process, is the
1951 ability to demonstrate that the site has stable
1952 groundwater levels. Groundwater testing has been
1953 performed over the course of 12 years with testing
1954 in 3 different periods, the most recent in 2022.
1955 The results show the groundwater levels are stable.
1956 Very little variability. Furthermore, these numbers
1957 show that the lowest point of excavation for the
1958 project will be approximately 13 feet.. 13 feet
1959 above the highest groundwater level measured.
1960 Nonetheless, the historic high groundwater levels,
1961 which are higher, are used for the construction
1962 design. So, there's a mat foundation which is a
1963 continuous mat as opposed to discontinuous loading
1964 points providing added layers of protection.
1965 Although, again, we don't think water will be
1966 encountered. In any case, there are plenty of
1967 larger buildings around the city and the region.
1968 And all of these buildings have been built

1969 successfully with the appropriate engineering
1970 techniques. And our consultant Chris Zadoorian of
1971 Langon is here to answer any questions that you
1972 might have regarding that. The... one of the final
1973 topics I'd like to mention is the city's housing
1974 element. Again, it's already been mentioned. But
1975 about the projected density of this project and
1976 achieving the city's RENA... RENA numbers, this
1977 project of course is identified in the 2013 and
1978 2021 housing element as well as the proposed 2129
1979 housing element. And, and it's an important
1980 contribution to the city's ability to achieve its
1981 RENA numbers. But also, what's interesting is the
1982 fact that the technical report supporting the 2129
1983 housing element identifies the average density for
1984 mixed-use developments as 120 units per acre. And
1985 120, that's the average density by the way, not
1986 maximum, average. This project's site is 1.4 acres,
1987 right? And using the average density of 120 units
1988 per acre, the density would be 168 units. This
1989 project proposes 111 units, far below that average
1990 density. So, this project, you know, it depicts a
1991 modest amount of density given what's going on in
1992 the city, right? The comparison demonstrates that

1993 the project is lesser in size as compared to the
1994 city's other mixed-use projects. To close, the
1995 project complies with the applicable objective
1996 standards and we urge the commission to follow
1997 state law and approve the project. Thank you kindly
1998 and I'll turn it over to James Fischer, the
1999 architect.

2000 Fischer: Thank you, Nicki. Good evening, commissioners. My
2001 name is James Fischer. I am a partner, principle
2002 with the DFH Architects. We've been on this project
2003 since 2016. We were brought on after the original
2004 architect, Steven Counter (phonetic), passed away.
2005 A couple of his architects kept the project going.
2006 We were asked to assist them to get the project
2007 through this process and then eventually to get
2008 into plan check and construction. So, I'm going to
2009 quickly go through the project. Laurie did a great
2010 job of going through everything. I know there's
2011 lots of questions. So, I'm going to give more of a
2012 general overview and we'll get into the specifics
2013 with your... with your general questions. So first
2014 the project site diagram that you've all seen. I'm
2015 going to take you counterclockwise through the site
2016 starting at this corner here along Santa Monica

2017 Boulevard. And so first we have our rendering here.
2018 The Ramada is at... is at the side here. So, the
2019 ground floor is our, our commercial use. Here
2020 you're looking at the commercial and residential
2021 entry, which is also the entry to our loading. The
2022 second level is live/work and third floor is
2023 residential. And then you can see we start to have
2024 the step back at the fourth and fifth floors. And
2025 we also have step backs along the west parking line
2026 at the Ramada. This front elevation here. So, one
2027 of the design review comments was about the green
2028 panels. So, after our 2019 hearing, we met with
2029 Gwynne Pugh, who was the... who was the urban
2030 designer at the time, many times. And the decision
2031 was made to still treat the commercial portion of
2032 the project different than the residential. That's
2033 something that actually started with Stephanie
2034 Reich when she was the urban designer. Gwynne
2035 encouraged us to, to keep that, but to kind of
2036 modify that, and, and kind of make an attempt and
2037 kind of get the building kind of in a
2038 (UNINTELLIGIBLE) three separate masses here
2039 anchored by these... by these translucent blue
2040 panels. And using more of a simplified pallet

2041 before we had a lot of different materials that we
2042 were jogging back and forth and giving, giving more
2043 of a kind of cohesive language here with this grid
2044 and these gray truss panels. A lot more added a lot
2045 more landscaping to, to kind of penetrate and
2046 soften the building. This is a closer view of the
2047 entry courtyard and the center of the project. So,
2048 this is one of the opportunities we have for
2049 outdoor space that wouldn't be across from the
2050 property line. You have space for outdoor seating.
2051 From these, these units on each side, they can be
2052 restaurants. There's also a kind of a small lobby
2053 for the commercial to access as the parking. And
2054 its exterior stair that goes up and accesses... well,
2055 there's the elevator there and it accesses the, the
2056 live/work units and also the hair salon and office
2057 space that are on the second floor. This is a
2058 section just showing that kind of general area and
2059 this has been, you know, kind of reinforced, this
2060 55 feet to this, to this fourth floor and the
2061 stepping back and this orange line dictates the
2062 height envelope and we're actually below it in the
2063 majority of the sites. And then behind here, this
2064 dash line, is that projection of the West Knoll

2065 survey points dictating the sloping sight method.
2066 So pedestrian orientation, so we're kind of making
2067 our way down the sidewalk towards, towards West
2068 Knoll. Pedestrian use, pedestrian activation,
2069 pedestrian orientation, putting active use on, on
2070 the property line. We are setting back three feet,
2071 to allow as much space as we... as we can while still
2072 meeting the programmatic requirements of the, the
2073 project. So here we're getting at the corner at
2074 West Knoll. We have this anchor point here. This is
2075 the kind of office space/hair salon on this corner.
2076 We're going to start the... we're going to start the
2077 transition up West Knoll. In this transition, we
2078 have this green wall that's, that's kind of this
2079 nice anchor point here as you... as you make your way
2080 up. This stair right here is basically the
2081 transition between the, the CC and, and R lots. And
2082 you can start to see the, the difference in the
2083 architecture of the kind of lens. We still keep the
2084 same, but there's, there's very similar materials.
2085 We start... we start to introduce wood and kind of
2086 later materials on the courtyard. But there's this
2087 emphasis on horizontality across the entire project
2088 that does continue around to the front just to help

2089 kind of minimize the, the impact on the scale of
2090 the project. And up here, and I'll get to this in a
2091 later plan, is our roof deck where we did move the
2092 pool up here from the courtyard per previous design
2093 comments. This here is the residential garage
2094 entry. This only accesses the mezzanine level of,
2095 of the garage, only residential. There is no access
2096 to any commercial or any loading from this. So,
2097 this is the residential entry. This is the lobby
2098 here. This is the exit stair I was talking about.
2099 And then we get to the five-story building here
2100 where we already talked about the setbacks through
2101 a commissioner question here and then at the fifth
2102 floor we step back. Getting towards the end of the
2103 building up on West Knoll, the materials, you know,
2104 we departed from using the, the gray truss material
2105 and the translucent blue panels and we're using
2106 more of a wood-like product. That's the final look.
2107 A product that won't require maintenance, so we
2108 don't have to worry about it fading or looking
2109 unsightly after time. Another break in the
2110 building, a breeze way that we introduced that
2111 goes... that goes full height. And this is the end of
2112 the project looking north. Sorry, at the north end

2113 of the site. This is our neighbor just at the... just
2114 at our north end here. Just a few floor plans just
2115 so we emphasize some, some points. So, ground floor
2116 plan, again, the red arrows is indicating the
2117 vehicular entrance. All of the loading occurs in
2118 this zone right here. We have the trash pickup and
2119 everything over in this quadrans. We have numerous
2120 diagrams showing how this all kind of works with
2121 our traffic consultant. We'll probably get into
2122 that with, with, with loading. And then this is the
2123 commercial entry here that I described with the
2124 smaller lobby and the two elevators and all of the
2125 retail frontage that we talked about with that
2126 additional orientation. And then the commercial and
2127 the residential parking here. Sorry, this... that's
2128 all-commercial parking on that level. Sorry. This
2129 is the mezzanine level. So again, this is the, the
2130 only entry that we have through this. This is all
2131 residential parking indicated by that mustard green
2132 color. And then the level above, this is where you
2133 start to see this is the live/work units and we
2134 have the commercial space on the corner. That's
2135 what's the second-floor fronting Santa Monica. But
2136 as you crawl your way up West Knoll, this becomes

2137 actually ground floor entry. A residential lobby
2138 and ground floor units that are walk ups to, to a
2139 bunch of these units. And then our, our courtyard
2140 that we opened up adding that extra parcel allowed
2141 that space to open up. We're set back here from
2142 the... from the residential. I know there's a
2143 question by a commissioner about the step back. We
2144 do have the 25-foot step back for further 35... 10
2145 foot for... per 25 feet. And then we're 35 feet and
2146 then we step back. We have a diagram of that on a
2147 section that I can go through later. Just the
2148 landscape plan. I know this is kind of come up in
2149 terms of the trees that we're providing per city
2150 requirements, and the more cohesive kind of
2151 organized outdoor space and some of the, the kind
2152 of open space that we have up on this thicker
2153 level. That open space repeats itself throughout
2154 the project. This is the revised roof area. So, we
2155 have two main roof-deck areas. We have this area
2156 over here that has the fountains and some barbeques
2157 and some firepits and a trellis. And then over here
2158 this is where we have... we're going to have a pool
2159 and a spa on the corner of West Knoll and Santa
2160 Monica. And to conclude, this is just the inner...

2161 the inner courtyard as you come in and you're
2162 looking. This wouldn't be visible from the street.
2163 This is just kind of a view from if you're kind of
2164 looking from the neighbor's property there. It
2165 shows the kind of active use. We picture this being
2166 a very lively area, residential use only.
2167 Commercial spaces are, are far away from this. So,
2168 thank you.

2169 Seymour: Chair Jones, that concludes our formal
2170 presentation.

2171 Jones: Okay. Great. Thank you. Okay, I'm going to differ
2172 to city attorney here. I guess I have a... I have a
2173 preference that I'd like to differ to, to Lauren
2174 and Isaac as regards of kind of a best practice.
2175 Would it be best for commission to ask questions of
2176 the applicant now or to let the public comment and
2177 then let the applicant do their rebuttal and then
2178 ask questions?

2179 Rosen: Chair, I would say you can have the commission ask
2180 questions to the applicant now and to just be
2181 mindful to not, as you've stated at the start of
2182 the hearing, to just be mindful to not make
2183 judgement calls about the, the project at this time
2184 in advance of hearing from the public. But I think

2185 it's appropriate if, if the commission would like
2186 to ask applicants specific questions in response to
2187 their presentation.

2188 Jones: Understood, thank you. Okay. So, with that, do we
2189 have any questions of the applicant by commission?
2190 No? All that and you're not going to ask questions?
2191 Okay. That's fine. Okay, Commissioner Copeland,
2192 please go ahead. Now everyone raises their hand. Go
2193 ahead.

2194 Copeland: Hi. If you don't mind, I have a few. The live/work
2195 units, are they accessible from the residential
2196 building and vice versa? How does that work? If you
2197 can clarify that for us?

2198 Fischer: No, they are not. I can bring up a plan here. Give
2199 me one second. Let me get to the plan.

2200 Copeland: I just wanted to verify/confirm that.

2201 Fischer: Okay. So, the live/work units are all shown in this
2202 purple shade here. So, the primary access are these
2203 two elevators and these two stairs. Now, just
2204 because we have other uses on this floor for
2205 egress, we do have a door here and a door here that
2206 would be controlled access with key fobs so nobody
2207 could come in through the residential entry and get
2208 in the other way.

2209 Copeland: Okay. Thank you.

2210 Fischer: Uh-huh (AFFIRMATIVE).

2211 Copeland: Also, I see that there was a change with regard to
2212 the residential parking spots that are in the
2213 commercial parking area that would prevent someone
2214 from taking those spots, you know, if the tenant
2215 were to leave, I guess couldn't come and.. one of
2216 the commercial properties couldn't come and take
2217 their spot. But has anything been done to address
2218 the concerns regarding the personal safety for
2219 those residents themselves as they're entering in?
2220 Is this some kind of a barrier or gateway? What
2221 exactly was, was changed with regard to those
2222 spots?

2223 Fischer: Yeah, so what we have proposed, and it's a... it's a
2224 really limited number of spaces is this automated
2225 parking barrier that basically would, would come
2226 down with a... with a transponder that, that links up
2227 only to this. So only that person who owns that
2228 transponder would be able to, to lower this and,
2229 and use that space.

2230 Copeland: Okay. But there would be no separate controlled
2231 access for, for those spots themselves?

2232 Fischer: Not at this time though. And we've definitely

2233 talked about it. I mean, there's lots of options
2234 that, that we can go through, but we also didn't
2235 want to start making a whole bunch of plan changes
2236 and making things confusing. So, I think there's...
2237 that's definitely something that we're open to, to
2238 adjusting as we make our way through the design
2239 process.

2240 Copeland: Okay. Can I...

2241 Carlsen: Excuse me. I also just wanted to add that there is
2242 a condition in the project conditions with respect
2243 to parking security and having a security plan. So,
2244 so that would help with that issue as well.

2245 Copeland: But as of right now, there's no specific...

2246 Carlsen: No physical constraints, no.

2247 Copeland: Okay. It looks like on the plans that one of the
2248 parking spots appears to be outside of the parking
2249 gate on the West Knoll side. Is that... could you
2250 explain that for us? Yes. Right there. MD, the 88.
2251 That one.

2252 Fischer: Yes. Yeah. Right. This, this spot is intended to be
2253 leasing visitor parking. So, someone that wants to
2254 take a tour of, of a unit can park here and walk up
2255 to the leasing office.

2256 Copeland: So that's not an actual parking spot? It's a

2257 temporary park here for a few minutes and go look
2258 at...

2259 Fischer: It is... Yeah. It is a required parking space that,
2260 you know, we are providing. It is compliant in
2261 terms of with all the standards of this with size
2262 and access and everything. But the intent to
2263 building operations is it's...

2264 Copeland: Not for residences ..

2265 Fischer: ...going to be used for a leasing visitor.

2266 Copeland: Okay. Not for residents at all then?

2267 Fischer: Right. Guest parking.

2268 Copeland: Okay. We don't yet know the exact location and size
2269 distribution of the affordable units at this point,
2270 is that correct?

2271 Fischer: No. That's a much bigger discussion with the city
2272 in, in determining that. That will happen during
2273 the, the design and plan check process.

2274 Copeland: Okay. Are there any provisions for ride share and
2275 food delivery vehicles or deliveries at this, this
2276 time?

2277 Fischer: I'm not sure if the... if, if the client has
2278 discussed that, but that's something we can
2279 certainly follow up on. That comes up in a lot of
2280 our projects especially with, with, with ride

2281 shares. So, I'm sure that's something that we could
2282 discuss.

2283 Copeland: But there's nothing in these plans at this time?

2284 Fischer: Nothing that I can recall, no.

2285 Copeland: Okay.

2286 Carlsen: (Talking over).

2287 Copeland: Go ahead. I'm sorry.

2288 Carlsen: I'm sorry. No, no, I'm sorry. I'm sorry. I just
2289 wanted to add in though, though kind of informally,
2290 not in a (UNINTELLIGIBLE). Informally, they're not
2291 going to have the loading areas. And the trash
2292 areas can frequently be used for those purposes
2293 because they're not going to be used all the time
2294 in the trash particularly because there is only... I
2295 don't know if you could point to that yet. It is
2296 only once a week. It's, it's picked up. So those
2297 areas could potentially be used informally as well.

2298 Copeland: Around on the other side of the site?

2299 Carlsen: Yeah. Yeah.

2300 Copeland: When we're talking about the construction noise
2301 mitigation, we're talking about barriers. How is
2302 the size of those... of those barriers determined? Is
2303 this a standard size or does it go according to the
2304 size of the project? Like, it's... if it's 15 feet,

2305 the barriers going to be 10 feet. Or is this just a
2306 standard... do we have any specificity as far as, as
2307 the barriers that would be used, the size of them?
2308 Fischer: If I remember correctly, it is... it is definitely
2309 project-specific especially on that side of the
2310 site it's not flat. And, you know, there is a
2311 pretty significant slope as you make your towards,
2312 towards the back of the site. So, if I remember
2313 correctly, it was a conversation with, you know,
2314 our environmental consultant and (UNINTELLIGIBLE)
2315 engineers and the general contract and our
2316 structural engineer because we have to make sure we
2317 can support that wall. And 15 feet seemed to be the
2318 ideal height that could kind of satisfy all 3, but
2319 the book was definitely not closed on that's what
2320 it would be. That's just kind of where we had
2321 landed at that time.

2322 Copeland: Okay. Those are all my questions for right now.
2323 Thank you very much.

2324 Fischer: Thank you.

2325 Copeland: Thank you, Chair.

2326 Jones: Thanks, Commissioner Copeland. Commissioner Matos,
2327 please go ahead.

2328 Matos: Thank you, Chair Jones. First, I just wanted to

2329 kind of follow up on something that Commissioner
2330 Copeland had mentioned regarding the size of the
2331 inclusionary units. I did want to just draw
2332 everyone's attention to the resolution,
2333 specifically PC 22-1482 number, number 17.1. It
2334 does outline the size of the inclusionary units in
2335 the project. And to my understanding, with that
2336 being in the resolution, that would tie the
2337 applicant's hands as far as the size of the
2338 inclusionary unit. So, I just want to flag that for
2339 everyone. The breakdown says that the nine very
2340 low-income units would be one studio, three one-
2341 bedroom units, and five two-bedroom units. And the
2342 eight moderate-income units shall be three one-
2343 bedroom units and five two-bedroom units. So, I
2344 just want to flag that for everyone. I did have a
2345 follow up question along the lines of what
2346 Commissioner Copeland had mentioned regarding, you
2347 know, loading zones for either Uber, Lyft drop
2348 offs, or deliveries, or things to that nature. I
2349 noticed in the resolution, again, we're talking
2350 about the resolution 1482. I believe... let me pull
2351 this up, it was Item 10.6. It limits the commercial
2352 tenants in the project to unload and load in the

2353 spots in the commercial zone between the hours of
2354 10:00 PM and 10:00 AM. It's to my understanding
2355 that otherwise outside of those times, the spaces
2356 would be unused. My question for the applicant is,
2357 would they be open to utilizing those loading zones
2358 outside of those hours for the purposes of, you
2359 know, residential loading, unloading, move in, move
2360 out, Amazon deliveries, Uber, Lyft drop off point,
2361 would they be open to considering looking at that
2362 as a potential solution to the loading issue?

2363 Fischer: Absolutely. And that's something that we think
2364 would be... actually be the primary use just
2365 considering the, the amount that those would be
2366 used versus the, the commercial loading. Yeah.

2367 Matos: Absolutely. Okay. That's good to know just so that
2368 we're, you know, maximizing use of that space but
2369 also addressing some of the resident's concerns
2370 around, you know, utilization of the street and
2371 public right of way.

2372 Fischer: Uh-huh (AFFIRMATIVE).

2373 Matos: You know, instead diverting it to that zone.
2374 Especially, you know, with move in, move out, and
2375 other things like that. Okay. My next question is
2376 how, how does the applicant... I guess I wanted to

2377 hear, I think that you guys have some folks from
2378 your consultant team. What are the measures that
2379 the applicant intends to consider above and beyond
2380 maybe what's even outlined as a requirement for
2381 noise mitigation in this project? I'm wondering if
2382 they can kind of speak to that.

2383 Fischer: I guess I can see that... I can speak to that. You
2384 know, it's really going to... it's really going to
2385 involve a general contractor because they're the
2386 ones that are going to have to execute this. So,
2387 when we get into... I mean, I understand that
2388 there'll be a condition for, for this. So, when we
2389 get into, you know, later in the design stages and
2390 we have and we... it's like a general contractor,
2391 that's when we're going to have to involve them and
2392 work with them and the city and the neighbors to
2393 make sure that everyone has a plan in place that,
2394 that they're happy with. So that's definitely
2395 something that's beyond my expertise, you know,
2396 other than what we've already discussed with them.
2397 So, I don't want to misspeak anything that we could
2398 or couldn't do. I just know that the proper people
2399 would be there to make the right decisions.

2400 Matos: Okay.

2401 Carlsen: So, and I... and I'll speak to it just a little bit
2402 because I was involved in some of those
2403 conversations. Not that I'm a noise mitigation
2404 expert by any stretch of the imagination, but some
2405 of the factors to consider is the... is when you're
2406 constructing the, the building on the commercial.
2407 It's on the... it's on the property line, right? So,
2408 we... so you have to make sure that you construct a
2409 wall that works with that. And so, we talked with
2410 the city about how to do that. But James is exactly
2411 right, it's going to depend on how the construction
2412 goes. And then I think Laurie had also mentioned
2413 the fact with respect to the equipment, they now
2414 have the ability to put these... they're sound
2415 blankets. They're actually kind of like little
2416 container sounds walls that you can put around
2417 pieces of equipment along sides of them to contain
2418 the noise around the equipment as well. So those
2419 are some of the other ideas. So, you don't even
2420 have to, you know, get to the property line, right?
2421 You do it right where the equipment is.

