

1 **City of West Hollywood**
2 **Planning Commission Regular Meeting**
3 West Hollywood Park Public Meeting Room, Council Chambers
4 625 N. San Vicente Boulevard, West Hollywood, California

5 **Thursday, August 15, 2024**
6

7 **Commissioners Present**

8 Chair Lombardi

9 Vice Chair Gregoire

10 Commissioner Carvalho

11 Commissioner Hoopingarner

12 Commissioner Jones

13 Commissioner Matos

14 Commissioner Solomon

15 **Staff Present**

16 Nicholas P. Maricich, Director, Community Development Department

17 Francisco Contreras, Long Range Planning Manager

18 Tahirah Farris, Senior Planner

19 Yessica Benitez, Code Enforcement Supervisor

20 David Gillig, Planning Commission Secretary

21 Isaac Rosen, Legal Counsel

22 * * *

23
24 Chair Lombardi: David, are we ready? Okay. Great. Good evening. And I would
25 like to begin with the land acknowledgement. The West
26 Hollywood Planning Commission acknowledges that the land on
27 which we gather and that is currently known as the City of West
28 Hollywood is the occupied, unceded, seized territory of the
29 Gabrieliengo Tongva and Gabrieliengo Kizh peoples. It is now 6:32
30 p.m., and I will call this regularly scheduled Planning
31 Commission meeting to order.
32

33 And to start, Commissioner Matos, would you like to lead us in
34 the Pledge of Allegiance?
35

36 Commissioner Matos: Yes.

37
38 Chair Lombardi: Thank you.
39

40 Commissioner Matos: I pledge allegiance to the flag of the United States of America
41 and to the republic for which it stands, one nation under God,
42 indivisible, with liberty and justice for all.

1
2 Chair Lombardi: Thank you. Secretary Gillig, may we please have roll call?
3
4 Secretary Gillig: Thank you. Good evening, Commissioners. Commissioner
5 Solomon.
6
7 Commissioner Solomon: Here.
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9 Secretary Gillig: Commissioner Matos.
10
11 Commissioner Matos: Present.
12
13 Secretary Gillig: Commissioner Hoopingarner.
14
15 Commissioner Hoopingarner: Present.
16
17 Secretary Gillig: Commissioner Jones.
18
19 Commissioner Jones: Here.
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21 Secretary Gillig: Commissioner Carvalheiro.
22
23 Commissioner Carvalheiro: Here.
24
25 Secretary Gillig: Vice Chair Gregoire.
26
27 Vice Chair Gregoire: Here.
28
29 Secretary Gillig: Chair Lombardi.
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31 Chair Lombardi: Here.
32
33 Secretary Gillig: And we have a quorum.
34
35 Chair Lombardi: Thank you, which moves us to Item #4, which is Approval of
36 today's Agenda.
37
38 Commissioner Jones: I'll move.
39
40 Commissioner Matos: I'll second.
41
42 Chair Lombardi: Thank you.
43
44 Secretary Gillig: Moved by Commissioner Jones, seconded by Commissioner
45 Matos. And the motion passes unanimously, approving the
46 agenda as presented for August 15, 2024.

1
2 Chair Lombardi: Thank you. Item #5 is Approval of the Minutes. And we have
3 minutes from the August 1, 2024 Planning Commission meeting.
4 Are there any edits from staff or any comments or edits from the
5 commission? No? Okay.
6
7 Secretary Gillig: We have a motion by Commissioner Hoopingarner.
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9 Commissioner Jones: I'll second.
10
11 Chair Lombardi: Thank you.
12
13 Secretary Gillig: And who seconded?
14
15 Commissioner Jones: I did.
16
17 Secretary Gillig: Thank you. And seconded by Commissioner Jones. And the
18 motion passes unanimously, approving the minutes as presented
19 for August 1, 2024.
20
21 Chair Lombardi: Thank you. And Item #7 is the Director's Report, and I believe
22 Nick --
23
24 Secretary Gillig: Excuse..
25
26 Chair Lombardi: Oh, public comments?
27
28 Secretary Gillig: Yeah.
29
30 Chair Lombardi: Thank you. David, do we have any public commenters today?
31
32 Secretary Gillig: We don't have any for this general public comment.
33
34 Chair Lombardi: Okay. Anyone on the Zoom platform? No?
35
36 Secretary Gillig: No.
37
38 Chair Lombardi: No? Okay. Thank you. Item #7 is our Director's Report.
39
40 Nicholas Maricich: Good evening, Chair, Vice Chair and Planning Commissioners.
41 Nick Maricich, Community Development Director for the City of
42 West Hollywood. I have three items for my report this evening.
43
44 The first, you may have heard me mention at past meetings about
45 the Willoughby, Vista-Gardner and Kings Road street design
46 concept plan and some of the meetings that the city has held

1 related to that project. This was a priority project in the
2 pedestrian and bicycle mobility plan, adopted back in 2019, with
3 the objective to enhance the neighborhoods and protect the safety
4 of pedestrians and cyclists through strategic street improvements
5 across the corridor, aiming to make safer, more accessible routes
6 for walking and bicycling while reducing cut-through traffic.
7 And we are planning another community meeting that we're
8 inviting community members to attend to review parking
9 considerations specifically along Vista Gardner as part of the
10 street plan.

11
12 The community meeting and parking-focused discussion will
13 take place on Thursday, August 22, at the Plummer Park
14 Community Center in Rooms 5 and 6, 7377 Santa Monica
15 Boulevard. And the meeting is drop-in. There is no advance
16 RSVP needed.

17
18 The purpose of this in-person discussion is to provide community
19 members with information regarding the proposed parking
20 reconfiguration along Vista Gardner that's outlined in the plan
21 and to receive feedback on proposed changes. City staff will
22 provide a brief presentation on design alternatives being
23 considered and will request feedback from the community. We
24 are going to continue to provide additional opportunities for
25 feedback as the concepts get refined through the design and
26 engineering phase. And we are looking at ways to minimize
27 impacts to on-street parking.

28
29 For up-to-date information about the project, you can go to the
30 city's Engage WeHo information and feedback page, which is
31 engage.weho.org/willoughby. The second item is that we have --

32
33 Commissioner Hoopingarner: Sorry. What time was that? What time?

34
35 Nicholas Maricich: That time is on August 22 at 6:00 p.m. Do we have an end time
36 at this -- 6:00 to 7:30. Thank you.

37
38 The second item is that we are welcoming CicLAvia back to the
39 City of West Hollywood this coming Sunday at CicLAvia Meet
40 the Hollywoods, presented by Metro. It will take place on
41 Sunday, August 18 from 9:00 a.m. to 4:00 p.m. The event will
42 close Santa Monica Boulevard to vehicle traffic between La Brea
43 and San Vicente. And thousands of cyclists and pedestrians are
44 expected to fill the streets.

45
46 The route, which traverses the City of West Hollywood and the

1 City of Los Angeles neighborhoods of Hollywood and East
2 Hollywood, will be transformed into car-free open streets for the
3 day. And everyone is invited to come along for the ride and
4 walk, bike, roll and stroll through the area's iconic streets. For
5 more information, you can go to CicLAvia's website. That's
6 www.ciclavia.org.

7
8 And the third item is the launch of the city's new permitting
9 system. The city is expected to launch -- the city has announced
10 that we will be launching a new comprehensive enterprise
11 permitting and licensing management system this month --
12 actually, this coming Monday. And this new software will
13 transform our processes to make them more user-friendly. But
14 we appreciate everyone bearing with us while we make this
15 transition.

16
17 We're going to be replacing multiple software platforms that
18 have been previously used in isolation, which we hope will
19 streamline operations and improve service delivery for residents,
20 businesses, vendors and stakeholders who interact with the city's
21 permitting processes. This will include building and safety
22 permitting, plan check review and inspection, current planning
23 and historic preservation, long-range planning, our engineering
24 division, neighborhood and business safety, code enforcement
25 and business licensing among others.

26
27 Some of the highlights of the new system are that we will include
28 customer portals so you can track applications and project
29 submittals, fully electronic plan submittals and reviews, guided
30 assistance for applicants through the application process,
31 integration with the L.A. County Assessor's Office for updated
32 parcel information, mobile responsive interface to support staff
33 working in the field and seamless payment options that will be
34 offered within the platform. So to accommodate this upgrade,
35 certain city services have been taken offline starting yesterday
36 through the end of this week. Our public counters are still open
37 and operational this week to provide limited services, but we're
38 not able to accept new applications or issue permits until the new
39 system launches this coming Monday.

40
41 All of our applications and permitting services are expected to
42 resume Monday, August 19 at 10:00 a.m. once the new system is
43 launched. And as I said, we know and understand that this may
44 cause an inconvenience. And we appreciate the patience from
45 community members as we work to implement this upgrade.
46

1 And with that, that concludes my report. Happy to answer any
2 questions. Thank you.
3
4 Chair Lombardi: Thank you. Are there any questions for our community
5 development director? Commissioner Carvalho?
6
7 Commissioner Carvalho: Yeah. I'm very excited about this new software, but will you be
8 integrating current projects that are in the pipeline into the
9 roster?
10
11 Nicholas Maricich: Yes. That's actually the reason that we're taking this pause this
12 week for three days, is to allow for the full migration of all of the
13 active projects and permits that are in the old system that we
14 were using and have those be migrated to the new system. So, we
15 had to set a date when we were going to stop entering things into
16 the old system and have that conversion process take place. And
17 that's what's happening right now.
18
19 Commissioner Carvalho: That's great. Thank you.
20
21 Nicholas Maricich: Thank you. Yes?
22
23 Chair Lombardi: Commissioner Hoopingarner?
24
25 Commissioner Hoopingarner: Yeah. Will the full plans be available, so for example, full CDs,
26 construction documents be available? For example, as projects
27 modify once they've been approved, will those be available to the
28 public online?
29
30 Nicholas Maricich: We're still working through some of those workflows. I do
31 expect that there will be much more information that will be
32 available to both applicants and the public through the new
33 system. Until we get it up and running, I don't want to overstate
34 exactly those capabilities. But we do expect that much more
35 information about projects will be readily available to people
36 through the online platform.
37
38 Commissioner Hoopingarner: Thank you.
39
40 Nicholas Maricich: And I'm happy to come back and provide an update on that in the
41 future once we get it up.
42
43 Commissioner Hoopingarner: Probably, it would be nice to have a full demo.
44
45 Nicholas Maricich: Yeah. Yeah, we would love to do that. And as I say, it goes
46 beyond planning and building and affects many of the city's other

1
2 Secretary Gillig: Okay. Now we can hear you. Why don't you start again for that
3 we can hear everything you said?
4
5 Susana Lagudis: Okay. Can you hear me fine?
6
7 Secretary Gillig: Yes. Perfect.
8
9 Susana Lagudis: Okay, great. Okay because I have all my audio turned all the way
10 up, so I don't know what the issue is. But anyway, okay, so I will
11 start over again.
12
13 My name is Susana Lagudis. I've resided at 1124 North La
14 Cienega Boulevard since December of 1989. I'm speaking here
15 because I'd like to request that the planning staff and
16 commissioners take a hard look at the history and record of the
17 proponents, developers and contractors behind each project that
18 is proposed, not just the project itself.
19
20 In my particular case, my building and residents have been
21 subjected to more than four years of trespassing, destruction and
22 damaging of our property, health and safety issues due to fugitive
23 dust and debris and more. Just today, I have spent time from my
24 busy workday contacting Code Compliance, Building and Safety,
25 South Coast AQMD and OSHA about fugitive dust from cement
26 grinding and the layer of mulch and fertilizer which is now
27 covering our entire side yard because no protection in the form of
28 a fence with netting was ever put up to protect us.
29
30 This developer is a bad player on many, many levels, and they
31 should have been vetted before they were allowed to build this
32 24-unit luxury condo. I hope that the planning staff and the
33 Commission will take into consideration the many complaints
34 that the City has received about them should they ever propose
35 another project and reject them. I do not want any other
36 neighborhood or community to have to suffer what we have
37 experienced, including a looming, nearly million-dollar repair to
38 protect our foundation and building from collapsing due to water
39 infiltration caused by their actions.
40
41 My 26-unit not-luxury condo is seriously going to go bankrupt
42 over this. So please, please, please get professional geologists
43 and engineers on the planning staff who understand and can
44 review the plans appropriately before they go to the engineers
45 and plan check at Building and Safety, where they've already
46 checked off all the correct boxes, but they still end up causing

1 devastating health and safety, threatening damage and
2 destruction to the neighbors. Thank you very much for your time.
3 And I will be back to speak on the Zone Text Amendment later.

4
5 Secretary Gillig: Great. Thank you, Susan. Chair, that's our last public speaker.

6
7 Susana Lagudis: My name is Susana, [but thank you].

8
9 Chair Lombardi: Thank you. That brings us to Item #8, Consent Calendar. There
10 are no items. Same for Item #9, Public Hearings Subject to the
11 Housing Accountability Act.

12
13 So Item 10, Public Hearings, Section 2, Other Items that Require
14 Public Hearing Under the Law. And we have one item today,
15 which is a Zone Text Amendment. This is the second time we are
16 hearing this Zone Text Amendment. This is a public hearing
17 regarding a proposed amendment to increase the permitted
18 projections above the allowed height for hotel rooftop structures
19 with the approval of a conditional use permit citywide. And do
20 we have a staff report for this item?

21
22 Tahirah Farris: Yes, we do. Just shared my screen. Okay. Good evening,
23 Commissioners. Move this closer. My name is Tahirah Farris.
24 I'm with the Long-Range Planning section, and I will be
25 presenting tonight on the Zone Text Amendment to allow for
26 projections above the height limit for hotel rooftop structures.
27 This hearing, as you mentioned, is continued from the June 6
28 hearing, where it was initially heard by your Commission.

29
30 So we'll provide a quick recap of the background on this item,
31 and then we'll take a look at the comments that we heard on June
32 6 and discuss our responses to those comments. And then we'll
33 look at the revised Zone Text Amendment and staff's
34 recommendation.

35
36 So, there were two City Council directives that spurred this item,
37 one in 2020 and another one in 2022, that focused on the
38 exploration of allowing for projections above the height limit for
39 structures such as bathrooms or service kitchens on top of hotels.
40 Initially, this was part of a hotel recovery initiative and identified
41 by City Council at the time. And after there was a report back
42 from staff on this item, this is where the conversation landed for
43 this allowance of a projection above the allowed height.

44
45 So I will just point out that there is a separate item that City
46 Council has also directed staff to look at related to hotels and

1 serving non-guests at hotels. That is not covered in this Zone
2 Text Amendment, so just want to be clear about that.

3
4 So after taking a look at the Long-Range Planning Project
5 Subcommittee and Governmental Affairs Committee comments
6 early on in the process, this item was brought to the Planning
7 Commission in June of this year. And a number of questions
8 were raised, many around noise impacts and code enforcement
9 procedures. And so the hearing at the time was continued to give
10 staff additional time to consult with the noise consultant that we
11 originally worked with as well as our Code Enforcement staff
12 and the City's urban designer to respond to some of the
13 comments and questions that Commission had.

14
15 So this slide just provides a list of the items that were discussed
16 during the June 6 hearing. There were a number of questions
17 related to project eligibility, so what hotels might be eligible to
18 utilize the Zone Text Amendment were it to be approved? Also
19 questions around noise impacts and some of the mitigation
20 measures that were proposed as well as visual impacts and then
21 also the review procedures, noticing procedures and code
22 enforcement as well.

23
24 So I do want to also point out that this Zone Text Amendment is
25 specifically focused on rooftops. And so we are not talking about
26 -- I'm sorry, rooftop structures. We are not talking about uses that
27 may be permitted on rooftops as those are regulated by a CUP
28 process already. Many of the hotels already do have existing
29 CUPs that regulates what types of uses and activities can occur,
30 and so this Zone Text Amendment specifically looks at the
31 projection of structures above the height limit.

32
33 And then I'll also just point out that when we say rooftop, we're
34 really talking about the highest point of the building and the
35 activities on top of that. So some hotels may have a pool deck or
36 something that's on a lower level, but outside and not technically
37 on their roof. We're not regulating those with this Zone Text
38 Amendment.

39
40 So staff did do additional research and analysis to confirm what
41 some of the neighboring jurisdictions are actually doing in
42 regards to this type of allowance. And then we did have
43 additional conversations, as I mentioned, with our noise expert,
44 who is actually on the line on Zoom. So if there are questions
45 later on related to that, we can have them respond. That was
46 Rincon Consultants.

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We also talked with our Code Enforcement staff to have a better understanding of the code enforcement procedures. We do have staff here tonight as well in case questions come up. And we also talked with our urban designer to respond to some of the landscaping questions.

So I will highlight again that the Zone Text Amendment is meant to include the minimum standards. The Planning Commission will always have discretion to condition any individual project beyond what the minimum standards are. And then, of course, if any project does have a noise study associated with it, then there would be recommended conditions along with that. Planning Commission can take those recommendations, or they can go above and beyond. So there's always that authority of the Planning Commission.

So going back to one of the first topics that was discussed on June 6 around project eligibility, there was a question, should different hotels be allowed to have structures that project above the height limit versus other hotels? So we went back and just looked at the council directive or the information that was provided. And at the time, there was no distinction on how to treat hotels differently or whether to treat them differently. So that was not initially considered.

Given the nature of a lot of these existing buildings, there will be structural considerations where not all of them will be eligible for this anyway. There are currently 20 hotels in the city. 13 of them do currently have rooftop activities, and I think those are noted in the staff report. Those activities, again, are already permitted through a CUP. So this Zone Text Amendment could not alter any of those activities that are already approved.

And then the question around whether hotels in residential or commercial zones should be treated differently. If you look at the map, I know it's kind of small, but I'll point out, a lot of the hotels are along Sunset Boulevard. But then we have some sprinkling of hotels throughout residential areas. But even the ones along Sunset do have residential behind them, abutting behind them.

And so given the nature of the city development and proximity between residential and commercial uses, it didn't make sense to not apply certain standards to hotels depending on what zone they're in. The green shading on the screen there is R4 zoning.

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And then the darker orange shading is R2 zoning, so you can see the residential areas there.

There were a number of questions at the last hearing around noise considerations. So we did continue to consult with Rincon Consultants to talk with our noise expert, who actually did the programmatic noise study that was presented at the previous hearing. And what we determined, I think we talked about this last time as well, is that a noise study will be required on a project-specific basis. And so the standards that are in here for noise mitigation, again, are a minimum of what would be required. But any noise study that might be required will identify project-specific mitigation measures that would have to be taken into account.

So there was a question about sound barrier, minimum height of 5 feet. We talked with the noise consultant, and we learned that that is an industry standard as a minimum. But a noise study, of course, could recommend a higher height for that. And so the language in the Zone Text Amendment specifies that whatever the higher of the two is the one that you would have to go with. And then on top of that, of course, the Planning Commission could always request something outside of either of those.

The noise consultant also explained the canyon effect. I think there was conversation around that last time. And the consensus was canyon effect might not be the most appropriate term to describe what was going on, but that there probably are concerns about more of a cumulative effect or combined effect of noise. And so we did add a requirement in the noise study to consider that so that it's not just considering the individual proposed noise source, but also considering the cumulative effect of combined noise.

And then finally, we also specified that the minimum qualifications for a noise consultant to do those project-specific noise studies would have to be done by a third party with a minimum number of years of experience and a degree from an accredited college, or their firm would have to have their principal that has those qualifications. And so that is specified. And the city also does plan to develop a list of prequalified noise consultants in the future that could then be provided to applicants to utilize.

So we also looked at standards related to visual impacts. Given the last conversation, we did talk with the urban designer, and

1 there were questions around whether there should be some sort
2 of setback or stepback. And we came to the conclusion of 18
3 inches. For every foot that the structure projects above the height
4 limit, then the setback would be 18 inches.