2422 Matos: Okay. Thank you. My next just quick question is
2423 again just following up on Commissioner Copeland's
2424 point, the ent... the entrance for the residential

2425 garage on West Knoll, is that... I saw a rendering.
2426 It looked like it was a drop-down gate. Is that the
2427 intended fixture there?
2428 Fischer: Yes. It would be a, a drop-down gates, but with an
2429 open, open grid so it wouldn't be completely solid.
2430 Matos: Would people be able to enter the residential
2431 parking from a pedestrian standpoint?
2432 Fischer: Not through that gate, no. They would have to use
2433 one of the doors on the project and those would all
2434 be key fobbed, so it would be residential entry
2435 only. And the only way a guest could enter would be
2436 through the lobby, where there'd be a call box that
2437 either the security guard or the resident could
2438 buzz them in.
2439 Matos: Okay. And then beyond those questions, I will hold
2440 the rest of my questions for later in the meeting.
2441 Thank you.
2442 Fischer: Thank you.
2443 Jones: Thank you. Do we have additional questions for the
2444 applicant at this time? I'm looking at the right
2445 side of my screen to see if any of you have raised
2446 your hand. Okay, it looks like not. So, in that..
2447 oh, Vice-Chair Thomas, please go ahead. My bad.
2448 Thomas: No worries. Thank you, Chair. I have a question

2449 about the businesses that are currently located on
2450 that property. There are a number of, of community
2451 serving, serving business that are there and my
2452 question is whether or not there had been a
2453 conversation with those businesses to have right of
2454 first refusal to, to be in this space, in the new
2455 space, when it comes about. We have businesses, you
2456 know, one of which has been there for, for almost
2457 30 years and I was just wondering if there had been
2458 a conversation with them about continuing the
2459 space?

2460 Carlsen: I don't know the answer to your question right off.
2461 I will find out and I will get back to you.

2462 Thomas: Okay. I also have a question about the pedestrian
2463 interaction with the vehicles at the driveway of
2464 Santa Monica Boulevard and what the safety
2465 infrastructure would be there. Will the... will there
2466 be a, a physical limiter to prevent the, the cars
2467 from, you know, coming out? Basically, what I'm
2468 trying to ask is if a pedestrian is going by the
2469 driveway, what is... what is in place? Will there be
2470 some sort of noise or a light or something to
2471 prevent a pedestrian from getting hit by any of the
2472 cars that are coming out of the driveway that will

2473 be on Santa Monica Boulevard?

2474 Fischer: One of the most important things is sight lines and
2475 making sure that, you know, things are opened up
2476 just for the visual and not to only rely on that.
2477 So, I think we've done a pretty good job of making
2478 sure that there's no impediments. And I know that
2479 the city has requirements for, for viewing angles.
2480 As far as, like, you know, if we're going to have
2481 mirrors or any kind of audible noise, I'd have to...
2482 I don't know off the top of my head. I would have
2483 to check with our, our traffic consultant. It's
2484 something that, you know, at the time of... when we
2485 get our (UNINTELLIGIBLE) if we feel like, you know,
2486 that's necessary that's easily installed after the
2487 fact and something that we can certainly add. But
2488 we can check into that more though.

2489 Thomas: Okay. And where would the... I'm sorry?

2490 Carlsen: No, no, go ahead. I was just going to add something
2491 to the answer.

2492 Thomas: Oh, please do.

2493 Carlsen: So, Fehr and Peers, the city's traffic consultant,
2494 also evaluated from a hazard perspective the
2495 entrances as I understand it and has determined
2496 that there should not be any hazards created by

2497 them. They can probably speak to that, but that was
2498 also done.

2499 Thomas: Okay. And what, what will the valet experience be
2500 like? Where, where is the drop off?

2501 Carlsen: It is attendant, not valet. So, it is not a... not a
2502 valet. So, there is someone there to assist, but
2503 not a valet per say. James, maybe you can explain
2504 that.

2505 Fischer: Right. Yeah. So yeah, it's a parking attendant. So,
2506 when you come in off of Santa Monica, the... sorry
2507 that arrow was errant. There's a... there's an
2508 attendant station right here as soon as you come in
2509 indicated by that car and this hatched area here.
2510 And then on the level below, I don't have the level
2511 below here handy, but I do have it
2512 (UNINTELLIGIBLE). There's another attendant station
2513 down there because we have Tandem Parking down
2514 there. There's actually two attendants that station
2515 down there with, with bathrooms that access down
2516 this ramp here. You'll, you'll find them there.

2517 Thomas: Okay. Thank you. And then my final question is
2518 you're going to have 3,643 square feet of
2519 restaurant with 250 square feet. And I was
2520 wondering how you were going to achieve that with a

2521 glass facade, but in your presentation, you showed
2522 the common space is going to be in the center of
2523 the project on Santa Monica Boulevard. So, it looks
2524 like someone would have to... because you designated
2525 that the restaurant is going to be on the corner of
2526 Santa Monica and West Knoll. So, a person would
2527 have to go past four businesses to get to the
2528 common space for the restaurant?

2529 Fischer: No. So let me... yeah, let me grab my... so first is
2530 basically any of these spaces can be setup to have
2531 a restaurant. This is just one configuration that
2532 we're just choosing and all of these walls here
2533 that aren't concrete are... they're easily movable.
2534 That's why we call this dividable. So, what we're
2535 actually showing here is yeah, the intent is that
2536 this closet here could be used for outdoor dining,
2537 but it would only be for these adjacent tenants.
2538 That doesn't make practical sense for them to walk
2539 all the way over here. If these two areas, which
2540 would be the preference of the building, were to
2541 become restaurants because they are in the prime
2542 locations, we have identified 250 square foot areas
2543 here that would be used for that. And to my
2544 understanding, this would require an encroachment

2545 permit for... from the city to allow that.

2546 Thomas: Okay. Thank you. I'd ask that of staff earlier. So,
2547 do you have that encroachment from the city at this
2548 time?

2549 Fischer: That's not something that you get until your
2550 building permit. I believe that comes with your
2551 building permit.

2552 Thomas: So, what I'm trying... what I'm trying to get at is
2553 it states that there's already 250 square feet for
2554 the, the 3600 square feet of the restaurant, but
2555 you don't actually have that. You could have it if
2556 this middle area just happens to be between two
2557 restaurants, otherwise you don't have the 200
2558 square... 250 square feet for the restaurants,
2559 correct?

2560 Fischer: Maybe staff can, can speak to these two areas here.
2561 And if it's something in the planning approval,
2562 that's actually deemed complete, but... because I'm
2563 just going by off of kind of other encroachment
2564 processes, I'm familiar with.

2565 Yelton: Yes, I can... I can answer that. Sorry, Commissioner
2566 Thomas, I was of the understanding that you were
2567 talking about live/workspace. So, for all when this
2568 project was deemed complete in 2016, we allowed up

2569 to 100... 250 square feet of outdoor dining through
2570 approval of an administrative permit per
2571 restaurant. And the, the idea around that is that,
2572 you know, we're putting people on the street. It's,
2573 you know, activating the sidewalk and increasing
2574 pedestrians along Santa Monica Boulevard. So, so we
2575 actually encourage this 250 square feet of outdoor
2576 dining along, along the, the sidewalk. So, for each
2577 restaurant, they have requested 250 square feet. So
2578 the way that, that works is that planning would
2579 approve it and then it also goes to public works
2580 and they look at, you know, the area that they... in
2581 question as it relates to street trees, meters,
2582 parking meters to insure that there is sufficient
2583 area for, you know, handicap accessibility through
2584 the... between the outdoor dining and, you know, the
2585 tree or any... anything in the... on the sidewalk. So
2586 that they are proposing the 250 square feet for the
2587 restaurants. I think that can be, you know,
2588 reconfigured as, as James discussed. But that 250
2589 square feet is, is on the... in the public right away
2590 and will be reviewed by public works for an
2591 encroachment permit to determine the specific
2592 location. So, if, if public works came back and

2593 they said that "only 200 square feet would be
2594 allowed based on the location and the
2595 configuration", then they would only be allowed to
2596 200 square feet. It just depends on the location
2597 and what's in front of that area.

2598 Thomas: In which case that wouldn't be a completely glass
2599 facade then because it wouldn't be able to be
2600 because they... it needs access to the, the open
2601 space, correct?

2602 Yelton: That's a good question. I mean, if it was in front
2603 of the... in front of the area... in front of the, the
2604 glass facade, they could go around to the side
2605 where, like, if we're looking at the corner of West
2606 Knoll in Santa Monica to enter the restaurant. I,
2607 again, these are preliminary plans, so the door
2608 and, you know, the, the, the pathway ingress and
2609 egress is not... is not depicted on the plans at this
2610 point. But we would make sure that it complied with
2611 building code, you know, planning, and public
2612 works.

2613 Thomas: Okay. Thank you. Those are all of my questions for
2614 now, Chair.

2615 Carlsen: I do have an answer with respect to your first
2616 question, Commissioner, and that is the current

2617 tenants are certainly welcome back, but there
2618 hasn't been any commitments made to them at this
2619 point.

2620 Thomas: Okay. But each of the businesses have been
2621 contacted you're saying?

2622 Carlsen: I don't know if they have been contacted, maybe
2623 premature give that we don't have project approval
2624 at this point.

2625 Thomas: Okay.

2626 Carlsen: But, but they are certainly welcome back.

2627 Thomas: Okay. Thank you.

2628 Jones: Thank you. Any additional questions for the
2629 applicant at this time? Okay. With that, we've
2630 asked our questions. So now we'll move into public
2631 comment. David, how many public speakers do we
2632 have?

2633 Gillig: Chair, I've only got right now, who the actually
2634 requested to speak, it looks like I've got four
2635 confirmed. We do have several people on the
2636 platform and so I have a feeling we may get more
2637 than that.

2638 Jones: Okay. Okay. Well, if you recognize our first public
2639 speaker, we can go ahead and get started.

2640 Gillig: Okay. Would you like to do three minutes?

2641 Jones: I think that's... I would prefer to because we did
2642 give the applicant more time. I would say if we go
2643 over 20 commentors this evening, I may have to cut
2644 it down a bit. But I do want everyone to have their
2645 due and I think I can speak for the rest of the
2646 commission when I say that, you know, we've pretty
2647 roundly agree there. I just want to make sure it's
2648 as fair as possible for everyone. So yes, three
2649 minutes is good.

2650 Gillig: Okay. Very good, thank you. Before we start, if
2651 there is anybody on the platform that would like to
2652 speak on this item, if you're calling in star 9 for
2653 me at this time. That'll let me know you would like
2654 to speak. If you are on the platform, use the
2655 raised hand feature and that will let me know that
2656 you want to speak on this item also. Before I call
2657 the first public speaker, it'll be Cynthia Blatt.
2658 Hang on just a second Cynthia. I do want to
2659 acknowledge we received... staff received two
2660 comments after the public correspondence cutoff
2661 deadline. And those I would normally read into the
2662 record. However, they are too lengthy to fit into
2663 the three minutes. They are online. They will be
2664 online on the archive digital agenda packet. And

2665 they will also be put into the permanent project
2666 case folder that came from Adam Koffman and Michael
2667 O'Reilly. And they are... and they have been online
2668 since this afternoon. Our first public speaker will
2669 be Cynthia Blatt. She will be followed by Amalia
2670 Fuentes. Cynthia, go ahead and unmute yourself and
2671 you will have three minutes.

2672 Blatt: Okay. Thank you. Okay. Good evening. As you know,
2673 my name is Cynthia Blatt. I've lived in West
2674 Hollywood since 1993. And I've watched the changes
2675 to this city, both from the point of view of its
2676 architectural changes and changes to the character
2677 of the city. Also, I've worked for the federal
2678 government for 30 years, most of it in housing. And
2679 I do understand what the incentives and priorities
2680 are associated with housing in California. And I
2681 can say that in my opinion, that not only does this
2682 gigantic project not meet those priorities, but
2683 rather it violates the letter and the spirit of the
2684 codes to govern the city. I want to say on a
2685 personal note, how many more neighborhoods do we
2686 need to see destroyed for those of us who have
2687 lived here any amount of time? How many more small
2688 businesses can we tolerate being driven out of West

2689 Hollywood? When is the last time, if ever, did the
2690 city ever consider adaptive reuse to meet these
2691 goals and preserve the character of the city at the
2692 same time? For how long can we stand by and lose
2693 completely the unique character that has defined
2694 West Hollywood since its inception. It's time to
2695 listen to the voices of the people of West
2696 Hollywood and pay attention to what we are losing
2697 before it's all gone. I'd like to speak
2698 specifically on one point. And I recognize I'm not
2699 the first person to bring this up. In fact, it
2700 comes up fairly often. And usually, it's fairly
2701 casually dismissed. With that being said, it
2702 remains and it remains for a reason. The city of
2703 West Hollywood has objective standards that are not
2704 waivable and that govern the height of projects in
2705 this area. This it build... this project appears to
2706 be a conglomerated myth consisting of, of
2707 questionable amalgamations of zoning districts that
2708 grossly violate height restrictions required by the
2709 city's own objective standards. And in such, if the
2710 city plans to uphold its own codes and standards,
2711 then these violations require the city to disallow
2712 this project and its current configuration. And

2713 finally, I want to say there were a number of
2714 questions from commissioners that Laurie was unable
2715 to answer, that the lawyers were unable to answer.
2716 There were a lot of, "We'll have to look into it
2717 and get back to you." So given that reality, it
2718 would seem to me at the very least that if I
2719 understood the purpose of the meeting tonight,
2720 that... and hopefully I haven't, you know, because I
2721 don't think there should be a vote taken to approve
2722 or not approve this project until these questions
2723 are fully researched and answered to people's...
2724 everybody's satisfaction, but particularly the
2725 commission's satisfaction. So given these things,
2726 thank you for giving me some time to speak this
2727 evening. It looks like I made it right under the
2728 wire.

2729 Gillig: Perfect. Thank you, Cynthia.

2730 Blath: Thank you.

2731 Gillig: Our next speaker will be Amelia, followed by Karen
2732 O'Keefe. Amalia, go ahead and unmute yourself and
2733 star six. There you go and you will have three
2734 minutes.

2735 Fuentes: Thank you. Good evening. My name is Amalia Bowley
2736 Fuentes. I'm an attorney with the law firm Lozeau

2737 Drury speaking on behalf of Supporters Alliance for
2738 Environmental Responsibility or SAFER. SAFER is
2739 requesting that the Planning Commission direct
2740 staff to revise the EIR because there are indoor
2741 and outdoor air quality facts that remain
2742 unmitigated. These issues are described in detail
2743 in SAFER's comment letters submitted in September
2744 and November of last year. In response to the
2745 city's response to comments I'd like to can make a
2746 few points. SAFER's previous comments noted that
2747 the EIR did not discuss indoor air quality impacts.
2748 And SAFER's indoor air quality expert concluded
2749 that the formaldehyde off gassing would expose
2750 future residents and commercial employees of the
2751 project to cancer risks exceeding the air
2752 district's significant threshold. The city
2753 responded by stating that carbed compliance will
2754 remedy potential indoor air quality issues.
2755 However, SAFER's indoor air quality experts comment
2756 clearly states that if a formaldehyde exposure
2757 level he estimated assumed compliance with carb
2758 measures. Indoor formaldehyde impacts therefore
2759 remains significant and unmitigated. SAFER's
2760 written comments also raised issues with the EIR's

2761 assessment of air quality admission. The city's
2762 response claimed its SAFER expert modeling used
2763 default rather than project-specific information.
2764 But SAFER's comment clearly states that its experts
2765 modeling used input values that were consistent
2766 with information provided in the EIR. Air quality
2767 impact therefore also remains significant and
2768 unmitigated. Due to these remaining unmitigated
2769 impacts, the project design features, and the EIR
2770 should be incorporated as formal mitigation
2771 measures as recommended by SAFER's air quality
2772 expert. So, for these reasons, SAFER respectfully
2773 requests that the Planning Commission direct staff
2774 to address these concerns in a revised EIR prior to
2775 further consideration of the project. Thank you.

2776 Gillig: Thank you, Amalia. Our next caller... speaker will be
2777 Karen O'Keefe and Karen will be followed by the
2778 caller calling in from the last five digits out of
2779 6579. Go ahead, Karen. Unmute yourself with star
2780 six and you will have three minutes. Karen, you
2781 just need to star six. Okay, we'll go onto the
2782 caller from last five digits 6579. Go ahead and
2783 unmute, star six, and you will have three minutes.

2784 O'Keefe: Can you hear me now? Sorry, this is Karen. I had

2785 tried to unmute, but...

2786 Gillig: Karen?

2787 O'Keefe: Yeah.

2788 Gillig: Okay. Okay. Hang on.

2789 O'Keefe: I tried three times.

2790 Gillig: Okay. Go ahead, Karen. The caller 6579, you'll be

2791 next. Go ahead, Karen. It's three minutes.

2792 O'Keefe: Okay, apologies for that. All right. Good evening.

2793 I'm Karen O'Keefe of West Hollywood. I am calling

2794 to urge you to approve the project without further

2795 delay. My husband and I have lived in West

2796 Hollywood for over 10 years, happily car free. We

2797 can easily walk, bike, and take the bus to numerous

2798 places we love. This is a great location to build

2799 up and to create more housing. I'm particularly

2800 excited about transforming a surface parking lot,

2801 which is the ugliest and fattest use of urban space

2802 and housing. It's a really walkable and bikeable

2803 street within a couple of blocks of two grocery

2804 stores, of the bike lanes, and bus routes that go

2805 both to the ocean and downtown. And it will create

2806 110 homes, which we desperately need in our region

2807 including 17 affordable units. If we don't build

2808 up, we must build out which causes sprawl and soul-

2809 crushing commutes. Failing to build up also
2810 contributes to exorbitant housing prices. I'm also
2811 happy that bigger buildings, unlike my very old
2812 apartment, are actually ADA compliant and
2813 earthquake safe. Nimbyism and excessive local
2814 control have slowed and blocked housing in our
2815 region, which has contributed to a humanitarian
2816 disaster of homelessness and sky-high rent for the
2817 younger generations, as well as the climate crisis.
2818 The state has had to step in to force localities to
2819 zone for more housing and to streamline approval.
2820 I'm disheartened that there has already been a
2821 four-month delay since the originally scheduled
2822 hearing forcing the home builders to sit on
2823 property drive up cost for new housing. I'm also
2824 sad that some of our West Hollywood residents spend
2825 their time opposing building housing for others.
2826 The longer we've lived here, the cheaper our rents
2827 are thanks to rent control and our homes for older
2828 residents are often paid off and pay a fraction of
2829 the property taxes of younger residents due to Prop
2830 13. Driving up costs and driving down affordability
2831 for the next generation is wrong. Every one of the
2832 homes that we live in likely annoyed the neighbors

2833 when it was built. They made noise, they created
2834 demand for parking, but policy decisions on housing
2835 cannot be based on the narrow self-interest of
2836 those who moved here first. These days, the only
2837 new residents who can afford to purchase single-
2838 family homes are multi-millionaires because of
2839 scarcity. That changes the character of a
2840 neighborhood. We need housing for non-millionaires,
2841 and we need more supply generally. Please approve
2842 this project, streamline future approvals, and stop
2843 forcing the building of unnecessary parking's.
2844 Every cost you add to homebuilders makes housing
2845 less affordable forcing overcrowding and sprawl. We
2846 need to prioritize housing, human beings, not the
2847 most destructive mode of transportation. Thank you
2848 so much.

2849 Gillig: Thank you, Karen. Our next caller will be calling
2850 from a 6579 number. Go ahead, you'll have three
2851 minutes. And it will be followed by the caller
2852 calling in from 4704, you're last digits. Go ahead,
2853 6579.

2854 Edwards: Hi. Good evening, Planning Commissioners. My name
2855 is Marc Edwards and I want to say hello to my
2856 fellow WeHoans and welcome guests. I do live in

2857 West Hollywood, and I work for an organization
2858 focused on work force development. I'm a volunteer
2859 leader with Abundant Housing in Los Angeles because
2860 I'm deeply committed to housing and abundance of
2861 housing for all. And lastly, I worked for LASA back
2862 in 2006. And the reason I raise this point is
2863 because I worked on the plans above to end
2864 homelessness. And the critical element of it was
2865 the need to build more housing. And in furthermore,
2866 this was studies after studies after studies, it
2867 says, "An abundance of housing that needs to be
2868 built will address and help end homelessness." The
2869 best way I ride with (UNINTELLIGIBLE) support part
2870 of this project at 8555 Santa Monica Boulevard.
2871 I've (UNINTELLIGIBLE) the housing crises for over
2872 20 years. We are only beginning to address with
2873 efforts to create an abundance of housing of all
2874 types. Because studies have clearly demonstrated
2875 building housing of all types does more to address
2876 housing and that is what we said in 2006. I
2877 reiterate that point because it is critical. West
2878 Hollywood is the creative city and it's been a
2879 leader. It's driving to do its part in addressing
2880 the housing crisis. This project does that.