5
6 There was also a comment that the landscaping requirements
7 should be consistent with what's in the existing code. So we did
8 look at the Municipal Code Chapter 19.26, which is Landscaping
9 Standards. Those standards are really specific to uses that are
10 more at the ground level, so we tried to adapt them to a rooftop
11 standard. And so the language proposed is that language
12 consistent with what does apply from 19.26. In addition to some
13 new standards, we required use of native species or noninvasive
14 plants as well.

15
16 And then we also added some language around design
17 compatibility, actually, into findings so that design compatibility
18 was clarified to be in context with the overall structure and any
19 existing accessory structures in terms of materials used or
20 massing or scale. And that's going to be a finding that's required
21 rather than a standard.

22
23 There was also a suggestion to increase the noticing radius to
24 1,000 feet, so we did include that as well. This will be required
25 for the neighborhood meeting that's required for any of these
26 applications as well as for the public hearing notice, so there will
27 be that 1,000-foot radius. And then again, we added additional
28 findings to talk about design compatibility and also consistency
29 with the existing CUP if there is one.

30
31 There were a number of questions as well around code
32 compliance, and specifically related to our noise ordinance. So
33 we talked again with our Code Enforcement staff to obtain some
34 additional information. So to provide you with a little bit of
35 background, the city did update its noise ordinance in 2016 to
36 use what's called a reasonable person standard. I believe there
37 was some discussion about decibel levels last time. And that is
38 something that the city actually moved away from. This
39 reasonable person standard states that any amplified sound shall
40 not be plainly audible to a reasonable person at a distance of 25
41 feet from the source.

42
43 So this actually allows staff greater flexibility to enforce the
44 regulations. A sound, for example, that might be just below what
45 the decibel limit might be could still constitute a public
46 disturbance. So this gives Code Enforcement staff that flexibility

1 to be able to enforce on things that are considered a nuisance.

2
3 There was also some questions around existing activities and
4 special events permits, and so just want to point out again that
5 currently, the hotel rooftop activities are permitted through their
6 CUPs. Some hotels can obtain special use permits to operate
7 certain types of events. That cannot be regulated by the CTA.
8 That's a separate process, so that is not discussed in the CTA. So
9 again, just focusing on the physical structures and the height
10 limit.

11
12 And then I'll just mention that Code Enforcement did assure us
13 that they do respond to complaints as they are received. And they
14 do work with operators to obtain immediate compliance. That
15 can result in citations. That can result in shutting down an event.
16 And it could have future implications on applications for
17 activities or events to occur. Those applications could be denied
18 if a specific operator is continuously noncompliant.

19
20 So with that, I just want to again reiterate that this Zone Text
21 Amendment is really about applying to structures that are
22 proposing to go above the height limit or the existing height of
23 the hotel. And it would require a CUP or CUP amendment for
24 any hotel that already has a CUP. CUPs are governed by a West
25 Hollywood Municipal Code Chapter 19.52, and they are required
26 to go to the Planning Commission. So everything would be heard
27 by the Planning Commission, which then has discretion to
28 further condition any project beyond any conditions that are
29 already applied.

30
31 So with that, staff is recommending the Planning Commission
32 adopt the resolution recommending approval to the City Council
33 for the Zone Text Amendment to allow for hotel rooftop
34 structures to have extended height above the height limit with a
35 conditional use permit and finding that action exempt from
36 CEQA.

37
38 Chair Lombardi: Thank you. Before we ask questions of staff and public
39 comment, are there any disclosures anyone would like to make at
40 this time? Commissioner Carvalho?

41
42 Commissioner Carvalho: Yeah, just one clarification question.

43
44 Chair Lombardi: Okay.

45
46 Commissioner Carvalho: So if you build a bar that's 15 feet high, you're going to have a

1 22-foot, 6-inch setback from the edge of the building? Because if
2 you're going --
3
4 Tahirah Farris: I'm sorry. I didn't hear that. Sorry.
5
6 Commissioner Carvalho: So if you're building a bar that's 15 feet high, you're going to
7 require a 22-foot, 6-inch setback around the entire rooftop?
8
9 Tahirah Farris: Around the structure. The structure would have to be set back,
10 correct.
11
12 Commissioner Carvalho: Okay. So if it's on the corner, 22-foot 6 from either end, and then
13 would -- okay.
14
15 Tahirah Farris: Correct, yeah.
16
17 Commissioner Carvalho: Okay. Yeah, that's what I wanted to understand. And can that be
18 landscaped?
19
20 Tahirah Farris: Yes. So the structure would be required to have landscaping if it
21 is abutting a residential zone.
22
23 Commissioner Carvalho: Got it. Thank you.
24
25 Francisco Contreras: And that's a minimum requirement that we're adding. They can
26 do additional landscaping as much as they'd like.
27
28 Commissioner Carvalho: Great. Thank you.
29
30 Chair Lombardi: Thank you. Commissioner Solomon?
31
32 Commissioner Solomon: I think just piggybacking off of what Commissioner Carvalho
33 just asked with the 18-inch setback required for every foot above
34 the height limit. Which height limit, the rooftop height limit or
35 the 15-foot?
36
37 Tahirah Farris: So the setback is 18 inches for every foot above the existing
38 height or the height limit. So some rooftops are already above
39 height limit.
40
41 Commissioner Solomon: Grandfathered in.
42
43 Tahirah Farris: Yeah. So it would be whatever above the roofline.
44
45 Commissioner Solomon: The roofline. Okay. Thanks.
46

1 Chair Lombardi: Any other questions for clarification? Commissioner
2 Hoopingarner?
3
4 Commissioner Hoopingarner: Yes. To be clear, then, any sound wall would have to be at that
5 setback? In other words, the sound wall couldn't be built at the
6 building edge. The sound wall would have to be built at the 22-
7 feet, 6-inches line?
8
9 Tahirah Farris: So as it's written, yeah. Structures are required to be set back.
10
11 Commissioner Hoopingarner: Including any sound walls?
12
13 Tahirah Farris: If they are considered structures.
14
15 Commissioner Hoopingarner: When wouldn't they be considered a structure?
16
17 Commissioner Carvalho: Yeah. The guidelines are that the further away the sound barrier
18 is, the more effective it is. So [indiscernible] --
19
20 Commissioner Hoopingarner: But my question relates to the fact that in the resolution as
21 proposed, you could have a solid masonry wall structure as your
22 sound barrier, which would visually be a 5-foot-tall wall around
23 the building.
24
25 Tahirah Farris: And that would be set back.
26
27 Commissioner Hoopingarner: And that would have to be set back.
28
29 Tahirah Farris: Correct.
30
31 Commissioner Hoopingarner: So if it was glass, it wouldn't have to be?
32
33 Tahirah Farris: No, it would.
34
35 Commissioner Hoopingarner: It would?
36
37 Tahirah Farris: Yeah.
38
39 Francisco Contreras: Yeah. Everything would have to be setback, correct. Yeah.
40
41 Commissioner Hoopingarner: Okay.
42
43 Francisco Contreras: So 18 inches for every 5 foot. In this case, if it were a 5-foot-tall
44 wall, it would have to be set 18 inches times 5 from the edge of
45 the building.
46

1 Commissioner Hoopingarner: Okay, thank you. Can you -- you did it in bits and pieces. But can
2 you, for my benefit, give me a complete outline of what has
3 changed from what you proposed two months ago? Because I
4 had a difficult time going through picking out each bit and
5 understanding, what was it before and what are you proposing
6 now?
7

8 Tahirah Farris: So we stepped back because there was a lot of conversation
9 around uses and activities, which are actually currently regulated
10 by other CUPs. So we took that out of the equation. This is to
11 focus solely on the structures above the height limit. So that was
12 the major change.
13

14 We also responded to -- so there was the question about
15 landscaping. We made sure that that was consistent and added
16 additional language there. We added the setback language. We
17 added the noticing requirement that was requested. We also
18 looked at -- let me go back. We looked at some of the sound
19 mitigation, and we added some more context just to -- going
20 back to my notes here.
21

22 Some of it was responding to questions about procedures. So you
23 heard in the conversation a lot of question response. But as far as
24 the noise mitigation, we also wanted to just clarify the noise
25 study has to consider cumulative effects and combined effects.
26 So it's not just considering the proposed source, but it's
27 considering the potential noise around that structure or other
28 sources that are already creating noise.
29

30 We also -- let's see, make sure I cover everything here. Oh, we
31 also added additional findings. So in addition to just the required
32 findings for a CUP, there are additional findings around design
33 compatibility and also making sure that it is consistent with the
34 existing CUP if there is one.
35

36 Commissioner Hoopingarner: Okay. Thank you. So help me understand the timeline here. The
37 initial council initiative in August of 2020 was a hotel recovery
38 incentives initiative meant to address the COVID crisis. And I
39 went through it this afternoon. It didn't even include the word
40 roof.
41

42 Then two years later, it appears that none of that was actually
43 addressed. But then a staff update on August of '22 added,
44 "Evaluating height restrictions on new structures and uses to
45 existing hotel rooftops." So it was never part of the initial council
46 directive, but it appeared in a staff update to Council. Then in

1 that, in fact, it says that, "This is a status report on the City
2 Council directive from August of 2020 regarding access by the
3 general public to amenities in hotels in residential
4 neighborhoods," notice residential neighborhoods, "and possibly
5 adding new structures and uses to existing hotel rooftops." That
6 whole thing is a new addition added by staff, correct?
7

8 Tahirah Farris: Yes, so --
9

10 Commissioner Hoopingarner: Okay. That later item was never part of the initial council
11 initiative. Okay. So then this update also only discussed hotels in
12 residential neighborhoods. It didn't discuss anything about hotels
13 in commercial zones. And in fact, I quote, "In addition to the
14 council directive of August 2020," which is not true because
15 there was never discussion of rooftops in August of 2020, "there
16 have been repeated requests by hotel operators and informal
17 discussion by city decision makers about amending the zoning
18 code to allow additional height to hotels with rooftop amenities.
19 Rooftop uses on hotels have been controversial over the years," it
20 says in that staff update.
21

22 In fact, it goes on to say, "However, the city routinely receives
23 complaints from neighbors when crowds gather and become
24 noisy, especially in the evening. In fact, decision makers have
25 also questioned whether the rules should be more restrictive to
26 reduce the use of rooftops."
27

28 So now four years later, we're looking at a 15-foot height
29 increase with noise and all of the things that seems to be
30 completely contrary to both the initial council initiative as well
31 as the content of the staff update and what the neighborhoods
32 want, et cetera. So help me understand. How did we get here?
33 How did staff get from COVID response to four years later
34 adding 15 feet to rooftop hotels along with, et cetera, et cetera?
35

36 Francisco Contreras: Yeah. Commissioner, if you read that next paragraph in that staff
37 report, it does mention that staff believes that a good next step
38 would be to take this item, the discussion about rooftop amenities
39 or additional height, excuse me, to the Long-Range Planning
40 Subcommittee for discussion and then do that additional review.
41

42 So with the adoption of the, I guess, yeah, receive and file of this
43 report by the City Council, I think the staff at the time, it was
44 also before my time, initiated that action. It's like, "Okay, well,
45 we got the okay to move forward because it wasn't declined by
46 the City Council as an item for us to study." So at that time, it

1 became a directive as part of our work plan. And since then,
2 we've been trying to process that through the channels for the
3 Zone Text Amendment.
4
5 Commissioner Hoopingarner: Even though it wasn't pointed out to Council at the time that that
6 was a completely new component? It was never part of your
7 initial item from Councilmember Heilman.
8
9 Francisco Contreras: Right. It was part of the staff report that did go to Council for the
10 receive and file.
11
12 Commissioner Hoopingarner: Okay. So help me understand why you are proposing that the
13 applicant is going to be allowed to choose the "independent," in
14 air quotes, noise consultant. Why was that the decision chosen?
15
16 Tahirah Farris: That's typically how consultants are chosen for independent
17 studies when they're required. I don't know if we have current
18 planning staff here, but my understanding is that's not atypical, to
19 have the applicant hire a third party consultant.
20
21 Commissioner Hoopingarner: Pay for, yes. Hire is a different thing. There's two different
22 things. Select the consultant and pay for the consultant. So I'm
23 trying to understand why the applicant is being allowed to select
24 the independent consultant.
25
26 Tahirah Farris: My understanding is that is typical of city procedures when
27 there's a land use application that requires additional studies that
28 the applicant would have a consultant that they select and pay
29 for. It gets reviewed by staff, and so there can be challenges to
30 that if staff doesn't agree or if the commission doesn't agree. But
31 I believe that's how it generally -- the general procedures.
32
33 Francisco Contreras: Yeah. I think it could be a variety of different ways. If the
34 applicant does pay for the analysis, we typically do our own
35 independent evaluation. But 90-some percent of the time, the
36 applicant pays for the CEQA consultant.
37
38 Commissioner Hoopingarner: Of course. That's by law.
39
40 Francisco Contreras: Yeah, so --
41
42 Commissioner Hoopingarner: But that doesn't mean they should be selecting.
43
44 Francisco Contreras: Correct. Yeah. And we can modify that requirement.
45
46 Commissioner Hoopingarner: And it's back to independence. And I find it difficult to reconcile

1 independence and applicant selecting.
2
3 Francisco Contreras: Yeah. Yeah. And we have included an additional action that we
4 want to build up our noise consultant list based on the
5 requirements that we're providing to the Commission today. So if
6 we go that route, we should probably then be very specific and
7 state that an applicant or the city can select one of these
8 preapproved noise study consultants. So that's definitely a
9 change we can make.
10
11 Commissioner Hoopingarner: Without getting into discussion, but maybe you just
12 automatically rotate through the list so there's just no discussion.
13 It's just a sequential, you're next, you do the next study. Okay.
14
15 Can you tell us -- and we brought this up last time, but I still
16 don't see the answer to, how many of the hotels that do not have
17 existing improvements to the roof have elevator rooftop access?
18
19 Tahirah Farris: I don't have the answer to that question. I would have to look into
20 that.
21
22 Commissioner Hoopingarner: Because that determines the number of hotels we're talking
23 about.
24
25 Tahirah Farris: In talking to some of the hotel operators, we talked to about 10 of
26 them prior to this, and a number of them already do have hotel
27 activities on their rooftop. And a couple of them, especially in
28 residential zones, don't have the capacity for it. And they
29 acknowledge that due to the structure of the building, and so they
30 wouldn't be concerned with this.
31
32 Commissioner Hoopingarner: Wouldn't qualify.
33
34 Tahirah Farris: Yeah.
35
36 Commissioner Hoopingarner: Okay. I think I'll leave the rest of my questions for after we have
37 public comment.
38
39 Chair Lombardi: Commissioner Matos?
40
41 Commissioner Matos: Thank you, Chair. I just have a couple of questions for staff just
42 on clarification points. The staff report references West
43 Hollywood Municipal Code Section 19.80.060, specifically
44 pertaining to revocations and modifications. Doesn't explicitly
45 say this in the staff report, but does this provision for revocation
46 or modification based on nuisance apply to the CUPs under this

1 proposed ZTA before us tonight?
2
3 Tahirah Farris: If I'm understanding, you're asking if the revocation section
4 would apply to any application for a rooftop?
5
6 Commissioner Matos: Submitted under this proposed Zone Text Amendment before us.
7
8 Tahirah Farris: Yeah. The existing code applies to anyone, so yeah.
9
10 Commissioner Matos: And then it references a review body, subject to the findings of a
11 review body, so meaning that the review body under that section
12 of code would need to make a finding that either there's a
13 nuisance or a public health risk or something to that effect. Who
14 is the review body in that instance?
15
16 Tahirah Farris: I believe it references it's the review body who approved the
17 original entitlement. So in this case it would be the Planning
18 Commission.
19
20 Commissioner Matos: Okay. In the event that there was a CUP that was found to be a
21 nuisance or was accused of being a nuisance, the review body
22 would come -- it would come before the Planning Commission
23 for consideration of modification or revocation?
24
25 Tahirah Farris: That is correct.
26
27 Commissioner Matos: Okay. Just wanted to clarify that. You had mentioned during
28 your staff report that CUP changes would obviously come before
29 the body. In the event that it's a new use of the rooftop, it always
30 comes before the Planning Commission for review, correct?
31
32 Tahirah Farris: So if we're --
33
34 Commissioner Matos: A change to the existing CUP for a new use.
35
36 Tahirah Farris: So if it's an existing CUP and they want to do a modification to
37 it, then I think it depends on what that modification is. Let's see.
38 Generally it would come back to the original review body. If it's
39 something considered minor, it may not require coming back to a
40 public hearing. It might just be a minor amendment.
41
42 Commissioner Matos: What would be a minor amendment?
43
44 Francisco Contreras: It could be, I mean, potentially maybe just some cosmetic
45 changes to a building. Or an interior remodel, for example, may
46 not be a major amendment to a CUP. Really, things that don't

1 really touch on the activities might be considered minor. So it
2 just -- yeah, I think there's a variety of different options. But
3 typically, if it's low impact, nothing changes the findings of the
4 original approval of the CUP or there's no modifications to the
5 existing conditions of approval either.
6
7 Commissioner Matos: Okay. But in the event that there is a modification to the existing
8 CUP's activities or construction in terms of the ZTA would come
9 before the Planning Commission for review at a public hearing?
10
11 Francisco Contreras: Yeah. I mean, typically, yes. On a hypothetical, yes. Yeah.
12
13 Commissioner Matos: Okay. Do we have someone here from the sound consultant
14 team, Rincon?
15
16 Tahirah Farris: Yeah, we have them on Zoom. I believe it's Josh Carman.
17
18 Commissioner Matos: Okay. Quick question for them. Staff report references that sound
19 barriers at 5 feet is an industry standard. Wondering if you could
20 elaborate on that a little bit more as to why we may or may not
21 think 5 feet would be sufficient for a sound barrier.
22
23 Josh Carman: Sure. So 5 foot, typically a minimum requirement due to,
24 typically, someone's ear height. And so I think acknowledging
25 that we're talking at the program level, it's going to depend a lot
26 on the elevation of the hotel relative to, say, a residence or some
27 other receptor. And so I think the intent was just to specify that
28 that's the minimum. The results of a project-specific noise study
29 could certainly require that it be higher if necessary.
30
31 Commissioner Matos: Is it your opinion that a higher minimum standard, such as 6 feet,
32 maybe a little bit taller than the average person, would be more
33 effective at reducing potential noise intrusion from a hotel
34 rooftop use?
35
36 Josh Carman: It could. But I think, again, knowing that we're talking at the
37 program level, the noise level experience at, say, a residence or
38 any other receptors, it's going to be a function not just of that
39 wall height, but the elevation of the residence relative to
40 whatever that use is on the hotel. So it certainly could be
41 necessary to have a higher wall, but we did want to specify some
42 minimum height. It shouldn't be any less than 5 feet.
43
44 Commissioner Matos: Understood. Thank you for that.
45
46 Josh Carman: Sure.