2881 Furthermore, the project is, like I said before,
2882 part of the solution to the crisis. It proposes to
2883 add 111 apartments, I wish it was more, including
2884 17 units of affordable housing along with a mix of
2885 uses. These new residences will be within steps of
2886 good, goods of services and quality bus lines of
2887 both Santa Monica and La Cienega Boulevard to
2888 provide convenient connections. I don't have a car,
2889 so I know this to be a fact and I enjoy the
2890 accessibility of West Hollywood. And lastly, West
2891 Hollywood is a pedestrian stream with an average
2892 walkability score of 91 out of 100. And like I
2893 said, I walk everywhere in West Hollywood and it's
2894 such a joy. And I love the city for that particular
2895 reason. And like I said before, I live on the east
2896 side by Palmer Park where it's walkable and I can
2897 walk to the west side with ease. This project... and
2898 I trust staff. Staff are professionals. This is
2899 their job. This is what they're committed to do on
2900 behalf of us. They reviewed this, they reviewed it
2901 under CEQUA, they've done everything that's
2902 possible and feasible to make sure this project is
2903 safe and meets everything that we've agreed to
2904 since our founding. And so, with all that being

2905 said, I strongly urge support of this project and
2906 thank you very much for all of the work that you
2907 all do on behalf of the residents of West
2908 Hollywood. Thank you.

2909 Gillig: Thank you, sir. Our next speaker will be... you're
2910 calling in from 4704. Go ahead and unmute, star six
2911 for me, you will have three minutes. Go ahead,
2912 4704.

2913 Russ: Hi.

2914 Gillig: Hi. Go ahead. You have three minutes. We can hear
2915 you.

2916 Russ: Okay. My name is Linda Russ and I also am a
2917 resident of West Hollywood. I've lived here for 40
2918 years, and I'd like to read my letter that I did
2919 send to Mister Gillig, but it was so long ago. I'd
2920 like to read it and have it put into the record if
2921 you don't mind.

2922 Gillig: Go ahead.

2923 Russ: Thank you. Dear Planning Commissioners, I live at
2924 8535 West Knoll Drive, and I can tell you the
2925 traffic on this narrow street now is dangerous and
2926 obtrusive, especially when all the Amazon
2927 deliveries, UPS trucks, Lyft and Uber cars,
2928 restaurant deliveries, trash and recycle trucks are

2929 parked blocking... or double-parked blocking traffic
2930 going east and west. Not to mention, two cars
2931 cannot pass each other going in opposite directions
2932 on this street. Also, I have seen cars lined up
2933 from Santa Monica Boulevard waiting to get into
2934 Healthy Spot's tiny parking lot to be able to pick
2935 up their dogs. And this is every single day. Also,
2936 the 30 day move in and move out that will take
2937 place on the 1st and 30th of each month, will be
2938 overwhelming to all of us causing complete
2939 gridlock. Furthermore, the proposed ingress and
2940 egress of this project is directly across our
2941 parking garage. At the very least, this street
2942 should definitely be widened on the south side of
2943 West Knoll Drive in order for vehicles to pass each
2944 other. In closing, I would like to add that I have
2945 been opposed to the size of this project from the
2946 very start. The city of West Hollywood approving
2947 this project despite noise concerns, traffic
2948 concerns, air quality concerns, and double-parking
2949 issues poses a public safety risk to all the
2950 residents on this street. This developer and the
2951 city has not listened to any of our concerns since
2952 the start of the project in 2012. Please listen to

2953 our concerns. This is our community and our home.

2954 Thank you.

2955 Gillig: Thank you, ma'am. Our next speaker will be Mark

2956 Lehman. Mark Lehman will be followed by Lynn

2957 Hoopingarner. Hi, Mark, go ahead. You have three

2958 minutes.

2959 Lehman: Thank you. I'm Mark Lehman, longtime resident and

2960 attorney here in West Hollywood. I happen to live

2961 on Westmoor drive with an ear shot of this project.

2962 I'm also here representing the Ramada West

2963 Hollywood, which is, you know, was the... owns both

2964 the hotel and the residential project behind it on

2965 West Knoll. I want to refer, of course, first to

2966 the letters that I previously submitted to the

2967 commission on both September 14th and then again on

2968 November 28th. Both those letters much more

2969 thoroughly outline our position and argument with

2970 respect to this project. Look, I am a land use

2971 attorney. I represent developers. I'm all for

2972 development in this city and I'm all for

2973 development on the site. I do have an issue,

2974 however, with how this project is evolving. And

2975 that starts primarily by way of the decision that

2976 the city has made to deem this project complete in

2977 2016. I do not see how legally that's possible.
2978 What's clear to us factually is that this project
2979 was resubmitted sometime in 2019. Now, I have asked
2980 this question in my letters and numerous times of
2981 staff and never gotten any factual answers. The
2982 first question is on what date after the last
2983 Planning Commission hearing, was this project
2984 resubmitted? Obviously, there were new plans
2985 submitted that contained an additional parcel and
2986 obviously then contained substantially more
2987 housing. So, question number one, when was that new
2988 project, revised project... it's not the same
2989 project, it's a revised project, submitted to the
2990 city? Question number two, on what date did the
2991 city staff respond to those resubmitted plans?
2992 Look, I'm a developer attorney. I do go through
2993 this process all the time with restaurants, with
2994 developments, when you resubmit or amend or change
2995 a project, staff comes back within 30 days with
2996 comments. So, the question is when did staff come
2997 back with responses to the resubmitted project? And
2998 then finally, on what date did the city staff
2999 determine that all of... It's usually concerns with
3000 the resubmitted plans, have been resolved

3001 sufficiently so that the project could proceed.
3002 That's normally when the project's deemed complete.
3003 In my book, I've read Government Code Section
3004 65943. I think it applies here. That, that
3005 government code section says, "Upon receipt of any
3006 resubmittal of an application," this is not a new
3007 project, this is a resubmittal. So that's my
3008 question. I think that, that section applies.
3009 Therefore, the law that was applicable in 2019 when
3010 the project was deemed complete should apply, not
3011 2016. Thank you.

3012 Gillig: Thank you, Mark. Our next speaker will be Lynn
3013 Hoopingarner and then will be followed by the
3014 caller calling in with the last 3 numbers 3198. Hi,
3015 Lynn, go ahead. You will have three minutes.

3016 Hoopingarner: Thank you, David. Yes, my name is Lynn
3017 Hoopingarner. I live in West Hollywood and actually
3018 across the street from Mark Lehman. And I'm a
3019 certified management consultant and I would very
3020 much love to see this project developed in a way
3021 that complied with all of our city codes and met
3022 the intent of... the key elements of the mixed-use
3023 spanning lot lines, etc., etc. that it is
3024 compatible with the neighborhood. To that point,

3025 after numerous hearings and staff's assertion that
3026 yes, there are other projects that have been, been
3027 developed using the sloping site method on Santa
3028 Monica Boulevard, we still have no examples.
3029 Nothing. In fact, the artistry lot was denied use
3030 of the sloping site method and is convic... it's
3031 configuration per Commissioner Carvalheiro's
3032 question is exactly the same as the two eastern
3033 most lots on these parcels. With ground level at
3034 Santa Monica Boulevard and the raised parking lot
3035 in back. That's exactly the configuration of the
3036 artistry project and when they went for approval,
3037 they asked to use the sloping site method and they
3038 were denied. So why is this project different? That
3039 has not been explained. Staff has not shown us any
3040 example of an approved sloping site method anywhere
3041 on the boulevard and I have not got exact
3042 testimony, but I have anecdotal evidence that the
3043 Palm Project was also denied the sloping site
3044 method. That's two examples exactly the same. To be
3045 clear, as Miss Carlsen points out, these
3046 calculations are not all for the whole thing. They
3047 are two separate projects as far as the
3048 calculations are concerned. The residential is

3049 separate. So those high points on the residential
3050 property do not pertain to the calculations on the
3051 commercial properties relating to the sloping site
3052 method, which are flat. As Commissioner Carvalheiro
3053 pointed out, 19.20.80 is a little problematic, but
3054 it states very clearly, the maximum allowable
3055 height shall be measured as the vertical distance
3056 from the grade existing at that time of project
3057 submittal. Any reference to natural grade is not
3058 appropriate here because natural grade doesn't
3059 exist. It hasn't existed for 100 years. There is no
3060 slope here. There is no angle. There are flat
3061 plains. At best, you would have an elevated flat
3062 plain in the back parking lot that would go up and
3063 additional however many feet, but not the entire
3064 project and not the angled slope that is applied in
3065 the sloping method. There is no 5% grade. These are
3066 flat pieces of property. To the affordable units,
3067 my question to Alicen, is there any permission in
3068 the state law that allows for affordable units that
3069 are calculated based upon a certain number of units
3070 in a project not being developing in that project?
3071 In other words, the five affordable units that are
3072 granted its ability to the bonus on the residential

3073 project, why wouldn't those be required to be in
3074 that project? Thank you for your time.

3075 Gillig: Thank you, Lynn. Our next speaker is calling in
3076 from... your last 4 digits are 3198. Go ahead and
3077 unmute yourself and you will have three minutes.
3078 Then our next caller after that will be Corey. Go
3079 ahead 3198.

3080 Heman: Thank you, Chair, Vice-Chair, commissioners, my
3081 name is Michael Heman (Phonetic), I go by Micky. I
3082 am the owner of Stardogs Club House, actually
3083 within the unit's that's being torn down. I
3084 actually... I'm not here to argue for or against. The
3085 owner of the property has been very fair to let us
3086 know that this was a project that was underway. I
3087 just want to clarify on the points that were made
3088 early on in the presentations. The buildings there
3089 were... stated to be in states of disrepair. And, you
3090 know, we, the, the tenants have I think done a good
3091 job of making the space as use... useful for the
3092 purposes that are currently being taken on. My
3093 business put a couple hundred thousand dollars into
3094 fixing up our units so we could use if for the time
3095 that we can. We love West Hollywood. We hope to
3096 continue to be in West Hollywood. I think the

3097 commissioner I believe were asking the question
3098 about right of first refusal. Just to clarify, most
3099 of these are, are single location businesses that
3100 would not be able to close shop and then open shop
3101 again after construction. Again, I'm not arguing
3102 for against the (UNINTELLIGIBLE), I wanted to
3103 clarify that. My actual request would be to the,
3104 the commission itself to try to help those
3105 businesses and make it easier to move within West
3106 Hollywood because we love West Hollywood, and we'd
3107 love (UNINTELLIGIBLE) to do that. And my business
3108 would be on the agenda February 2nd to talk about
3109 what we're trying to do. But thank you for the
3110 thorough explanation from both sides. I think it's
3111 been a enlightening presentation. Thank you.

3112 Gillig: Thank you, sir. Our next caller will be Corey
3113 Crackrem (phonetic). Corey will be followed by Evan
3114 Koffman who will be our last caller. Corey, go
3115 ahead and you'll have three minutes.

3116 Crackrem: Thank you for that. Good evening, commissioners. My
3117 name is Corey Crackrem. I'm a member of the
3118 Southwest Mountain States Regional Council of
3119 Carpenters. I live in the local area. Live, work,
3120 and recreate in the vicinity of the project. I

3121 believe that I would be impacted by the
3122 environmental impacts of the project. The city
3123 should require the project to be built with
3124 contractors that will hire locally, pay prevailing
3125 wages, and utilize apprenticeships from state-
3126 certified apprenticeships training programs. Work
3127 force requirements reduce construction-related
3128 environmental impacts while benefiting the local
3129 economy and work force development. In recent 2020
3130 report titled "Putting California on the High Road"
3131 a jobs and climate action plan for 2030, California
3132 Work Force Development Board concluded that
3133 investments in growing, diversifying, and upscaling
3134 California's work force can positively effect
3135 returns on climate mitigation efforts. The
3136 Southcoast Air Quality Management District recently
3137 found that local hire requirements can result in
3138 air pollution reductions. Recently, the state of
3139 California reiterated its commitment towards
3140 encouraging workforce development and housing
3141 affordability through The Affordable Housing and
3142 High Roads Job Act of 2020, otherwise known as
3143 Assembly Bill #2011. Which requires projects pay
3144 workers a prevailing wage and hire from state-

3145 certified apprenticeship programs for projects
3146 meeting certain sittings, affordability, and
3147 development standards. Thank you for your time.

3148 Gillig: Thank you, Corey. Our next caller will be Adam
3149 Koffman. Adam will be followed by Lynn Russell.
3150 Adam, go ahead. You have three minutes.

3151 Koffman: Thank you, Planning Commissioners. I am Adam
3152 Koffman, resident of West Hollywood since the '90s,
3153 native Angelino, resident and homeowner at 8535
3154 West Knoll Drive, West Hollywood and president of
3155 the West Hollywood North Neighbor... West Hollywood
3156 West Neighborhood Association, WHNNA. My comments
3157 are my own personally and do not reflect a position
3158 or an opinion from West Hollywood or WHNNA, nor
3159 have I received any compensation for speaking to
3160 you tonight. Tonight, please pay careful attention
3161 to the following three unresolved issues before
3162 rendering your decision whether to approve this
3163 project. One, what is the plan for undergrounding
3164 the utilities that currently run overhead between
3165 the commercial and residential parcels? How would
3166 that major subproject impact other West Hollywood
3167 neighbors and residents? I saw nothing about that
3168 in the EIR. Can the city hire an impartial

3169 professional to weigh in on what is the allowable
3170 method for determining building height? There are
3171 too many different opinions and I haven't heard any
3172 rigorous analysis other than what the develop
3173 request... other than the developer requested it,
3174 therefore we, planning staff, say yes. If the
3175 staff... if the city... number three, if the city has
3176 standards about maintaining trees, do we need an
3177 accounting to ensure we are not losing trees to
3178 concrete and its proposal? Academic research is
3179 just catching up to the destruction rot on lower-
3180 income communities by wealthier developers. In
3181 other words, Beverly Hills developers coming into
3182 our city of West Hollywood. Who are... these people
3183 are selling... are suing up living, permeable space
3184 with concrete slabs. As a progressive community, we
3185 should heed this research and take proactive
3186 measures. Thank you for taking the time to consider
3187 these critical and objective issues.

3188 Gillig: Thank you, Adam. And our last caller is Lynn
3189 Russell. Lynn, go ahead and unmute, star 6, and you
3190 will have three minutes.

3191 Russell: Hi, good evening, Chair Jones and fellow
3192 commissioners. Lynn Russell from West Hollywood.

3193 Having been present at the initial design review
3194 and having witnessed subsequent meetings of this
3195 unnecessary onerous and dated project from the
3196 beginning, I question why the developer has not
3197 considered enhancing or being inspired by the
3198 current structure, which was compatible with the
3199 original neighborhood it served. Particularly
3200 referencing design standards relating to
3201 compatibility scale and character of development,
3202 which should never have been diminished in a smart
3203 project. Yes, it might have taken an architect
3204 familiar with the mix of English tudoresque and
3205 standard colonial revival residences on West Knoll
3206 to bring out the spirit of these values and
3207 cleverly update or be inspired by them.
3208 Additionally, the lack of consideration to
3209 (UNINTELLIGIBLE) including all of the inaccurate
3210 calculations about tree canopy and so and so forth
3211 is really working against our current... the codes of
3212 consciousness towards maintaining green. The
3213 evaluation submitted by Lynn Hoopingarner is
3214 insightful and fair-minded. So, there's no need to
3215 repeat any of her statements. When arc... when
3216 architects focus on and overly rely on the Housing

3217 Accountability Act Conditions and twist other parts
3218 of the code, it rarely, if ever, produces a project
3219 that compliments neighborhoods which each and every
3220 one of us value. It is not a directive to abandon
3221 aesthetic values which don't necessarily cost more.
3222 Projects drawn out for more than 10 years, such as
3223 this, cost more and hinder inspiration. It is also
3224 not a guide for producing remarkable architecture
3225 as it relies on formulated guidelines and has
3226 nothing to do with the human advocacy surrounding
3227 or living in it. West Hollywood could use
3228 thoughtful projects rather than mind-crunching
3229 planning department puzzles with little other than
3230 a possible economic value to the developer. Getting
3231 a project on the right path or in the right lane is
3232 similar to preparing a thoroughbred horse with the
3233 right breeding and abled trainer for the right race
3234 and having him travel in the right line. That's
3235 what creates champions. We as a city, must not
3236 overlook what made West Hollywood special with its
3237 carefully planned and varied neighborhoods. There
3238 is an inherent responsibility to guide its
3239 evolution and improvement without erasing the
3240 city's roots and neighborhoods. That certainly

3241 involves developers selecting thoughtful architects
3242 who respect that concept as well. This project is
3243 unfortunately not on the right path nor destined to
3244 be remarkable in any way although it seems value
3245 engineered and lacking in inspiration in modernity.
3246 Being devoid of inspiration and design is not a
3247 required... not required by product of compliance
3248 with objective standards. I say this because my
3249 profession is devoted to, to light space and
3250 architectural values and everything that they
3251 represent. Thank you so much.

3252 Gillig: Thank you, Lynn. And Lynn was our last caller. I do
3253 want to make sure that we did not miss anybody. So,
3254 if anybody has not had an opportunity to speak or
3255 if I missed you, please star nine for me if you're
3256 calling in. If you're on the platform, please use
3257 the raised hand feature because we would like to
3258 hear your comments. And I do have one, Amy.

3259 Amy: (UNINTELLIGIBLE) .

3260 Gillig: Hi, you have three minutes.

3261 Amy: Hi, my names Amy. I don't have anything planned.
3262 Nothing at least as in depth as Lynn or Cynthia
3263 Blatt or any of the lawyers that spoke. But I have
3264 been a resident on... I've lived on West Knoll for

3265 since 1999. I'm now the president of the HOA. I
3266 actually was in rent control and saved enough money
3267 and bought a house on West Knoll. Yay me. And I
3268 have sat ... on meetings about this property, the
3269 property on the corner where the bike shop is,
3270 other development projects. And what occurs to me
3271 and I hope this isn't too critical, but we sit
3272 here, we talk about things as if we want to fix
3273 them, then we punt it a month, come back, nothing's
3274 been addressed, and, you know, we punt it again.
3275 And I feel like rather than continuing to punt this
3276 ball, why aren't we fixing the problems that people
3277 are bringing up? One of the gentlemen said, "Oh,
3278 the staff is here to really... their goals are
3279 really, you know, for West Hollywood and they... it's
3280 important to them." And every time I hear questions
3281 asked, I don't find the answers. I don't hear
3282 people addressing things. It just it feels like we
3283 are a group of people who really, really care about
3284 this, this area, this project, this particular
3285 parcel, these six parcels, and nobody really knows
3286 what to do with them. And we're just talking in
3287 circles. So, I for the... on the record, I want to
3288 say I'm against the project as it stands. I think

3289 there's been tons of, of problems with it. I'm not
3290 skilled enough in the various areas to cite them. I
3291 really appreciate Commissioner Lombardi's questions
3292 as well as Commissioner Copeland's. I think they
3293 were thoughtful and I felt that way on several of
3294 the previous Planning Commissions. But yeah, this
3295 just... this feels as though thought out as maybe it seems,
3296 it just isn't thought out. So, I really felt it was
3297 necessary to give my perspective. Thank you for
3298 your time. And that would be all for me.

3299 Gillig: Great. Thank you, Amy. And, Chair, that is... Amy was
3300 our last speaker for this item.

3301 Jones: Great. Thank you. I want to take a quick beat here.
3302 I just want to acknowledge that we have, you know,
3303 people on the public and people on staff and
3304 commission. Would you prefer to take a break now or
3305 wait until after the applicants rebuttal?

3306 William: Hello.

3307 Gillig: Yes, sir?

3308 Jones: David?

3309 Wilion: I, I haven't spoken. I'm trying to get online to
3310 speak.

3311 Gillig: Okay. We'll give you just three minutes. Go ahead,
3312 sir.

3313 Wilion: Thank you

3314 Gillig: Sorry, Chair. Okay. Go ahead, you may start.

3315 Wilion: Do I proceed?

3316 Gillig: You can proceed. Go ahead. You have three minutes.

3317 Wilion: Hi, my name is Alan Wilion. I submitted some papers

3318 with regards to this project. It is clear that this

3319 project could be the worst project I have ever seen

3320 and I have seen a lot of bad ones. There's no

3321 question but that the new laws issued by the state

3322 restrict and tie the hands of the planning

3323 commission with regard to certain units. But they

3324 don't tie your hands with regards to health and

3325 safety matters, nor with regard to legal matters

3326 such as merger, nor with regard to height. And

3327 there are all three of those are involved in this

3328 particular situation, etc. Furthermore, as I

3329 pointed out, this, this area is the worst lique...

3330 liquefaction area in the city of Los Angeles. It is

3331 at the lowe... other than a house on the beach. If

3332 you take a look at the map submitted that I

3333 submitted which I... which was also submitted by the

3334 water experts, you will see that this property is

3335 what's in a 10 Zone. Which means that water is 10

3336 feet directly underneath this property. They

3337 determined that the... that the water was 14. The
3338 lawyer earlier indicated 13. I don't care if it's
3339 10, I don't care if it's 12, I don't care if it's
3340 13, you can't build on this particular property.
3341 The line of demarcation is on the other side of
3342 West Knoll and that's very important because we're
3343 not just dealing with liquid factions here, we're
3344 dealing with the Hollywood Earthquake Fault Line,
3345 which covers part of this particular property on
3346 West Knoll. If you take a look at the liquefaction
3347 map that I submitted, you're dealing with a 10-13
3348 liquefaction factor and the fact that the
3349 earthquake zone is adjacent to or includes the tip
3350 of, of this particular property. The combination of
3351 those two are nuclear, thermo-nuclear, danger, and
3352 in, in, in, in this particular regard. It's an
3353 inherently dangerous condition. There's no chance
3354 you can approve this particular project. What
3355 should be approved on this project is what exists,
3356 single-story property that is... that will not create
3357 three-story's of underground, 350 parking spots,
3358 etc., that could cause an earthquake just by being
3359 built in that... in that particular area. Finally, I
3360 pointed that there is... there are mitigation factors

3361 in terms of engineering repairs, none of which can
3362 work right here. They've admitted none of which can
3363 work. There is only one fact engineering design
3364 that can work and that is called the foundation
3365 pile factor. But if you read their expert report,
3366 Langan, he rejected and doesn't want to do it
3367 because it cost... actually costs too much money. But
3368 that is the only, only design that possibly can
3369 protect this particular project if it proceeds, but
3370 it should never proceed. Thank you.

3371 Gillig: Thank you, sir. And before I send it back to you,
3372 Chair, I just want to make sure we've got everyone
3373 covered. If anyone would like to speak, star 9 for
3374 me if you're calling in. Or use the raised hand
3375 feature if you are on the zoom platform with us and
3376 we will give you the three minutes. And, Chair, it
3377 looks like we are now all clear.

3378 Jones: Okay. Thank you. I'm inclined to let the applicant
3379 complete their rebuttal and then we can take a
3380 break. Is everybody okay with that? Just kind of a
3381 nice clean break in the terms of the proceedings
3382 and I want to make sure people have an opportunity
3383 to get water or move around. Okay. So, with that,
3384 we will hand the floor back to the applicant. You

3385 will have five minutes to rebut.

3386 Carlsen: Thank you so much and thanks to all the public
3387 commenters. Appreciate the comments. I, I did want
3388 to start with reminding the commission that it is
3389 noted in the earlier staff report that was prepared
3390 that there were over 100 support letters for this
3391 project that were submitted at that time in
3392 addition to obviously what you have heard tonight.
3393 With respect to the various environmental issues
3394 that have been raised, that is the traffic, air
3395 quality, noise, and obviously the last commenter
3396 with respect to geotechnical issues, those have all
3397 been fully evaluated and particularly the
3398 geotechnical issues in which there have been
3399 several reports submitted by Langan. They are here
3400 tonight if you have specific questions for them
3401 including the liquefaction issue and the water
3402 table issues. All of those issues have been
3403 addressed. Reminder that the EIR found that all of
3404 the environmental effects, all of them, except with
3405 the construction noise issues, were less than
3406 significant. That includes air quality, that
3407 includes traffic, it includes geotechnical. With
3408 respect to Mister Leman's comments, with respect to

3409 the application, I believe the city attorney is
3410 fully aware of the City of Lafayette case that
3411 recently came down confirming a deemed complete
3412 application and the appropriateness of using the
3413 rules that were, were then in place. And I'll leave
3414 it to that. But in addition, Appendix J to the
3415 staff report goes through in response to Mister
3416 Lemman's issues I believe on page 1 of the project
3417 deemed complete day noting that the government code
3418 section that he had cited, was not applicable in
3419 this particular case, it's when the application was
3420 deemed complete. There was no further application
3421 materials that were required, and that... and that
3422 the city perceived it appropriate given the changes
3423 to the project. With respect to height again, I
3424 will just, just remind everyone again that the
3425 actual... the actual elevations used to calculate the
3426 height in compliance with the city's code are those
3427 that were done at the time of the project
3428 application. This is from the survey. These are not
3429 made-up numbers. These are numbers that are taken
3430 from the survey, which show that the site is not
3431 flat. With respect to the compatibility with the
3432 city, I again looked to the, the city zone proposed

3433 housing element recognizing a 120, you know, units
3434 per acre for mixed-use developments on average.
3435 This is far less than that, right? This is far less
3436 than that. And I'll also say, and by the way I'm,
3437 you know, happy to answer any questions that you
3438 might have. I'm hitting the high points here. But
3439 again, Housing Accountability Act, I think it
3440 compels approval of the project. The project has
3441 met... has met the city's objective standards. And
3442 after how many years of, of analysis, of
3443 consideration, of meetings, of hearings, were
3444 finally to that point. So please, we urge you, urge
3445 you to approve the project. Thank you so much.

3446 Jones: Thank you. So, at this time, I'm going to close the
3447 public comment portion of the hearing. We're going
3448 to take a quick break and then we'll move into
3449 deliberation. I do want to note that should you
3450 have additional questions, should we have
3451 additional questions for the applicant, we can ask
3452 them, but I will need to reopen the public comment
3453 portion of the public hearing. So, let's take a...
3454 what do people need? Ten-minute break? Seven-minute
3455 break? Five-minute break? Commissioner Thomas? I'm
3456 just seeing hands.

3457 Thomas: Looks like I'm outvoted. Looks like everyone else
3458 is asking for ten.

3459 Jones: Okay. Let's take a 10-minute break. It's 9:38,
3460 we'll meet back here at 9:48. See you then. Thanks
3461 very much. It's 9:49. I want to go ahead and get
3462 started. Okay. I think we have everybody. Yeah. So,
3463 the public comment portion of the hearing has been
3464 closed and the commission is now going to move into
3465 the liberation. But before we do that, I think
3466 would it be helpful, Lauren or Isaac, if you're
3467 able, is to provide maybe some guard rails or
3468 parameters that may help shape our thinking about
3469 our decision-making process this evening.

3470 Rosen: Sure, Chair. I can... I can speak to that. Briefly, I
3471 think, you know, broadly the commission knows staff
3472 is recommending approval of this housing
3473 development project. That includes the
3474 certification of the EIR and everything contained
3475 within that environmental document. It includes the
3476 project entitlements contained within the attached
3477 resolutions subject to those project-specific
3478 conditions of approval. Obviously, the commission
3479 heard lots of questions and participated in lots of
3480 questions and testimony and went back and forth

3481 with the city's team and the applicant's team. And
3482 I wanted to note, obviously, this is a complex
3483 project and it's hard to take everything into
3484 account. I did want to flag city staff did prepare
3485 Exhibit J within the materials. That includes
3486 answers to some of those typical questions. But the
3487 city and its experts are of course available as the
3488 commission moves into deliberation. Finding or
3489 trying to set some guard rails for the project, I...
3490 the commission obviously heard that staff has
3491 deemed the project consistent with the objective
3492 standards that were in effect at the time the
3493 project was deemed complete back in 2016. And the
3494 HAA, I think there are two standards worth
3495 considering. One we go over quite frequently. The
3496 commissions probably sick of our office speaking to
3497 this, but for a project that's consistent with
3498 objective standards, the, the threshold to deny the
3499 project or crew with reduced density would be that
3500 there has to be a specific adverse impact based on
3501 codified standards that result in a specific
3502 adverse impact to the public health and safety that
3503 cannot be mitigated for conditions of approval. I
3504 think the other standard in the HAA worth

3505 mentioning, the determination of, of the
3506 consistency between a project, a housing
3507 development project, and the city's objective
3508 development standards in place at the time the
3509 project was deemed complete, that's a reasonable
3510 person standard under the HAA. So, Subdivision F4
3511 of the Housing Accountability Act says if a
3512 reasonable person, based on substantial evidence or
3513 based on the record in the city's code could
3514 conclude that the project was consistent with the
3515 city's standards, then the HAA deems that project
3516 consistent and in conformity with city's applicable
3517 objective standards. And there is some case law
3518 that says that reasonable person standard is, is
3519 "intentionally" deferential. So, I think that's
3520 worth flagging. And I would say I guess the last
3521 thing that was mentioned before the break of a
3522 recent court decision out of the City of Lafayette,
3523 so there was a 2022 court of appeals case that,
3524 that did say in that instance even with a, I think,
3525 a nine or ten-year window between a project's
3526 approval date from the local agency and when the
3527 project was ultimately considered by the city's
3528 discretionary body that the city properly applied

3529 the objective standards that were in place at the
3530 time the project was deemed complete. So, there is
3531 some precedent and, and court findings to that
3532 effect. And so that was lengthy answer. But
3533 hopefully that assists with guard rails and I'm
3534 available obviously and, and the city team experts
3535 and everyone's available to answer questions.

3536 Jones: That is helpful, thank you. So, you know, we've
3537 gotten a lot of information tonight. We've heard a
3538 lot of different perspectives from people in the
3539 community. We've heard the applicant's presentation
3540 and rebuttal. And we've heard staff's presentation.
3541 So, anyone who would like to speak from commission
3542 is welcome to go, but I think I would recommend
3543 rather going through things point by point that we
3544 keep this conversational for now to see if there
3545 are sticking points or things that we would like to
3546 flesh out further amongst ourselves or with the
3547 help of the city attorney. So, Commissioner
3548 Lombardi, please go ahead.

3549 Lombardi: Chair Jones, I guess I might be a little confused.
3550 Did I understand that if we ask questions of the
3551 applicant, we're going to have to reopen the public
3552 comment again?

3553 Jones: So, we've reopened the public hearing, right?

3554 Lombardi: Yeah.

3555 Jones: Because we closed it for deliberation because now
3556 people are not giving comment, the applicant has
3557 concluded their presentation. So, we can reopen it,
3558 it's just it's a point of order. So, we can open
3559 it, reopen it, and close it at any time.

3560 Lombardi: Got it.

3561 Jones: I would just need to know so that we can make sure
3562 that's done for the purpose of the record.

3563 Lombardi: Okay. Just looking, I mean, I did have a few
3564 questions for the applicant, but I felt like they
3565 had an opportunity to answer, and I don't know if
3566 it's going to really change any outcome. So, my, my
3567 follow up questions because I feel like most of
3568 them have been addressed by other commissioners. It
3569 might be a little more specific to staff, just a
3570 couple of items. Would that be an appropriate time
3571 to, to ask for some of those? They kind of relate a
3572 little more to the resolution to make sure I'm
3573 understanding a couple of things.

3574 Jones: So are... if you do want to ask questions of the
3575 applicant, I'm... that's completely fine. I just need
3576 to reopen the, the hearing.

3577 Lombardi: I think, I think I'm good. I think that I've gotten
3578 close answer on most of them. So, I'll...

3579 Jones: Okay.

3580 Lombardi: I'll go through them and any, any comments as I
3581 feel necessary as we deliberate.

3582 Jones: Sure. Go ahead.

3583 Lombardi: Staff though, I do have a couple of, of quick
3584 questions. So, thank you, Isaac Rosen, you answered
3585 some of the questions I was going to ask regarding...
3586 regards to legal questions. We did hear some
3587 comments about the artistry lot. So, I'm curious if
3588 city staff has any follow-up information pertaining
3589 to that because I know that's something that was
3590 asked before. And then also the Palm Project being
3591 denied sloping site. I, I know it's hard to pull
3592 information on the spot, but I would be curious to
3593 understand if there's any clarifications that need
3594 to be made there. I'm not familiar with these
3595 projects.

3596 Alkire: So, I can start in with the discussion of the
3597 sloping site method. I think, you know, we've,
3598 we've gone through the calculations. I think
3599 everyone's clear on how that's done. To precedent,
3600 there are examples in the city of prop... projects

3601 that included more than one parcel that were graded
3602 for previous development and had portions of the
3603 site that were flat, but that were then used for
3604 sloping site method because from property line to
3605 property line across the project site. Not just one
3606 parcel, but the whole site. It was sloping more
3607 than five percent. One example of that, that was
3608 approved fairly recently in the last few years was
3609 1120 to 1122 Larrabee. Excuse me. As far as the
3610 other projects on Santa Monica Boulevard that were..
3611 that we hear were maybe denied the ability to use
3612 this method, there's, you know, I don't have any
3613 evidence that we denied that. There's not... there
3614 was not an application made that used the sloping
3615 site method that we denied.

3616 Lombardi: Okay.

3617 Alkire: So, I don't know where that's coming from, and I
3618 don't have any evidence of that decision being made
3619 in that way. As far as precedent on Santa Monica
3620 Boulevard itself, you know, as we know there's
3621 certain... most of the lots on Santa Monica are, are
3622 mostly flat. So, you know, I don't... I can't think
3623 of any particular projects that we used sloping
3624 site on Santa Monica Boulevard. A lot of times we

3625 were using it in places like Larrabee above Sunset
3626 or even on Sunset Boulevard where we tend to have
3627 more hill... hillside conditions. But a lot of the
3628 area around Santa Monica tends to be flat. But
3629 yeah, so, you know, it's, it's hard to prove a
3630 negative. I don't, I don't have any evidence that
3631 shows that we did deny that. And, and I don't know
3632 what the conditions were and the conversations
3633 surrounding those projects when they came through.

3634 Lombardi: Okay. Thank you. I appreciate that. I just have a
3635 couple of quick questions in the Resolution 1.13.
3636 This is Resolution PC 22-1482. So, this would be
3637 the development agreement. And as opposed to the
3638 EIR, Resolution 1.13 it's noting that everything
3639 shall be combined into a single, legal parcel. I
3640 just wanted to make sure that was correct as
3641 opposed to two parcels because I know we have the
3642 commercial and residential, but then there is a
3643 parking level that sort of straddles both. So, does
3644 that sound accurate? I just was wondering if that
3645 was boiler plate information and needed to be
3646 updated or if that's correct to the project.

3647 Yelton: No, that... yeah, that is correct to the project that
3648 all six parcels would need to be joined as one

3649 legal parcel since the building spans all of the
3650 properties. It would need to, to be one legal
3651 parcel.

3652 Lombardi: Okay. Thank you. And then 2.4 under the project
3653 description is referencing stamped drawings from
3654 September 15th and then the Planning Commission
3655 meeting on September 15th, but I think we have
3656 October drawings and then obviously today's
3657 January. So, I just wanted to make sure maybe there
3658 is a stamped drawing made September 15th that's the
3659 official...

3660 Yelton: You're correct. So, the, the condition would read
3661 this approval is for those plans date stamped
3662 October 6th, 2022. Which those plans were reviewed
3663 and approved by the planning commission in its
3664 meeting of January 19th, 2023. So that will be
3665 revised.

3666 Lombardi: Thank you. And I know there was some discussion
3667 about 16.2, the noise mitigation measures and time
3668 frame with a consultant being appointed if there's
3669 a noise complaint. So, it was just flagging that.
3670 And then the last question I have is relating to
3671 housing. Resolution 17.12 and 17.18 look very
3672 similar to each other. Maybe I'm not sure if it's

3673 because one's related to commercial portion and
3674 one's related to the other or they could be
3675 combined. 17.18 looks like it has more information
3676 in there.

3677 Yelton: And that's PC Resolution 1482?

3678 Lombardi: Yes.

3679 Yelton: Okay.

3680 Lombardi: And I just wanted to understand some of that for
3681 clarification. Those were just my questions for now
3682 and I'll leave it to any other questions that
3683 commissioners have as the chair deems appropriate
3684 and then... and then deliberation.

3685 Yelton: So, we can, we can combine...

3686 Bartle: I can jump in there. I can jump in there. I think
3687 the issue is our housing team is now divided into
3688 two teams. And I think that my colleague pulled
3689 over his conditions now and then I pulled over my
3690 conditions, and that's why you see the RSHD and the
3691 RSD. And so, I think it's now that we're separate
3692 entities combining these, we are... we have some
3693 similar conditions. So, I think that's just a
3694 duplicate and .18... 17.18 is the more thorough
3695 condition. I think that's the, the main issue.

3696 Lombardi: Thank you.

3697 Bartle: Yup.

3698 Jones: I believe I saw Vice-Chair Thomas's hand, please go
3699 ahead.

3700 Thomas: Thank you, Chair. Since Commissioner Lombardi did
3701 bring it up again in the resolution where it does
3702 discuss the consultant for noise mitigation,
3703 Laurie, you were going to get back on what the time
3704 frame would be for those measures to be
3705 implemented.

3706 Yelton: Yes. So, I've discussed with my team and I think
3707 this probably is a question for the applicant team
3708 because it's, you know, an accountability issue.
3709 But we were thinking that N-1B, that we could add
3710 that... the letter report shall be reviewed and
3711 approved by the directors of Public Works and
3712 Neighborhood Safety, and approved noise reduction
3713 measures shall be implemented and then coded for
3714 shall consider potential revocation of construction
3715 permits if measures are inadequate. But a time
3716 frame I think we... if we could ask the applicant,
3717 they're... what they are proposing, that would be
3718 helpful.

3719 Thomas: So that goes to the applicant instead of simply
3720 telling them when it needs to be implemented?

3721 Alkire: I think we would want to make sure that we're
3722 getting a... that it's feasible. So, I wouldn't want
3723 to put a certain timeline on arbitrarily, without
3724 understanding what that entails and making sure
3725 that it's doable. So, if there's... if we can get
3726 some of that information. The other thing is that
3727 mitigation measures are, are developed in the and
3728 circulated with the EIR. So, it's difficult for us
3729 to amend those or we can't really amend those as we
3730 go. But what we might be able to do is add a
3731 condition of approval that sort of goes with it.
3732 So, let's... let's put a pin in that one and come
3733 back to it and we can try to come up with an
3734 alternative for you guys.

3735 Thomas: Okay. And then my only other question is I, I, I'm
3736 just really concerned about the, the new building
3737 laws. And I trust you, Laurie, but I'm just
3738 wondering if we can get confirmation from Mister
3739 Galan that there will be no design changes caused
3740 by the new state building code.

3741 Galan: So, I think... I think the biggest changes in this
3742 new code cycle was in regards to EV charging... the
3743 installation of EV charging stations. But I'm not
3744 aware of any triggers that would require a redesign

3745 of this project.

3746 Thomas: Okay. That's all I have for right now, Chair.

3747 Jones: All right. Thank you. Commissioner Copeland, did
3748 you want to speak? Please go ahead.

3749 Copeland: I did have a quick question for staff if that's
3750 okay. When we're talking about the resolutions with
3751 regards to deliveries and loading and unloading,
3752 doesn't... there's no specificity if this pertains to
3753 commercial and residential or both prior to
3754 building permit issue once the project's still
3755 included pro... package delivery area near the
3756 loading area. We saw that a little bit on the, on
3757 the plans I believe. The satisfaction of the
3758 Planning and Development and Services Director. And
3759 then delivering, loading, and unloading is
3760 prohibited on any streets. They must be conducted
3761 in the required loading areas within the parking
3762 garage. Again, this doesn't allow for the
3763 ridesharing and food deliveries and so forth or
3764 specify if this is for residential and commercial.
3765 So residential deliveries would have to drive
3766 around. How will they know that they have to drive
3767 around or go into the... into that area? It's not
3768 very specific, I don't think. It could use more

3769 specificity about that. It's a little confusing. I
3770 think that was the only other question I had about
3771 that one. There were a couple of green points
3772 issues that we didn't get to earlier about the
3773 canopy trees. Are those on the parcel or on the
3774 city parkway? And they said they could not be on
3775 the city parkway, so we had to be sure that those
3776 were not. And the green building points GB12, it
3777 says engineered lumber or steel for 90 percent of
3778 the sub-floor sheeting, etc. is that compatible
3779 with the Type 1 building being all concrete? I
3780 mean, do those numbers... are those numbers
3781 compatible? I was trying to make sense of it. And
3782 those are the only other questions that I had,
3783 Chair, for staff. I guess we don't have an answer
3784 yet on what would happen with the live/work if, if
3785 the business were to shut down, if the commercial
3786 part of that would have shut down. What would
3787 happen with the tenant?