1
2 Commissioner Matos: That will conclude my questions for now. Thank you.
3
4 Chair Lombardi: Great. Commissioner Solomon, did you have questions? No?
5 Okay. Commissioner Jones?
6
7 Commissioner Jones: Yeah. Staff alluded to this when you gave the staff report, but I
8 just want to get some clarification. And I am asking for posterity
9 for the public record. When we're talking about rooftop
10 structures, again, without going into discussion, I'm a little
11 concerned that this terminology is causing some undue
12 consternation. I'm pretty familiar with all of the hotels on this
13 list. I've been to many of them. And I'm looking at, say, Sunset
14 Tower, which it's noted has a "rooftop improvement" of a pool, a
15 lounge and dining.
16
17 The Sunset Tower Hotel's pool and dining is not on the roof. It's
18 on a terrace that's at ground level with the entrance to the hotel.
19 Same with what used to be The Standard, which I don't believe is
20 on this list and is moving through the process. I'm thinking about
21 the Mondrian Skybar. There is a restaurant on the top level. But
22 the pool, I think, is actually down from the entrance to the hotel.
23
24 So I just want to understand a little bit more about how we're
25 defining a rooftop improvement because it's not -- I don't foresee
26 a situation where someone's going to be building anything at all
27 on the rooftop of the Sunset Tower Hotel. Can you expound on
28 that a little bit? I just want to be very clear on what the actual
29 definition is.
30
31 Tahirah Farris: So the code doesn't have a definition for rooftop, but I think
32 there's a definition for roofline that talks about the building edge.
33 But essentially, those types of, I guess, outdoor uses that you're
34 talking about that may be above the ground floor but are not on
35 the building's roof are not regulated through the ZTA. And the
36 code section that we reference is that section that specifies the
37 height permitted -- or projection permitted above the height limit.
38
39 So that's really what we're looking to, what's at the height limit.
40 So those activities that you were mentioning are not located at
41 the height limit. They're probably well below it. It would be
42 structures that are going above and beyond the height limit.
43
44 Commissioner Jones: Right, which I'm just saying, in the case of -- I'll just use Sunset
45 Tower because it's an easy one and I know it well. There's no
46 possible way that the dining and pool activities would go beyond

1 rooftop level right now, or height level, because they're literally
2 at the ground level of Sunset Boulevard.
3
4 Tahirah Farris: Yeah, so that would not fall under this amendment.
5
6 Commissioner Jones: Okay. Okay. I'm just not -- again, I was not here for the first
7 hearing -- for the first time this was heard. I was still on
8 maternity leave. I just -- I think it's -- I'll hold my comments.
9 Thank you very much.
10
11 Chair Lombardi: Thank you. Any other questions? I have just one or two.
12
13 First one, just to follow up on Commissioner Matos' question. So
14 for a project that already has a CUP, it may come back to us. Just
15 one hypothetical question. Let's say that there's a hotel that is
16 making some modifications, but they're fairly minor. They're not
17 adding structures, but they want to change their operating hours.
18 Would that come to us or would that be at director level?
19
20 Francisco Contreras: Yes. Thank you, Chair. And I was able to pull up the code
21 section for amendments to an approved project. So the
22 Community Development Director can determine whether a
23 proposed change is major or minor. And it states that
24 determination is made depending on a couple of criteria.
25
26 So whether it's major depends on whether the proposal, "May
27 result in significant impacts to the surrounding neighborhood,
28 significant environmental impacts; a change to the approved use
29 or a significant change to the project design; a change to the
30 basis on which the environmental determination of the project
31 was made; or a change to the basis upon which the review
32 authority made the findings for approval of the project." And
33 then it continues to say that, "A major change request will then
34 be processed in the same manner as the original permit or
35 entitlement."
36
37 So if the Community Development Director were to find that a
38 change in the hours of operations were going to be potentially a
39 significant impact to the surrounding neighborhood, he could
40 consider that major.
41
42 Chair Lombardi: Okay. Thank you for that clarity. And then one other question
43 relating to some of the questions from Commissioner
44 Hoopingarner. So at one point in the sequencing of how the Zone
45 Text ultimately came to us, and we're looking at it again, I guess
46 there was a recommendation that this go to Long-Range

1 Planning. You mean Long-Range Planning Department or Long-
2 Range Planning Subcommittee?
3
4 Francisco Contreras: Subcommittee.
5
6 Chair Lombardi: Okay. Did it go to the Long-Range Planning Subcommittee? It
7 did? Okay. There's just so many questions. Anyway, the other
8 question that I have, just to understand more about this, so is
9 there a scenario where glass or something else could be not
10 considered a structure?
11
12 Tahirah Farris: Are you referring to a sound wall?
13
14 Chair Lombardi: In terms of a sound barrier.
15
16 Tahirah Farris: I guess I'm not sure what you're imagining.
17
18 Chair Lombardi: So I guess what I'm wondering is when we're talking about roof
19 heights, if there's a height limit, conceivably there could be use
20 closer to or beyond the setbacks that are established if there's no
21 structures unless there's -- the sound barrier is a structure. So I'm
22 trying to understand different scenarios in terms of how that
23 space may be configured on a hypothetical rooftop.
24
25 Tahirah Farris: Yeah. So this would not be regulating the specific use. So if there
26 were uses unrelated to a structure, that's already regulated by the
27 hotel CUP. If the sound barrier that is being constructed is of any
28 building construction materials, then it's considered a structure,
29 so yeah.
30
31 Chair Lombardi: Okay. So that would effectively cap the use in theory. And also,
32 that would be reviewed here by us.
33
34 Tahirah Farris: It would be reviewed, yeah.
35
36 Chair Lombardi: Okay. And that was the only other question I had right now. Are
37 there any other questions from -- Commissioner Hoopingarner?
38
39 Commissioner Hoopingarner: Sorry, yes. I do have a couple more before public comment. In
40 the proposed amendments to the existing zoning ordinance,
41 looking at your red line, on Section 4B, it says, "Hotel height and
42 density shall be consistent with the underlying residential zoning
43 district." That's existing code. Then it goes on to say, "Except for
44 permitted projections above the height limit for hotel rooftop
45 structures, which may exceed the height limit and FAR in
46 permitted zones," which I'd like an explanation of, "with

1 approval of a conditional use permit."
2
3 As I read this, this says a brand-new construction of a hotel
4 would automatically be entitled to this additional 15 feet of
5 rooftop projections above and beyond what they are otherwise
6 entitled to just because this code exists. Is that correct? Or is --
7 I'm having a hard time reading this and understanding it.
8
9 Tahirah Farris: It would always be subject to the CUP. So the code section that
10 does allow for projections above the height gives the planner
11 guidance as to what to permit. So if the findings can be made and
12 conditions are placed on it, then they can recommend approval.
13 And the commission at that point can also approve that project,
14 or they could condition it otherwise.
15
16 Commissioner Hoopingarner: But this is under the development standards. This is the straight
17 up 19.36.150 development standards for new developments. This
18 is not for supplemental CUP anything.
19
20 Tahirah Farris: It still requires a CUP.
21
22 Commissioner Hoopingarner: But it would require a CUP on a new project, and it would say,
23 "Oh, yes, you're entitled to 45 feet. But because of this code, you
24 can also get another 15 feet for your rooftop projections because
25 of this code." Am I reading that correctly?
26
27 Tahirah Farris: That's correct. But again, the commission could always condition
28 something otherwise. There could be a study that gives guidance
29 to something other than allowing for that.
30
31 Commissioner Hoopingarner: But I would see many a developer coming through saying, "Oh,
32 it's here in the code. I can have this 15 feet in addition to my 45
33 feet." I don't know what Legal has to say about this, but I'm
34 having a hard time reading that and seeing anything different.
35
36 Francisco Contreras: Yeah. And that additional 15 feet is not an entire new story. So it
37 does limit it to just a particular amount or percentage of the
38 roofline, or of the rooftop. So they would be able to add an
39 additional 15 feet within that 50-foot -- or 50% rooftop area.
40
41 Commissioner Hoopingarner: But then we're right back to the original discussion. This was
42 meant as a resolution to help existing buildings with existing
43 problems to improve their viability thanks to COVID. And now
44 we're saying, "Oh, by the way, if you have a new project, you get
45 it too." Is that correct?
46

- 1 Isaac Rosen: Commissioner Hoopingarner, I believe -- or at least the way
2 Legal reads this is that if a new construction application came
3 forward and it wanted a permitted hotel height above what's
4 allowed in the zone, it would require its own conditional use
5 permit findings. So those would come as part of the larger
6 packaged Planning Commission, but it would be its own CUP as
7 part of the larger set of entitlements.
8
- 9 Commissioner Hoopingarner: A separate CUP from the original entitlement?
10
- 11 Isaac Rosen: Correct, as part of the package --
12
- 13 Commissioner Hoopingarner: As part of it. So it would --
14
- 15 Isaac Rosen: -- of its new construction, but its own CUP findings.
16
- 17 Commissioner Hoopingarner: Okay. So in short, it's meant for new projects to go ahead and
18 have another 15 feet.
19
- 20 Tahirah Farris: Unless the commission denies it.
21
- 22 Commissioner Hoopingarner: Okay. Thank you.
23
- 24 Isaac Rosen: Sorry, one point of clarification. It would function like any other
25 project that also requires a CUP based on the specific conditional
26 use. So the commission would consider it along with the other
27 menu of discretionary entitlements that may be necessary.
28
- 29 Commissioner Hoopingarner: Okay. And can you explain the "in permitted zones"?
30
- 31 Tahirah Farris: So that was just to specify that these are for the hotels where
32 they're permitted. So obviously, they have to have entitlements
33 and be permitted. So it's just saying if a hotel is permitted in that
34 zone and it is allowed, then these regulations apply. There could
35 be some specific zone where a hotel may not be allowed. If it's
36 redundant, it's also something that could be removed.
37
- 38 Commissioner Hoopingarner: Well, it's interesting because hotels aren't permitted in residential
39 zones.
40
- 41 Tahirah Farris: Right.
42
- 43 Commissioner Hoopingarner: So all of our existing residential projects are nonconforming. So
44 in order to do this, it needs to be in a permitted zone. And they're
45 not in permitted zones.
46

- 1 Tahirah Farris: So they are permitted with their existing CUPs. But again --
2
3 Commissioner Hoopingarner: But it's not a permitted zone. The zone itself --
4
5 Tahirah Farris: If that's language --
6
7 Commissioner Hoopingarner: -- is an R4 zone or an R3 zone. It's not a permitted use in those
8 zones.
9
10 Tahirah Farris: If that's language you'd like to recommend changing, we can
11 look at that.
12
13 Commissioner Hoopingarner: Okay. Thank you.
14
15 Chair Lombardi: I have one more question. Just making sure that I understand
16 when we're talking about projections. So if there's a rooftop
17 structure up to 15 feet and there's HVAC equipment, that's not
18 usually counted in the overall height, but the maximum height is
19 up to the rooftop. Now we're saying 15 feet above the rooftop.
20
21 So what happens for those other utilitarian type projections?
22 Would that be excluded since you've already exceeded the
23 rooftop or maximum height allowed on a structure? Or would it
24 depend on whether or not the building has already reached the
25 height limit? Do you see what I'm saying?
26
27 So let's say that the height limit is 50 feet, and then you have a
28 15-foot structure or a 12-foot structure. And then you're putting
29 HVAC and PV on top of that structure that sits on the roof.
30 You've now gone even beyond that height. But it could be argued
31 that it's service type equipment, which is something that's
32 common to be on rooftops. Would that be allowed?
33
34 Tahirah Farris: That's already permitted under the same section, so projections
35 allowed above the rooftop.
36
37 Chair Lombardi: Above the rooftop, but not above the structure?
38
39 Tahirah Farris: No, no.
40
41 Chair Lombardi: So then it would not be allowed?
42
43 Tahirah Farris: Not on top of the structure itself. It would be allowed on the roof,
44 which is already something that's in the code we're not changing.
45
46 Chair Lombardi: It would not be allowed on this new structure, though, if it

1 exceeded that 15-foot line?
2
3 Tahirah Farris: Correct.
4
5 Chair Lombardi: How about if the building is 20 feet short of the allowable height
6 limit in that zone and then they want to put a 15-foot structure on
7 top? Are they allowed to put this equipment on top of this new
8 structure?
9
10 Tahirah Farris: As long as they're staying under whatever the height allowed for
11 that structure is, then yeah.
12
13 Chair Lombardi: Okay. Because I think our code says something about allowable
14 projections above a rooftop regardless of what the allowable
15 height is. So that's why I'm wondering. This has come up before
16 in some projects. And maybe you might need to look into that a
17 little bit. But for example, a parapet wall. But you can't just build
18 random things on roofs, does that make sense, regardless of
19 whether or not you're within the height limit.
20
21 Tahirah Farris: I can pull up that section. But just responding back to the
22 question about hotels in residential zones, they are permitted
23 with a CUP. So I believe that's covered under the code.
24
25 Chair Lombardi: And also on that note, where there are hotels in residential zones,
26 don't they have a zone overlay? They're an overlay zone within
27 our zoning districts, right?
28
29 Francisco Contreras: Can you repeat the question again?
30
31 Chair Lombardi: The question is, if we have a hotel in a residential zone that
32 predates the city and is allowed by a CUP, that's actually an
33 overlay zone, correct?
34
35 Francisco Contreras: No.
36
37 Chair Lombardi: No? Okay.
38
39 Francisco Contreras: No. Yeah, it's just a permit. Yeah.
40
41 Chair Lombardi: Okay.
42
43 Commissioner Hoopingarner: To be clear, we don't have those hotels predating the city. Those
44 were approved once we became a city.
45
46 Chair Lombardi: Of course.

1
2 Commissioner Hoopingarner: Those were existing.
3
4 Francisco Contreras: They're kind of legal nonconforming.
5
6 Commissioner Hoopingarner: They were existing apartment buildings. There were 481
7 apartments converted to hotel rooms in 1989.
8
9 Chair Lombardi: Yes, and there's no overlay zone associated with those. No?
10 Okay.
11
12 Tahirah Farris: No.
13
14 Chair Lombardi: Thank you.
15
16 Tahirah Farris: And I can go back to your question about the projections above
17 the height. Again, that is -- so that table is in Section 19.20.080,
18 Height and Measurement Exceptions, which is where we're
19 adding this. That is where you'll see the allowable projections
20 above height for things like mechanical equipment,
21 nonoccupiable features, elevator shafts, all of those.
22
23 Chair Lombardi: Could you please restate that section?
24
25 Tahirah Farris: 19.20.080.
26
27 Chair Lombardi: Thank you.
28
29 Francisco Contreras: Yeah, and most of those additional allowances are stated above
30 the roofline of the existing structure.
31
32 Chair Lombardi: Okay. And roofline would still be the roofline regardless of these
33 other structures?
34
35 Francisco Contreras: No. I would say that it's of the roofline, the existing roofline.
36
37 Chair Lombardi: The existing, correct, not the --
38
39 Francisco Contreras: Right, right. So you wouldn't be allowed another 10 feet above a
40 15-foot hotel projection.
41
42 Chair Lombardi: Okay. Thank you. Any other questions of staff? Okay. Then we
43 will move on to public comments. I believe we have at least one
44 public commenter today.
45
46 Secretary Gillig: Correct, Chair. We have one public speaker here in chambers,

1 and we have a few on the Zoom platform. So we'll cover the
2 council chambers first. Our first public speaker, Juan, you have
3 three minutes. Please state your name and City of Residence.
4

5 Juan Munoz Gevara: Sure. Juan Munoz Gevara. Good evening, Honorable Chair
6 Lombardi and members of the Planning Commission. My name
7 is Juan Munoz Gevara, and I'm a political coordinator with Unite
8 Here Local 11, the Hospitality Workers' Union.
9

10 Commissioner Hoopingarner: I'm sorry. City of Residence?
11

12 Juan Munoz Gevara: Los Angeles.
13

14 Commissioner Hoopingarner: Thank you.
15

16 Juan Munoz Gevara: On behalf of our 32,000 hospitality workers, I am here to express
17 our strong opposition to the Zone Text Amendment before the
18 Commission tonight. We believe this is a giveaway to the hotel
19 industry at the expense of sufficient public input for two reasons.
20 First, there is already a process by which hotels can expand
21 rooftop amenities by seeking a variance. A variance requires
22 appropriately rigorous findings compared to those in the
23 proposed CUP process.
24

25 Second, the proposed ZTA includes even less public information
26 and fewer topics for public input than the ZTA proposed in June
27 by eliminating the noise study requirement and potentially
28 reducing the required amount of green space. The previous
29 version required a noise study in many instances, but now staff is
30 proposing that the director can unilaterally decide whether a
31 noise study is required or not.
32

33 While the previous version required 10% of occupiable rooftop
34 spaces to be landscaped, the current version removes this
35 language and now requires landscape along frontage only if it is
36 adjacent to a residential zone without any realistic avenue for the
37 public to request more landscaping. For these reasons, we
38 respectfully request that the Commission reject the proposed
39 ZTA. Thank you.
40

41 Secretary Gillig: Thank you, Juan. And that is our last public speaker here in
42 chambers. I'll turn it over to Zoom. For those on the Zoom
43 platform that would like to speak, please star six for me if you're
44 calling in, or raise your hand in the Zoom platform.
45

46 Joseph Heredia: All right. We will start with Roxann. Please state your name and

1 city of residence. And you will have three minutes. Thank you.
2 And it's star six to unmute.
3
4 Chair Lombardi: Hello? Can you hear us? David, do we want to move on to
5 another?
6
7 Secretary Gillig: Yeah.
8
9 Roxann Holloway: Hello? Hello.
10
11 Chair Lombardi: Hello? We can hear you now.
12
13 Roxann Holloway: Sorry about this, guys. Can you hear me? Great. Thank you. Hi,
14 my name is Roxann. I grew up on Clark Street, now known as
15 North Clark Street, directly in front of, not in the back of, of
16 8850 Sunset Boulevard.
17
18 We live in a 20-unit building that already has affordable units.
19 Next to us is another 16 to 20-unit building that's affordable. We
20 oppose 10A, and jumping ahead, at least we oppose 10A at the
21 development that might happen at 8850 Sunset Boulevard
22 location. Our lives will be -- I'm sorry? Hello?
23
24 Chair Lombardi: Please continue. I'm not sure what that was. We'll reset some
25 time if necessary.
26
27 Roxann Holloway: Okay. Let me finish and then you'll know what I'm -- okay.
28 Please oppose 10A, jumping ahead, at the 8850 Sunset
29 Boulevard location. Our lives will be absolutely disrupted. Let us
30 start with some of the reasons for our opposing.
31
32 Our windows will be directly across. They're sacrificing privacy,
33 peace of mind and our quality of life. This building we live in
34 also houses disabled veterans, by the way. The noise and
35 disruption it'll cause will be unimaginable. We don't need an
36 expensive noise consultation to know how noisy it'll be and
37 welcome and invite anyone from the Commission over to our
38 home to evaluate so.
39
40 It is disheartening how three of the four Commissioners [greatly]
41 approved the 8850 Sunset Boulevard development that sparked,
42 to my knowledge, this whole action and discussion of 10A. At
43 this moment, I want to express my gratitude to Commissioner
44 Hoopingarner for the consistent integrity and being detail-
45 oriented.
46

1 This area, 8850 Sunset Boulevard in particular, is too dangerous
2 and too crowded. The power grid seems already taxed as it is
3 with frequent power outages we already go through. This project
4 caused yet another community issue asking for more height and
5 rooftop amenities, taking advantage of the state's mandate of
6 affordable housing, to my knowledge. Perhaps a location like
7 Crescent Heights in Sunset Boulevard will be a better location
8 for this impressive development. It's not as crowded, and Sunset
9 and Crescent Heights is nothing but a pile of dirt and looks
10 available to us.

11
12 For all requests for added height and rooftop amenities, every
13 location should be looked at on a case-to-case basis. By the way,
14 I don't know if notices were supposed to be sent out for today's
15 public hearing by snail mail, but we never got a notice. This
16 concludes my comments, and I appreciate all of your hard work.
17 Thank you, and have a good evening.

18
19 Joseph Heredia: Thank you, Roxanna.

20
21 Chair Lombardi: I had trouble hearing you. Could you just restate your city of
22 residence?

23
24 Roxann Holloway: West Hollywood.

25
26 Chair Lombardi: Okay. Thank you.

27
28 Joseph Heredia: Our next speaker will be Jordan, followed by Genevieve. Jordan,
29 go ahead and star six to unmute yourself. And please state your
30 name and city of residence, please.

31
32 Adam Darvish: Sorry, can you repeat the name?