3788 Yelton: We do actually. So, we would... is it... because it's a
3789 commercial use, and as with any commercial tenant
3790 space from a land use perspective, there needs to a
3791 business in that space. So, we aren't able to speak
3792 to the exact code enforcement measures that would

3793 take place if a business were to go out. The code
3794 is not clear and we don't have many of these units
3795 to set any sort of precedent. However, you know, we
3796 would make sure that a business tax certificate is
3797 in place at that location. And if not, then we know
3798 we would look into that. And, and if there wasn't a
3799 business at that location, that tenant would not be
3800 able to be there. And then also to respond to your
3801 question about hours, the hours would be 8 AM to 8
3802 PM for businesses within live/work units.

3803 Copeland: Okay. And there's no maximum amount of employees or
3804 visitors or whatever that they could have in that
3805 space during those hours?

3806 Yelton: A maximum number of employees is two. And then it...
3807 visitors, it's not... there's no limit.

3808 Copeland: That makes sense. Okay. Thank you.

3809 Jones: Any other questions Commissioner Copeland? Of
3810 course, you're welcome to ask more.

3811 Copeland: No, I was just concerned about the... the resolutions
3812 concern and the deliveries and the parking that
3813 lack a little specificity and so, but there's
3814 probably no... maybe there's no good answer for that
3815 yet. Other than that, no Chair, I don't have any
3816 other questions at this time.

3817 Jones: Okay. Thank you. Commissioner Matos, please go
3818 ahead.

3819 Matos: Thank you, Chair Jones. So, I just kind of wanted
3820 to just follow up on a couple of points that I had
3821 made earlier in the meeting. Specifically, you
3822 know, looking to address the community concern of
3823 the loading and unloading zones. I do see an
3824 opportunity, you know, as mentioned in the
3825 Resolution 10.6 and Resolution 221482, it mentions
3826 that commercial tenants would be loading and
3827 unloading between 10 PM and 10 AM in commercial
3828 spaces. I imagine that a lot of that loading would
3829 be taking place, you know, during the week when the
3830 businesses are open and receiving their stock. So,
3831 I'm wanting to see if we can use something
3832 creatively to help address the community concern
3833 and create a condition where whenever that loading
3834 zone is not in use, it's available for residential
3835 purposes. We're talking move in, move out in
3836 coordination with the building management. We're
3837 talking Amazon, UPS deliveries, and potentially
3838 even looking toward an Uber and Lyft drop-off zone.
3839 I'm not sure what work can be done between the
3840 applicant and those commercial ride-shares to be

3841 able to establish a designated Uber/Lyft drop-off
3842 zone so that drivers do automatically know where to
3843 go. Or, you know, looking at... and/or rather also
3844 looking at, you know, working with the commercial
3845 delivery partners like Amazon and UPS on kind of
3846 creating a standard protocol for the building so
3847 that those spaces are known to be able to be used.
3848 I think that more creatively looking to maximize
3849 that opportunity would address a lot of the
3850 concerns we've seen around commercial and..
3851 commercial and residential loading and unloading
3852 around the property, especially on West Knoll. So
3853 I'm, I'm thinking, you know, if this project were
3854 to move forward, I would definitely want to see,
3855 you know, language that compels the applicant to
3856 create a plan for those spaces for residential
3857 loading and services, and then to present the plan
3858 to the planning director, public works director,
3859 whomever it needs to be reported to so that there
3860 is a kind of protocol in place ahead of that being
3861 completed. I think that would be very helpful to
3862 some of the community concern that we've seen in
3863 that realm. And I wanted to see the staff's
3864 thoughts on that.

3865 Yelton: I think we've previously discussed this
3866 specifically that it is generally the thought... the
3867 idea is that outside the delivery hours. And the
3868 delivery hours are 10 PM until 10 AM, so as to not
3869 interact with patrons coming, coming and going from
3870 the project site. So, I think the idea is that
3871 outside of those hours, those delivery and loading
3872 areas would be for residents moving in and out of
3873 the building, for Amazon drivers, you know, UPS,
3874 and the like including Uber and Lyft.

3875 Matos: That's great. I'm talking about putting that as a
3876 condition in the resolution where the applicant is
3877 creating a plan to compel use of those and then
3878 presenting it to us as a condition of moving this
3879 forward if it were to move forward. I have some
3880 proposed language if, you know, we want to look to
3881 that. But my question isn't, you know, to what
3882 theoretically is going to happen. It's more to what
3883 can we condition to ensure that does happen and to
3884 ensure that the community's concerns are addressed
3885 in that area.

3886 Yelton: Okay.

3887 Matos: Other than that, I do share concerns that other
3888 commissioners raised around mitigation of the

3889 sound. I want to concur with commissioner... sorry,
3890 excuse me, Vice-Chair Thomas's suggestion that we
3891 stipulate when the sound noise consultant is
3892 actually deployed. I do want to support that
3893 endeavor and looking for a way for us to codify
3894 that. I also want to kind of echo some of the
3895 points that Commissioner Lombardi raised in that...
3896 in that area as well. And yeah, I mean, there's a
3897 lot of things that I would want to see conditioned
3898 to ensure that, you know, some of the community
3899 concerns are addressed where possible. And I'll
3900 conclude my comments there.

3901 Jones: It looks like the applicant has a comment, but I'll
3902 need to reopen the public hearing. Do we want to
3903 hear from the applicant? I'll reopen the public
3904 hearing to field a comment or question for Miss
3905 Carlsen. Please go ahead.

3906 Carlsen: Thank you, Chair Jones. I just wanted to comment
3907 with respect to the addition of any conditions as I
3908 had indicated in my opening remarks, we think the
3909 project should be subject to the objective
3910 standards of the city and only those standards
3911 particularly with respect to this loading condition
3912 which we were told is the condition that is used

3913 for all other projects. And while we are certainly
3914 comfortable with the informal use of these areas
3915 for other purposes, we, we would object to any
3916 condition with respect to loading, unloading, and a
3917 designated Uber zone unless that is... that's
3918 certainly something that the city considers across
3919 the board for every project, not, not a project by
3920 project or case by case basis. With respect to the
3921 mitigation of sound or one that would be
3922 implemented, I'm sure we can figure out some
3923 language that reflects Miss Alkire's concern about,
3924 you know, can this be done? Can it be feasible? I
3925 don't think anybody thinks we're, you know, there's
3926 going to be a report prepared that the metrics
3927 aren't taken. Of course, they're going to be taken
3928 otherwise we're going to be facing code
3929 enforcement. So, so but we... if there's some timing
3930 language that we can, can agree to, I certainly
3931 have any... every intention of, of doing whatever is,
3932 what is recommended by the consultant.

3933 Jones: Thank you. Commissioner Matos, do you have a
3934 question for the applicant or...

3935 Matos: Yeah.

3936 Jones: ... can I close the public hearing? Please go ahead.

3937 Matos: I do have a... I do have a question for the
3938 applicant. Thank you, Miss Carlsen. So, is that to
3939 say that the applicant, in this case that means
3940 you, is not open to any conditions of approval for
3941 this project?

3942 Carlsen: That, that is my direction. Yes. Now, there may be
3943 things that you have and I can run them by the
3944 property owner to see whether they would agree, but
3945 as of right now under the Housing Accountability
3946 Act, we feel strongly that it's to be the objective
3947 standards of the city. And I'm sorry to take a hard
3948 line on this, but that is... that is where we are.
3949 And candidly we have worked very hard to try to
3950 come up with the conditions that address all of the
3951 issues. We've worked hard on the EIR, have met a
3952 lot of concerns that have been raised, and if there
3953 is, you know, obviously some, you know, consensus
3954 among all of the commissioners that additional
3955 conditions should be imposed, you know, then I
3956 think obviously it's... you can do that, but we, we
3957 certainly would object.

3958 Matos: So just across the board blanket, no, no additional
3959 conditions? Not even, like, a thought to work with
3960 it or try to find a solution?

3961 Carlsen: I, I... look, I think that the city... this is a larger
3962 issue for the city in terms of Uber/Lyft and all of
3963 the things that go on with those uses. And I don't
3964 know that's for us as an individual project to
3965 figure that out. I, I think if the city wants to
3966 have across-the-board measures to address those
3967 issues, that's fine and we are open, like I said,
3968 informally to use these spaces that seem to be
3969 large enough and plentiful enough to be used for
3970 these other purposes. But on the... on the condition
3971 and the hours, I was told... I was told by city
3972 staff, that's it. This is the condition that goes
3973 into the project. So, you know, we're... we're living
3974 with that and those hours. And although the hours
3975 seemed odd to us, but I understand the city's
3976 thinking on that. So, if there wants to be... if the
3977 city wants to have a, you know, different approach,
3978 a different policy, we understand that. But I, I
3979 think we're, you know, given the Housing
3980 Accountability Act, we, we, you know, feel pretty
3981 strongly about sticking to the objective standards
3982 that exist today.

3983 Jones: Any further questions for the applicant? If not,
3984 I'm going to go ahead and close the public hearing

3985 again and move us back into deliberation.

3986 Commissioner Lombardi, please go ahead.

3987 Lombardi: Thank you, Chair Jones. While I have the applicant
3988 here and on the topic of objective standards, there
3989 were a couple of items I raised earlier during
3990 questions to staff. And I am very curious about
3991 well, two concerns. They were pertained to the
3992 design and how they were meeting code standards.
3993 One of them being the private outdoor space. Since
3994 you have private outdoor space with some public
3995 circulation that I guess is kind of an outdoor
3996 area, but it's not directly outdoor. Or you even
3997 have to have a situation where there's not a unit
3998 passing through that private outdoor space to
3999 access their unit?

4000 Carlsen: So, I, I know that James Fischer, the architect,
4001 had I thought addressed that, that code section for
4002 those units, those three units that you had
4003 identified. I know... James, do you want to go
4004 through that again to make sure (talking over).

4005 Fischer: Sure. (Talking over).

4006 Lombardi: There are actually four units.

4007 Fischer: Yeah, I think it was actually Laurie that was, that
4008 was asked that initial, initial question. So, the,

4009 the code section reads as this, it says "intend..
4010 intended to be private open space shall be at the
4011 same level as and immediately accessible from the
4012 kitchen, dining room, family room, master bedroom,
4013 or living room within the unit. Variations from
4014 these dimensional and locational standards may be
4015 allowed or can be shown that the required private
4016 open space meets the intent and purpose of this
4017 section. For the provisions of private open space
4018 shall not reduce the common open space requirements
4019 of this section." And then as Laurie addressed, if
4020 it is not completely.. if it is covered, then you
4021 have to have at least 33 percent of the perimeter
4022 of the private open space of each unit exposed to
4023 open air. There's nothing saying that we have to be
4024 completely outdoors or that you can't pass through
4025 to get to your unit. All of the.. those three or
4026 four units that you addressed are.. that, that door
4027 directly accesses the living room. So, if those
4028 units were on the exterior of the building, that's
4029 where we would put the exterior deck for that. So
4030 you go, you know, through your living room to the
4031 deck. So, we feel that, you know, based on that
4032 definition that we meet the intents of the private

4033 open space.

4034 Lombardi: Yeah. I guess I'm stuck on the private part and the
4035 fact that A: there's corridors you can pass by, but
4036 B: there's units like the ones I've mentioned
4037 earlier, like 24 and 25 that you're passing right
4038 through that space to access. One, you're passing
4039 through one's private space to access another unit.

4040 Fischer: I don't... let me... I can pull up that, that floor
4041 plan, but we are not... I mean, in terms of
4042 definition of private, it means they just must
4043 serve the function of that, of that unit, right? It
4044 doesn't mean it has to have privacy, it just has to
4045 be, you know, it's not common space
4046 (UNINTELLIGIBLE) with, with, with more than one
4047 unit. So, I can... let me bring up this planner real
4048 quick here.

4049 Lombardi: I mean, I, I don't want to hold everything up doing
4050 calculations. I, I just want to flag that. I'm not
4051 sure in general how this is being interpreted and I
4052 don't know if you're going to have an answer right
4053 now for us in terms of how you calculated the area
4054 or what's right. But it doesn't seem like it's
4055 meeting the code there and needs to be addressed.

4056 Fischer: Sure.

4057 Lombardi: And then... and then I want to point out something
4058 else too. I, I thought there were related
4059 ventilation requirements for units. I feel like
4060 I've seen this come up a lot on projects and you
4061 have all of these units that are, like, you know,
4062 the 30... 33 to 27 stack, for example, that have,
4063 have these bedrooms that are not open to lighter
4064 ventilation. I know you have a nice x on a metric
4065 diagram on sheet 82.03, but that's not an opening,
4066 that's a glass wall.

4067 Fischer: Right. So, if you were providing natural
4068 ventilation then there is a certain requirement for
4069 operable windows. But there's an exception in the
4070 code provided mechanical ventilation. And it comes
4071 up in more things. Just, for example, if you have a
4072 building that's closer than eight feet to a, to a
4073 property line, you can't rely on natural
4074 ventilation for that. So, we have to provide a
4075 mechanical ventilation and that happens all the
4076 time on urban info projects. So natural light and
4077 natural ventilation are an option. They are not a
4078 requirement. The city's code does have a
4079 requirement for cross ventilation of units that are
4080 50 feet or are deeper or more, which we are

4081 providing.

4082 Lombardi: Okay. Usually, I would see a condition where
4083 there's, like, a ceiling ventilation, you know,
4084 it's, like, the top level or something like that
4085 and it's substituting in that fashion. But this... I
4086 don't know. It doesn't seem like the most livable
4087 setup to me. I, I'm going to leave it at that. I
4088 just... I'm curious how this all got through to this
4089 point that we're looking at it, it seems kind of
4090 like an extreme interpretation of what's allowable
4091 for the code.

4092 Jones: Let me (talking over).

4093 Carlsen: Well, I will just... I will just say...

4094 Lombardi: That's the end of my questions.

4095 Carlsen: I was just going to say it has been reviewed
4096 extensively. I'll just say that.

4097 Lombardi: Okay.

4098 Jones: Any other questions for the applicant? Vice-Chair
4099 Thomas?

4100 Thomas: Thank you, Chair. I just have one quick question. I
4101 know this came up before and I, I don't remember
4102 the answer so I'm just going to ask it again. Are
4103 you still anticipating having the green wall? And
4104 if, if you are, what ma... what materials will be on

4105 that wall? And how do you anticipate maintaining it
4106 so that it doesn't, you know, turn brown or dry out
4107 or whatever the case may be?

4108 Carlsen: I think our landscape architect is on. Although,
4109 I'm not seeing.

4110 Gaudet: Yeah, this is Dirk Gaudet, landscape architect.

4111 Carlsen: Ah, thank you. Thank you. Did you hear the
4112 question?

4113 Gaudet: I did hear the question. And while we had
4114 previously talked about doing a living wall, we
4115 know that there was some resistance to that and
4116 we've basically made a planter and an opportunity
4117 for vine pockets, so we actually have a climbing
4118 vine. I think it's identified in planning pallet
4119 as... looks like it's creeping fig and Boston Ivy
4120 combined to have both, both vines climbing on that
4121 wall.

4122 Thomas: Okay. Thank you.

4123 Yelton: I would like to add that we also have Condition 7.8
4124 that says specifically that all landscaping and
4125 planting areas shall be continually maintained and
4126 in good live condition and kept watered, clean, and
4127 weeded at all times. Dead or dying plant materials
4128 shall be replaced within seven days. So hopefully

4129 that addresses that as well.

4130 Thomas: Perfect. Thank you, Laurie.

4131 Jones: Any other questions for the applicant? Okay. It
4132 looks...

4133 Yelton: Can, can I respond to Commissioner Thomas's
4134 question about closing that loop on the noise
4135 mitigation> Staff wan... (talking over).

4136 Jones: Yes. But I want to... let me close the pu... I'm going
4137 to... I'm going to close the public hearing and then
4138 (talking over).

4139 Yelton: Okay. I just wanted to make sure that, that the
4140 applicant was okay with our addition to the..

4141 Jones: I see. Okay. We'll keep the public hearing open. Go
4142 ahead.

4143 Yelton: Sorry. Real quick. So, we, we thought adding
4144 Condition 5.6, which addresses the construction
4145 period mitigation plan adding a T after the S with
4146 the language... "The directors of Planning and
4147 Development Services and Neighborhood Safety shall
4148 review the letter report prepared by the consulting
4149 consistent with mitigation measure N-1B in the
4150 event that the measures in place are not adequate
4151 to mitigate construction noise. The directors of
4152 planning and Development Services and Neighborhood

4153 Safety shall provide appropriate recommendations
4154 within one week of receipt of the report.”

4155 Thomas: So, just to summarize, they get the consultant
4156 within the week, the consultant does a report, and
4157 then the report is implemented within a week?

4158 Alkire: Recommendations. Its reviews and recommendations
4159 are made within a week. And then depending on that,
4160 then a timeline would be set out from there
4161 depending on what those recommendations are.
4162 Because if it is to create a new... some sort of new
4163 provision, there may be some lead team on that. So,
4164 we wouldn't want to nail that down specifically
4165 here.

4166 Yelton: Okay. Thank you.

4167 Carlsen: That, that language is acceptable (UNINTELLIGABLE).

4168 Jones: Okay. I'm going to close the public hearing.
4169 Commissioner Carvalheiro, I don't want... I haven't
4170 put you on blast. And I'm happy to speak too, I
4171 just usually like to go kind of last. Is there
4172 anything that you want to add or any comments that
4173 you have?

4174 Carvalheiro: For deliberation or to staff or to the applicant?

4175 Jones: It can be any of those things. I mean, if you want
4176 to ask questions of the applicant, you know, we'll

4177 need to reopen. But in any order, you prefer.

4178 Carvalheiro: Yeah, I don't...

4179 Jones: It's not very much meant to be. Like, we don't have
4180 to all say our piece at once and then we're never
4181 heard from again. I think, you know, I want it to
4182 be a dialogue.

4183 Carvalheiro: Yeah, I don't have any further questions for staff
4184 and I don't have any questions for the applicant.
4185 This conversation, I mean, this evening has been
4186 intense. And I think the commission has done an
4187 amazing job of asking the questions that need to be
4188 asked. I feel a little bit like I had mentioned
4189 before, that we're stepping into quicksand and we
4190 have guard rails that we need to comply by. I
4191 understand... I'm going to speak from a design point
4192 of view, I understand that this project might not
4193 be everything that the community and I would like
4194 it to be, but it meets all the guidelines that we
4195 have discussed this evening. I don't see an
4196 opportunity for us to deny this project at this
4197 point. I hear the public comments and I almost feel
4198 like we're put in a position where we have to... who
4199 do we believe? And I understand how challenging
4200 this project has been for the community, how

4201 challenging it's been for the applicant, how
4202 challenging it's been for staff, and now we need to
4203 mitigate belief versus fact. And I feel, given what
4204 staff has repeatedly come to the table with and the
4205 effort that was put into Exhibit J, which addressed
4206 many, many of the comments in a very factual way, I
4207 do not see how I could not approve this project.
4208 Even... given even what I said in terms of design. I
4209 see the limitations and I see how it could have
4210 been better, but it meets all the guidelines. And
4211 the Housing Accountability Act is very much real.
4212 And I'm open to having a conversation. You know, I
4213 would like our deliberation to be less formal and
4214 maybe more conversational given the intensity of
4215 this... of this project. I don't know if that's
4216 appropriate or if other people are open to it.
4217 That's where I sit right now.

4218 Jones: Thank you very much. You actually surfaced some
4219 things that I too, and I say this all the time,
4220 but, you know, a lot of these projects really
4221 aren't... we're not allowed to make decisions based
4222 on how we feel. It's really about upholding the
4223 law. I think, you know, I haven't really had
4224 questions tonight. I haven't really had a lot of... I

4225 haven't had questions for staff or for the
4226 applicant largely because all of you asked them for
4227 me. But, you know, getting back to the basics of,
4228 you know, the whole foundation truly, literally,
4229 and figuratively for this project really is the,
4230 the sloping site method that's used. And I'm happy
4231 to go through kind of point by point why I think
4232 it's not within the spirit of the code, which is
4233 the... up to the determination and interpretation of
4234 the Planning Commission. I'm not going to say the
4235 code is silent on it, but we really don't have any
4236 guidance for a situation like this. And I think
4237 this was surfaced before by several people both on
4238 commission, you know, and in, in the community.
4239 And, I say this all the time too, we can't do our
4240 jobs without you. We are one of you and we
4241 appreciate that you are taking your time at 10:33
4242 on a Thursday night to still be here with us and
4243 hear what we have to say and to give us your
4244 comments because we understand that you live near
4245 or next to this project and we can't do our jobs...
4246 we can't do our jobs without you. But I know we've
4247 gone back and forth about it. I've reviewed all the
4248 materials, but this is kind of a sticking point for

4249 me and, you know, in instances like tonight where
4250 my job is to build consensus and kind of not just
4251 to vote my opinion, I don't know how much of a
4252 place that has. I'm going to table that for just a
4253 moment. There are some other things to Commissioner
4254 Carvalho's point about this project that, you
4255 know, I think could be a lot better. I've surfaced
4256 this with the applicant. I think there's some real
4257 problems with the parking. There's, you know, two
4258 rows of double tandem parking with a 24-foot-wide
4259 drive aisle. That's very small. There are a number
4260 of tandem spaces on both of the parking levels that
4261 I feel that are compact that I think would be
4262 exceedingly difficult to get out of. So, you know,
4263 do... and, you know, to Commissioner Lombardi's point
4264 about private space, you know, I don't like... I
4265 don't feel good about approving projects that
4266 aren't designed for the kind of living experience
4267 that I think people deserve to have which makes
4268 this... which makes this really hard. So, I just, you
4269 know, we heard things that the community say and we
4270 read all the same things that you do. But I just
4271 want to make it clear that, you know, voting for
4272 something doesn't always mean that it's what we

4273 want, is what I should say. But I guess to
4274 Commissioner Carvalheiro's point, you know, I do
4275 want this to be conversational. I'd like for us to
4276 come to some kind of a consensus. The applicant has
4277 now been to design review, I believe, five times.
4278 This is, I think, the fifth or sixth meeting that
4279 they've had, maybe seventh, in front of Planning
4280 Commission. That's either been here or continued. I
4281 do think it is in everyone's best interest to issue
4282 a decision tonight whatever that's going to be. So
4283 those are kind of my thoughts. I know that it's
4284 really kind of a rule I try not to play and I'm
4285 really showing my cards right now. But some of the
4286 things about this make me very uncomfortable, but
4287 that doesn't mean that I feel I have much of a
4288 choice when it comes to supporting the project
4289 given the parameters that have already been so well
4290 outlined by our, our city attorney. So, I'm going
4291 to stop talking now, but...

4292 Carvalheiro: Chair Jones, you brought up the issue that Michael...
4293 sorry, Commissioner Lombardi brought up. And it...
4294 when Commissioner Lombardi was articulating it, and
4295 he did it very well, I was thinking about
4296 precedence. Because apartment... this situation of

4297 that apartment 23, 24, 25, I completely agree with
4298 Commissioner Lombardi. But precedence as a
4299 commission has approved this exact situation on
4300 other projects. And most recently, the apartment
4301 building next to the church on the corner of
4302 Fairfax and Fountain. And so, the precedence is
4303 there. We've approved it. And like the applicant
4304 says, if, if we're going to enforce it here, the
4305 city needs to enforce it across the city and we
4306 need to be consistent with it. So, I hear
4307 everything that everybody's saying and I don't
4308 disagree. I just, you know, this is a... this is a
4309 very real... the Housing Accountability Act is a very
4310 real thing.

4311 Jones: Yeah, it is. And I think... and that's a very fair
4312 point. I think, you know, there's no political
4313 maneuvering for me here. I'm not running for public
4314 office so I... but I can say that my voting record
4315 does reflect my absolute support for affordable
4316 housing and for more housing in our community. But
4317 I think if you know me, and you do, there are two
4318 things that I really rail against. One of them is
4319 parking and one of them is allowing for loopholes
4320 and things that we haven't allowed for. Now,

4321 Commissioner Carvalheiro, to your point, the, the
4322 open space you discussed, that's a point well taken
4323 so I'm not going to... I'm not going to further
4324 surface that. But I think with the sloping site
4325 method, you know, I do... that is an objective
4326 standard. It is our... up to us to interpret that and
4327 I do not feel that the way it has been done is in
4328 the spirit of the zoning ordinance. And that's the
4329 foundation for the entire project. But again,
4330 that's... I'm trying to balance here kind of really
4331 being very on the nose about them, the way that the
4332 calculation was made, and also wanting to make sure
4333 that we are... I am taking into consideration... we are
4334 taking into consideration as a commission, the
4335 entirety of all of the things that have been laid
4336 for us to consider. And I do think that the
4337 criteria for consideration are relatively narrow.
4338 Again, whether we may have feelings about that or
4339 not is beside the point. Commissioner Lombardi?

4340 Lombardi: Thank you, Chair Jone... Chair Jones and Commissioner
4341 Carvalheiro. Both really well said and thank you. I
4342 really appreciate the conversations that are going
4343 on right now. And I guess I just wanted to let you
4344 kind of all know what I'm thinking where I see

4345 maybe a couple of issues. So, I mean, in general,
4346 this is an immensely challenging project. It's
4347 slumbered along for a long time. We definitely need
4348 to look at past precedent and thank you
4349 Commissioner Carvalheiro for, you know, pointing
4350 out a couple of instances where maybe... I think what
4351 we're seeing is code has definitely been stretched
4352 to the limits of maybe what's allowed or what the
4353 intent is. And that's what's making myself
4354 uncomfortable and I'm sure it's making other
4355 commissioners uncomfortable as well. So that's
4356 where I kind of express some of that in, in my
4357 questions and follow up questions to, to the
4358 applicant as well as to city staff. So, there's
4359 that to think about and, and I guess, you know, at
4360 the end of the day that the total area of the
4361 project was a big issue. Previously, that's gone
4362 now and it all goes down to the sloping plain
4363 method and how that applies. And yes, I'm a little
4364 bit curious to hear more from you Chair Jones. I
4365 think right now I feel like this is stretching to
4366 the limits of the intent, but it seems like maybe
4367 there's been similar examples of this before that
4368 have slipped through. And so, I'm trying to kind of

4369 understand that one point is the main sticking
4370 point. I mean, beyond that the project has some
4371 high points that the project... I mean, this project
4372 site has been waiting for development for a long
4373 time. So, I appreciate that that might be moving
4374 forward. I don't know the pedestrian experiences
4375 really. Exactly what, you know, we really love to
4376 see, you know, head for such a prime location like
4377 this. I mentioned some of the, the sort of
4378 stretching of the code whether it be the outdoor..
4379 private outdoor space or light and ventilation.
4380 Parking, I think, has been an issue and I know
4381 we've raised that before. Community members have
4382 and I do want to point out that security with
4383 parking was a main concern in the commercial end.
4384 And it seems like there's been this device that's
4385 been added now to basically secure the spot that
4386 might be a residential spot from commercial use.
4387 But I think, at least for me, the intent was more
4388 about safety and security, not securing one's
4389 parking spot. So, I don't know if that's been
4390 addressed. So, again, another example of where
4391 we're kind of stretching the intent of the code. I,
4392 I was looking to see some protection on the

4393 residential side where someone's car might be
4394 parked on a commercial side. Not that someone would
4395 use their spot, but that someone would be in a
4396 secure garage versus a more public garage. So those
4397 are some of the concerns that, that I see. But I'm
4398 trying to separate all of that out and I think it
4399 really comes down to the sloping plain method.
4400 Beyond that, there's a couple of things in the
4401 resolutions that I mentioned before that could be
4402 tidied up, happy to kind of reiterate those as
4403 needed. And beyond that, I think the only other one
4404 that I hadn't really brought up in the resolutions
4405 is, is this Type 1B construction that seems to be
4406 an assumption. I wonder if that could be added into
4407 the resolutions just to make that completely clear
4408 so it doesn't slip through in any way since that's
4409 setting a lot of precedent for the architecture and
4410 design of the project. But in general, am I pleased
4411 with the project? Not really. I have some concerns,
4412 but I'm trying to remain objective. And trying to..
4413 I'm still trying to kind of figure out the sloping
4414 plain method and, and if it's not in the spirit of
4415 the code, but follows the rules or if it's just
4416 outright not following the code. And right now, it

4417 seems like there's data points that measure at a
4418 height that would allow how the product's being
4419 built. It just seems to me like it's a flat site.
4420 So that's, that's where I feel like we're not
4421 following the spirit of the code.

4422 Jones: I'm going to let John Keho speak. Please go ahead,
4423 John.

4424 Keho: Yes. I want to talk about two things real quick on
4425 the open space, the private open space, so that's
4426 been done many, many times. So that's not
4427 stretching the code. But we have historical
4428 precedence from our courtyard buildings
4429 from the 1920s and 30s whether they would put the
4430 private areas kind of in front of the units in the
4431 comp... what might be perceived as a large courtyard
4432 area. And then we've replicated that through the
4433 years and courtyard projects. So that's not
4434 stretching or doing anything unusual. As far as the
4435 sloping site issues, so let's... the idea is how does
4436 the building sit on the land after it's finished?
4437 So, after the building is built, how is the
4438 building perceived? And, you know, West Knoll, the
4439 side street is definitely sloping. And so, from the
4440 perception of anybody after the building is built

4441 is it's a building on a sloping site because the
4442 sidewalk slopes down, the street slopes down, and
4443 so when we create the building, we're trying to fit
4444 it to the site. And the property in the middle of
4445 the site is going to be gone because, of course,
4446 it's either going to be excavated if there's a hill
4447 there or in this case it's already been excavated.
4448 But in any case, the land in the middle of the
4449 property on a sloping site is going to be gone and
4450 replaced by floors. And so, the concern is about
4451 how is the building perceived from the property
4452 lines, from the edge, from the outside? And so the
4453 idea is to make sure that the building is the same,
4454 you know, isn't exceeding the height requirements
4455 at the top of the hill, at the bottom of the hill,
4456 on the side of the hill. And then how do you
4457 connect those lines? Because those are going to be,
4458 you know, since it's not a flat site, you can't
4459 just connect it with a parallel line. And so, the
4460 code provides the two different ways to try to
4461 figure out how to connect the height limits when
4462 they're very different because the property has
4463 sloped, overall. And so, again, it's about the
4464 perception of how the building is when it's built

4465 and it's perceived from everyone around making sure
4466 that it's still at those property lines at the
4467 height requirements. In the middle of the property,
4468 it might be taller because it's in the middle of
4469 the property where the, you know, the ground has
4470 been excavated. But at the front it meets the
4471 height requirement, at the back it meets the height
4472 requirements, and on the side, it meets the height
4473 requirements. I hope that helps a little bit in
4474 that discussion.

4475 **Carvalheiro:** John...

4476 **Jones:** John, I think it... oh, sorry. I think it does, but
4477 in the way that I understand it, the sidewalk
4478 itself isn't part of the private property. The sub...
4479 the sidewalk is the public right of way. The
4480 sidewalk may slope, but the property itself is not.
4481 And I think that's where I struggle with the way
4482 that the calculation was done.

4483 **Keho:** Yeah, and we measure from the property lines which
4484 is right at the... we measure from the property
4485 lines. The height requirements are at the property
4486 lines at the exterior.

4487 **Jones:** Right. But I don't think that includes the
4488 sidewalk. Not based on within the (talking over).

4489 Keho: Well, (talking over) where the sidewalk is, where
4490 the property line is. The property line is right
4491 adjacent to the sidewalk. It's right there.

4492 Jones: Well, but right. But it's not... it's not the
4493 sidewalk. I think that's what I'm saying. Again, I
4494 don't think that the zoning ordinance is clear on
4495 this. I just... and maybe it doesn't matter. I'm
4496 just... I'm just going to say this, maybe it... I
4497 hesitate to say this, but I'm going to say it
4498 anyway. Maybe it doesn't matter if we allow this in
4499 this instance because I, I have discussed this with
4500 staff before and I think it's... they assured me, if
4501 I'm recalling correctly, that there are almost no
4502 other... maybe no other instances in the city where
4503 this situation would even apply, where there is
4504 this kind of difference. Jennifer, Laurie, are we...
4505 I know that we, we've met about this now a couple
4506 of times, but I, I think we've talked about the
4507 other instances in which this might happen. And I
4508 don't... I don't know that they exist.

4509 Alkire: Yeah, I mean it's hard to say no for sure. But I
4510 think it's, it's certainly not a common condition
4511 and, and like I said, there have been times when
4512 we've applied it in the same way to projects or to

4513 sites that have been previously excavated or graded
4514 and developed on with a, you know, flat portions.
4515 So, I think... yeah. I don't... I don't think this is
4516 something we're going to see a lot of in this exact
4517 situation.

4518 Jones: Commissioner Matos, go ahead.

4519 Matos: Thanks, Chair Jones. I have a question for John.
4520 You know, one of the concerns that was raised, you
4521 know, you just addressed which is the sloping site
4522 method. I think that to some extent all of us have
4523 had questions about that as an objective standard.
4524 I think the other question that I have for you,
4525 John, is something that Commissioner Lombardi
4526 brought up and Vice-Chair Thomas followed up on
4527 that I don't think was sufficiently addressed. And
4528 that is state building code changes between 2016
4529 when the project was deemed complete and now. Do
4530 those in fact have no weight on any of this?

4531 Keho: I'm not quite following, building code
4532 requirements?

4533 Matos: Uh.. like state... changes to the state building
4534 code.

4535 Keho: So, the new... the new state building code that goes...
4536 went into effect in January, that's the one that

4537 you're talking about? Is that...

4538 Matos: The changes between when the project was deemed
4539 complete and now. Do, do those changes (talking
4540 over).

4541 Keho: So, the, the building code that's in effect at the
4542 time that they apply for a building permit are what
4543 they have to comply with. So, all the changes that
4544 have happened between the time it was deemed
4545 complete and the time they submit for building
4546 permit, they will have to comply with from the
4547 building code standpoint.

4548 Matos: Oh, okay. I just wanted to follow up on that
4549 because it seemed (talking over).

4550 Keho: And that... and that happens, you know. The building
4551 code changes about every two years. And so that...
4552 this is a really normal thing for a project to be...
4553 to receive its planning entitlement under one set
4554 of building code requirements, but then they apply
4555 for a building permit three years later and the
4556 building code has changed.

4557 Matos: Okay. Thanks.

4558 Jones: Commissioner Copeland?

4559 Copeland: Sorry. Thank you, Chair. We were just having a
4560 discussion. You know, I, I'm very well aware of the

4561 Housing Accountability Act, which is why, you know,
4562 it's disappointing that those live/work units did
4563 not count towards the, the total. That would have
4564 been a couple of units, which even a couple would
4565 have made a, a huge amount of difference to those
4566 who would have gotten them. So that's a missed
4567 opportunity. But having said that, I, I can't, at
4568 this time, you know, with several issues that we've
4569 discussed already, I can't make the finding that
4570 this project is meeting all of the objective
4571 standards, number one yet. If my fellow
4572 commissioners want to move this forward, I would
4573 respectfully ask that they consider in Resolat...
4574 Resolution 6.42, again with the green points, that
4575 it would require a return to PC for anything that
4576 was non-compliant, any of those green points that
4577 were found to be not in compliance as the pro...
4578 because then they would not be eligible for that
4579 4,000 feet that we're talking about, the point one
4580 of the FAR. I think once again we have a method of
4581 calculating a measurement that is questionable at
4582 best, you know, and that adds a massing and a
4583 height and a density to this building that would
4584 not otherwise be allowed. And I'm, I'm very

4585 conscious of that... conscious of that fact. And I
4586 can't ignore the public safety part of this, which
4587 is part of the Housing Accountability Act, if it's
4588 in contravention of public safety. I've sat on West
4589 Knoll several times and it's not only a narrow
4590 street, it's a curved street. Very limited
4591 visibility. And if you sit right at the top of
4592 where this property would end and you watch... as
4593 someone mentioned earlier, you know, it's very
4594 narrow. So, if a car's coming north, one's coming
4595 south, they will have to pull to a crawl or a stop,
4596 let each other pass. If you're coming down that way
4597 and you've got cars that are double-parked to
4598 deliver food, whatever, if you're going to put 150
4599 or 200 people on this spot in a building, there's
4600 going to be multiple ride shares. I don't think...
4601 and food deliveries and I don't think that's... I
4602 think that is a public safety issue. It's not a
4603 question of if, but when there's going to be an
4604 accident or a tragedy when someone has to swerve
4605 around, they can't see what's down there. That's
4606 one of the concerns that I have. You know, I think
4607 it's a great spot for, for adaptive reuse or
4608 development or something to be done there. And I

4609 love the live/work units. I think we're long
4610 overdue on those and that's a great option. So,
4611 there are things that I really like, but it's just
4612 not sitting comfortably with me. Number one, the
4613 calculation effects everything else. And I'm not...
4614 I'm not confident on that and I'm not confident
4615 that the objective standards have been met with
4616 things like parking and some of the green points. I
4617 just... maybe you can convince me otherwise. But at
4618 this point, I'm just... I'm not comfortable finding
4619 that it does meet those standards at this point. So
4620 that's it for me right now. Thank you.

4621 Rosen: Chair, would it be helpful to just kind of go over
4622 again just the, the thresholds for the objective
4623 standards piece of the HAA and how it's...

4624 Jones: No, I understand. I mean, we can. I think what I
4625 had gotten stuck on and it sounds like I'm not the
4626 only one, was the justifications for the objective
4627 standard... objective standards themselves, not the...
4628 not the justifications. What the... what the
4629 objective standards are because it sounds like the
4630 sloping site method, there, there's some room for
4631 interpretation. I'm not saying that I can't be
4632 swayed. It seems clear that, you know, staff has

4633 put an immense amount of work on this.. into this
4634 project. Laurie, I know this has been on your desk
4635 for, like, eight years, maybe longer than that. So,
4636 I want to acknowledge that and I know that the
4637 applicant has put a ton of work into this as well.
4638 It doesn't mean I can't be swayed, I just... you were
4639 very clear, Isaac, that, you know... I'm not going
4640 to... I actually wrote it down, but and this is just
4641 a specific adverse impact that cannot be mitigated
4642 that we really don't have the ability to not
4643 approve it, correct?

4644 Rosen: Well, and I think I would just also so.. and maybe
4645 it, it was the order in which I did it because I
4646 think the.. that is accurate they're.. the.. to deny a
4647 qualifying housing development project, it has to
4648 be this specific adverse impact that's based on
4649 object... objective codified standards. So, it can't
4650 include sort of subjective concerns about
4651 (UNINTELLIGIBLE). But I also want to just... I know
4652 there's been a lot of discussion during
4653 deliberation among the commission about, about the
4654 objective standards piece and that, that actually
4655 is a different standard under the HAA. So, the, the
4656 finding of whether or not a project is deemed

4657 consistent and compliant with a city's locally
4658 adopted, applicable, objective standards in effect
4659 at the time the project was deemed complete, is a
4660 reasonable person's standard based on subjective
4661 evidence. So, under the HAA and its subdivision F4
4662 of government code 65589.5, that lays out. That
4663 reasonable personal... reasonable person standard. So
4664 even before the need for a specific adverse impact
4665 to deny a qualifying housing project, the
4666 determination of whether a project conforms with
4667 the city's objective standards is based on a
4668 reasonable person's standard. Meaning if a
4669 reasonable person could con... could conclude based
4670 on the city's local standards that the project
4671 complies, then that means that the project is
4672 consistent with the city's local standards. And I
4673 know I mentioned this off the top, I do think I
4674 wanted to just reiterate that, that is read in
4675 conjunction with what's codified of legislative
4676 intent. Within the HAA, that says the Housing
4677 Accountability Act should be interpreted to afford
4678 the fullest possible weight to the approval of
4679 housing. So, I wanted to just note that there are
4680 two different standards. And, and even that base

4681 hold question about conformance with the city's
4682 objective standards. It's a reasonable person's
4683 standard. Can a reasonable person determine that
4684 the project is consistent with city's local
4685 standards? And only if it's unreasonable that
4686 someone couldn't review the code and find that the
4687 standard is consistent, is that a grounds to not
4688 find or not make the... that conformity or
4689 consistency finding? And that's read... that
4690 reasonable person's standard is read in conjunction
4691 with the deference to the creation of housing I
4692 stated. So, I wanted to just parse those out a
4693 little bit.

4694 Jones: Understood.

4695 Rosen: Yeah.

4696 Jones: That's helpful. Are you saying I'm not reasonable?
4697 I'm kidding. I do think it remain... I understand
4698 what you're saying. I, I think that is helpful in
4699 terms of how, how we may move this forward. I may
4700 not agree with, like, Joe reasonable, but it sounds
4701 like I may be... I maybe have voted on that, and that
4702 the, the law sounds pretty explicit in the way that
4703 it speaks about guard rails for approval I'd say.
4704 Would you agree?

4705 Rosen: I think the, the standards within the HAA, you
4706 know, it's... it contemplates these kind of difficult
4707 conversations. I would... I would say the, the actual
4708 lot does codify that legislative intent that the
4709 commission does and what makes it so challenging
4710 that the commission does have to consider as part
4711 of that reasonable person standard for the
4712 conformance with objective standards. I would say
4713 that it is... it is explicit within the text of this
4714 statute and has been considered by reviewing courts
4715 that, that reasonable person standard about finding
4716 conformance with objective, the city's locally
4717 adopted objective standards is read in conjunction
4718 with a reasonable... a reasonabili...(talking over).

4719 Jones: I know, I'm tripping up a little bit on the
4720 definition of a reasonable person.

4721 Rosen: ... with the spirit of the HAA codified by that
4722 states (UNINTELLIGIBLE) that says it's
4723 reasonableness that's also interpreted to a fullest
4724 possible way to the approval of, of housing. I know
4725 that's not an, an easy answer. I want to just
4726 provide sort of the... what's actually codified when
4727 we're talking about that, that standard for, for
4728 that conformance finding.