33
34 Chair Lombardi: Jordan.

35
36 Joseph Heredia: Jordan Sisson. All right. We'll move on. Genevieve, if you could
37 star six to unmute yourself. State your name and city of
38 residence, please.

39
40 Genevieve Morrill: Can you hear me?

41
42 Secretary Gillig: Yes.

43
44 Genevieve Morrill: Chair Lombardi and Commissioners, Genevieve Morrill,
45 President and CEO for the West Hollywood Chamber of
46 Commerce. Staff has it right. This allows and ensures a formal

1 process and a better integration of resident concerns in terms of
2 noise and privacy. This has a consistent set of regulations and
3 conditions the hotel must meet. And you also get to further
4 condition it when they come before you again.

5
6 This allows hotels to enhance, to attract more business, but also
7 provides the ability to make changes to address these same
8 concerns of noise and privacy. This is definitely a proposal to
9 help address issues already existing, not new issues, by raising
10 the height. In fact, it's just the opposite.

11
12 Let's think about the rationale behind this and take into account
13 the issues the residents are facing caused by activity on the hotel
14 rooftop. I would suggest that the reason so many residents are
15 concerned is due to existing issues and feel these would be
16 exacerbated by the proposal. But it is our belief, aligned with the
17 City's recommendations and noise study, that this is actually the
18 solution. The problem actually already exists.

19
20 Rooftop experiences are a major attraction for West Hollywood.
21 Our #1 economic feeder is tourism. We must continue to expand
22 and allow our local and regional markets to thrive. This has so
23 many positive solutions to an existing issue. Please see the logic
24 of this. And we commend staff for making this a clear solution
25 for a critical issue that also fosters a vibrant urban environment.

26
27 If you look at the before-and-after pictures for what this does, it
28 absolutely shows improvement. This will address the concerns
29 raised. They're still subject to major conditions, noise, ordinance
30 and regulations. There are things in place to protect the residents
31 and allow commercial venues the ability to operate fully.

32
33 I do not understand Labor's opposition to the proposal. They're
34 claiming landscaping. This is ridiculous. This helps workers get
35 more hours and more shifts. And it helps everyone thrive,
36 including employees. Thank you.

37
38 Joseph Heredia: Our next speaker will be Adam Darvish. Please star six to
39 unmute. State your name and city of residence. Thank you.

40
41 Adam Darvish: Okay. Great. Can you hear me okay?

42
43 Secretary Gillig: Yes, we can.

44
45 Adam Darvish: Great. Thank you so much. Good evening, Chair Lombardi and
46 Vice Chair Gregoire and Commissioners. I wanted to take a

1 second to congratulate Commissioner Lynn Hoopingarner for
2 coming back to this commission, one that I always admired and
3 looked up to and was disappointed as an individual with a
4 Persian background for her to be asked to leave the commission.
5 I'm glad that you're back. And just to let you know, I was not
6 offended by your comment. That's the reality about Persian
7 [weddings].
8

9 But I wanted to talk about this Item 10A. I think some of you
10 have heard me out loud. Three years ago, when I was really
11 involved in calling in, asking for your help for more restrictions,
12 the incident that I had that almost ended my life was from
13 London Hotel, from rooftop bar at the time of the stay-at-home
14 order. And nobody was really looking to see what customers
15 were going into the hotel. So they had a visitor from New York,
16 a felon just released from federal prison, was able to go to the
17 rooftop and do drug dealing and then got in his car after the bar
18 closed and rammed into my property at over 100 miles per hour.
19

20 So the reason I point this out is because no matter how many
21 ordinances, how many guidelines we have, you really need to
22 look at what our city can do to really apply those rules. In my
23 case, none of those were applied. And a visitor from out of town
24 coming to our residential areas do not know our streets, do not
25 know our culture here. He does not know what the streets are,
26 which signs are coming up. So just wanted to point that out, that
27 having all the rules and restrictions doesn't mean anything to me
28 as a resident that almost lost his life.
29

30 While I appreciate the discussion, I got more confused as I
31 listened. I still don't know who's pushing this agenda to bring in
32 more amenities into our streets. The noise level is already up on
33 the streets. If you all come to Larrabee and Cynthia at 2:00 a.m.,
34 3:00 a.m. on a Saturday night or weekend night, you can enjoy
35 all the noise that you want. And the people that are customers
36 from the bars, rooftop bars, come into our neighborhood through
37 Uber and Lyft. And the city is not regulating and not really
38 restricting the activities. Thank you so much for listening.
39

40 Joseph Heredia:

Thank you, Adam. Next speaker will be Susana. Please star six
41 to unmute yourself. State your name and city of residence,
42 please.
43

44 Susana Lagudis:

Star sixing. I'm joining on Zoom. Is that correct? And can you
45 hear me?
46

1 Joseph Heredia: We can hear you. Go ahead.

2
3 Susana Lagudis: Can you hear me? Okay. Thank you very much. Good evening
4 again, Commissioners. Susana Lagudis, West Hollywood.

5
6 First, I have to say there's so many serious issues related to
7 development and construction in our city. And I'm disappointed
8 and, truthfully, I'm angry that so much precious staff, public and
9 Commission time and energy has been spent and, in my mind,
10 wasted on this item when we are still, just as one example,
11 allowing wanton, irresponsible, wasteful and damaging
12 dewatering in existing and future projects all over our city.

13
14 Staff have repeated that this item is solely about allowing hotels
15 to build additional structures on their rooftop, not about
16 increasing the types of activities allowed on these rooftops
17 through their CPUs. So I'm confused because if they add
18 additional structure, these structures would, of course, be
19 designed for specific activities beyond those that they are
20 currently permitted for. And they would be able to apply for an
21 amendment to their existing structure, to their existing CPU, to
22 add in the activity related to this structure.

23
24 For example, if a hotel in my neighborhood's case, the private
25 club Soho House West, wanted to put up a movie screen so they
26 could conduct movie nights for their members, they would be
27 able to apply for an amendment to their existing CUP. And it
28 appears that there's a possibility that the Planning Department
29 would approve this ministerially, without input from the
30 impacted public and without having to go through the Planning
31 Commission. And if it does go to the Commission, then the
32 public needs to be vigilant and invest time and energy all over
33 again to contest this additional activity, prove how disruptive it
34 is, prove what a nuisance it is. It's exhausting.

35
36 So those are my comments on this this evening. I appreciate the
37 Commissioners' questions to staff. And also, I hope that you will
38 just put letting everybody's time be wasted on what I consider to
39 be frivolous compared to the really serious issues that we're
40 facing in our city that the Planning Commission can handle and
41 deal with. Thank you very, very much for your time.

42
43 Joseph Heredia: Thank you. Jordan, go ahead and star six to unmute yourself.
44 State your name and city of residence, please. Jordan, go ahead
45 and speak.

46

1 Chair Lombardi: If necessary, we could reopen the public portion of the hearing if
2 Jordan gets back, correct?
3

4 Secretary Gillig: Yeah, I have a few names to read into the record. So we can go
5 back and --
6

7 Jordan Sisson: Jordan speaking. I'm speaking right now. Can you hear me,
8 Commissioner?
9

10 Secretary Gillig: Okay. Yes, we can. Go ahead, Jordan.
11

12 Jordan Sisson: Jordan Sisson speaking. Yes, apologies. Jordan Sisson. I live in
13 Riverside, speaking about the [indiscernible]. We have many
14 members who live and work in West Hollywood. I [personally]
15 thank the Commissioners for asking some really important
16 questions.
17

18 At the top of the point that I would like to make is that this is
19 really a staff solution to a problem that no longer exists. Second
20 point I want to raise is that I think it's very important to ask what
21 were the changes made from the June version to the current
22 version. And I think if you look at them, it's very clear that
23 they're trying to put more discretion at the staff and the director
24 level and actually left power to the Planning Commission.
25

26 I want to raise a couple -- a few points. If you look at some of the
27 changes between the last two months, they have [stricken] any
28 mention of use. Now there's some suggestion that that would
29 automatically go to Planning Commission. But as you heard,
30 that's really up to the director to determine whether or not that's a
31 minor or major significant change. If it's minor, it doesn't
32 necessarily go to the Planning Commission.
33

34 Second, at the last meeting, there was significant concerns about
35 noise. And it was [rest assured] to the entire commission that,
36 hey, there will be a noise study. However, if you look at the
37 changes that have been made, before the code said noise studies
38 would be required. Now that decision is entirely up to the
39 director.
40

41 Respectfully, if you look at the changes, they really do put less
42 obligation on hotel operators and less protection. And so again,
43 the code makes it very clear what is required and what's not
44 required. [Now it] codified that a change of use or a potential
45 use associated with a height extension of a screen or any other
46 sort of height leniency. That does not necessarily mean that it's

1 going to come back to you.
2
3 Of course, if you put a structure, it serves a use. And that use
4 does not necessarily go before you. And so again, I think if you
5 look at the totality of the circumstances, this puts more power at
6 the staff level than the Planning Commission. Interesting enough,
7 at the last Planning Commission, a lot of concerns were raised
8 about noise and how fact-specific those noise studies have to be.
9 Was there any requirement to say flat out that a noise study
10 would be required as part of an application? No. That's been
11 removed.
12
13 Unfortunately, throughout this, the changes that have been made
14 have always gone one way, to make it less protective than more
15 protective. We respectfully request you to deny this ZTA. Again,
16 it's a solution to a problem that no longer exists. I thank you for
17 your time, and I wish you the best in your decision making.
18 Thank you.
19
20 Chair Lombardi: Was that the last one?
21
22 Secretary Gillig: Okay. And that was our last public speaker on Zoom. I do have a
23 citizen's comment slip to read into the record. And there are a
24 couple people that came in after the deadline, so you did not get
25 a copy of their correspondence.
26
27 Chair Lombardi: Okay.
28
29 Secretary Gillig: Emma Stone opposes staff's recommendation. She's West
30 Hollywood. Francis Donnelly, West Hollywood, is writing to
31 urge you to deny the Zone Text Amendment. Julianne Jagoda,
32 West Hollywood, is urging you to deny the proposed Zone Text
33 Amendment. Justine -- we just did Justine. and Burton Kahoski,
34 West Hollywood, is writing to encourage you to approve the
35 amendment allowing additional height on hotels. And that's all
36 we have for public comments at this time.
37
38 Chair Lombardi: Thank you. For Justine, you said -- what was the position?
39 Approve?
40
41 Secretary Gillig: Justine is urging you to deny the proposed Zone Text
42 Amendment.
43
44 Chair Lombardi: Thank you. I thought so too. Let me just ask quickly. Does
45 anyone want to take a brief break now? Or should we go back to
46 questions of staff? Do you -- okay. This is really fast. Thank you.

1 So we'll be back in five minutes.
2
3 (Recess)
4
5 Chair Lombardi: Okay, are we ready? Thank you. Let's restart this meeting. So
6 before we close the public comment portion of the hearing, are
7 there any follow-up questions for staff? I know I have a couple.
8 Seems like a few of us do. Anyone? Commissioner Carvalho,
9 would you like to go first?
10
11 Commissioner Carvalho: Okay.
12
13 Commissioner Hoopingarner: We didn't actually do disclosures. I mean, you asked, but
14 [indiscernible] responses.
15
16 Chair Lombardi: I did ask for disclosures. It's a good point. If anyone would like
17 to do disclosures, maybe now is fine, yeah.
18
19 Commissioner Jones: Do we do disclosures for items brought by staff?
20
21 Isaac Rosen: I think it's at the discretion of the commission. I think in recent
22 history, sometimes there will be discussion, but ultimately call
23 the Commissioners.
24
25 Chair Lombardi: Yeah. I prefer to ask. And it did, but if anyone wants to get it out
26 now, I know we kind of jumped into questions. I'll just go left to
27 right, then. Commissioner Matos?
28
29 Commissioner Matos: I spoke with members of the public pertaining to matters in the
30 staff report and residents of the city as well.
31
32 Chair Lombardi: I have the same disclosures here. And Commissioner Solomon?
33
34 Commissioner Solomon: Same. I spoke to members of the public about items in the staff
35 report.
36
37 Chair Lombardi: Okay. Anyone else? Okay. Questions of staff. Are there
38 additional questions of staff? I have some. Commissioner
39 Carvalho has some. Maybe we'll let Commissioner
40 Carvalho go first.
41
42 Commissioner Carvalho: Okay. I'm going to -- there's a lot of noise associated with the
43 ZTA. And I just want to make sure that I understand it correctly.
44 We confirmed earlier that for every 12 inches of height above the
45 roof deck, you have to have a setback of 18 inches. So if you go
46 15 feet, it's going to be a 22-foot, 6-inch setback, which can be

1 landscaped.
2
3 Commissioner Hoopingarner: Which can be what? I'm sorry, I couldn't hear.
4
5 Tahirah Farris: Yeah. I didn't hear the last part of that.
6
7 Commissioner Carvalho: Which can be landscaped if they choose. Yeah. Okay. So a sound
8 study is required during design development, and then a sound
9 test is required to ensure that everything's working before the
10 permit and the CUP are issued.
11
12 Tahirah Farris: That's correct, if a sound study is required, yes.
13
14 Commissioner Carvalho: Okay. And there's also a neighborhood meeting during the initial
15 process.
16
17 Tahirah Farris: That is correct.
18
19 Commissioner Carvalho: Okay. And every project of this nature will come to PC for
20 review?
21
22 Tahirah Farris: Yes. Every project will come to Planning Commission, yes.
23
24 Commissioner Carvalho: Okay. Are we only asking questions, or can I make comments?
25
26 Chair Lombardi: Just questions right now.
27
28 Commissioner Carvalho: Okay, great. That's it. Thank you.
29
30 Chair Lombardi: Commissioner Matos?
31
32 Commissioner Matos: Yeah, I just want to follow up on -- thank you, Chair. I just want
33 to follow up on a point that Commissioner Carvalho just
34 brought up. Sound study, you said if it's required. What is -- is
35 that at the discretion of the Community Development Director?
36
37 Tahirah Farris: Yes, that's at the discretion of the director.
38
39 Commissioner Matos: What was the thinking behind that?
40
41 Tahirah Farris: So this -- the thinking behind that is that there could be situations
42 -- we can't account for every potential scenario. There could be a
43 situation where maybe a sound study is not required. And that
44 would be up to the discretion of the director. However, these
45 projects, again, would be coming to the Planning Commission.
46 So the commission also has the discretion at that point to require

1 a sound study even if one had not been previously required.
2
3 Commissioner Matos: Got it. So it would be at the discretion of the community
4 development director if other direction had not been given by the
5 Planning Commission?
6
7 Tahirah Farris: Well, the application process would go through the director first
8 and then come to the Planning Commission.
9
10 Commissioner Matos: At the point that it comes to the Planning Commission, would
11 that impact the timeline to impose a sound study at that point? Or
12 would it be a more opportune time for it to be on the front end of
13 the project when the application comes forward?
14
15 Tahirah Farris: So if it came to the Commission and the Commission wanted to
16 recommend additional studies, then yeah, that would impact the
17 timeline of the project.
18
19 Commissioner Matos: Okay. So it would be more beneficial to actually have it on the
20 onset?
21
22 Tahirah Farris: Well, beneficial to who, I guess, depends on --
23
24 Commissioner Matos: The process.
25
26 Tahirah Farris: So I guess it depends on what you want out of that process.
27
28 Commissioner Matos: Okay. Thank you.
29
30 Commissioner Carvalho: So in regard -- can I ask --
31
32 Chair Lombardi: Commissioner Hoopingarner? No?
33
34 Commissioner Carvalho: So in regard to that sound study, when I asked the question
35 before, I asked if it was required during design development. It's
36 at the director's choice whether it's required. But if it comes to
37 PC and we think that it does require a sound study, then we can
38 send the project back regardless of where it is in the process and
39 it will just get delayed. We won't have pressure from staff to
40 move it forward because it's so up against the deadline.
41
42 Tahirah Farris: Commission, as my understanding, always has discretion to
43 request any additional information or any additional studies that
44 might be needed for a project.
45
46 Commissioner Carvalho: Okay, great. Thank you. Sorry.

1
2 Commissioner Matos: No, you're good.
3
4 Commissioner Hoopingarner: To follow up on that, what if it's part of an Affordable Housing
5 Act project? So if -- let's -- actually, someone just brought up,
6 now that I think about it, the Viper Room project. It's half hotel,
7 half housing, and they want the 15 feet. Now we're -- so what
8 rules?
9
10 Tahirah Farris: So we will probably not discuss every potential scenario that
11 might come to the Commission. But again, the director does have
12 that discretion. So if it is a project that potentially has a
13 substantial impact, that's the director's discretion to determine.
14 And again, there's that code section that kind of explains what
15 may constitute a significant impact. But the director still has
16 discretion even if it's not -- it doesn't fall under one of those
17 items.
18
19 Commissioner Hoopingarner: And is there a reason we didn't just say it's mandatory?
20
21 Tahirah Farris: Because we can't account for every scenario. So it's to allow for
22 the process to actually play out.
23
24 Commissioner Hoopingarner: Wouldn't you have the possibility to say it's mandatory, but then
25 in the review say there's no impacts done?
26
27 Tahirah Farris: Well, that would still --
28
29 Francisco Contreras: Yeah, but I was going to say, because there may be some
30 instances where the structure is just so minor that it may not
31 require a noise study. If they're really just building some sort of
32 canopy or shade structure, that really may not require -- mind
33 you, we're not talking about the activities, we're just talking
34 about the actual structure itself, that maybe a noise study may not
35 be required for that particular scenario.
36
37 We can definitely require it. It just may be just additional
38 processing and cost to the applicant. But it's up to the discretion
39 of the Commission. We just thought that there may be cases
40 where it just may be so minor that not to require one, so we're
41 just providing that as an alternative.
42
43 Chair Lombardi: Okay. Well, I have thoughts, but they're not questions.
44
45 Commissioner Hoopingarner: I do have more questions.
46

1 Chair Lombardi: Do you have more? Okay. Do you want to continue your
2 questions? And then I think there's more on the left here, too.
3
4 Commissioner Hoopingarner: I'm going to skip around a little bit. But can you define the
5 difference between plainly audible and audible?
6
7 Tahirah Farris: So we do have Code Enforcement staff here if you would like to
8 direct the question to them.
9
10 Commissioner Hoopingarner: Sure.
11
12 Tahirah Farris: I'll invite them to come and speak to that. That is something from
13 our noise ordinance.
14
15 Yessica Benitez: Hi. Good evening. This is Yessica Benitez, Code Enforcement
16 Supervisor. Plainly audible means that you're able to hear it from
17 a residential area or from wherever. If it's a commercial noise
18 that we're responding, Code Enforcement will respond. And if
19 we're able to hear it and track the noise from the source, then we
20 notify the property owner, the business owner, that they need to
21 lower the music.
22
23 Commissioner Hoopingarner: So that's any level of audibility?
24
25 Yessica Benitez: I'm sorry. I didn't hear you.
26
27 Commissioner Hoopingarner: That's any level of audibility?
28
29 Yessica Benitez: Correct.
30
31 Commissioner Hoopingarner: Okay. Thank you. So since we have Code Enforcement here, can
32 you tell me how many times in the past two years you have
33 responded to noise complaints in these existing hotel rooftops?
34
35 Yessica Benitez: I have the data from 2023 to say that our division received 487
36 noise complaints from commercial establishments. And out of
37 the 487%, only 2% of the complaints were from rooftops.
38
39 Commissioner Hoopingarner: From hotel rooftops?
40
41 Yessica Benitez: Correct. That was a total of 11 complaints. And there were four
42 hotels that are associated with these complaints.
43
44 Commissioner Hoopingarner: Okay. Did you ever have occasion to shut down any events?
45
46 Yessica Benitez: No.

1
2 Commissioner Hoopingarner: Okay. Moving on to the actual proposed text. In Item 2C, this is
3 about required findings. And it says, "The proposed projection
4 will not significantly alter the architectural character of the
5 existing property." What's significant? And who's defining
6 significantly?
7
8 Tahirah Farris: So when we talk about the architectural character, I think there's
9 some language around making sure that it's consistent with the
10 overall structure. And so in terms of looking at massing and scale
11 and materials that are used, making sure that it's consistent with
12 that design.
13
14 This is a finding, so this is something that uses a level of
15 discretion. That's why it was moved to findings. It's not an
16 objective standard. It actually allows the planner to use discretion
17 to determine that, and the Commission as well.
18
19 Commissioner Hoopingarner: Okay. That was my next question. The Commission would make
20 that significant finding? Okay.
21
22 Tahirah Farris: Correct.
23
24 Commissioner Hoopingarner: That matters because one man's significant is another man's, "I
25 don't see any difference." So okay, thank you. Item -- okay, we
26 talked about independence. Item 6C2, "Noise barriers of at least
27 5 feet in height or a different height determined by the noise
28 study." Is there a reason that this doesn't say, "But not less than
29 five feet"? Is there a scenario where a noise study could come by
30 and say, "Oh, you only need a noise barrier of 3 feet," and that
31 would be okay under this language? Or is that an actual
32 minimum of 5 feet?
33
34 Francisco Contreras: Sorry. Commissioner Hoopingarner, could you repeat the section
35 where you're looking?
36
37 Commissioner Hoopingarner: 6.
38
39 Francisco Contreras: Section 6, under Development Standards, C, Noise Reduction
40 Measures, ii, "Noise barriers of at least 5 feet in height or a
41 different height determined by the noise study." So my question
42 is, this doesn't imply that that -- it says, "At least 5 feet or a
43 different height determined by the noise study."
44
45 So if some independent noise study'ist came through and said,
46 "Oh, you only need a 3-foot height," under this language, it

1 seems that would be acceptable. Is that correct?
2

3 Tahirah Farris: So no, that wasn't the intention. That's why it says at least five
4 feet. But if it would be preferable to include some clarification
5 there, we can add that.
6

7 Commissioner Hoopingarner: I would believe so because that word, "or", seems to imply you
8 could do either/or. And that gives me the iggly-giggles. Okay. I
9 will put a big fix next to that one.
10

11 And moving on down to #3. Talking about amplified sound, the
12 last sentence says, "Prior to the public hearing, the applicant shall
13 perform a system check along with city's Code Enforcement
14 staff," yadda-yadda. How is that possible if the construction
15 hasn't been done, the walls haven't been built? How do you do
16 that system check prior to the hearing?
17

18 Tahirah Farris: So the system check would be just around where the proposed
19 operation would be. But there --
20

21 Commissioner Hoopingarner: But if the system hasn't been installed because it hasn't been
22 approved, how would you do that system check prior to, I'm
23 assuming, prior to the public hearing? I mean, the walls haven't
24 been built. The system hasn't been installed. Nothing's been
25 done. And you're going to do a system check? I mean, what, are
26 you going to bring in a couple of amps and turn it on? I mean,
27 how does that work?
28

29 Tahirah Farris: I think there was some other language before that was changed
30 prior to the hearing, so we can make a correction there.
31

32 Commissioner Hoopingarner: Okay. Moving on to #4. We've just determined that the minimum
33 height should be 5 feet on our sound barrier. But now this is
34 saying that the speakers can be put at that 5-foot height level. So
35 we're now saying that the speakers can actually be put right at the
36 same level as the sound barrier and potentially having the sound
37 escape over the barrier. Can you explain the rationale for this?
38

39 Tahirah Farris: So that's where a project-specific noise study would come into
40 play to account for the individualized scenarios. So if a specific
41 project has speakers at 5 feet, then the noise study would be the
42 determinant -- someone would do that analysis to figure out how
43 high the barrier needs to be in that case.
44

45 Commissioner Hoopingarner: So this is saying that the maximum height you could put the
46 speakers is 5 feet.

1
2 Tahirah Farris: Correct.
3
4 Commissioner Hoopingarner: But theoretically, the noise study would come back and say, "If
5 you do that, then the sound barriers need to be 7 feet," or some
6 such.
7
8 Tahirah Farris: Yeah, or the noise study could also require the speakers be at a
9 lower height than 5 feet.
10
11 Commissioner Hoopingarner: I just don't feel very comfortable with saying that it can be 5 feet
12 tall without -- because it says here that, and pointed downward in
13 a way, but it doesn't say anything about requiring that the sound
14 wall be commensurate with that.
15
16 Tahirah Farris: Another option could be to put the speakers a maximum of 3
17 feet, which would be like a table level.
18
19 Commissioner Hoopingarner: That would make more sense to me. Now if you've got a
20 minimum height of 5 feet on the wall, then you have a maximum
21 height of 3 feet on the speakers, now you're doing the job. Okay.
22
23 Okay. It's me, so we've got to talk about the landscaping. Can
24 you explain using native or noninvasive plants? What does that
25 mean?
26
27 Tahirah Farris: That means plants native to the area, or noninvasive, meaning
28 plants that won't pose a risk to the existing plant life.
29
30 Commissioner Hoopingarner: But that just means you can plant anything as long as it's not
31 invasive. It doesn't -- the native is kind of meaningless.
32
33 Tahirah Farris: No, it can be native or noninvasive. I'm not sure I'm
34 understanding the question.
35
36 Commissioner Hoopingarner: A noninvasive plant could be anything that's not native.
37
38 Tahirah Farris: Right, but it could also be native, yeah.
39
40 Commissioner Hoopingarner: So basically, you're saying -- a native plant is a native plant.
41 Requiring native plants is a whole thing. Okay? We've had this
42 conversation many times in many places. That's a thing. Okay?
43 That's different than saying noninvasive plants. First of all, by
44 definition, most native plants are noninvasive because they're
45 native. Okay? This is saying you can plant anything you want as
46 long as it's noninvasive.

1
2 Tahirah Farris: Or native, and this gives applicants a choice between that. It's not
3 uncommon language --
4
5 Commissioner Hoopingarner: It's not an either/or is what I'm saying to you. It's not an either/or
6 thing.
7
8 Tahirah Farris: If the commissioner would like to recommend something
9 different --
10
11 Chair Lombardi: Maybe some of this is for deliberation. If we just hear the
12 questions of staff, and then we can always ask further questions
13 of staff during that deliberation.
14
15 Commissioner Hoopingarner: Just I'm trying to understand what your thinking is behind it
16 because it doesn't make any sense.
17
18 Tahirah Farris: This is typical language for landscaping requirements, and our
19 urban designer did also review this.
20
21 Commissioner Hoopingarner: Okay, thank you. Can you explain why you chose to decrease the
22 green space requirements?
23
24 Tahirah Farris: So, at the last public hearing, there was a question regarding the
25 landscaping requirements that were previously proposed and the
26 request to make them consistent with the existing code. So we
27 actually went back, looked at the existing code, Chapter 19.26,
28 Landscaping Standards. A lot of those standards apply to
29 development that's at the ground level, but we adapted that for
30 rooftops. So that's where that language is pulled from. The
31 request was from the Commission to make that language
32 consistent.
33
34 Commissioner Hoopingarner: Do you remember that? I don't remember that. Okay.
35
36 Chair Lombardi: What's the question? I don't want to --
37
38 Commissioner Hoopingarner: That we said to decrease the landscaping requirements.
39
40 Tahirah Farris: The request was to make the landscaping requirements consistent
41 with what's existing in the code.
42
43 Chair Lombardi: Okay. We can probably talk about that during deliberation.
44
45 Commissioner Hoopingarner: Yeah, okay. Right, okay. I think that's it for now. Thank you.
46

1 Chair Lombardi: Okay, I'm going to ask a quick question because I got confused
2 now. So you just said that an urban designer reviewed the
3 landscaping requirements. Which urban designer?
4

5 Tahirah Farris: The West Hollywood urban designer, [who's been] our current
6 planning and historic preservation section -- division.
7

8 Francisco Contreras: Garen. Garen, yeah.
9

10 Commissioner Hoopingarner: Was that Garen?
11

12 Francisco Contreras: Garen, correct.
13

14 Chair Lombardi: Because I thought I asked that question in the last meeting. Did I
15 not? So now I'm confused.
16

17 Tahirah Farris: There's been a little bit of reorganization.
18

19 Chair Lombardi: Yeah, but this is in the past.
20

21 Francisco Contreras: What's the question, Commissioner?
22

23 Chair Lombardi: If UDAS reviewed this or not.
24

25 Francisco Contreras: So UDAS reviewed the initial pass that we brought forth. Since
26 then, we've now transitioned to review of all land use entitlement
27 and policy proposals by the urban designer, which is different
28 than UDAS. And that's the urban designer that's currently in the
29 community development department.
30

31 Chair Lombardi: Who reviewed this?
32

33 Francisco Contreras: So our urban designer, Garen Yolles.
34

35 Chair Lombardi: Okay.
36

37 Tahirah Farris: There was some -- yeah.
38

39 Chair Lombardi: Okay. Questions over to my left? Commissioner Carvalheiro?
40

41 Commissioner Carvalheiro: Okay, another clarification because I interpreted this differently
42 than Commissioner Hoopingarner did. But on Page 8 of 10,
43 "Prior to permit issuance or approval of conditional use permit
44 modification by the Planning Commission, the applicant shall
45 perform a system check along with the city's neighborhood and
46 business staff -- safety staff."

1
2 To me, that means the rooftop is built out, and then they're
3 running an actual test. And if it fails, they make the
4 modifications that they need to make to the physical barriers or
5 whatever it might be. Is that correct?
6
7 Tahirah Farris: Can you go back to the section that you're referencing?
8
9 Commissioner Carvalheiro: Yeah, it's at the bottom of Page 8 of 10 in your staff report.
10
11 Tahirah Farris: Of the staff report?
12
13 Commissioner Carvalheiro: "Prior to permit issuance or approval of conditional use permit."
14 To me, that means after everything's built, then you do a sound
15 test to make sure it actually works. So it's not a hypothetical. The
16 hypothetical is done during design development. This is an actual
17 test of the actual build-out.
18
19 Francisco Contreras: Yeah, and we can make it clearer in the language itself. So we
20 can say that prior to the operation of the proposed use in a
21 rooftop structure, conduct the study. So we can just make it a
22 little bit more clear so there's not a --
23
24 Commissioner Hoopingarner: But the actual text says, "Prior to the public hearing."
25
26 Francisco Contreras: Correct. Yeah. That's what we're saying is that maybe we need to
27 just clarify that so it's not -- so it's more specific to once it's
28 actually constructed.
29
30 Commissioner Hoopingarner: Yeah because I think the staff report is a little different than the
31 actual text. And that's why I ask the question.
32
33 Commissioner Carvalheiro: Okay. Great. Thank you.
34
35 Tahirah Farris: Yeah. That was the question that I was referring to.
36
37 Chair Lombardi: Thank you. Commissioner Matos, did you have questions? I just
38 see that you pressed the button. All done?
39
40 Commissioner Matos: My apologies. No, I'm good for now. Thank you.
41
42 Chair Lombardi: No, I probably -- I never cleared it. Commissioner Gregoire?
43 Commissioner Solomon?
44
45 Commissioner Solomon: Two quick questions. How much does a noise study cost?
46

1 Francisco Contreras: How much does a noise study cost, you said?
2
3 Commissioner Solomon: Generally, just best guess. How much does a noise study cost?
4
5 Tahirah Farris: I don't think we have those numbers. But possibly, our consultant
6 might be able to answer that question. They're on Zoom. I'm not
7 sure if Josh would like to respond to that.
8
9 Commissioner Solomon: How much does he charge?
10
11 Tahirah Farris: He's trying to speak.
12
13 Francisco Contreras: Oh, one second, Josh your on mute.
14
15 Tahirah Farris: I think he's speaking. One second, Josh. I think you're on mute.
16
17 Josh Carman: Oh, can you hear me?
18
19 Francisco Contreras: We can hear you now.
20
21 Commissioner Solomon: Hi, Josh.
22
23 Josh Carman: Can you hear me? Okay. Yeah, I mean, it would depend on the
24 project details. If I had to say ballpark, it would probably be
25 somewhere around \$7,000, \$8,000, maybe \$10,000. It really
26 depends. I hate to throw out a number because it's all a little
27 hypothetical.
28
29 Commissioner Solomon: Okay, great. Thank you. My other question is related to the
30 setback requirement. In the example earlier, 15 feet, 22.5-foot
31 setback, is that -- that 22.5-foot setback, is that completely dead
32 space? Can that space also be used for, say, landscaping? Or is it
33 nothing permitted there?
34
35 Francisco Contreras: No, it can be used for anything else, furniture. Yeah, as long as
36 it's a permitted activity at the rooftop, it should be fine.
37
38 Commissioner Solomon: Thank you. That's all my questions.
39
40 Chair Lombardi: Okay, thank you.
41
42 Commissioner Carvalheiro: So can they have dancing in that setback?
43
44 Francisco Contreras: Can they have dancing, you're --
45
46 Commissioner Carvalheiro: Yeah. Could they have a dance floor there?

1
2 Francisco Contreras: If that's a permitted use of their rooftop with their existing CUP,
3 right. We're not talking about the activity. We're just talking
4 about just the structure. So any activity that they're allowed to
5 have at the rooftop, as long as the structure does not impede on
6 that or add any additional -- no additional activities will be added
7 with the rooftop projection.
8
9 Commissioner Carvalheiro: Yeah. The way I was thinking about setback, though, was that no
10 one --
11
12 Francisco Contreras: Oh, no, no. Yeah, it's not a dead space. You can use that for -- if
13 you want to program it or landscape it.
14
15 Commissioner Carvalheiro: Yeah. Landscape is one thing, but if you put 100 people out there
16 dancing, it's going to be a different effect on the noise. And if the
17 barrier is behind you, then what's keeping the noise from going
18 into the neighborhood?
19
20 Commissioner Hoopingartner: Exactly, back to my original question of where is that wall vis-a-
21 vis the 22 feet?
22
23 Commissioner Carvalheiro: But they clarified that it was at the setback. But if you can use
24 that setback for a dance floor, --
25
26 Commissioner Hoopingartner: Then you've got to have another sound wall.
27
28 Commissioner Carvalheiro: -- that kind of defeats the purpose of having a sound wall on the
29 inside. It should be on the outside.
30
31 Tahirah Farris: So the Commission --
32
33 Commissioner Carvalheiro: So should we condition the setback to not have -- people aren't
34 allowed in the setback. You can have landscaping, but you can't
35 have patrons go into that area because it's a buffer, a sound
36 buffer, basically.
37
38 Commissioner Hoopingartner: I mean, you're talking about noise on the other side of the noise
39 barrier, which is just counterintuitive. I mean, it just makes no
40 sense.
41
42 Tahirah Farris: The commission could condition that. You could consider that
43 for individual projects as well. There could be a rooftop, for
44 example, that maybe has a pool deck that's already in that space.
45 So you couldn't take that away from them.
46

- 1 Commissioner Carvalho: Sure. Yeah, that makes sense.
2
- 3 Chair Lombardi: Okay.
4
- 5 Commissioner Hoopingarner: I think that needs, definitely, some clarification. Thank you.
6
- 7 Chair Lombardi: Other questions? I have some questions. Okay. So I'm curious
8 where the 15-foot height came from in terms of the maximum
9 height because that's -- well, I know that there's need for
10 structure, et cetera. But that's a lot of height.
11
- 12 Tahirah Farris: So we did look at surrounding jurisdictions to see what they were
13 doing. And a couple of them did look at 15 feet. We looked at
14 the city of Santa Monica, Beverly Hills, specifically for rooftop
15 dining or some type of activity on the rooftop. But also
16 additionally, in our current code for projections that are currently
17 permitted above the height limit, that 15 feet is the maximum,
18 and that's for elevator shafts. So we went in alignment with that
19 as well.
20
- 21 Chair Lombardi: Okay. Thank you. And thank you for pointing out section
22 19.20.80 in the code earlier, which you just referenced. So I'm
23 looking at that, and most of the maximum vertical projections are
24 noted as above the roofline. So we know what the definition of
25 the roofline is. I think that's static in terms of anything that would
26 be part of the CUP or additional structure.
27
- 28 There are some notes, though, about sustainable energy
29 equipment located on a rooftop. And it says that that can be 12
30 feet above the height limit, not the roofline. So then there's some
31 reference to solar access and solar equipment. But it's a long
32 portion of the code, and I haven't been able to digest it while
33 seated here just now. So I'm just wondering if there's something
34 here that needs to be clarified or could be clarified in this zone
35 text as well.
36
- 37 Tahirah Farris: Yeah. We've discussed clarification there.
38
- 39 Chair Lombardi: Okay. Thank you. I saw that there were some requirements
40 relating to light trespass and maximum illumination. But I guess
41 I'm wondering, because we've seen some of this before, well,
42 what if there's a billboard project? How does that come into play
43 with these standards? Because you won't be able to meet these
44 standards if there's a billboard.
45
- 46 Francisco Contreras: So we're saying there's a billboard at the rooftop of a hotel

1 already existing?
2
3 Chair Lombardi: Or even not at the rooftop.
4
5 Francisco Contreras: Yeah, I guess --
6
7 Tahirah Farris: Talking about existing?
8
9 Francisco Contreras: Yeah, about existing.
10
11 Tahirah Farris: Oh, so for existing billboards, that's outside of the scope of this.
12
13 Chair Lombardi: Okay. So it would just be because there's a development
14 agreement, that's how that would all be addressed? Is that what
15 you're saying, if it's a new billboard versus an existing billboard
16 or digital signage?
17
18 Trying to understand that you've got now added height and now
19 projects that we see that are putting billboards or signage on their
20 structures. How do these play with each other in terms of our
21 code? Did you consider that?
22
23 Francisco Contreras: Yeah. I mean, I would say that there's specific regulations for
24 billboards that I think are associated with that. We wouldn't want
25 to impede on any of those development standards.
26
27 I think cumulatively, we probably wouldn't take a look at the
28 billboards since that's probably going to be at a higher
29 illumination than any of these rooftops. I think what we're trying
30 to say is for these particular potential rooftop projections, that
31 these in and of itself do not emit more light than would be an
32 impact to a neighbor.
33
34 Chair Lombardi: Okay. All right. I guess that's helpful.
35
36 Isaac Rosen: Chair Lombardi, I was just going to say too, I think a
37 development agreement is a legislative act as well, so it would be
38 a little bit different. And it may be hard to do the hypothetical
39 just because it is a distinguishable process that would go up by
40 ordinance to the City Council ultimately and could be subject to
41 referendum.
42
43 Chair Lombardi: And then I have a question. I know it's in the staff report, and I
44 think I also saw it in the Zone Text Amendment. There's
45 reference to a term called sound blankets. And this may be a
46 question for the consultant. But what is a sound blanket? What

1 does it look like? It doesn't sound like a visually appealing thing
2 to be on a roof.
3
4 Commissioner Hoopingarner: Where are you seeing that?
5
6 Chair Lombardi: Let me look.
7
8 Tahirah Farris: I will, yeah, ask our consultant to respond to that, please.
9
10 Josh Carman: Yeah, can you hear me?
11
12 Chair Lombardi: Yes.
13
14 Josh Carman: Hello? Yes. So a sound blanket would be an absorptive material
15 that you would hang typically on the project side of the barrier.
16 So it would add some extra sound absorption. Does that make
17 sense?
18
19 Chair Lombardi: I had trouble hearing you. I've been having trouble hearing all
20 day today. Maybe it's me. I didn't catch the very first part. A
21 sound blanket is -- what is it?
22
23 Josh Carman: Absorptive material that you would typically place on the project
24 side of the sound barrier as opposed to on the outside. So it
25 would add some additional absorption, sound absorption.
26
27 Chair Lombardi: Okay.
28
29 Josh Carman: That's what a sound blanket is.
30
31 Chair Lombardi: So typically, what would that be for a sports court?
32
33 Josh Carman: Yeah, you could think of it as something that might be used for
34 pickleball, for example, something that you could affix to a chain
35 link fence or you could add to the inside or the project side of
36 the, say, a wall, so not typically something that would be visible,
37 to say someone that's viewing it from outside of the project.
38
39 Chair Lombardi: Okay, but it would be some sort of absorptive material,
40 essentially, it could be?
41
42 Josh Carman: Correct.
43
44 Chair Lombardi: Okay. Thank you. I think that helps. And then I believe that that's
45 just in the staff report right now. That terminology is not
46 specifically in the resolution or the zone text, just to clarify that,

1 because I know I stated otherwise one minute ago. But I just
2 want to understand what these other noise mitigation measures
3 may be beyond a wall or glass. So that is helpful.
4

5 And I don't think I have any more questions right now. Does
6 anyone else have questions for staff? No? Okay. Then shall we
7 move into deliberation? And we can always go back to staff if
8 there's any questions. Commissioner Jones, would you like to go
9 first?