4729 Jones: Thank you. Well, that's cleared some things up for
4730 me or maybe made it a little... helped things come
4731 into focus a bit. But I... again, in the interest of
4732 this being about building a consensus and moving
4733 our discussion forward, do we have a motion? Are we
4734 ready to make a motion? Vice-Chair Thomas?

4735 Thomas: I actually just had a, a couple more... just a few
4736 more points that I wanted to touch on. Not, not...

4737 Jones: Sure. Yeah, please. Go ahead... go right ahead.

4738 Thomas: Not very many. So, I agree with... I agree with
4739 pretty much everyone said, you know. In our
4740 approach and quest to not just meet but surpass our
4741 arena goals and provide housing options to our
4742 community, I'm really glad to see a project with
4743 this many units and also a project that includes
4744 live/work units. I think they're really important
4745 for entrepreneurs and creative people in the city
4746 and I want to encourage that type of innovation.
4747 Like Commissioner Carvalheiro said, the Housing
4748 Accountability Act is very real and it's, you know,
4749 it's new to our city. And I , I recognize that the
4750 state law requires that there is very little room
4751 for us to deny a project, but we should still
4752 always try to make each project the best that it

4753 can be. We haven't really talked too much about
4754 aesthetics. I think that the residential side of
4755 this project is lovely. It has articulation and
4756 it's of exemplary design. But to me, the commercial
4757 side is hyper-industrial and it already feels
4758 dated. So, I would have liked to have seen the same
4759 exemplary design as the residential side. Uhm, I'm
4760 just adding that. I know that we can't deny the
4761 project based on the aesthetics, but it hadn't been
4762 brought up. I also agree with Commissioner Lombardi
4763 that this is a less than stellar pedestrian
4764 experience. A 40-foot glass facade feels very out
4765 of character for West Hollywood. I know that we
4766 have glass facades elsewhere in the... in the city,
4767 but not at 40 feet. And I walk in that area of West
4768 Hollywood pretty often and it just... it feels like
4769 that high of a glass facade just dwarfs the
4770 pedestrian and it just does not make for a very
4771 good pedestrian experience to me. It's a repetition
4772 of corporate looking glass boxes. There's no
4773 variation. So, I really wish that there had been
4774 more effort put into the design. Like everyone
4775 else, I have concerns about delivery. The live/work
4776 units, I know that each tenant who has... who is in

4777 those units has to have a business license, but I...
4778 what I didn't hear was whether or not they have to
4779 prove every two years or three years that they're
4780 still in business. I wasn't really sure how that
4781 gets tracked. And if, if... maybe I missed it, but I,
4782 I was just curious to know that. And I am... I
4783 continue to be a little bit concerned about the
4784 displaced businesses. I think that this project
4785 underscores why our economic development department
4786 needs to create a provision for displaced business.
4787 I... you know, change is great. Change is good and
4788 wonderful, but our businesses are part of what
4789 makes us a creative, world-class city. And so, I
4790 want to make sure that we're always looking out for
4791 those businesses. As I mentioned earlier, there's a
4792 business there that's been there for almost 30
4793 years. So, I would like to see... and this is, you
4794 know, outside the scope of this particular project,
4795 but I would like to see if we can talk to economic
4796 development again to see where they are on creating
4797 a provision for our displaced businesses because we
4798 have provisions for displaced residents. And I
4799 would just like to see that we're making an effort
4800 to protect our businesses and make sure that they

4801 are... they continue to be part of the future of West
4802 Hollywood. So those are just my, my thoughts and
4803 that's all I have.

4804 Jones: Thank you, Commissioner Thomas. Commissioner
4805 Carvalheiro, please go ahead.

4806 Carvalheiro: Yeah, Commissioner Thomas, thank you for those
4807 comments. I just wanted to respond actually... or
4808 make comment on a couple of the design issues
4809 because you hit on some really important points.
4810 The residential design... design review actually did
4811 ask the applicant to take the same care that they
4812 paid on the residential side and bring it to the
4813 front elevation of Santa Monica Boulevard. So, it
4814 is less industrial, but the applicant was directed
4815 against that by Gwynne Piu. So, the city kind of
4816 directed them in the direction that we have now
4817 landed. And I don't disagree with you at all. And,
4818 also, the, the glass wall around Santa Monica
4819 Boulevard, it... we... design review asked the
4820 applicant to push it back so that we could connect
4821 with a commercial that's happening down on the
4822 former Starbucks and, you know, Kitchen 24. So, it
4823 would have that continuum. The applicant chose not
4824 to do that. But what, what we will not... what we

4825 might not have, is that continuous glass wall
4826 because those elevations will evolve as tenants are
4827 programmed into the space and they can redesign
4828 those walls. So, they likely will be operable. I
4829 hope they will be operable. And a lot that does
4830 evolve as the.. as the.. as businesses take over
4831 those spaces if that makes sense. So, I don't know
4832 if that kind of helps a little bit, but just so you
4833 know.

4834 Thomas: I appreciate that context. Thank you.

4835 Jones: I'm just waiting for a sound to come through or see
4836 a hand.

4837 Matos: I'll make some comments, Chair Jones, if that's
4838 okay.

4839 Jones: Sure. Please go ahead.

4840 Matos: You know this is a tough one for me. I think that
4841 there have been some questions raised as to the
4842 objectivity of some of these standards. And, you
4843 know, staff has answered them to the best of their
4844 ability. But, you know, that's still something to
4845 be taken into account for. I mean, otherwise this
4846 project has an abundance of housing. There's
4847 affordable units and moderate-income units, I mean,
4848 which are so desperately needed. You know,

4849 unfortunately, you know, there's a lot of community
4850 concern that came in. But unfortunately, in the way
4851 that the applicant has decided to go about doing
4852 this, engaging in this process, our conversation is
4853 strictly limited to whether or not the standards
4854 are objective. I mean, you know, I share a lot of
4855 the comments that Commissioner Carvalheiro made and
4856 that Chair Jones and Vice-Chair Thomas made. You
4857 know, there's a lot more to be desired with the
4858 design on the Santa Monica Boulevard frontage.
4859 There are very valid concerns from the community
4860 about, you know, commercial, residential loading
4861 zones. And there's a great opportunity to try to
4862 maximize a solution for that. But, you know, I
4863 think that we've heard that the applicant is
4864 unwilling to even work with this commission on, you
4865 know, trying to find conditions that are agreeable.
4866 And that, you know, really ties our hands with
4867 that. You know, there's a lot of other factors
4868 that, you know, lead into thinking about this
4869 project. It's a tough one because, you know, yes
4870 it's the housing, yes the Housing Accountability
4871 Act is real, I agree with all of that. I just think
4872 that there's a little bit more left to be desired

4873 with this project. I have a question for staff,
4874 specifically for Isaac. You know, part of the
4875 Housing Accountability Act in the language says
4876 something to the effect of, you know, conditions
4877 being part of the process to make a project more
4878 agreeable, more, you know, attuned to the issues. I
4879 , I want to get a feel for what, what conditions...
4880 how that plays into the Housing Accountability Act.
4881 Rosen: Sure. Sorry, I had to unmute. Yes, so I think,
4882 Commissioner Matos, it's, it's a good question and
4883 we've spent a lot of time on the framework for that
4884 reasonable person standard. I think what, what
4885 comes up in the case law would be that, you know,
4886 if you have an HAA project and there are concerns
4887 about objectivity, you know, the commission has the
4888 authority, certainly, to, to consider if there are
4889 concerns regarding a specific objective standard
4890 and it's close. And that's read with sort of this,
4891 the codified legislative intent of the HAA to
4892 further housing. It doesn't preclude the commission
4893 from looking at conditions of approval so long as
4894 they're not made in a sense that's going to make
4895 the project infeasible or represent an... a way to
4896 sort of deny the project without denying it. The

4897 important note on conditions of approval, HAA
4898 projects and more generally, is there just has to
4899 be an... it has to, you know, we've had these
4900 conversations before with the commissions about,
4901 about how to structure conditions of approval.
4902 They, they have to be enforceable, and they have to
4903 have a sufficient nexus so they can't... they can't
4904 institute a, a cost prohibitive sort of condition
4905 on the applicant. That can't be checked by the
4906 city, so there needs to be the ability for the city
4907 to sort of oversee the condition. So, the short
4908 answer is, I would say, that the commission
4909 including for HAA projects has in its discretion
4910 the ability to set conditions of approval. And then
4911 there are kind of a host of considerations that
4912 exist for any project about sort of the limits on
4913 what those conditions of approval look like. So
4914 that's kind of the... I would say the broadest way to
4915 think about it. So, we talked earlier tonight
4916 about... and I think Laurie read into the record when
4917 the public hearing was reopened that sort of
4918 revised condition 56 with respect to the
4919 construction management plan. And something like
4920 that in terms of sort of putting the city back in

4921 terms of the review of those considerations with
4922 appropriate recommendations back to the applicant
4923 is feasible certainly for, for conditions of
4924 approval. So, I now that's a long-winded
4925 (UNINTELLIGIBLE) answer, but I would say, you know,
4926 the Planning Commission retains for all projects
4927 the right to set conditions of approval. There are
4928 just certain parameters around what is feasible and
4929 what can be added to the record. And I would add
4930 just to, to go back to what I said in this long
4931 answer. I would say even within case law and HAA
4932 projects, you know, part of the intent of the HAA
4933 is that, that reasonable person standard on
4934 objective standards, that specific adverse
4935 standard, that is the height standards necessary to
4936 deny. I think there's a recognition in the case law
4937 that well... that limits discretion in certain ways.
4938 The commission can still address large concerns
4939 through conditions of approval so long as they need
4940 certain thresholds and, you know, don't create an
4941 undue burden are going to be enforceable where it's
4942 city and truthfully, it's city staff that's able to
4943 confirm those because of the hearing limitations
4944 and the need to, to issue a, a decision, a final

4945 decision as opposed to something that maybe comes
4946 back to the Planning Commission. So, I hope that is
4947 helpful. I know that's a significant amount of..

4948 Matos: No, it is helpful. I appreciate that. Thank you.

4949 Jones: Commissioner Lombardi, go ahead.

4950 Lombardi: Thank you, Chair Jones. Maybe I just want to round
4951 out, like, the last and final thoughts that I have
4952 and, and, I mean, I think we've had such a, a good
4953 discussion here. And thank you, Vice-Chair Thomas,
4954 for some of your added input on, on design on the
4955 residential side and commercial side. And I, I
4956 concur with that sentiment in terms of level of
4957 design and that sort of discrepancies between the
4958 two and that the commercial side maybe feels like
4959 it's not as refined. And I, I know that,
4960 Commissioner Carvalheiro, you sat through design
4961 review and a lot of that was discussed as well. And
4962 at the end of the day, that's, you know, not really
4963 a deciding factor in what we're looking at here
4964 right now. Not, not saying that I want to put a
4965 motion out there, but I'm just going to put out the
4966 things that I see to.. in the spirit of moving this
4967 along. So, I would start with.. let's see, I made
4968 note about Item 2.4, which is.. and I'm talking

4969 about the... I'm calling it the main resolution and I
4970 forget the exhibit by now but it's, it's number
4971 1482. So, it's not the EIR resolution 2.4
4972 correcting the dates as necessary. And then... let's
4973 see, I don't know if this is the appropriate place,
4974 but I mentioned this earlier, the, the type of
4975 construction project. And I know that Commissioner
4976 Copeland also had mentioned this. There's 6.4 all
4977 structures all conform to the requirements of the
4978 city of West Hollywood Building and Safety
4979 Division. Perhaps there could also add in this,
4980 this note it must be type 1B construction. I, I
4981 would appreciate seeing that located in the
4982 resolution somewhere if that's the appropriate
4983 place or it's a standalone item. And then I don't
4984 know there's something to address on the green
4985 point system, which is in 6.42 of the resolution.
4986 But I think it's going to be tough for this to come
4987 back to the planning commission. I don't know if
4988 there's precedent for that, although I understand
4989 that it impacts the FAR and so that could be just a
4990 justification there. Maybe there's some added
4991 discussion from commissioners on this one. But
4992 perhaps after the very first sentence, it could be

4993 further clarified and say something such as... so it
4994 says... goes on to say reviewed and verified during
4995 the building and safety plan check process. But
4996 maybe it says something such as answer certified by
4997 an independent entity, just to kind of drive home
4998 that, that needs to really be vetted and can't just
4999 be a "check the box, but no one actually looks." I
5000 think it's really important. Especially when
5001 thinking about (UNINTELLIGIBLE) these guiding
5002 principles. And that was it in terms of the big
5003 items that I saw. And then the last one was using
5004 17.18 page 50 to 51, with regards to inclusionary
5005 housing, lightly clarified sentence. So those are
5006 the main concerns I have. And I'm trying to figure
5007 out if I'm reasonable or unreasonable after all of
5008 this discussion. But, but those are the things I
5009 would like to see maybe addressed in the
5010 resolution.

5011 Jones: Commissioner Copeland, please go ahead.

5012 Copeland: Thank you. Yeah, I just had a question perhaps for
5013 staff. Are they asking for a mixed-use bonus with
5014 this project? We're talking about the, the city's
5015 mixed-use bonus.

5016 Yelton: Yes, they are.

5017 Copeland: Okay. So, is that discretionary? I mean, would that
5018 give the commission the ability to make any changes
5019 or that's not discretionary?

5020 Rosen: I think... I'm trying to think of the, way to phrase
5021 this. I mean, I , I think, Commissioner Copeland,
5022 for any of the resolutions before the commission,
5023 there are certainly findings that are... that have to
5024 be made that are discretionary in the sense that
5025 the commission needs to approve them. I think the,
5026 the tension or what makes it challenging is the
5027 approval of those findings are still overlaid on a
5028 housing development project under the HAA. And so,
5029 I think that's... so in terms of the incentive...

5030 Copeland: That can't be separated then in other words.

5031 Rosen: Yeah, oh, sorry, I couldn't hear that. Sorry.

5032 Copeland: So that's... you're saying that can't be separated?
5033 That's all under the same umbrella (talking over).

5034 Rosen: It's, it's part of... yes, it's part of the same,
5035 yeah housing development project. So, I think
5036 that's what makes it so, you know, that's what
5037 makes this challenging to the commission is there
5038 are those discretionary findings. But they are
5039 considered in the context of the HAA project.

5040 Copeland: Thank you. Appreciate it.

5041 Jones: Okay. It sounds like everyone has kind of given
5042 their, you know, thoughts, comments, POV, I think
5043 we've advanced the conversation a decent amount. I
5044 had a quick question about, you know, the green
5045 building points. I think it's been stated before.
5046 This is probably going to be the last green
5047 building points project that we see here. I don't
5048 know that we're able to require that it come back
5049 to planning because I know that when the green,
5050 green building point system was still in effect, I
5051 know that this was something that, you know, we had
5052 discussed with applicants at length that there was
5053 the, you know, minimum 90-point requirement for it
5054 to meet that threshold. But I believe that there
5055 is... that there are systems in place to ensure that
5056 those are met. I think I had actually asked the
5057 applicant. There was a... there was not to be any
5058 carpet in the project, sum total. And they
5059 confirmed that there would not be. I think that
5060 seems like a high standard, but, you know, if they
5061 think they can get to the 90 points, then, you
5062 know, the city determines that they do. I guess I
5063 just want to understand, would the reason for
5064 bringing it back be the materials that constitute

5065 the 90 points? Or would it just be to make sure
5066 that they meet the 90 points? Because I'm not sure
5067 that in either case we'd be able to require that
5068 they come back.

5069 Alkire: Are you asking...

5070 Jones: I just want to under... I just want to understand the
5071 intent of that... of what Commissioner Lombardi
5072 surfaced. I think Commissioner Copeland had
5073 surfaced it as well.

5074 Copeland: Well, in my case it was... I did ask the question
5075 earlier because if they do not have those 90
5076 points, then they're no lo... longer eligible for
5077 that .1 FAR. That would require what, a redesign, a
5078 return to PC? I think that's the question I asked
5079 Laurie earlier.

5080 Yelton: I think that would... that would constitute a major
5081 change and all major changes in the code now
5082 require going back to Planning Commission for
5083 approval.

5084 Carvalheiro: And that would also include change of construction.
5085 If went to Type 5, this building would be
5086 completely different.

5087 Yelton: Right. Again, I think that's another major change,
5088 a major amendment that would have to back to

5089 Planning Commission for review and approval.

5090 Carvalheiro: So those things are already baked in the cake?

5091 Copeland: Yeah. My, my question had been if any of these
5092 green points founded to not be compliant, then it's
5093 not in compliance, they're not eligible, will they
5094 immediately go back to or could it be in the
5095 resolution that that would resuscitate returning to
5096 planning. So that, that was my question earlier.

5097 Jones: Would anyone like..

5098 Copeland: And..

5099 Jones: Oh, go ahead.

5100 Copeland: (Talking over).

5101 Lombardi: I'm just and this may be some inexperience on my
5102 side, I'm just trying to understand with regards to
5103 the green building points and then also if the
5104 building construction were to change if it's
5105 actually going to be caught and flagged and if
5106 actually would come back to us or if somehow just
5107 shuffles under the radar. I don't.. I don't know if
5108 I have an answer to that, but that was.. that was my
5109 thought with how we might address some of the
5110 concerns with 6.42 in particular, and then also the
5111 construction type.

5112 Alkire: So, I can give a little clarity on what brings the

5113 project back for a major amendment. And that's...
5114 it's in the code in 1960... 19.62.070. It's got the
5115 amendments to approved projects. And it gives five
5116 criteria. We've talked about this before. Five
5117 criteria that would trigger it coming back to the
5118 original approval authority. And I think the one
5119 that we're talking about here the most is that
5120 it's... that this would be a change to the basis upon
5121 which the review authority made the findings of
5122 approval for the project. So, you know, if it has
5123 significant changes to the project design, that
5124 also triggers it. But in certain cas... , you know,
5125 if they couldn't meet their 90 green building
5126 points and they took out 10 percent of the floor
5127 area, and it... but the design was mostly the same,
5128 that might not trigger it. But is sounds to me like
5129 the commission is, is explicitly baking this into
5130 the basis on which they're making a decision, if,
5131 if the commission does approve the project. In
5132 which case, you know, we would... whenever there's an
5133 amendment, we go back, we review the minutes, we
5134 review the meeting, we try to ascertain exactly
5135 what the, the big factors were. And if that's
5136 changing, then we go ahead and kick it up to a

5137 major amendment and bring it back. So, I think that
5138 it's pretty clear here that those two items are
5139 very important to the commission. And if they
5140 change significantly, you know, if the... if they
5141 construction type changes or if they no longer
5142 qualify for the green building incentive, then that
5143 would cost (UNINTELLIGIBLE) major amendment. Does
5144 that help?

5145 Jones: That's really helpful Jennifer, thank you. Go
5146 ahead.

5147 Matos: Would a condition kind of address what Commissioner
5148 Lombardi and Commissioner Copeland are asking for?
5149 I think the concern is just making sure that they
5150 actually use the materials that justify the 90
5151 green points, which is an objective basis from my
5152 measure based on 2016 standards is why the project
5153 was approved. I mean, is that what you guys are
5154 trying to achieve? Is that what the commission is...
5155 the commissioners are trying to achieve.

5156 Rosen: I would know... I think... Oh, I'm sorry, Commissioner
5157 Lombardi.

5158 Lombardi: I, I... if, if it's okay, Chair Jones, I think I can
5159 summarize pretty succinctly. So, I... there were two
5160 items that I, I did suggest as changes within the

5161 resolution which would be, I guess, the condition
5162 modifications to two things. One, the green
5163 building code. And then also one was a 6 point, a
5164 very low number adding in a construction type.
5165 Jennifer Alkire, you really helped explain those
5166 items and what it all means. And so, I guess I just
5167 would want to understand if then we don't... we're
5168 good with how it's written because you all
5169 understand the intent based on these discussions or
5170 do we actually need to bake it in? I did put a, a
5171 solution out there in terms of how to address the
5172 two if we wanted to be more specific, if we felt it
5173 was necessary.

5174 Rosen: Commissioner Lombardi, I, I would just note I think
5175 my hesitancy from my perspective on a condition and
5176 it sort of went to what Commissioner Matos said
5177 about sort of baking in the process for the major
5178 amendment. And I know that was different from sort
5179 of what you had suggested. But I think my concern
5180 on that would be we're talking at this stage as
5181 part of this project approval on more conceptual
5182 plans. Then I, I would say I think it's baked into
5183 condition... the... I'm sorry, it's 6.42 to the extent
5184 that the city has its existing processes to, to

5185 check the 90 green building points in as Jen
5186 mentioned. The city would review at that stage
5187 after project entitlements are issued and it was at
5188 that stage of going through the, you know, 10 pages
5189 of these conditions of approval and making sure the
5190 applicant has met each one, that it would be
5191 something that would be considered at that time and
5192 that staff would look at the hearing and sort of
5193 the concerns articulated with the potential changes
5194 to the project. And that would come at a, a less
5195 conceptual phase than the project entitles...
5196 entitlements being considered tonight and the
5197 corresponding conditions of approval on those
5198 entitlements.