10
11 Commissioner Jones:

12 Sure. Sorry, there's -- my mic's not working tonight. I can't hear
13 anything. Can everybody hear me okay, regardless of where
14 you're sitting? Okay.

15 So I was not here for the June 6 meeting. I was still out on leave
16 following the birth of my child. But I want to walk back to
17 something Commissioner Hoopingarner referenced earlier that I
18 have not been able to piece together based on the materials we
19 were provided with in the initial staff report tonight that was part
20 of our packet and then the staff memoranda that followed.
21

22 The origin of this just seems murky to me. There were -- it looks
23 like Councilmember Heilman had proposed a number of
24 different measures to mitigate for economic turbulence and
25 volatility and problems during the COVID pandemic. And I'm
26 not seeing in here -- and I'm not calling anyone to the mat. I just
27 want to understand the intent. I'm not seeing in here anything that
28 would -- this doesn't seem related to that to me at all.
29

30 And I also want to make sure, as is my way, that we are -- I am
31 making a consideration that is within the framework of what we
32 are being asked to do. But it just seems like the biggest question
33 for me right now is, what does this have to do with what Council
34 directed? And what benefit does this provide that hotels in West
35 Hollywood aren't already able to give?
36

37 I've been to a lot of the hotels here as a guest, restaurants,
38 whatever it may be. So I'm open to discussion on this and
39 certainly to the merits and a lot of -- this sounds really messy.
40 There's a lot of questions that are not asked. I just -- it just seems
41 really complicated for something that I just don't understand
42 what the intent of it was or from where it was born. I guess that's
43 my biggest question right now.
44

45 And again, I'm open to discussion. I'm going to say again that I
46 was not here before. I was also not on Long-Range Planning

1 when this came before Long-Range Planning Subcommittee.
2 And maybe this is neither here nor there. But to me, that is the
3 biggest question that needs answering. And if we're going to
4 make a recommendation to Council, I mean, I think from where I
5 stand right now, my recommendation would just be that we just
6 don't do it or just recommend that we not -- we wouldn't
7 recommend a increase in height for rooftop projections.
8

9 So without going into other detail because, again, there have
10 been a lot of very salient questions and points asked, and I like to
11 consider myself to be a reasonable person, I want to -- I'm open
12 to discussion. But I wanted to say that first because I want to
13 make sure I understand what's happening here.
14

15 Chair Lombardi:

16 Thank you. And I've been asking the same question to myself. So
17 I'm wondering, is your question something that you would like
18 any information from staff on? Or would you like us to
19 potentially discuss this first if other Commissioners have -- or
20 did you just want to get the question out there and move on?

21 Commissioner Jones:

22 I mean, it wasn't a rhetorical question, I suppose. I do really want
23 to understand. But again, it's not accusatory. I just want to make
24 sure I understand because I'm having to piece together things
25 from two different council meetings.

26 So I'm seeing what the directive was on August 3, 2020. I'm
27 seeing the staff update on August 15, 2022. There was a Long-
28 Range Planning meeting in February of 2023. And then it came
29 before Planning Commission in June of this year. And then it's
30 coming now back to us based on a bunch of questions that the
31 commission at that time had.
32

33 So I'm trying to understand and piece together at what point this
34 became part of the conversation because I'm not seeing anything
35 in here that would lead me to believe that any Councilmember --
36 by the way, only two of whom are still even on Council, but
37 again, neither here nor there, any specific Councilmember called
38 out, like, "Hey, we also want to look into a height increase for
39 rooftop projections as a mitigation for COVID and to help hotels
40 out."
41

42 Again, I don't want to seem dense. But this, to me, is an
43 important question. And I want to make sure that I understand.
44 So anybody who can help fill in the blanks, whether that's staff
45 or city attorney or someone on the dais, please. But I would like
46 to talk about this more.

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Chair Lombardi: I asked one question that related to this at the last Planning Commission meeting. And I noted that this topic started to get brought up during, I think, the last City Council meeting where this was discussed. And then it was stopped because it was not part of what they were discussing at the time and they wanted to table that. So that was as far as the discussion went. Was that something else? That was all I saw. I don't know if anyone else can fill in the blanks.

Commissioner Hoopingarner: Well, I think I agree 100% with Commissioner Jones. And it's why I brought up what I did at the very beginning, which is, why are we doing this? The nominal number of hotels that it seems to apply to already have rooftop projections. There's only a couple that it might apply to. Even in staff's update, "In fact, decision makers have also questioned whether the rules should be more restrictive to reduce the use of rooftops." And given that we've got, I've lost count, 50, 60 letters, 98% of which said, "Oh, hell no," and there's not a single hotel who's presented themselves to say, "Yes, this is a good thing. And here's how it would work for us. And yeah, this is of benefit to us."

We've got Genevieve and chambers made a generic, "Yay, it's a business thing. Let's do it." But I don't see anything that, A, Council directed us to do; and B, there's so many moving parts and difficulties. And given the noise impacts, I just can't see the benefit. I really can't. I mean, I'm all for helping our businesses along as much as possible. But this I just don't see as the right way to go.

Chair Lombardi: Commissioner Gregoire?

Vice Chair Gregoire: From the staff report from back in, was it in June, it did say, "On August 15, 2022, the City Council directed staff to explore the possibility of proceeding with a Zone Text Amendment to allow hotel rooftop accessory uses above the height limit with the Long-Range Planning Projects subcommittee."

Commissioner Hoopingarner: I'm sorry to interrupt, but let's be clear. That was buried in a consent item that was not discussed, was not reviewed in public in any form. It was just a new item buried into a consent that said it was advise and update on a previous item. I think that's a little -- that's stretching credulity to say, "Oh yeah, Council wanted us to do this."

Commissioner Jones: It was also a recommendation of the possibility of doing it. It

1 didn't say --
2
3 Commissioner Hoopingarner: Council wanted to do it.
4
5 Commissioner Jones: Right.
6
7 Vice Chair Gregoire: I guess I see that the Council did want staff to explore this, and
8 staff has brought us a recommendation. Look, I frequently
9 repeat, the City Council, they're the elected City Council. They're
10 really the ones accountable to the voters.
11
12 My sense is staff has brought us a recommendation. I generally
13 think it's a well-reasoned recommendation, and it keeps the
14 Planning Commission with plenty of discretion with respect to
15 what projects we would recommend and approve. It seems to me
16 this is something that we should move forward to City Council.
17 And as the elected representatives, they can choose to kill it or
18 they can move forward with it. I don't know. I see enough here to
19 think that this is something that Council wanted staff to look at.
20 And they've looked at it. And let's let the elected representatives
21 make the final decision whether this is something that they want
22 to move forward with.
23
24 Chair Lombardi: Okay. Commissioner Matos, did you want to -- Commissioner
25 Carvalho, anything on this topic? Or do you want to --
26
27 Commissioner Carvalho: I'm curious now if there is an explanation as to how we got from
28 point A to point C. Oh, can't hear me? Oh, sorry. Okay. I'm
29 curious now to find out how we got from point A to point C.
30
31 Chair Lombardi: Me too.
32
33 Commissioner Carvalho: I mean, I agree with Commissioner -- or Vice Chair Gregoire. I
34 think there are enough provisions here that we could manage this
35 process. But I'd still like to understand how this was interpreted
36 out of the original Council request.
37
38 Chair Lombardi: Commissioner Jones?
39
40 Commissioner Jones: Yeah. I'm completely not opposed to figuring out how we can
41 manage the process. I guess I am just curious as to the intent of it
42 because it does seem a bit as if it was born out of the ether. And I
43 just want to understand a little bit more about -- and also what
44 great benefits -- I just want to understand the intent. That's all.
45 I'm not here to make a decision.
46

1 And also, this is just a recommendation we're making to Council,
2 right? I'm not making the final call. We're not making the final
3 call.

4
5 Commissioner Matos: At the end of the day here, my understanding is that our job is
6 not to make a final decision given that we are selected. We are
7 not elected.

8
9 Commissioner Jones: Totally.

10
11 Commissioner Matos: My understanding is that we're tasked with looking at this and
12 having a really thoughtful discussion around what parameters
13 need to be added if the council does decide to adopt or move
14 forward with this. I have a lot of thoughts. I share a lot of the
15 concerns that have been raised. I was writing down things that
16 were said that I thought that should be addressed.

17
18 I agree with Commissioner Hoopingarner that the word, "or",
19 should probably be rephrased so that it's no less than the
20 minimum. I think that that makes sense. I've said from the
21 beginning in the last meeting that I didn't think 5 feet was
22 sufficient for a sound barrier. And then in this meeting, when I
23 asked our sound consultant about the sufficiency of 5 feet, they
24 said that a 6 or 7-foot sound barrier would be more sufficient. So
25 I don't understand why we wouldn't consider that.

26
27 But I do think that there is a way for us to craft really thoughtful
28 feedback and input that would go to the ultimate decision makers
29 on this motion -- or on this Zone Text Amendment. That's my
30 thought.

31
32 Commissioner Hoopingarner: And I would agree. And to Commissioner Carvalho's point, I
33 think we've surfaced a lot of things. I think there's a lot of fixes
34 we've identified. But it comes back to Commissioner Jones' point
35 right from the get-go.

36
37 We're being asked to make our recommendation to Council. And
38 the basis of that is, do we recommend this thing? Is this a good
39 thing? Now can it be tweaked and fixed and made better? Sure.
40 We can do that. But at the heart of it is, is this in the best interest
41 of our community? Is this in the best interest of our city? And
42 that includes all of our city. It includes our businesses. It includes
43 our neighbors. And I think that's the core question.

44
45 And we are being asked to recommend to Council, "Yea or nay.
46 This is something we should move forward with, and here's how

1 we should do it," or, "Yeah, no. We looked at it. We don't think
2 it's in the best interest of the city." That's kind of where I see
3 those are our two choices right now.

4
5 Chair Lombardi: Yeah. Commissioner Hoopingarner, to add to that, I see merit to
6 this zone text, I said before. And it seems like other people feel
7 that way today that there has not been a lot of transparency in
8 terms of how this came to be because what, and I don't usually
9 say this, but what I saw in the staff report and what I heard and
10 observed from those events were different or not discussed.

11
12 But that being said, I wonder if we can look at this analytically to
13 see what we think would make it better. And I would even throw
14 out there that we could include a statement like, "The
15 Commission also requests some clarity on what City Council's
16 intent may be." And there's a consensus, this is good, or there
17 were mixed opinions or some sort of statement that goes with it
18 too so that it's like, "Okay, here. We've looked at this twice
19 now."

20
21 But clearly we're wondering what the intent is, so it's always hard
22 for us to steer the ship when we don't have a lot of that data
23 today. But maybe we could at least see what we want changed
24 and what we're looking at and then decide based on those
25 changes what we want to do, if that makes sense.

26
27 Commissioner Hoopingarner: Well, I guess it comes back to, again, the core of the thing. If we
28 vote to say yea, and, "Here, we fixed it," and we sent it forward,
29 then it goes to Council. And Council gets another 70, 80, 90
30 letters saying, "Oh, hell no." And then Council has to come to us
31 again and say, "Well, why did you recommend this if there's just
32 such across-the-board opposition in the community to it?"

33
34 So again, back to a cost-benefit analysis. Is the benefit to the six
35 hotels worth the cost to all of the neighbors of those hotels in
36 those communities? I know Commissioner Gregoire and I live
37 about equal distance from one of these. And we've been on the
38 receiving end of the noise. And --

39
40 Commissioner Matos: I have two, for whatever it's worth. I live less than 500 feet from
41 a hotel with rooftop amenities on Sunset Boulevard. So yeah, I
42 get it.

43
44 Commissioner Hoopingarner: So many of us have lived through this.

45
46 Commissioner Carvalheiro: Commissioner Hoopingarner, I totally get what you're saying.

1 But that's also making the assumption that we can't mitigate any
2 of the sound.
3
4 Commissioner Hoopingarner: Agreed.
5
6 Commissioner Carvalheiro: So I mean, and then we go back to the sound study, the sound
7 test. For me, in our last conversation, you and I were very
8 concerned about enforcement.
9
10 Commissioner Hoopingarner: About what?
11
12 Commissioner Jones: Enforcement.
13
14 Commissioner Carvalheiro: And I still think that any hotel that applies for this program
15 should hire or dedicate somebody between 5:00 p.m. and closing
16 to mitigate the sound so that it doesn't become a burden on the
17 neighborhood. With that, I can go through all the things that I've
18 just been asking over and over again to clarify a motion, I think
19 we could get there. But if the original intent was not this, then --
20
21 Commissioner Hoopingarner: Exactly.
22
23 Commissioner Carvalheiro: -- I don't know what to do with that.
24
25 Commissioner Hoopingarner: Exactly. I mean, it was not the directive of Councilmember
26 Heilman and Council, and it was never the intent. Unfortunately,
27 the original intent was to help our businesses in the heart of
28 COVID. And nothing was done with that original initiative to
29 address those items, which is kind of sad, which is when they
30 really needed it. So we're looking at this four years later, and the
31 initial need is long gone. And --
32
33 Commissioner Carvalheiro: But like Genevieve said, it is good for the businesses. And if we
34 can mitigate the cons of it and make the sound barriers work and
35 have proper enforcement --
36
37 Commissioner Hoopingarner: Well, let me --
38
39 Commissioner Carvalheiro: -- and we have the necessary reviews, Planning Commission,
40 neighborhood meetings, the sound tests --
41
42 Commissioner Hoopingarner: Let me ask one more question, though, because I wrote this note
43 down because staff pointed out that yet to come forward is the
44 item, the new ZTA, about nonhotel guest uses of hotel facilities.
45 And that's particularly germane in the residential neighborhoods
46 because they have no infrastructure for ride share, drop offs et

1 cetera. And yes, I understand where staff is saying, "Well, this is
2 a separate thing. This is just about building the infrastructure,"
3 and that that other ZTA that's going to come forward is going to
4 be about what can you use it for.
5
6 But that, I feel, is very -- you get a little chicken and egg here.
7 What do you -- you get an approval to build this thing, and then
8 they come back and say, "Oh, well, we want to use it for
9 weddings six nights a week." And so now you've got a
10 construction, but the proposed use is not designed for that. And
11 now you've got retrofitting. And I think the separation of these
12 two is a little dicey in and of itself. So --
13
14 Commissioner Matos: So just to throw out some of the points that I think that were the
15 most important for consideration in this context just to make the
16 conversation as productive as possible, it sounds like there's a lot
17 of thoughts around a more sufficient sound barrier, moving it up
18 from -- the minimum up from 5 feet. No?
19
20 Chair Lombardi: Yeah, I don't know if I feel that way either. However, I do think
21 that emphasizing the importance of the noise study or outright
22 requiring it and not making it gray would help in that matter.
23 And for the potential scenario as to why maybe it wasn't written
24 that way in the code right now, I would say the noise study
25 would be a simple statement that it doesn't apply.
26
27 Commissioner Matos: Talking about --
28
29 Chair Lombardi: If it doesn't apply.
30
31 Commissioner Matos: -- making the noise study not at the discretion of the Community
32 Development Director, --
33
34 Commissioner Hoopingarner: Correct.
35
36 Chair Lombardi: Correct.
37
38 Commissioner Matos: -- but making it apply to projects across the board. Okay, that
39 was one I had on here. I personally would have liked to see a
40 higher minimum than 5 feet. But if that's not the will of the body,
41 then yeah, it's fine.
42
43 Chair Lombardi: I mean, I don't know if the sports courts go into that for me.
44 That's where I feel like 5 isn't going to necessarily -- but again,
45 maybe that's noise study. That's the one thing that makes me
46 wonder if 5 is too low. I don't know how that's handled.

1
2 Commissioner Carvalho: No, but the noise study --
3
4 Commissioner Hoopingarner: Well yeah, and that's back to where the speakers are located in
5 terms of the law.
6
7 Isaac Rosen: So Commissioner --
8
9 Commissioner Carvalho: Yeah, but the noise study -- sorry.
10
11 Isaac Rosen: Sorry. I was just going to say for the two points from
12 Commissioner Matos, just while the Council is deliberating, if
13 they choose to move forward with it, I think there was talk by the
14 commission for section 19.36.150C.4 that talks about the noise
15 study. And if the Planning Commission did want to move this
16 forward with a recommendation to approve the Zone Text
17 Amendment, of course, the Planning Commission has the
18 discretion to appoint Commissioner Hoopingarner's raise if they
19 can't make the findings and don't want to recommend approval.
20
21 But should there be a desire to amend that section and get rid of
22 the discretion of the Community Development Director, I think
23 the Commission could just remove the clause that says, "With
24 potential for noise impacts as determined by the director." So
25 that section would just read, "If applying for a rooftop structure
26 projecting above the height limit, pursuant to the section, the
27 applicant shall hire an independent consultant," and then the rest
28 of the section talks about that noise study. So I just wanted to put
29 that in the record in response to Commissioner Matos' comment.
30
31 And then I think the other section he mentioned that the
32 Commission was talking about, 19.36.150C.6.c.2, that would
33 say, "Noise barriers of at least 5 feet in height or a different
34 height greater than 5 feet as determined by the noise study." So I
35 just wanted to throw those two points out there as what I heard
36 from the Commission about those specific items.
37
38 Vice Chair Gregoire: Okay. I would support those changes.
39
40 Commissioner Solomon: Isaac, when you were giving those changes, did you also make
41 note about the independent noise study and that that shouldn't be
42 hired by the applicant but selected by staff?
43
44 Isaac Rosen: I didn't. I think it's certainly up to Commission's privy to talk
45 through that process.
46

1 Francisco Contreras: We could add after that sentence that Isaac just read that the city
2 shall hire at the applicant's expense an independent consultant.
3 So we can make it very specific.
4
5 Commissioner Solomon: I would agree with that language.
6
7 Vice Chair Gregoire: I'm okay with that, too.
8
9 Chair Lombardi: Yeah, likewise.
10
11 Commissioner Matos: Could we repeat that language one more time for me?
12
13 Francisco Contreras: Okay. Yeah, sure. So the new line would say, "If applying for a
14 rooftop structure projecting above the height limit pursuant to
15 this section, the city shall hire at the applicant's expense an
16 independent consultant or agency whose principal" -- blah, blah,
17 blah. So it then goes on.
18
19 Commissioner Matos: Okay.
20
21 Francisco Contreras: So we would strike the discretion of the Community
22 Development Director and then state that the city shall hire at the
23 applicant's expense a noise consultant.
24
25 Commissioner Matos: So the city would be selecting in that scenario?
26
27 Francisco Contreras: Correct.
28
29 Commissioner Matos: Okay. So that would keep it independent.
30
31 Chair Lombardi: Could you restate the, it's Page 10 of 12 in the resolution, C. And
32 then 2, the noise barrier, 5 feet, the proposed text?
33
34 Isaac Rosen: Yes, Chair Lombardi. So, "Noise barriers of at least 5 feet in
35 height or a different height greater than 5 feet as determined by
36 the noise study." So it would replace the, "Or a different height."
37
38 Chair Lombardi: Okay. Thank you.
39
40 Commissioner Carvalheiro: Can we also clarify that the sound test is done after it has been
41 built and that any modifications that need to be made after the
42 test are done before the CUP or the permit is issued?
43
44 Francisco Contreras: Yeah. I think we can add prior to the final inspection by the
45 building official. Does that make sense?
46

- 1 Commissioner Carvalho: Yeah.
2
- 3 Francisco Contreras: Okay. Okay.
4
- 5 Chair Lombardi: Something we did not talk about was FAR, floor area ratio. And
6 I found that to be confusing. I don't know if anyone else did or if
7 it's just me. But I thought it was strange that there was a
8 proposed modification on how you calculate something that, to
9 me, is a metric, that is a metric, that shouldn't be redefined by us.
10
11 So Page 7 of 12 on the resolution, where there's the table, under
12 structures, there's an asterisk that says, "These improvements are
13 not considered in calculating the overall height or allowable floor
14 area ratio." Should it say something more like, "Are in addition
15 to the allowable floor area ratio"? I don't know we should be
16 recalculating or redefining floor area ratio as opposed to simply
17 stating that it's in addition to it.
18
- 19 Commissioner Hoopingarner: Well, it's excluding it from the FAR calculation, is the point. It's
20 saying, "You're allowed 2.5 FAR on this project. And here is
21 another 15 feet. And any related FAR doesn't count towards your
22 maximum," which I find problematic. Back to -- there's a reason
23 we have these FAR requirements. There's a reason we have
24 zoning. There's a reason we have the things that we chose when
25 we went through the planning process, when we went through
26 the general plan. And we're back to saying, "Oh, but never
27 mind."
28
- 29 Chair Lombardi: Yes, I get nervous about code too. I guess floor area ratio is not
30 part of safety code, but --
31
- 32 Commissioner Hoopingarner: No, it's about the density. What is the density that's allowed, the
33 height and the density, the mass et cetera of a particular parcel,
34 given the zoning that we voted on back when we went through
35 the general plan process and we as a community went through
36 parcel by parcel, literally, and said, "This is this. This is this. We
37 don't want this bigger than that." That's what we did as a
38 community. And to take a pen and go, "Never mind," it's a
39 conscious decision.
40
- 41 Chair Lombardi: So maybe it's a question for legal. These improvements are not
42 considered in calculating the allowable floor area ratio. Is that
43 muddying the water?
44
- 45 Francisco Contreras: Yeah, I think the intent for that particular provision is that most
46 of the hotels that are already at their height limit are probably

1 also at their existing FAR. So not allowing them any additional
2 allowance for an additional FAR to accommodate the rooftop
3 structures may make them not actually work out. So if we are
4 going to move forward with allowing them, then I think that's
5 where we were trying to figure out to give them an allowance for
6 an FAR so that they could actually build those things.

7
8 Commissioner Hoopingarner: Well, that's back to -- I'm looking at Page -- oh, there's no page
9 numbers on it, Page 2 of the red line, and Section 4 in that whole
10 business of, "Hotel height and density shall be consistent with
11 the underlying residential zone except for permitted projections
12 above the height limit for hotel rooftop structures, which may
13 exceed the height limit and FAR." And this is where we had the
14 conversation about the words, in permitted zones, with approval
15 of a conditional use permit.

16
17 Isaac Rosen: I do think, to Director Contreras' point, that the inclusion there of
18 height limit is important to the overall conditional use of
19 exceeding the height. But I think it may be inappropriate
20 depending on how the Commission ultimately decides how they
21 want to handle the Zone Text Amendment to potentially request
22 clarification as part of the item that the council will consider on
23 that piece and the clarity about permitted zones that
24 Commissioner Hoopingarner is mentioning.

25
26 Commissioner Hoopingarner: And to be clear, that section applies to new projects, which I find
27 very problematic in light of the intention of this original ZTA.
28 This is about adding 15 feet to all new hotel projects, potentially.

29
30 Chair Lombardi: Is there any other discussion in terms of concerns within the text?

31
32 Commissioner Carvalheiro: I mean, this hasn't been discussed, but I've been thinking a lot
33 about the 15 feet and having HVAC and mechanical on top of it.
34 That could be a real eyesore --

35
36 Chair Lombardi: That's right. I agree.

37
38 Commissioner Carvalheiro: -- because the city requires screens.

39
40 Commissioner Hoopingarner: I'm sorry, having what on top of it?

41
42 Chair Lombardi: Mechanical.

43
44 Commissioner Hoopingarner: Mechanical. Yeah, exactly.

45
46 Commissioner Carvalheiro: The HVAC or any mechanical because the city requires screens.

1 So then you get these sometimes not so great looking screens.
2 And if we have a setback on the roof deck, why can't we just use
3 the roof deck?
4
5 Chair Lombardi: I agree.
6
7 Commissioner Carvalheiro: That way it makes the buildings or the little additions a little bit
8 more attractive.
9
10 Chair Lombardi: Did staff have a proposed modification? I think you mentioned
11 that earlier.
12
13 Francisco Contreras: Yeah. We can add another sentence to -- if we are on Page 7 of
14 12 of the resolution, where we have the table that includes
15 projections for hotel rooftop structures, where it states other
16 requirements, we can add a second sentence that says, "No
17 additional projections shall be allowed above the hotel rooftop
18 structures that shall make the structures exceed the 15-foot
19 limit."
20
21 We will add it there, and then we will also add it as an additional
22 development standard. So we would add it as a new line item, E,
23 on Page 11 of 12 to basically indicate the same thing, "No
24 additional projections shall be allowed above the hotel rooftop
25 structures that shall make the structures exceed the 15-foot
26 limit."
27
28 Commissioner Carvalheiro: Great, thank you.
29
30 Chair Lombardi: Okay.
31
32 Commissioner Hoopingarner: And 6C, "Noise reduction measures for projections above the
33 height limit for hotel rooftop structures with the potential for
34 noise impacts, as determined by director." Is that going to be
35 struck as well?
36
37 Isaac Rosen: Commissioner Hoopingarner, I think I understand. And I believe
38 the answer is probably yes, but -- oh, suddenly my mic is very
39 loud. Could you repeat this subsection just to make sure we have
40 it clear?
41
42 Commissioner Hoopingarner: 6C, the definition section of noise reduction measures. It says,
43 "Noise reduction measures for projections above the height limit
44 for hotel rooftop structures with a potential for noise impacts, as
45 determined by the director." And I think we had a conversation
46 around, no, if there's a rooftop projection, it has a noise impact

1 not determined by the director.
2
3 Isaac Rosen: Commissioner Hoopingarner, I believe that that makes sense in
4 the context of the earlier edit that the commission was
5 considering. That would be consistent with the change to C6, c2 -
6 - I'm sorry, no, 19.36.150.c.4, the noise study portion, to remove
7 that language that says, "With potential for noise impacts as
8 determined by the director." So if the commission moves forward
9 with that, that would be a consistent change that could be part of
10 the recommendation.
11
12 Chair Lombardi: Yeah. I agree that's confusing. If we were to change the text, we
13 should pick it up everywhere.
14
15 Commissioner Hoopingarner: Mm-hmm.
16
17 Chair Lombardi: Commissioner Carvalheiro?
18
19 Commissioner Carvalheiro: Yeah, one more, only because our last meeting we harped on this
20 quite a bit, and that's enforcement. And I'm just asking staff, is
21 there any world where a successful applicant is required to hire
22 or dedicate somebody on staff from 5:00 p.m. until closing to
23 monitor the volume of the sound and say within 200 feet of the
24 hotel, the residents get to have that phone number so that if it
25 happens, they have somebody to call?
26
27 Francisco Contreras: Right, so that seems like it would probably be more tied to the
28 activity. So we'd want to probably add that condition to that
29 particular activity, so that other CUP, where they're actually
30 dealing with the actual activities that are going to happen, or with
31 their special event permit, for example. So I think it probably
32 makes more sense in that aspect when reviewing those permits
33 than in this particular text.
34
35 Commissioner Carvalheiro: Does anybody else care about this?
36
37 Commissioner Hoopingarner: I would absolutely agree to the item, but I think it does belong
38 with the event itself. Again, it's hard envisioning this
39 construction in a vacuum. Why would you build this 15-foot,
40 however big, with the bathroom and the kitchen and the thing
41 and the thing without some intended use?
42
43 So in that context, yeah, we should be looking at all of these
44 things. And that's one of the problems I have with separating
45 this, is that it doesn't -- no one's going to come to us and say, "I
46 want to build a thing. I haven't decided what I'm going to do with

1 it. I haven't decided how I'm going to use it, how I'm going to
2 staff it, what kind of marketing I'm going to do." It's not going to
3 happen. This is never going to be built in a vacuum. I mean,
4 you're an architect. What's the program?
5

6 Commissioner Carvalho: Yeah. I mean, if it comes to Planning Commission, we could
7 make that condition when we're reviewing the project if it's
8 appropriate.
9

10 Commissioner Matos: That's been my understanding is that the saving grace of this is
11 on a project-by-project basis. We have the ability to go in and
12 create individual conditions on the CUP, whether it be new or
13 modification, that are specific to that project based on public
14 input, public comment and things like that.
15

16 I mentioned at the last meeting, and I know it's a different thing
17 given that a structure is being built, but at the same time, staff did
18 mention it. We do as a body have the ability to revoke or modify
19 a license based on a nuisance status or something to that effect.
20 So when I was on the Business License Commission, I realize
21 this is not the Business License Commission, when there was a
22 new license that was being issued, we were putting in
23 requirements that they come in for a 12-month review or a 24-
24 month review where we were actually looking at the complaints
25 and seeing if it was constituting a nuisance consideration.
26

27 Commissioner Hoopingartner: And we've definitely done that.
28

29 Commissioner Matos: And then we would --
30

31 Commissioner Hoopingartner: And there was cause for doing that.
32

33 Commissioner Matos: Exactly. And then that would give us the authority, as we
34 brought up today, to make a revocation if it warranted that, or a
35 modification or some sort of change to the use given that it
36 would be coming forward in a conditional use permit.
37

38 Commissioner Hoopingartner: But I think to Commissioner Carvalho's point is that we've got
39 a -- do we really want to set up a situation where we have to --
40 every one of these 3, 6, 12-month review periods? Because we
41 definitely have sat here and had some pretty unfortunate
42 situations with noise. And do we really want to be in a situation
43 where we have to do that on every single project? And then it's
44 back to Code Enforcement and their ability to truly be responsive
45 because I can tell you, chapter and verse, a number of stories
46 from neighbors who've said, "Yeah, I called Code Enforcement.

1 event permit is different.
2
3 Commissioner Hoopingarner: Yeah, but that's a dozen --
4
5 Commissioner Matos: Because that's a one-off.
6
7 Commissioner Hoopingarner: -- times a year at a minimum. And there's discussion about
8 increasing the number of special event permits.
9
10 Commissioner Matos: Got it.
11
12 Commissioner Hoopingarner: And that all impacts the neighborhood.
13
14 Commissioner Matos: Yeah, but those are granted on a one-off basis, not a continual
15 basis.
16
17 Commissioner Hoopingarner: Say what?
18
19 Commissioner Matos: They're granted on a one-off basis, not a continual basis.
20
21 Commissioner Hoopingarner: Oh, yeah.
22
23 Commissioner Matos: Yeah. Okay. Can you summarize where we're at with the
24 changes?
25
26 Isaac Rosen: I can. Sure. I also wanted to note, there was some discussion
27 from the Commission and Chair Lombardi mentioned this. And
28 the Commission also has, obviously, the discretion should it
29 choose to make recommendations to Council.
30
31 I know there was discussion about requesting clarity from the
32 City Council on the scope of their intent. So I did want to send
33 that back to the Commission. I know there was some discussion
34 on that.
35
36 Commissioner Jones: Is there
37
38 Commissioner Carvalho: I mean, we're --
39
40 Commissioner Jones: I'm so sorry.
41
42 Commissioner Carvalho: No, go ahead. Go ahead.
43
44 Commissioner Jones: Are you okay with me talking?
45
46 Chair Lombardi: Sure, yeah. I would just add, I'm curious what you all think about

1 that or if there's interest in that. So if you want to go first, or if
2 you have something else to say, that's fine too.
3
4 Commissioner Jones: I don't know if this is an option. But I think what I would feel
5 most comfortable with is, with discussion and hopefully some
6 consensus here, is to move it forward, but with the proviso that
7 we would like there to be -- how do I want to say this? I didn't
8 think about this before I opened my mouth. My bad.
9
10 Chair Lombardi: I think that you're on the same page as me, though, in that regard,
11 which is --
12
13 Commissioner Jones: Being able to make specific recommendations about the way that
14 the resolution is crafted right now, but with the, I don't want to
15 say it's a caveat, but with the proviso that there was a lack of
16 clarity from the Commission regarding the intent of the ZTA.
17
18 I think that's a -- if people are comfortable with that, I would be -
19 - I'm very comfortable making specific changes and
20 recommendations to the reso as it's crafted right now. And as
21 we've discussed, I think I'm aligned with everything that we've
22 talked about changing so far. But I would, if possible, and City
23 Attorney, you can -- Isaac, you can tell me if that is or is not, but
24 --
25
26 Commissioner Solomon: We'd be asking the council to make a determination about --
27 some of the councilmembers now weren't even -- I'm on -- my
28 mic's on. Oh. Some of the councilmembers now weren't even on
29 the council back then.
30
31 Commissioner Jones: Right.
32
33 Commissioner Solomon: So I'm not as focused upon the origination of how we got to this
34 point, more what's in front of us and what we want to move
35 forward to Council. And if they don't like it because it didn't
36 match their original intent or because the people that are there
37 now have a different idea about it, they can always vote it down
38 and vote not to adopt this Zone Text Amendment. If they adopt
39 it, each and every hotel project is still going to come back in
40 front of us.
41
42 Chair Lombardi: I understand your concern, and I guess I just see it differently. It
43 looks to me like there was an intent, and the council was
44 different about something that was about operation hours and
45 who -- or operation and who has access to the amenities. And
46 then recently, a totally different thing came forward first, and

1 there wasn't discussion. And that's why I'm so confused.
2
3 But I do feel like I'd be comfortable moving something forward
4 with some notes to just make sure that we're able to do our best
5 job understanding what we're being asked to do. I just don't like
6 making decisions without clarity or vision. And I feel like I don't
7 see that right now, but I feel like there's ways we can make it
8 better. I just don't understand the framework of all of this.
9 Commissioner -- or, sorry, Vice Chair Gregoire?
10
11 Vice Chair Gregoire: Yeah. Look, if we're moving this forward, we don't need to ask
12 the City Council what their intent is. The City Council -- I think
13 Commissioner Solomon just said it, if -- they can kill it. If this
14 doesn't reflect what they were intending, they will kill it or they
15 can send it back to us.
16
17 But I think we have crafted some good changes to staff's
18 recommendation. And unless anyone else has any additional
19 changes, I think we should move staff's recommendation with the
20 changes that we've discussed and send it to City Council and let
21 them decide what they're going to do with it as the elected
22 representatives of the city of West Hollywood.
23
24 Commissioner Carvalheiro: Was that a motion?
25
26 Commissioner Jones: Could I make a --
27
28 Chair Lombardi: I think that Commissioner Jones wanted to talk next. Oh, sorry,
29 question of staff?
30
31 Commissioner Matos: Is there a summary of staff before we can --
32
33 Chair Lombardi: Okay. So let's hear Commissioner Jones. And then we can --
34 yeah, we have a couple things here. So before we go back to
35 staff, just to make sure that you're aligned too.
36
37 Commissioner Jones: Yeah. I think at minimum I would just ask that staff include
38 language in the staff report to Council that there was extensive
39 conversation and that it be captured in a way that is true to the
40 spirit of our meeting and our conversation here tonight, that there
41 was extensive conversation about the intent of the direction from
42 Council, and that, I think, prolonged our deliberation.
43
44 Chair Lombardi: I mean, yeah. I would add to that, if I were to make a sentence,
45 but this is what you all feel collectively, "The Commission made
46 adjustments to the Zone Text Amendment based on the content

1 received. However, there was conversation regarding the overall
2 intent. And the Planning Commission requests that City Council
3 provide direction to staff and the Planning Commission as
4 needed." Something like that.
5
6 Vice Chair Gregoire: That works.
7
8 Commissioner Solomon: You mean they're not all intently watching this meeting right
9 now?
10
11 Commissioner Matos: Yeah. I just --
12
13 Commissioner Jones: Just like we were four years ago?
14
15 Commissioner Matos: I think we could summarize discussion -- I think we could
16 summarize discussion concern, but I think at the point that it
17 reaches Council, that there's not going to be any clarity to deliver
18 to Planning Commission. They're going to make their decision
19 based on what's in front of them. That's my opinion.
20
21 Chair Lombardi: Okay. Yeah, I mean, hopefully they see our -- yeah, every once
22 in a while, it's like, "Why didn't they?" And right now, I feel like
23 I don't know.
24
25 Commissioner Jones: Yeah, I just want it recorded. I mean, it's being recorded, but
26 recorded in the staff report for posterity that we did have pretty
27 extensive conversation about it up and down the dais.
28
29 Commissioner Carvalheiro: Yeah, totally. Yeah, agreed.
30
31 Chair Lombardi: Yeah, I think it's notable this is a little atypical. Commissioner
32 Carvalheiro?
33
34 Commissioner Carvalheiro: Yeah. I have one more that I'd like to discuss because I
35 mentioned, I don't want humans or people, I'm not a wordsmith, I
36 don't know how to phrase this, but going beyond the setback. I
37 don't want to see dance parties happening in that setback that
38 we've been talking about doing landscaping. Can we make a
39 decision that only landscaping happens in the setback so that we
40 don't have people creating noise outside the sound barrier?
41
42 Commissioner Hoopingarner: Agreed.
43
44 Commissioner Jones: I'm aligned.
45
46 Chair Lombardi: I agree, too.