5199 Lombardi: Okay. Thank you. And then how about the, the
5200 construction type as type 1B, is... what are your
5201 thoughts there or is that something for 6.4 or
5202 elsewhere or not at all?

5203 Rosen: I believe, and maybe staff can speak to this, I
5204 think with the type 1B and maybe I'm confusing it
5205 with the materials, I thought we do have some
5206 existing language that broadly touches on that. But
5207 I, I would defer to staff and the familiarity with
5208 the type of construction.

5209 Keho: I would think that we'd want to say that some
5210 conditions of some sort that would say that the
5211 type of construction was part of the basis for
5212 making the decision since that's what they're
5213 showing the project as. We're not adding anything
5214 to the project, we're just making sure it's very
5215 clear in the resolution about the basis for the
5216 decision. And then that way it's... helps future
5217 planners to read that condition and know.

5218 Rosen: So, John, its... oh, yeah. Sorry. I was just going to
5219 say, yeah, it sounds like the idea is maybe to
5220 codify a condition or add to a condition just that
5221 the basis for the decision is the, the planning
5222 commission's basis for a decision if there's
5223 ultimately a motion. It wouldn't include that it's
5224 Type 1B construction. And I think would the second
5225 be just the importance of the project meeting the
5226 90 green building points?

5227 Keho: There I am. Yes. We could also do it that way.

5228 Jones: Okay. So, we have some points of clarification
5229 here. Does anyone want to make a motion based on
5230 the information at hand?

5231 Carvalheiro: Yeah, I'll make a motion based on the..

5232 Jones: Please go ahead, Commissioner Carvalheiro. Go

5233 ahead.

5234 Carvalheiro: I make a motion to approve the project as presented
5235 in the staff report with the comments that have
5236 been made recently in our commission review.

5237 Thomas: I'll second.

5238 Rosen: And maybe at this point before discussion of
5239 deliberation, Chair, we could just... it's harder
5240 when we're all virtual but I know we've, we've all
5241 been working on those discussed conditions. I don't
5242 know if someone has them handy. But just to ensure
5243 that's part of Commissioner Carvalheiro's motion...
5244 Jones: Motion.

5245 Rosen: ... to the comments being made.

5246 Alkire: And I think there's also changes, some corrections,
5247 to Section 6 of the Development Permit Resolution
5248 22-1482. Laurie, if you have that handy or I can
5249 read it if you're working on conditions.

5250 Yelton: I have that. So, Section 6 would state notice of
5251 the November 3rd, 2022, public hearing before the
5252 Planning Commission was posted on the site for a
5253 period of at least 28 days beginning October 4th,
5254 2022. An advertisement was posted in the Beverly
5255 Press and the West Hollywood Independent on October
5256 20th, 2022. And notices were mailed to surround

5257 property owners and residents within a 500-foot
5258 radius of the project site and neighborhood watch
5259 groups on October 20th, 2022. Copies of the staff
5260 report have been on file at the West Hollywood City
5261 Hall since October 27th, 2022. On November 3rd,
5262 2022, the Planning Commission continued the matter
5263 to December 1st, 2022, due to technical
5264 difficulties and (UNINTELLIGABLE) council chambers.
5265 On December 1st, 2022, the Planning Commission
5266 continued the matter to January 19th, 2023, due to
5267 COVID-19 and unforeseen health circumstances. On
5268 October 19th, 2023, the Planning Commission
5269 properly reviewed and considered this matter at a
5270 public hearing. The Planning Commission design
5271 review subcommittee committee... subcommittee has
5272 reviewed this project five times on December 13th,
5273 2012, June 12th, 2014, Jan... January 22nd, 2015,
5274 December 8th, 2016, and December 12th, 2019. And
5275 then Condition 2.4 would be revised. The two dates
5276 would be revised. So, it would say the approval for
5277 these... those plans date stamped October 6th, 2022,
5278 which of those plans reviewed and approved by the
5279 Planning Commission at its meeting of January 19th,
5280 2023. A copy of said plans shall be maintained in

5281 the files of the city clerk, city's current and
5282 historic planning division. The project shall be
5283 developed and maintained in substantial conformance
5284 with said plans except as otherwise specified in
5285 these conditions of approval. And then we're adding
5286 T to Condition 5.6, which is the construction
5287 period mitigation plan condition stating that the
5288 director of Planning and Development Services and
5289 Neighborhood Safety shall review the letter report
5290 prepared by the consultant consistent with
5291 mitigation measure N-1B. In the event that the
5292 measures in place are not adequate to mitigate
5293 construction noise, the directors Planning
5294 Development Services and Neighborhood Safety shall
5295 provide appropriate recommendations within one week
5296 receipt of the report. And then lastly, we would
5297 add a condition that stated.. I was still working on
5298 that, but the basis of the Planning Commission's
5299 decision includes that the project be constructed
5300 with 1B Type construction and that the importance
5301 of the project shall meet the 90 green building
5302 points.

5303 Alkire: And we'd put that in Condition 2.6.

5304 Carvalheiro: Thank you.

5305 Rosen: So, with all those points just in (UNINTELLIGIBLE),
5306 yeah I would just confirm with our motion maker and
5307 our second that, that part of that motion in terms
5308 of the discussion of the commission that's part of
5309 that motion. That includes those four items that
5310 Laurie just stated.

5311 Lombardi: A question to the motion maker and seconder, I
5312 think there was also 17.18 to combine and... with
5313 17.12. So that would renumber. And I noticed while
5314 I was reading 2.4 that there's a small typo on
5315 2.21. There's just an extra one there, just a minor
5316 thing. I think that captures the other things I saw
5317 if you're open to that.

5318 Rosen: Commissioner Lombardi, can you... could you specify
5319 again the request on the conditions within Section
5320 7?

5321 Lombardi: 17?

5322 Rosen: I'm sorry, 17.

5323 Lombardi: Yeah, so the request was 17.12 and 17.18 are almost
5324 duplicates. So, it would be to delete 17.12 and
5325 then 17.18 will likely become 17.17. And that one
5326 should cover everything in 17.12. And I'll leave it
5327 to, if it should say RSD or RSHD or both in
5328 parentheses at the end. I'm not sure how, how that

5329 works as being reviewed by, by both RSD and RSHD.

5330 Rosen: That was... and my apologies, I was looking at 17.1

5331 and 17.2. So that was 17.12 and 17.13?

5332 Lombardi: 17.12 would be deleted and then the very last one,

5333 17.18 covers everything again and a little bit more

5334 clearly.

5335 Rosen: Okay.

5336 Lombardi: However, you have different agencies noted at the

5337 end of it, RSHD and RSD.

5338 Rosen: Okay.

5339 Keho: I want to... did we get the, the 2.6 language

5340 correct?

5341 Alkire: I think we should reread it.

5342 Keho: Okay. So perhaps 2.6 should say 2.6 the Planning

5343 Commission's decision on the project was based in

5344 part on the 90 green building points and the

5345 proposed building construction type.

5346 Yelton: Should we say the 1B building construction type?

5347 Keho: Okay. Yeah, the 1B building type.

5348 Rosen: Okay. So, with the change just read from Director

5349 Keho on 2.6, then we have Section 6 and... that

5350 Laurie read into the record regarding the

5351 procedural history of the project. We have the

5352 revised dates and Condition 2.4. We have the

5353 addition of a new T in Section 5.6 with respect to
5354 the construction measures. And then finally,
5355 Commissioner Lombardi mentioned removed 17.12 as
5356 duplicative, and just striking that I think would
5357 be the most easy way forward so that the provisions
5358 don't otherwise have to be renumbered. With those
5359 revised conditions read into the record, can I
5360 confirm that's consistent with the maker of the
5361 motion and the second that's pending on the floor
5362 for approvals as recommendation.

5363 **Carvalheiro:** It is.

5364 **Rosen:** And the second?

5365 **Thomas:** Yes.

5366 **Rosen:** Thank you.

5367 **Jones:** Okay. So, unless there's any further commenting or
5368 discussion, we have a motion on the floor and a
5369 second. The conditions have been read in and those
5370 have been confirmed as in keeping with the intent
5371 of the motion maker and the person who did the
5372 second. So, are we ready for a vote? I believe that
5373 we are. David, can you please call the vote?

5374 **Gillig:** Thank you, Chair. Commissioner Carvalheiro?

5375 **Carvalheiro:** Yes.

5376 **Gillig:** Commissioner Copeland?

5377 Copeland: No.

5378 Gillig: Commissioner Lombardi?

5379 Lombardi: Yes.

5380 Gillig: Commissioner Matos?

5381 Matos: Yes.

5382 Gillig: Vice, Vice-Chair Thomas?

5383 Thomas: Yes.

5384 Gillig: Chair Jones?

5385 Jones: Yes.

5386 Gillig: And the motion carries noting five ayes,
5387 Commissioner Copeland voting no, Commissioner
5388 Gregoire recused. Amending.. and approving the
5389 resolutions number PC 22-1481 and PC 22-1482. There
5390 is an appeal process. The resolutions is the
5391 Planning Commission just approved memorializes as
5392 the commission's final action on this matter. This
5393 action is subject to appeal to the city council.
5394 Appeals must be submitted within 10 calendar days
5395 from this date to the City Clerk's Office. Appeals
5396 must be in writing and accompanied by the required
5397 fees. The City Clerk's Office can provide appeal
5398 forms and information about waiver of fees.

5399 Jones: Thank you, David. Okay, moving right along. Item 11
5400 is New Business, we have none. Item 12 is

5401 Unfinished Business, we have none. Item 13 is
5402 Excluded Consent Calendar, there is none. Item 14,
5403 Items from Staff A and B, we have... we moved those
5404 up at the beginning of the meeting. Item 15 is
5405 Public Comment, again, this is time that has been
5406 set aside for general comments not pertinent to any
5407 of the agenda items that we heard tonight. David,
5408 do we have any public speakers?

5409 Gillig: Chair, I received no request to speak on this item.
5410 If there is anybody on the platform that would like
5411 to speak, use the raise hand feature or star nine
5412 for me at this time. And Chair, we are all clear
5413 for public comments.

5414 Jones: Great. Thank you. Item 16 is Items from
5415 Commissioners. Do we have any comments from
5416 commissioners? Vice-Chair Thomas?

5417 Thomas: Thank you so much, Chair. I wanted to ask to ensure
5418 that we receive all the materials and we read
5419 through everything in time for our meetings, I was
5420 wondering if staff, whomever, could share with the
5421 public when correspondence should be received so
5422 that it can be properly distributed to
5423 commissioners because I think we received about 300
5424 pages of last-minute correspondence today. And

5425 sometimes a commissioner may not have the time to
5426 read through these items. You know, thankfully I
5427 was able to, but I was just wondering if staff
5428 could just share when the public or representatives
5429 or whomever should get materials into staff so that
5430 you have enough time to turn it around to
5431 commissioners.

5432 Alkire: We will communicate that. We, we often do, I think,
5433 you know, I think sometimes people need to receive
5434 the packet and be able to read the materials to
5435 provide their comments. But we'll reiterate that
5436 it's important that you guys have time to see their
5437 comments in order to take them to heart.

5438 Thomas: So, does that mean... should people send in the
5439 correspondents two days before? Is that the best
5440 time? Two days before the Planning Commission
5441 meeting? I just want...

5442 Alkire: I'll actually lean on David Gillig to let me know
5443 what, what the best timing is on that for getting
5444 the things posted to the agenda.

5445 Gillig: Chair... or Vice-Chair, this has been like an ongoing
5446 issue over the years about people sending in
5447 correspondents at that last minute expecting you to
5448 read all of it. We have a posted... on the posted

5449 agenda that there is a deadline of 4 PM at which
5450 time all that correspondence, you know, should be
5451 disseminated to all of you. But it also comes down
5452 to, you know, like for example when we get letters
5453 and correspondence from an attorney's office
5454 that's, like, 300 pages. As soon as I get those, I
5455 try to get them out to you as soon as possible like
5456 it happened today. But that still doesn't give you
5457 time. And we've reached out, you know, to the
5458 attorneys, to the developers, you know, letting
5459 them know that, you know, you, you just all don't
5460 have the time, you know, to read these large
5461 documents. You just need to get them in earlier.
5462 That's really... there's not really too much we can
5463 do other than, you know, telling them to get them
5464 in earlier.

5465 Thomas: Sure, and I, I do...

5466 Keho: I, I...

5467 Thomas: I'm sorry, go ahead.

5468 Keho: I was going to say... I was going to say, you know,
5469 if a resident is reviewing a project or watching
5470 this and they want their letter to be in the packet
5471 that's delivered to the Planning Commission so you
5472 would have that time to look at it, they really

5473 need to get their letter into us 10 days in advance
5474 of the meeting because we publish the packet, you
5475 know, well before the meeting so you can start to
5476 read it. So, if a resident wants it to be in the
5477 packet so you can have the full time to read it,
5478 they have to get it to us at least 10 days before
5479 the meeting. What David is talking about is once
5480 the packets been printed, you know, it's printed.
5481 And so, we can only, you know... all we can do is
5482 collect information that's given to us and then we
5483 try to turn around and redistribute it back to the
5484 Planning Commission as quickly as we can.

5485 Thomas: And I would also like to thank staff for, for doing
5486 that, for turning it around. And I want to thank
5487 the public who does send in their letters and, and
5488 their public comment to help guide our decision
5489 making. I... but I just want to make sure that we all
5490 have enough time to, to read your wonderful
5491 letters. And so, I just wanted to ask... make that
5492 asked and that's all I have, Chair.

5493 Jones: Great. Thank you. Commissioner Matos, please go
5494 ahead.

5495 Matos: Thank you, Chair Jones. So, I just wanted to follow
5496 up with staff on one... on a couple of things. The

5497 first thing is in our.. I believe it was our early
5498 December meeting. I'd requested that staff come
5499 forward with, you know, all new state housing laws,
5500 state changes that would affect local land use
5501 planning decision made by this body. I just wanted
5502 to kind of receive if there was a timeline for
5503 that. If I recall correctly, there was unanimous
5504 agreement from this body that we would have that
5505 come forward.

5506 Rosen: And Commissioner, I'll, I'll step in just to say we
5507 are working on that in our office. And so, you'll
5508 hear it with staff, but from us as well on some of
5509 the changes to recent state law. And I'll, I'll
5510 (UNINTELLIGIBLE) our firm also does legal alerts
5511 too, but you'll hear it directly from us. And I
5512 think we expect it to be very soon at a Planning
5513 Commission meeting where we'll try to get into
5514 those.

5515 Alkire: And, and I'll say that we've been trying to find a
5516 time to agendize it. But as you know, all through
5517 the fall, we have very full agendas. And so, it's
5518 just a matter of finding that, that meeting date
5519 that has a little bit of room on it for a good
5520 discussion.

5521 Matos: Wonderful. Okay. Thank you for that. There was one
5522 other thing that I, I want to ask the commission if
5523 they would be agreeable to with con... consensus. You
5524 know, I had planned on bringing this forward as a
5525 potential discussion point for this body before
5526 this meeting. And now after this meeting, I think
5527 it's really needed. I would love a discussion or
5528 some sort of briefing, written or discussion in
5529 person, about the city's standard conditions that
5530 we're adding to these resolutions. And then
5531 customize... customized standard conditions that
5532 staff has at their disposal that they sometimes,
5533 you know, insert into a project. I think part of
5534 that discussion should include what conditions the
5535 Housing Accountability Act allows. I think that,
5536 that would be very helpful. There is, you know, a
5537 lot of ambiguity in my opinion in Housing
5538 Accountability Act rules. You know, you're... it says
5539 in the language that if there's a reasonable
5540 concern that's in line with Housing Accountability
5541 Act, you know, issues, that it can be... and it can
5542 be conditioned. And then if it can't be conditioned
5543 to address the issue, then it... then and only then
5544 it can be denied. I want to get a better

5545 understanding on, on what conditions we're working
5546 with at our disposal. I think it would be very,
5547 very helpful even if it were just a discussion
5548 around what Housing Accountability Act allows and
5549 the, the standard conditions that the city puts in.
5550 That would be really helpful for me. I don't know
5551 if it would be helpful for anyone else. If not,
5552 that's fine. But I just want to throw that out
5553 there as a potential additional discussion point,
5554 you know, for this body. And that's all I have. And
5555 I'd love to know if, if that's agreeable to the
5556 commission. And if not, it's fine.

5557 Jones: Thank you, Commissioner Matos. Commissioner
5558 Carvalheiro, go ahead. You're muted.

5559 Carvalheiro: Sorry. Per our conversation during approval of
5560 agenda, I will need to recuse myself from our next
5561 meeting, February 2nd, due to conflict of interest
5562 with the Sunset Billboard Program. And so, I just
5563 wanted to let you know that. And, Chair Jones,
5564 thank you for your careful navigation tonight. And
5565 to all my fellow commissioners, that was a really
5566 tough evening with very insightful questions. And
5567 I'm glad we got through it. Thank you.

5568 Jones: Thank you. Commissioner Lombardi.

5569 Lombardi: For sure, just some quick thoughts on Commissioner
5570 Matos's comm... comments about, you know, what we can
5571 do within resolutions and, and anything as it
5572 relates to Housing Accountability Act. I am open,
5573 open to anything. I'm just looking at it from the
5574 design end. I think that a lot of projects we
5575 receive, receive and review are unique and have
5576 their own challenges. So, we're always going to
5577 have plenty of things that we're navigating and
5578 that's what that's part of. So, I don't know how
5579 much we'll come of it, but obviously it might be a
5580 benefit. So, you know, sure. And then... and then
5581 just wanted to thank everyone on the commission for
5582 a lengthy and challenging discussion today. And
5583 thank you, Chair Jones, for guiding us through it
5584 all. We made it.

5585 Jones: All right. And I was just going to say that I'm,
5586 you know, in agreement with Commissioner Lombardi.
5587 I think, you know, there's so many standard
5588 conditions for our projects and I think it really
5589 is going to depend on the project and on the
5590 candidates... the applicant's willingness to, you
5591 know, have the project condition. But certainly, if
5592 there is kind of like a boiler plate or a... I don't

5593 know, hit list in terms of, you know, things that
5594 come up the most often, I'm certainly, you know,
5595 happy to review those with commission, you know, or
5596 have staff review them with us in any case. Does
5597 anyone else have any comments? All right. Well,
5598 thank you everyone. I know it was a long meeting,
5599 but I do... I am happy that we finally were able to
5600 move 8555 forward. It's been a very long time
5601 coming. Thank you to everyone who came out, anyone
5602 who is still with us on the call, or was with us
5603 this evening. Thank you very much for, for joining
5604 and taking so much of your time. If no one has
5605 anything else, I will adjourn this meeting. We will
5606 adjourn to a regularly scheduled meeting on
5607 Thursday, February 2nd at 6:30 PM. And I believe
5608 this will also be a teleconference meeting. Have a
5609 lovely week and weekend everyone. Thank you very
5610 much.

5611 Alkire: Thank you all.

5612 Jones: Goodbye.

5613 Lombardi: Thank you.

5614 Carvalheiro: Good night.

5615

5616 **PASSED, APPROVED AND ADOPTED** by the Planning Commission of the
5617 City of West Hollywood at a regular meeting held this 6th day of
5618 April, 2023 by the following vote:

5619

5620 AYES: Commissioner: Carvalheiro, Copeland, Gregoire,
5621 Lombardi, Matos, Vice-Chair Thomas,
5622 Chair Jones.

5623

5624 NOES: Commissioner: None.

5625

5626 ABSENT: Commissioner: None.

5627

5628 ABSTAIN: Commissioner: None.

5629

5630



5631

STACEY E. JONES, CHAIRPERSON

5632 ATTEST:

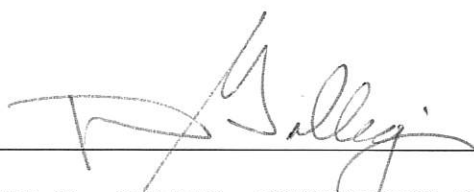
5633

5634

5635

5636

5637



DAVID K. GILLIG, COMMISSION SECRETARY

5639

CERTIFICATION BY TRANSCRIBER

I, Gabriel Salinas, hereby declare as follows:

I am located at 5837B E. Los Angeles Avenue, Somis, California 93066. I am the person who transcribed the foregoing Planning Commission meeting.

I have transcribed this transcript to the best of my ability and certify that this written transcript is a true and accurate account thereof. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

I further certify that I am not of counsel or attorney for any of the parties in the foregoing matter or in any way interested in the outcome of the matter set forth in this transcript.

EXECUTED this 30th day of January 2023, at Somis, California.

Gabriel Salinas

Gabriel Salinas

WRITTEN COMMUNICATION, INC.