1
2 Commissioner Hoopingarner: I mean, if we have to have that 22.5-foot setback, and that's
3 where the wall is, then there's no activity on the outside of the
4 wall.
5
6 Commissioner Solomon: Would that be more appropriate to bring up each and every time
7 --
8
9 Commissioner Hoopingarner: No.
10
11 Commissioner Solomon: -- one of these hotels comes in front of us with whatever activity
12 it is that's planned up there?
13
14 Commissioner Hoopingarner: No because --
15
16 Commissioner Carvalheiro: So repeat the question again.
17
18 Commissioner Hoopingarner: -- you can't mitigate sound without the wall. I mean, you can't
19 have --
20
21 Commissioner Carvalheiro: Right because -- yeah. Right. If you put a dance party on the
22 other side of the sound barrier, the sound barrier is actually just
23 going to bounce the sound back into the neighborhood.
24
25 Commissioner Matos: Why wouldn't we put the sound barrier on the perimeter of the
26 building then?
27
28 Commissioner Carvalheiro: Because it's too far away from the source. So the closer you have
29 the sound barrier to the source, the more refraction it has. So it
30 will buffer it.
31
32 Commissioner Hoopingarner: It's also --
33
34 Commissioner Carvalheiro: The minute that you move it away, it actually travels over it.
35
36 Commissioner Hoopingarner: It's also about the rooftop projections. There's a reason for the
37 setback of the projections, is to not create the visual impact of a
38 taller building. So the reason for the 18 foot for every foot is that
39 you keep moving in and in and in so that when you're at the
40 street level, you're not seeing a taller building. And if you put
41 that -- and Commissioner Matos, you're suggesting a 6 or 7-foot
42 sound barrier, well, imagine a 7-foot masonry wall all the way
43 around the building. Now you've effectively almost created
44 another --
45
46 Commissioner Matos: Well, my thought is that they also allow Plexiglas. So that's the

1 thought.
2
3 Commissioner Hoopingarner: But you're effectively creating another story on that -- a height
4 on that building.
5
6 Chair Lombardi: As the code is --
7
8 Commissioner Matos: It doesn't have to be masonry, though. It could be something else.
9
10 Isaac Rosen: And, Commissioners, I think --
11
12 Commissioner Carvalheiro: There's no condition where that would happen because for every
13 foot of building, you have to set back --
14
15 Commissioner Hoopingarner: Set it back.
16
17 Commissioner Carvalheiro: -- 18 inches. So you would never have --
18
19 Commissioner Hoopingarner: Well, but he's saying why not just put it at the edge. And I'm --
20
21 Commissioner Carvalheiro: Pardon?
22
23 Commissioner Hoopingarner: He's saying why not just put it at the edge of the building. And
24 I'm saying --
25
26 Commissioner Carvalheiro: Oh yeah, but that goes back to the sound barrier.
27
28 Commissioner Hoopingarner: Right, and that's why I'm saying no because the whole point of
29 the setback is the visual impact, not -- there's two separate things.
30
31 Chair Lombardi: As well as light and --
32
33 Commissioner Hoopingarner: The sound impact and the visual impact.
34
35 Chair Lombardi: And light and circulation too.
36
37 Commissioner Hoopingarner: Exactly.
38
39 Isaac Rosen: So Commissioners, I just have one note. I think one potential
40 issue just with revising that setback language is that it's specific
41 to a rooftop structure projecting above the height limit. So it's the
42 structure as opposed to, I think, the use of what could be in the
43 setback, which may be outside the parameters of just what's
44 being regulated.
45
46 I wonder if there's an opportunity, since the council will provide

1 directions on some of those other items, that we're going to come
2 back, whether or not it's a request to look at use restrictions as
3 opposed to the structure which is being regulated here, if that
4 makes sense. I think that's my only concern. It might be use-
5 specific that may not be captured by the setback associated with
6 the actual structure.
7
8 Commissioner Carvalho: Yeah. To me, it's a use restriction.
9
10 Commissioner Hoopingartner: Well, actually, you bring up a good point. So if we're talking you
11 want to build a 15-foot structure, and the 15-foot structure has to
12 be 22 feet away from the parapet, the edge of the building, that
13 gives you your visual reduction. But then, back to the sound
14 wall, you're going to want outdoor uses outside of that structure.
15 So now the question is, where does that sound barrier go?
16
17 Commissioner Carvalho: No because you can't have anything in the setback. So that 15-
18 foot building will be the wall. And nobody can go beyond that
19 wall.
20
21 Commissioner Hoopingartner: So you're saying that the --
22
23 Commissioner Carvalho: Because there's no additional sound barrier because you have a
24 15-foot wall, which could be a bar structure or whatever, which
25 is already the sound barrier, which is bouncing sound back into
26 the habitable space.
27
28 Commissioner Hoopingartner: Well, I guess I'm thinking a 15-foot, two-stall bathroom plus a
29 kitchen. Okay? And that's your 15-foot structure. But then there's
30 a patio, there's a dining area, there's sunning, tanning beds,
31 whatever, in the area. Okay? So the 15-foot structure has to be 22
32 feet away. But now where's the sound wall around that space?
33 And how tall does -- you see what I'm saying?
34
35 Commissioner Carvalho: Yeah, but those are already approved uses. And this doesn't have
36 an impact on those uses.
37
38 Commissioner Hoopingartner: Well, back to chicken and egg.
39
40 Commissioner Carvalho: I don't know. I'm clear on that.
41
42 Commissioner Hoopingartner: So we need a whiteboard here.
43
44 Commissioner Carvalho: No, I can visualize it, but I don't -- I mean, if it's an existing use,
45 --
46

- 1 Commissioner Hoopingarner: So you're saying that --
2
- 3 Commissioner Carvalho: -- it probably already has the sound attenuation that it needs.
4
- 5 Commissioner Hoopingarner: -- the sound wall would be at the 22 feet?
6
- 7 Commissioner Carvalho: Well, the structure would be the sound wall because that would
8 be the requirement.
9
- 10 Commissioner Hoopingarner: So you're saying the structure would be the sound wall.
11
- 12 Commissioner Carvalho: Yeah, because everything's --
13
- 14 Commissioner Hoopingarner: But then it would be --
15
- 16 Commissioner Carvalho: -- happening on the other side of the wall.
17
- 18 Commissioner Hoopingarner: But then it would be 100% interior use, and there would be no
19 exterior use.
20
- 21 Commissioner Carvalho: Well, okay. So when you say patio around that structure, if there
22 is an existing use where they have lounges or whatever, then that
23 would be permitted because it's an existing use. I don't --
24
- 25 Commissioner Hoopingarner: Well, I'm thinking a new thing.
26
- 27 Commissioner Carvalho: Yeah.
28
- 29 Commissioner Hoopingarner: Okay? There's no existing use in terms of a patio or whatever.
30 This is very confusing.
31
- 32 Commissioner Carvalho: So it has no existing use. It's a new structure. It's 15 feet tall. It's
33 22 foot 6 from the edge. All I'm saying is that I want to restrict
34 the use of that setback so that it doesn't create more sound issues.
35
- 36 Commissioner Hoopingarner: Agreed 100%.
37
- 38 Commissioner Carvalho: Okay.
39
- 40 Commissioner Hoopingarner: I'm just concerned that the confusion will be -- there's the setback
41 and then the wall. So I guess what you're saying is the wall
42 would be at the 22 feet. You could build the 15-foot structure
43 then further in, even.
44
- 45 Commissioner Carvalho: See, what you're doing is you're separating the sound barrier
46 from the structure.

1
2 Commissioner Hoopingarner: Yeah.
3
4 Commissioner Carvalho: But I'm saying the structure can be the sound barrier because if
5 it's a masonry building that's 15 feet tall, there's your sound
6 barrier. Why do we need another sound barrier that's already
7 there?
8
9 Commissioner Hoopingarner: But it assumes all of the noise is in the interior of the structure.
10
11 Commissioner Carvalho: Right, so we have to look at it from a case-by-case basis, if it
12 actually works, which is what we're here for.
13
14 Commissioner Hoopingarner: We're back to needing to understand the use before we can
15 approve the building, and there's the problem.
16
17 Chair Lombardi: I guess that's why it's a conditional use permit, right, so that we
18 can determine that. I did not hear any motions.
19
20 Isaac Rosen: Sorry, Chair. I think there was a request to read in the changes
21 that the --
22
23 Chair Lombardi: There was.
24
25 Isaac Rosen: -- Commission has requested before. So I'm going to --
26
27 Commissioner Hoopingarner: Can I just double-check and make sure that on item 6C IV --
28 oops, my mic is going in and out, 6C IV, we discussed that the
29 speakers be no higher than 3 feet.
30
31 Isaac Rosen: Correct.
32
33 Commissioner Hoopingarner: Is that included?
34
35 Isaac Rosen: Yes.
36
37 Commissioner Hoopingarner: Okay, thank you.
38
39 Isaac Rosen: Yeah. And Chair, if I can, I can --
40
41 Commissioner Solomon: To be clear on that, if the sound wall were higher, if it were
42 higher than 5 feet, could the speakers be higher than 3 feet? I
43 understand your point that if the wall is 5 feet, the speakers
44 shouldn't be 5 feet, they're going to escape the top. But if
45 someone wants to build bigger --
46

1 Commissioner Hoopingarner: Then maybe we say that the speakers shall be no higher than 2
2 feet below the top of the sound wall.
3
4 Commissioner Solomon: Yeah.
5
6 Commissioner Hoopingarner: Does that get the job done?
7
8 Commissioner Solomon: That makes sense.
9
10 Chair Lombardi: I don't know. I think that that's --
11
12 Commissioner Carvalheiro: [Indiscernible].
13
14 Commissioner Hoopingarner: What?
15
16 Commissioner Carvalheiro: I kind of like your 3 foot from finished floor idea better.
17
18 Chair Lombardi: It's much easier to track.
19
20 Commissioner Carvalheiro: [Indiscernible].
21
22 Commissioner Matos: My only thought with increasing the sound barrier height was if
23 the average person is over 5 foot tall. But if you all want to just
24 keep that and do the other way, then that's fine. But yeah, I stick
25 by my recommendation. I do think that the sound wall minimum
26 should be higher. But it's okay if we don't have consensus.
27
28 Commissioner Hoopingarner: I mean, I agree with you. I mean, if all of us are over 5 foot and
29 if you're up against that glass wall and you're talking, that sound
30 carries. And I would be on board with 6 feet.
31
32 Commissioner Matos: All right. Then I would ask for it to be at least 6 feet.
33
34 Commissioner Solomon: I'm okay with that. I'm okay with that.
35
36 Commissioner Matos: And that's based on the fact that we asked the sound expert --
37
38 Commissioner Solomon: I agree. We did not get a clear answer.
39
40 Commissioner Matos: -- in this meeting if 6 feet would be more sufficient, and he said
41 yes.
42
43 Chair Lombardi: I'm okay with it too. Yeah.
44
45 Vice Chair Gregoire: Sounds good.
46

1 Commissioner Hoopingarner: It leaves a lot less up to discretion, which is probably a good
2 thing given all of the conversation we're having.
3

4 Francisco Contreras: Chair, so if I may, is it possible for me to read all the changes?
5

6 Chair Lombardi: As long as there's no more questions up here, which I believe we
7 got them all now. Yeah? Okay.
8

9 Francisco Contreras: Fantastic. I'll just go through page-by-page in the resolution. So I
10 am now in Page 7 of 12. And this is where we're adding the
11 second sentence to the table at the bottom of that page. And that's
12 the second sentence to that last column where it says Other
13 Requirements. So we're adding the sentence that says, "No
14 additional projections shall be allowed above the hotel rooftop
15 structures that shall make the structures exceed the 15-foot
16 limit."
17

18 Then the next correction is on Page 9 of 12, where we are talking
19 about the noise study. And the first sentence is being revised so
20 that it mentions, "If applying for a rooftop structure or structures
21 projected above the height limit pursuant to this section, the city
22 shall hire at the applicant's expense an independent consultant or
23 an agency whose principal has obtained a degree from," et cetera,
24 et cetera, et cetera, so the condition that it will be an independent
25 consultant and the city will hire it.
26

27 Commissioner Hoopingarner: And you're striking, "Or is otherwise prequalified by the director
28 or designee?"
29

30 Francisco Contreras: Yeah. Yeah, exactly. Yeah, we'll be striking that out. And now
31 on the following page, 10 of 12, we are striking out from C,
32 Noise Reduction Measures, the phrase, "As determined by the
33 director," from that first paragraph. And then in C II, we have a
34 requirement for, "Noise barriers of at least 6 feet in height or a
35 different height greater than 6 feet as determined by the noise
36 study." Does that make sense?
37

38 And then on Page 11 of 12, probably the second sentence there at
39 the top paragraph, "Prior to the" -- we're striking out public
40 hearing and we're saying, "Prior to the final inspection by the
41 building official, the applicant will perform the system check."
42 Okay? And then just right below in IV, we are striking out 5 feet
43 for the height limit of the speakers. So we're saying that,
44 "Speakers will not project above the height limit or shall be
45 placed on the floor no higher than 3 feet," instead of 5 feet.
46

1 Commissioner Jones: Off the finished floor, we agreed, right? Yeah.
2
3 Francisco Contreras: "Shall be placed no higher than 3 feet above the finished floor."
4 Okay.
5
6 Chair Lombardi: I apologize. Can I get clarification on what, I'm having trouble
7 hearing, Page 10, to, "Noise barriers of at least 6 feet." And then
8 what was the rest of the modification? Just for precision.
9
10 Francisco Contreras: Sure. "Noise barriers of at least 6 feet in height or a different
11 height greater than 6 feet as determined by the" --
12
13 Chair Lombardi: I think the or was what we didn't like before in that, "Or a
14 different height not" --
15
16 Isaac Rosen: Chair, it does capture the intent that it be at least 6 feet or a
17 greater height as determined by the noise study. So it allows that
18 to be higher.
19
20 Chair Lombardi: Okay. Thank you.
21
22 Francisco Contreras: And then continuing on on Page 11.
23
24 Commissioner Hoopingarner: I'm sorry.
25
26 Francisco Contreras: Oh, yes?
27
28 Commissioner Hoopingarner: Back on the speakers. "No higher than 3 feet or lower as required
29 by the noise study."
30
31 Francisco Contreras: "No higher than 3 feet above the finished floor." Okay. So we're
32 adding the word, lower. So, "No higher than 3 feet above the
33 finished floor or lower as required by the noise study." Does that
34 make sense? Okay.
35
36 And then we're adding a new letter, E, to that section, which
37 includes the language about, "No additional projections shall be
38 allowed above the hotel rooftop structures that shall make the
39 structures exceed the 15-foot limit," so the same language that
40 we added in the table above. And I think that's all the questions.
41 Yes?
42
43 Commissioner Carvalheiro: I have one more to ask. When you talked about the sound system
44 check, I can imagine an inspector -- say the test fails. And I can
45 imagine a situation where the inspector gives them a condition to
46 fix it, but will issue the permit. And then the applicant can

1 modify it whenever they want.
2
3 I would prefer that they do the test. If the test fails, they need to
4 make sure -- they need to pass the test before they are issued the
5 CUP or permit.
6
7 Commissioner Hoopingarner: Agreed. That's in iii.
8
9 Commissioner Carvalheiro: It's tough, but --
10
11 Isaac Rosen: Commissioner Carvalheiro, would it be sufficient to say, "Prior
12 to the final inspection by the building official, the applicant shall
13 perform and pass a system check?"
14
15 Commissioner Carvalheiro: Yeah. Perfect.
16
17 Commissioner Hoopingarner: Correct.
18
19 Commissioner Carvalheiro: Yep. Great.
20
21 Vice Chair Gregoire: On that, I would move staff's recommendation with those
22 changes.
23
24 Chair Lombardi: Okay. We have a motion. Do we have a second?
25
26 Commissioner Carvalheiro: Second.
27
28 Chair Lombardi: Okay. Commissioner Carvalheiro seconded the motion. Is there
29 any further debate, or can we -- excuse me. Any further debate,
30 or can we go to vote? Vote? Okay.
31
32 Secretary Gillig: And the motion passes on six ayes, Commissioner Hoopingarner
33 voting no, resolution #PC 24-1560. There is no appeal process.
34 This is a recommendation going forward to the City Council.
35
36 Chair Lombardi: Thank you. That brings us to Item #11, New Business. We have
37 none. 12, Unfinished Business, none. Excluded Consent
38 Calendar, none. Item 14, Items From Staff, Planning Manager's
39 Update, Item 14A.
40
41 Francisco Contreras: No updates.
42
43 Chair Lombardi: No updates? How about Subcommittee Management, 14B?
44
45 Francisco Contreras: Yes. So I'd like to provide you with just the upcoming items that
46 are currently tentatively scheduled on our agenda for both the

1 Planning Commission and some of the subcommittees.
2
3 So currently, at the September 5 Planning Commission meeting,
4 we do have a hearing for development agreement at 8920 Sunset
5 Boulevard. We also have a general plan amendment for the
6 incorporation of our new updated local hazard mitigation plan.
7 So that should be a fairly straightforward item. And then we are
8 also bringing an item that's a council directive, an urgency item
9 regarding the early demolition permit for certain vacant
10 properties. So that would be coming in September.
11
12 There's another item in September, so it might be a very busy
13 meeting unless we move some things around, a Zone Text
14 Amendment regarding ministerial housing permits. And that's in
15 addition to some legislative housing bills that we want to
16 incorporate into the zoning code.
17
18 Chair Lombardi: Is that September 19?
19
20 Francisco Contreras: That's September 19, correct. Yeah.
21
22 Chair Lombardi: Thank you.
23
24 Francisco Contreras: And then just a couple of items in October. October 3, there is a
25 Zone Text Amendment for looking at EV charging sites and EV
26 service stations as well as a change of use from residential to
27 commercial at 7748 Santa Monica Boulevard. So that's at Santa
28 Monica and Genesee.
29
30 And as of now, there are no items scheduled for Design Review
31 subcommittee, nothing currently on schedule for [SAASC].
32 Long-Range Planning Project subcommittee, we do have some
33 items for September 19. We are going to be reviewing our annual
34 ADU ordinance amendments. So that's going to be coming to the
35 Long-Range Planning as well as a look at equitable building
36 performance standards. So that's an item that's implementing
37 some of our programs in our climate action plan. And that's all I
38 have, Chair. Thank you.
39
40 Chair Lombardi: Okay, thank you. Item 15, Public Comment. Anyone for public
41 comment?
42
43 Secretary Gillig: No public comment.
44
45 Chair Lombardi: Okay. Item 16, Items for Commissioners. I would actually like to
46 start with just one FYI, if staff can confirm this too. But we had a

1 very long Planning Commission meeting a couple of months ago,
2 8550 Sunset Boulevard, if I got the address right, the Viper
3 Room project. Thank you, confirmed. I think that is going to City
4 Council on Monday, 26 August. So just wanted to note that. Any
5 other items from commissioners?
6
7 Commissioner Hoopingarner: Just one.
8
9 Chair Lombardi: Yes?
10
11 Commissioner Hoopingarner: The week of October 14, yours truly has got jury duty, and I may
12 have commute issues.
13
14 Chair Lombardi: Okay, noted.
15
16 Commissioner Hoopingarner: So just putting a stake in the -- who knows? Maybe, maybe not.
17
18 Commissioner Matos: You're going to do great on the jury.
19
20 Commissioner Hoopingarner: I usually get kicked off.
21
22 Commissioner Matos: I love jury duty.
23
24 Commissioner Jones: Can I just confirm that the October -- why do I have this listed as
25 canceled? I have it on my calendar that the October 3 meeting is
26 canceled. Is that wrong?
27
28 Chair Lombardi: The regular Planning Commission meeting?
29
30 Commissioner Jones: Not canceled.
31
32 Secretary Gillig: I believe it is canceled, the October 3 meeting.
33
34 Commissioner Jones: It is canceled?
35
36 Secretary Gillig: Yeah. That was canceled when the calendar was presented to you
37 last year. There's a holiday there.
38
39 Commissioner Jones: Okay. So is that -- that makes sense.
40
41 Commissioner Carvalheiro: It's Rosh Hashanah.
42
43 Commissioner Jones: Rosh Hashanah? Okay, that makes sense. Okay, so there is no
44 October 3 meeting.
45
46 Chair Lombardi: So that item may --

1
2 Secretary Gillig: Correct.
3
4 Chair Lombardi: -- not occur on that date.
5
6 Commissioner Jones: Okay. That's what -- I just want to make sure.
7
8 Chair Lombardi: Thank you for catching that one.
9
10 Commissioner Jones: Okay, cool. Okay.
11
12 Chair Lombardi: Any other items? Okay, thank you. In that case, I will adjourn
13 this meeting. And the next meeting is scheduled for Thursday,
14 September 5, 2024 here at Council Chambers. Thank you.
15
16 (End of meeting)

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PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 5th day of September 2024 by the following vote:

AYES: Commissioner: Carvalheiro, Hoopingarner, Jones, Matos, Solomon, Vice Chair Gregoire, Chair Lombardi.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



MICHAEL A. LOMBARDI, MIES LC LEED AP BD+C
CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY