

**WEST HOLLYWOOD PLANNING COMMISSION MEETING
AUGUST 4, 2011 (CERTIFIED VERBATIM TRANSCRIPTION)**

CHAIR BERNSTEIN: Like to call this meeting to order. And is Mark Montgomery here? I thought I saw him. No? Joseph Clapsaddle, would you like to come up and lead us in the *Pledge of Allegiance*?

JOSEPH CLAPSADDLE: Please join me in the *Pledge of Allegiance*. (*Pledge of Allegiance*)

CHAIR BERNSTEIN: Thank you. David, can we get a roll call, please?

DAVID GILLIG: Good evening. Tonight, Commissioner Huebner is absent, so all roll call votes will reflect that. Commissioner Yeber?

COMMISSIONER YEBER: Here.

DAVID GILLIG: Commissioner Meister?

COMMISSIONER MEISTER: Here.

DAVID GILLIG: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Here.

DAVID GILLIG: Commissioner Aghaei?

COMMISSIONER AGHAEI: Here.

DAVID GILLIG: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Here.

DAVID GILLIG: Chair Bernstein?

CHAIR BERNSTEIN: Here.

DAVID GILLIG: And we have a quorum.

CHAIR BERNSTEIN: Thank you. Now, we move to the approval of the agenda. I'm not anticipating any opposition on Item 9B, the Trunks item. So with the Commission's concurrence, I'd like to move it to consent. Do you want us to hear it?

COMMISSIONER YEBER: I have no issues on that. I was wondering if we could move 10-A to the beginning before the public hearings and get that out of the way, also.

COMMISSIONER MEISTER: I'm fine with those.

COMMISSIONER DELUCCIO: I kind of want to do that, too.

COMMISSIONER MEISTER: So in other words, Trunks on consent and 10-A, still hearing it but prior to [B]?

CHAIR BERNSTEIN: I'm not familiar with this question between public hearings and new business. Can we move it or--?

CHRISTI HOGIN: Yes, you can do anything you want, but before you move that public hearing item, I want you to open the hearing, see if there's anyone who has come to speak. If there's not, then we can go ahead and close the hearing and put it on -- the resolution on consent.

CHAIR BERNSTEIN: Okay. So I have two speaker slips in for Item 9B, the Trunks item. For these two people, I'm going to ask you in a moment if you object to us doing this. Basically, what we're proposing is adapting Staff's recommendation. So if you're here to speak in favor of Staff's recommendation, I would hope this is not a controversial proposal for you. But if you have objections, we will have a hearing so that you can raise them.

So am I doing right so far, Christi? Great. John Burney, are you here?

JOHN BURNEY: I'm here. No objections.

CHAIR BERNSTEIN: Thank you. And Christopher Cappiello?

CHRISTOPHER CAPPIELLO: Here. No objections.

CHAIR BERNSTEIN: Okay. So with that, I will open the hearing on Item 9B, and there being no speakers, I will now close the hearing and move the resolution on Item 9B to the consent calendar. We're also going to move Item 10A to what would, I guess, be -- how would you describe it, Christi, to 9A?

CHRISTI HOGIN: We'll just take 10A before we take 9A.

CHAIR BERNSTEIN: Okay. Thank you. So we again are moving 9B to consent. We're moving 10A ahead of Item 9A, and if somebody would like to move that agenda?

COMMISSIONER MEISTER: I'll move it.

COMMISSIONER DELUCCIO: I'll second it.

CHAIR BERNSTEIN: Okay, moved by Meister, seconded by DeLuccio. All in favor?

UNIDENTIFIED SPEAKER: Aye.

CHAIR BERNSTEIN: Opposed or abstaining? That is that. We now need to approve minutes. We have two sets of minutes to approve. Let's do first the minutes of July 7th, 2011.

COMMISSIONER DELUCCIO: I'll move the minutes.

COMMISSIONER AGHAEI: Second.

CHAIR BERNSTEIN: All in favor, please say aye.

ALL COMMISSIONERS: Aye.

CHAIR BERNSTEIN: Any opposed or abstaining? Now, the minutes of July 21st.

VICE-CHAIR BUCKNER: So moved.

COMMISSIONER DELUCCIO: Second.

CHAIR BERNSTEIN: Moved by Buckner, seconded by DeLuccio. All in favor, please say aye.

ALL COMMISSIONERS: Aye.

CHAIR BERNSTEIN: And anyone opposed or abstaining? Thank you. We now turn to Item Number 6, public comment. We have one speaker on public comment, and that is Steve Martin.

PUBLIC COMMENT:
ITEM 6.

STEVE MARTIN: Steve Martin, West Hollywood. Good evening, Commissioners, Chair Bernstein. I want to thank you for your approval of 9B. I was going to speak in favor of that, but you already have.

And I certainly want to speak in favor of 1350 North Hayworth. I can't really stay tonight, but I would remind everyone that you will recall my prior testimony in opposition to the Centrum project, 8801 Sunset, and I hope that you make a decision that favors the residents.

Two things that are coming up that are very, very important, both of them happening on August 15th --

First, Mayor John Duran has put an item on the City Council agenda to make Tara the historic building at Laurel -- currently, it's a temporary park, and Mayor Duran and Mayor Pro Tem Prang want to make it a permanent park. So I know there's a lot of people in the community that are very interested in doing that, and I hope you all come out on August 15th to support that.

Probably more importantly is that there's going to be a hearing on August 15th before the City Council on the General Plan, and I know a number of people who have been following that, and the City's going to have to make some very important decisions, and if you really care about the future of the City, you care about traffic, heights along Santa Monica Boulevard, care about creating protections to stop the demolition of rent control buildings, you really need to show up on August 15th. So appreciate the opportunity to be heard. Thank you.

**COMMISSIONER COMMENTS:
ITEM 7.**

CHAIR BERNSTEIN: Thank you, Mr. Martin, and now we move on to items from Commissioners. Commissioner Meister?

COMMISSIONER MEISTER: None.

CHAIR BERNSTEIN: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Nothing right now.

COMMISSIONER AGHAEI: Commissioner Aghaei?

COMMISSIONER AGHAEI: Just one item. I attended the Bicycle Task Force meeting at Plummer Park last night, and I was really impressed by the community's research and work into these issues and into making it safer and more easy for bikers to maneuver throughout our city. So they did a wonderful job, and it's really impressive.

CHAIR BERNSTEIN: Great. Thank you for sharing that. Commissioner Yeber?

COMMISSIONER YEBER: Yes, I just have one item or a request from Staff. We seem to get quite a bit -- a few of these documents, especially this last batch with 10 exhibits at quarter to three today, and it's really not possible for us to review this. It's not fair to the applicant. It's not fair to the public. Is there any way we could come up with a cut-off time in which documents arrive to us at this -- like this nature? Because this is not the first time this has happened, but maybe you can guide us?

CHRISTI HOGIN: The problem is that we're required to take all evidence up to the close of the hearing. That's the problem.

COMMISSIONER YEBER: We are, okay.

CHRISTI HOGIN: But these things come from lawyers who know better, and they understand that. They're asking you to take in a lot of information in a short period of time. So you can continue to make your displeasure known and encourage people to -- I know for a fact from sitting here -- I've got season tickets to this show -- that you guys read your agendas and you come prepared and that it's a disadvantage to the client to put things in at the last minute, but you're required to take it as part of the record, and I'm sorry that you're put in that spot.

COMMISSIONER YEBER: Okay. That's all I needed, just clarification, because it is -- and this happens to us frequently, and if there was -- I wish we could get the message out to applicants to if they have substantial documents to get it to us not the day of. It's too difficult. It's impossible.

CHRISTI HOGIN: The advantage of bringing it in advance is that it gets bound with your agenda and then it's available for everybody.

COMMISSIONER YEBER: Right. Thank you.

COMMISSIONER AGHAEI: You could maybe just give them a warning not to give it to us the day of.

JOHN KEHO: Right. Sure, and we are always telling applicants what the deadline is to get -- and residents. We tell them what the deadline is to get their correspondence in to us so it will be incorporated into the packet, so we're always telling people about deadlines.

COMMISSIONER YEBER: Because there's no way that I could -- I've read this, this information today, so..

COMMISSIONER DELUCCIO: I've read all of it.

COMMISSIONER YEBER: You? I'm impressed. You are a god.
(laughs)

CHAIR BERNSTEIN: Vice-Chair Buckner, do you have any public -- or commissioner comments?

VICE-CHAIR BUCKNER: No, just ditto what my fellow Commissioner Yeber just said. That's very difficult.

CHAIR BERNSTEIN: I think that's a good point. Christie, I'd like to ask a follow-up question. You have an obligation to receive it. Do we have an obligation to read it?

CHRISTI HOGIN: You want to make a good decision based on all of the evidence and understanding all the arguments, and so it puts you at a disadvantage, and that's all I'm going to say on the topic except maybe to add that we'll keep pushing on that, and maybe it will get better.

CHAIR BERNSTEIN: Okay. I just -- and I think we're all in agreement. I think practically our intention is to read everything, but it is just practically virtually impossible.

I believe my children are watching. They asked that I say goodnight to them, so Natalie, Naomi, and Isaac, if you are watching, goodnight. I will see you later.

And with that, we will finish up Items from Commissioners and move on to our Consent Calendar, which in this case is two items that have been deemed noncontroversial. And if somebody would like to --

CONSENT CALENDAR:

ITEM 8.A (1350 N. HAYWORTH AVENUE) AND

ITEM 8.B. (8809 SANTA MONICA BOULEVARD - TRUNKS BAR)

COMMISSIONER DELUCCIO: We'll move it as Consent Calendar.

CHAIR BERNSTEIN: Anybody want to second?

COMMISSIONER MEISTER: Second.

CHAIR BERNSTEIN: All in favor, please say aye.

ALL COMMISSIONERS: Aye.

CHAIR BERNSTEIN: Any opposed or abstaining? Then we will go on to our first hearing, and in this case, it is Item 10A regarding Laurel Hardware Restaurant and a request from a Commissioner that we review the item.

NEW BUSINESS:

ITEM 10.A. (1982-7984 SANTA MONICA BOULEVARD - LAUREL HARDWARE RESTAURANT)

And I just want to make it clear to the public before we get into this, the only thing that we are considering tonight is whether we're going to review the item. We are not here to discuss the merits of the item, simply to make a decision on whether we're going to review it or not.

And, Commissioner Meister, I think you have a few words you wanted to say.

COMMISSIONER MEISTER: Good evening. Obviously, I don't think that every decision the Director makes should be subject to our review, and typically, opponents will file appeals to bring matters to our attention. But I've asked for the Commission to consider reviewing the Laurel Hardware decision for several reasons --

First, because the application involves sufficient controversy to warrant Commission review.

Second, I've heard different theories of how the parking requirement was calculated and how it should be calculated, and we don't have all the facts, but the manner in which parking is calculated is important, as we saw in our last meeting about parking, and I would like to understand it better. Review of this application would give the Commission a chance to look closely at those code requirements and how they are applied.

Third, because the code sections involved are subject to interpretation, the Commission should review all the facts and the manner in which the Director interpreted the code. I think we should be sure that we are all in agreement about how the code is applied, and I'm asking that we hold a de novo hearing and consider the whole application. Thank you.

CHAIR BERNSTEIN: Thank you. So with that, we will go to public comment. I have two speakers. The first speaker is Sandy Hutchens, to be followed by Victor Omelczenko.

DAVID GILLIG: Two or three minutes?

CHAIR BERNSTEIN: Since there are only two for this, let's go for three minutes.

SANDY HUTCHENS: Hello, Commissioners. My name is Sandy Hutchens, and I'm a resident of Los Angeles. I'm the consultant for Laurel Hardware, and I've worked with Dean McKillen for the past six months preparing the application and securing the parking.

Right after the hearing when the Director approved our application, Dean and I set out to meet the neighbors that had voiced concerns at the hearing, and I'm happy to say the ones we talked with have assured us of their support for this new restaurant.

We reached out to Ed Buck and to Jeanne Dobrin, and we're pleased that they did not file an appeal. We even secured 13 additional parking spaces so as we get busier, we'll have the spaces, 33 spaces.

We met with Councilman John D'Amico, and he told us we had satisfied his concerns and that he would assure his appointee, Ms. Meister, that he had no problem with our

application, and he suggested that I ask her to withdraw the appeal.

Last Sunday, Dean and I walked Commissioner Meister through the space and showed her the plans. She said she liked the plans for Laurel Hardware and would like to see a restaurant go in this space. That said, I asked her to withdraw the request for an appeal hearing.

She said, "Sandy, even though I like the plans, I don't like Director Meister's" -- I mean, "Director McIntosh's administration, and I'm going to go for an appeal."

I urged her then, and Commissioner, I would like to ask you again tonight, to put your feelings aside against the Director and let my client go forward with his work.

Every day that Dean is delayed is lost revenue, and rent has to be paid. It's not fair for Dean, and it's not fair to put the City through extra time and expense just because you have a problem with the Director. You guys will work this out at another time, I hope.

This is unprecedented, unnecessary, and certainly not called for. The application is complete. The parking spaces needed were calculated correctly by the Planning Department. We have the formula right here, and the Planner that did it is in the audience tonight if you have questions.

Commissioners, please accept this application as complete and approved and let Dean get on with his work. Thank you very much.

CHAIR BERNSTEIN: Thank you, Mr. Hutchens. Victor Omelczenko, to be followed by our last speaker, Ed Buck.

VICTOR OMELCZENKO: I'm Victor Omelczenko, West Hollywood resident, and I really applaud Commissioner Meister for looking into this effort because the neighborhood has been in an uproar. There have been memos documented back and forth, emails sent. I'm happy to have known that Councilman D'Amico asked Lauren Meister to look at this. There are really some severe, severe issues.

Usually you do hear complaints from citizens, but there's been a lot of misinformation back and forth between the City Attorney's office, Ed Buck, people in the neighborhood. There are really some severe, severe problems with this proposal.

First, the parking. It's been a hardware store before. You'd go in and get a nail or a can of paint and be gone there in 15 minutes. Now it wants to be a restaurant, 200-person occupancy, a restaurant with a liquor license, full liquor. Across the street, French Market, just beer and wine.

Sandy Hutchens and his people have been very full of disinformation. I can't believe it. The Staff report comes out and says this new place, this new restaurant is not within 500 feet of a school and it is, the Beverly Hills Montessori School, which is 100 feet away from this new proposed restaurant.

The parking -- 200-person occupancy, no onsite parking. I can't believe it.

And the -- I was at the meeting where Anne McIntosh, the Community Development Director, said she didn't want any of us talking about parking. She didn't want any of us talking about any of the other issues, only about the liquor license. People were dissuaded from talking.

I can't believe that Sandy Hutchens has not reached out to the community beforehand, before the big sign came up to tell us that there was a community meeting. Why didn't he and the McKillens come and talk to us? Why didn't they tell us what it was bringing into the neighborhood?

I'm really, really concerned about the parking and the liquor license. Ha! I've never heard of a restaurant without a back entrance. There's no alley. There's no alley behind Laurel Hardware. When it was a hardware store, we could understand. Now that it wants to be a restaurant, there's only an entrance and exit along the front part of Santa Monica Boulevard? What if something tragic happens in the front part of the building? Are people going to be able to jump over a six-foot wall fence that's covered in barbed wire? I really hope -- I know -- John Altschul -- I'm going to try to calm down.

I really respect Lauren Meister's request for a review for a (inaudible) of the Community Development Director's position. I think it's something that needs to be looked at by all of you, and I hope that you vote in favor of this really new way, I think, of doing business in our fine city, which we want to keep a fine city. Thank you.

CHAIR BERNSTEIN: Thank you. A slight correction. Ed Buck, to be followed by our final speaker, Jeanne Dobrin.

JEANNE DOBRIN: For me? I'm Jeanne Dobrin, a resident of West Hollywood. I am regretful that Victor talked to you about this because you did say that this is not the hearing itself about the request for review. I want to quickly explain.

None of us knew that this was in the zoning ordinance. Many years ago -- not many -- about four years ago, John Duran asked for a request for a review from a decision of the Planning Commission. That's the only time that we knew that anything of that sort was contained in the zoning ordinance.

This is different from an appeal, of course.

First of all, we never knew that there was such a thing in the zoning ordinance that there could be a request for review of a developer -- of the Director's decision to the Planning Commission, and that's why our esteemed colleague, Ms. Meister, has asked for this.

I don't know how that was discovered, maybe because John D'Amico, the new City Councilperson, said at the last City Council meeting that he had asked his appointee to ask for this. It has never been done before, but that doesn't mean that it's wrong in any way. In fact, I think it's very respectful of the Commission that it's going to come from inside the Commission.

As for the remarks by the previous previous speaker that it isn't fair, I don't think that the zoning ordinance and the laws of our city are determined on what is fair. That would be wonderful. It's determined by what is in the law, and to say out of hand that this isn't fair, people could come here and tell you this every two weeks until the end of time and have probably tried it before, but of course, it's ridiculous.

Thank you for listening to me.

CHAIR BERNSTEIN: Thank you, Ms. Dobrin. Ed Buck?

ED BUCK: Good evening. Ed Buck, City of West Hollywood.

I don't think there's any question the record will show that the hearing that was held on July 13th was deficient. Without getting into the minutia of the deficiencies, I think they're pretty well documented. How can you have a hearing if the people can't hear? What we're asking for tonight, please hear us. That's all.

We're asking that a hearing be held. Some of the people that are here tonight didn't put speaker slips in, but they're concerned about this issue.

The provision that is provided in the code has indeed never been used before. I don't believe most of the Commissioners -- it certainly took our own City Attorney by shock. He had difficulty interpreting it.

The resolution that we're talking about has been amended several times, and at five o'clock this afternoon, I got yet another amended resolution sent to me by Brendan Rome. Suffice it to say that a deficient hearing, lots of confusion in the process.

We can't do anything about the past, but we can do something about moving forward. No one is hurt by having this hearing. In fact, whether you oppose the project or support the project, this project, if approved, can only be made better by this hearing with adequate conditioning so that if it does go forward, this Commission can condition it such that the neighbors will not be grabbing their pitchforks and their torches to storm the Bastille. You have the authority to grant us that simple wish. Please hear us.

COMMISSIONER DELUCCIO: Can I ask Staff a question?

CHAIR BERNSTEIN: Mr. Buck, can you come back for a moment? I think Commissioner --

COMMISSIONER DELUCCIO: No, I have a question for Staff.

CHAIR BERNSTEIN: Oh, thank you very much. So with that, I will close the public hearing, and actually, before we turn to questions from Staff, can we just do ex parte communication disclosures? Commissioner Meister, would you like to--?

CHRISTI HOGIN: We don't need to.

CHAIR BERNSTEIN: Oh, we don't need to? All right. Thank you very much. Go ahead with your question.

COMMISSIONER DELUCCIO: John, if we were to do a de novo hearing, when would be the earliest we can do it? Because I actually would not want to hold up the applicant more than necessary even though I tend to support Commissioner Meister in wanting to have a completely de novo hearing because I really don't know what is going on. But I do feel that out of courtesy to Commissioner Meister, and she makes some good points, I would want to move forward with a de novo hearing.

JOHN KEHO: September 1 would be the meeting date.

COMMISSIONER DELUCCIO: September 1.

JOHN KEHO: Right.

COMMISSIONER DELUCCIO: And then so that would give you time to notice it. So I would -- if I can, I'd like to make a motion or -- is that appropriate to make a motion to--?

CHAIR BERNSTEIN: You can make a motion at any time you want to.

COMMISSIONER DELUCCIO: I'd make a motion that we hold a de novo hearing on September 1, 2011.

CHAIR BERNSTEIN: Is there a second on that motion?

COMMISSIONER MEISTER: I'd second it.

CHAIR BERNSTEIN: Okay. Are there further questions of Staff before we turn to deliberation?

COMMISSIONER YEBER: Yeah, I have a question. I got lost in some of the testimony. Is there an appeal coming forward from a citizen on this project?

JOHN KEHO: No.

COMMISSIONER YEBER: Okay. Is that because it was already in the pipeline that the Commission was going to listen to this?

JOHN KEHO: Oh, we had no idea. They did not submit the appeal information by the time, which was last Friday.

COMMISSIONER YEBER: And does that appeal on part of the neighborhood -- or on part of a resident, does that have a cost connected to it?

JOHN KEHO: There are two ways. You can either obtain 50 signatures and then that would waive the appeal fees, or if you don't have 50 signatures, you can pay half the application fee and appeal, so there's two ways.

COMMISSIONER YEBER: And how much is that application fee?

JOHN KEHO: I don't have that dollar amount, but I believe it would probably be one or two thousand dollars.

COMMISSIONER YEBER: Okay. So my concern is are we setting a really dangerous precedent here in terms of questioning all directors' decisions simply because an applicant -- I mean a resident hasn't come forward to file an appeal to object to a decision that was made, a director, and I'm trying to figure out how we can separate ourselves from that, or maybe we're not able to. Can you give me some clarification on that, Christi?

CHRISTI HOGIN: Sure. I don't believe that anyone has raised the possibility of invoking the review simply because somebody didn't want to pay the fee or because there was no other appeal filed.

What I heard Commissioner Meister say was that she's specifically interested in looking at this type of an application to get some commission direction to the director on how to interpret the parking calculations and the other things. It may end up being that you agree with the director and affirm it, but nobody knows that yet

because we haven't had a chance -- as Commissioner D'Amico -- I mean DeLuccio points out, we haven't had a chance to see all of the evidence.

So I think -- I don't think you have a precedential problem because each of these review requests are looked at at their own merits, and as everyone has pointed out, while this has been available to the Commission for years, ordinarily, it just comes up on an appeal by an interested party. So I'm not -- if you're asking about the precedent value, I'm not troubled by that at all.

COMMISSIONER YEBER: Okay, thank you.

CHAIR BERNSTEIN: Anyone else?

VICE-CHAIR BUCKNER: I do have a question. Commissioner Meister said that one of the -- the reason she wanted us to have an opportunity to review it is because she wanted us to look at parking issues. And if we review this, we have to review it as an appellate body basically, and we can only look at what was in the hearing itself. We'll have a transcript of the hearing written out, and we're not going to be looking at policy issues with regard to parking because that would be inappropriate because it isn't specific to this particular project or item. So I'm a little confused as to really why we're reviewing it. Could you...

CHRISTI HOGIN: Right. It's not a change of policy that you're looking at. It's how a policy is implemented, and you're right about that, and I think that's within, at least what I heard Commissioner Meister say, that we're not looking what should the ordinance be but rather when you have a change of use and these are our rules, how are they --

COMMISSIONER YEBER: Interpreted?

CHRISTI HOGIN: -- interpreted. And I think some of it comes from just seeing that there's controversy and not knowing if there's agreement about how it's done

It may be that when you get everything in front of you and look at it, you may determine that it's been done exactly right and affirm it, and then that settles that issue.

COMMISSIONER DELUCCIO: I did make the motion -- if I may jump in one more time -- the other compelling reason why I made the motion also was about the -- I also sensed there was some confusion about the appeal period and about getting the appeal application in. I did -- obviously, we did see -- I have not spoken to anybody, but I did see some correspondence to that effect, so for that -- that's another reason why I wanted it to be brought forward to this body and as soon as possible because I do feel for the applicant, too. So that's where I stand on this.

CHAIR BERNSTEIN: Because of the clarification that we're not necessarily setting precedent here and because of what seems like the very real possibility that there would have been a citizen's appeal if this had not been done, I'll support the motion, although I would caution -- and I think this maybe also what Commissioner Yeber was saying, although if not, please correct me -- I would look at these individually and very cautiously going forward.

Is there any further comment?

VICE-CHAIR BUCKNER: Well, I just -- go ahead. Sorry, David.

COMMISSIONER AGHAEI: Sorry, go ahead.

VICE-CHAIR BUCKNER: I just want it to be clear to public that the Commissioners need to be independent in their thoughts and that it's not our job to bring forward issues that are on one side of an argument or another. And so I'm very concerned about actually hearing this at this time because even though we don't want to call it precedent, I think it does sort of set that, and I just am very reluctant to do this for that reason.

CHAIR BERNSTEIN: Thank you. Commissioner Aghaei?

COMMISSIONER AGHAEI: I agree with Commissioner Buckner. While this may not set a legal precedent, as you explained, it might just set more of a practical precedent that I'm a little hesitant to further at this time, and I don't want to necessarily instigate that at this time. Yeah, that's generally my take on that.

COMMISSIONER DELUCCIO: Oh, go ahead.

COMMISSIONER MEISTER: I think that this particular case, and this is specific to this project, is that it has to do with an interpretation of codes where there's a change of use, and it also has to do with a controversy about how the hearing was held where there was apparently some technical issues.

And when I wanted to even get the tape of the project -- of the hearing, the tape apparently was inaudible. So I wasn't even able to get a copy of the tape to hear it.

COMMISSIONER YEBER: But, Commissioner, by your own admission, it sounds like you're taking a position already.

COMMISSIONER MEISTER: Not taking a position. It has to do with interpretation that I'd like for us to be able to discuss it and understand it.

COMMISSIONER YEBER: Okay.

COMMISSIONER DELUCCIO: And I just want to say one final thing. I don't know which way this will go, and I'm just giving my opinion. I just feel like that there was an appeal coming forward and somehow it didn't get where it needed to be and that was because of some confusion on the City's part. So that is -- and there's another reason why I am in support of having this heard before us. And I hear what everybody's saying here.

Typically, I do not encourage us to be doing this, but I really feel strongly that we should in this case. And I've been here 14 years, and contrary to what I'm hearing, I think on one or two occasions, things -- we have considered items for appeal, and we didn't go forward in those situations, I believe, but there's at least one or two times when, whether it was appealed by somebody or not, this body has reviewed decisions by the director, and if I'm clear, I don't think we ended up going forward with them, but we did take that opportunity to review it. But I've been here 14 years, and we've only done it twice. So we don't do it that often.

CHAIR BERNSTEIN: Okay. Any further -- Commissioner Aghaei?

COMMISSIONER AGHAEI: I mean I just don't want us to start with the practice of constantly questioning our directors' ability to act when this is something that they do during the course of normal business. That's it.

COMMISSIONER MEISTER: Christi, can you maybe enlighten us on some e-mails that went from the City Attorney's office regarding the appeal process? There were some questions about the appeal, having two appeals, and explain that? Because that might have an effect on the decision tonight.

COMMISSIONER YEBER: Well, first of all, is it relevant to this discussion?

COMMISSIONER MEISTER: Yes, it is. It has to do with the controversy.

COMMISSIONER YEBER: I'm asking Christi if it's relevant --

CHRISTI HOGIN: Yeah, I don't know that it is because as far as I'm concerned, the City extended the appeal period, and so I think there was plenty of opportunity to appeal it if there was an interested party.

So I'm not sure -- I know Commissioner DeLuccio's expressed a different view, and I don't want to argue with you, but I'm not sure that that matters. I think there was an opportunity to appeal. I think people who opposed the decision could have appealed it, but I think what you're looking at is a different question, which is whether or not as a commission you want to review the decision.

COMMISSIONER YEBER: Thank you.

CHAIR BERNSTEIN: If there's no further comment, can we take a roll call, David?

DAVID GILLIG: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Yes.

DAVID GILLIG: Commissioner Meister?

COMMISSIONER MEISTER: Yes.

DAVID GILLIG: Commissioner Aghaei?

COMMISSIONER AGHAEI: No.

DAVID GILLIG: Commissioner Yeber?

COMMISSIONER YEBER: No.

DAVID GILLIG: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: No.

DAVID GILLIG: Chair Bernstein?

CHAIR BERNSTEIN: Yes.

DAVID GILLIG: Motion fails. Three ayes, three nos.

COMMISSIONER YEBER: Thank you.

PUBLIC HEARING

ITEM 9.A. (8801 SUNSET BOULEVARD - CENTRUM SUNSET, LLC)

CHAIR BERNSTEIN: Thank you. We will move on to our next item, which is Item 9A. It's a continuation of a hearing that we started on Thursday, July 7 for 8801 Sunset Boulevard, and before we open -- actually, I will open the public -- or actually, we continue the public hearing. Is there a Staff report to be presented?

ADRIAN GALLO: Yes.

CHAIR BERNSTEIN: Thank you.

ADRIAN GALLO: Thank you, Chair. Good evening, Commissioners. The Commission will consider the request to demolish an existing retail building and surface parking lot for the construction of a three-story 51,000-square-foot commercial building with ground-level and subterranean parking.

The mix of commercial uses include new retail office, health fitness facilities, and day spa.

On July 7, the Commission opened the public hearing, took testimony, and discussed the item. The Commission voted to continue the item to a meeting of August 4, 2011 and directed Staff to return with additional information on parking issues, traffic circulation, and billboard signage.

Responses to the Planning Commissioners -- Planning Commissioners' inquiries are addressed in the Staff report.

In response to the first question, the applicant (inaudible) provided plans illustrated how the project would change with vehicle ingress and egress off Horn Avenue.

The north and west open space would now be approximately 6,700 square feet, as opposed to approximately 8,300 in the earlier non-Horn access plan. To accommodate the required parking for the proposed alternative, the project would need to include rooftop parking levels, possibly with access off of Horn Avenue. To maintain the reduced parking total of 238, that building's square footage could be reconfigured in countless reiterations.

Shared parking is allowed pursuant to the municipal code and the Sunset Specific Plan. The Urban Land Institute's shared parking method/empirical data are based on actual surveys and is the industry standard. The methodology is based on a prescribed approach per the ULI, which takes into account parking demand by time of day and both employees and visitors.

In response to the second question, Staff does not recommend U-turns as they would require widening of Sunset and adversely disrupt the pedestrian circulation orientation. Also, congestion on Sunset Boulevard would hinder U-turns and hinder eastbound left-turns onto Horn Avenue.

It would not be physically feasible for the project to dedicate additional right-of-way on Sunset.

In response to the third question, the proposed two-foot dedication on Horn Avenue would be sufficient to meet the City's design standards for travel lanes on Horn Avenue, 12-foot through lanes and 10-foot turn lanes and also provides adequate 10-foot sidewalks. No additional right-of-ways is needed and would not improve traffic operations.

In response to the fourth question, according to the applicant, the length of a sign up Horn Avenue allows for vehicles and pedestrians traveling west over the site on Sunset Boulevard and stop at the intersection of Horn Avenue and Sunset Boulevard to view the sign.

The applicant has a proposed and continued undulation of the building skin at the northernmost end of the sign, creating a sign shield which will partially block views of the sign from the east side of Horn Avenue further up the street.

In response to the fifth question, the Tower Records' illegal sign was a single-panel sign measuring 900 square feet on top of two substantial ground poles. The sign was inconsistent with the City's approval and was erected without a lighting study to analyze the potential lighting impacts on the surrounding uses. In addition, there were no limits on the sign's brightness levels nor any restrictions on when or what kind of media could be displayed.

The land analysis conducted for the billboard and video signs shows that no significant spillover lighting impacts would occur and the sign would be commissioned so that it could not be brighter than the existing environment.

The proposed sign covenant and development agreement includes a provision that allows the City to review the operational standards of the sign -- example, brightness, moving images, etcetera -- and enforce measures to correct any issues.

I'm available for any land use issues, and Bob Cheung is available to answer questions related to transportation and parking. Thank you.

CHAIR BERNSTEIN: Do we have any questions at this time before I start the public hearing?

COMMISSIONER YEBER: I just have one question. On question number -- I guess it's the first question, the U-turn issue, you come out saying basically you can't make -- a U-turn's not possible because you'd have to widen the street, but that's taking into account that the footprint stays the same. If, for example, the applicant decided to shrink the footprint and allowed a little bit more wiggle room in Sunset Boulevard, would it work?

BOB CHEUNG: In reviewing the level of congestion on Sunset, which usually is pretty heavy, to be able to make that U-turn during congested hours would be difficult, and in looking at traffic operations, if someone were to be

stuck behind a U-turner who can't make that U-turn and wanted to get up to Horn, that could also adversely impact the queuing on that left-turn lane. So we're taking into -
- traffic operations into consideration.

And also with the widening, you would have to realign the sidewalk and it would be misaligned with the opposite side of Horn. So that side would also have to be either realigned or you would have a mismatch sidewalk alignment, so that also becomes an issue as far as pedestrian circulation. And, yes, the footprint would have to be decreased for the project to allow for the widening of Sunset.

COMMISSIONER YEBER: So if I understand you correctly, there are two issues at play here, two overall issues or conceptual issues. One is the physical constraints of the road, and the second is the traffic -- the actual operation of how the circulation works?

BOB CHEUNG: Correct.

COMMISSIONER YEBER: All right. So what you're telling me is even if we were able to make the road wider, we would be constrained by properties, other properties that are already in place and set, and then also it still wouldn't work? Even if we had a magic wand, it would still be problematic from an operations standpoint?

BOB CHEUNG: That's correct.

COMMISSIONER YEBER: Okay. And then, secondly, I noticed on -- and, Adrian, if you could go back to one of your earlier diagrams, I think it's the new parking or the new circulation proposal. Well, that one will do.

So I don't -- the first thing is on Horn, is that enough space? I see the left-hand queuing into the property off Horn. Is that correct? So that looks like it fits one car for queuing --

BOB CHEUNG: Yes.

COMMISSIONER YEBER: -- on Horn.

UNIDENTIFIED SPEAKER: One car.

COMMISSIONER YEBER: Looks like one car to queue to turn left into the property. Am I reading that correctly?

BOB CHEUNG: I'm not --

COMMISSIONER YEBER: Look where the structural grid -- I think that's -- I can't read the letters. A, B, C, D, E, F -- between E and F or E and G.

VICE-CHAR BUCKNER: After the fourth tree?

BOB CHEUNG: I actually don't know the exact length of that, but I can get that information and get back to you on how many cars can stack in that pocket.

COMMISSIONER YEBER: Okay. And then on the plan, I don't know if you had one on Sunset because I wasn't looking at the entire presentation. On Sunset, there was a "no left turn" sign that was on there. How -- and this backs back to Bob -- in your experience, has that kind of device worked if people are really anxious to cut through -- and there's a lot of traffic, does it work? Does it prevent people from making that left-hand turn, or can we -- is there an ability to put some sort of barrier that prevents people from making that turn into the property? You're going eastbound and you're trying to get into the entrance off of Sunset.

BOB CHEUNG: We can explore --

COMMISSIONER YEBER: No, I'm talking about the left hand before the intersection.

BOB CHEUNG: On Sunset?

COMMISSIONER YEBER: Yes, on Sunset, people trying to turn into the Sunset entrance before they get to that intersection.

BOB CHEUNG: We can explore the possibility of erecting bollards, these plastic cones, that could prevent left turns into and out of that site. These are --

COMMISSIONER YEBER: Is it enough to put a foot-wide median or something in there, like we have on some places along Santa Monica Boulevard?

BOB CHEUNG: That we would have to look at and see how much room we have to play with. The bollards would take up less space than the medium. Obviously, the medium will be more effective, but those are things that we can explore and have it as part of the project.

COMMISSIONER YEBER: I'm not so sure Sunset Boulevard wants to see permanent plastic bollards sitting on Sunset Boulevard, and so we need to come up with a better urban design strategy that's in keeping with especially the recent beautification of Sunset Strip. So and it seems like there might be a little space that we could eke out just in that little area there --

BOB CHEUNG: We could certainly look at it.

COMMISSIONER YEBER: -- based on the diagrams that I see. Okay, thank you.

COMMISSIONER DELUCCIO: Okay, mine is actually going back to the U-turn again. Sir, what is the gentleman's name? I forgot your name.

BOB CHEUNG: Bob.

COMMISSIONER DELUCCIO: Bob? It's that easy. Okay. Are you familiar with Santa Monica Boulevard where the Pavilions went in there on Robertson? When that went in, now you can make a -- I believe you can make a U-turn and go back around when you're going east on Santa Monica Boulevard. When you get to Robertson, you can make a left -- a U-turn going back, going west on Santa Monica so you can go into the Pavilions project. What's the width of Santa Monica versus Sunset?

BOB CHEUNG: I don't know what the width of Santa Monica exactly at that section, but we did look at the width of Sunset and putting a turning template to see how -- if it meets the standard for U-turns for typical vehicles, and widening would be required on Sunset.

COMMISSIONER DELUCCIO: So how much street dedication would they have to give up for their project?

BOB CHEUNG: I believe it's in the approximately three foot. I'd have to double-check.

COMMISSIONER DELUCCIO: And what would that do to the pedestrian orientation on Sunset Boulevard if they had to give up three feet?

BOB CHEUNG: Everything would have to be shifted three foot over -- the sidewalks, the curb, the gutter -- and the transition of that shift would also have to be taken into account. And as I mentioned earlier, that would also cause a misalignment with the opposite corner on Horn, and so that's a repercussion that the widening would cost.

COMMISSIONER DELUCCIO: Okay, thank you.

CHAIR BERNSTEIN: Why don't we do disclosures of any ex parte communications. Commissioner Meister?

COMMISSIONER MEISTER: Yes, I met with the Centrum Properties, and we discussed matters that were in the Staff report.

CHAIR BERNSTEIN: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: I had a discussion with Steve Afriat, exchanged e-mails with Brian Lewis, and that's about it.

CHAIR BERNSTEIN: Commissioner Aghaei?

COMMISSIONER AGHAEI: I met with the applicant, Sol Barket of Centrum Properties, and his associates, and everything we discussed was in the Staff report. And I had a telephone conversation with Jeff Haber, representing the IAC, and everything we discussed was in the Staff report.

CHAIR BERNSTEIN: Commissioner Yeber?

COMMISSIONER YEBER: I had a brief conversation with a representative from IAC and a few e-mail exchanges with Mr. Lewis but nothing that's not already covered in the Staff report.

CHAIR BERNSTEIN: Thank you. Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Yes, I spoke briefly with Mr. Afriat this afternoon, very briefly, only about matters that are in the report, and there were several e-mail exchanges with Mr. Brian Lewis, but I never talked to him about anything

of issue. We were trying to set up a time to meet and weren't able to do that.

CHAIR BERNSTEIN: And I communicated with Mr. Barket and some of his team with Mr. Afriat and also with Elyse Eisenberg and her legal representation, and again, we discussed matters that are contained within the Staff report.

So with that, before I turn to the applicants' presentation -- and they will have 10 minutes for that, every public comment will have two minutes, and then there will be five minutes for rebuttal if you wish to use that -- I just want to remind everyone, because this is a slightly peculiar thing, the purpose of this continuation was to ask Staff to bring forth information on five specific questions.

If you spoke at the last meeting that we had on this on July 7th, I'm going to ask, perhaps even insist, that you keep your comments on the matters that are being brought forth tonight. You already had an opportunity to speak on all the other matters.

If you are speaking for the first time tonight, then you're welcome to speak on any element of the project that you wish.

And, again, just so you can bear this in mind, the five questions were --

What would the project be without the shared parking reduction? How would the design change to accommodate all the code-required parking spaces?

Number two was about the Sunset Boulevard U-turn.

Number three, dedication for Horn Avenue improvements. Is two feet enough dedication on Horn Avenue to allow for a left -- for a turn lane?

For four, why does a video sign need to extend as far north on Horn Avenue frontage as currently proposed?

And, number five, what is the light and glare comparison between the proposed video billboards and the former Tower Records sign?

So, please, if you spoke a month ago, bear in mind when you speak tonight, we'd ask that you limit yourself to those items.

And with that, I will invite Sol Barket and his team up to do the applicant's presentation.

PUBLIC PRESENTATION/COMMENT:

SOL BARKET: Good evening. Sol Barket with Centrum properties.

I would like to just thank everyone for what I thought was a very productive meeting last month. We fully appreciated and respected all the questions and comments which came out of that hearing, and once again, I appreciate your providing us the opportunity to adequately address those issues of primary concern.

Before turning things over to Michael Darner of Gensler, who -- am I echoing too much? It sounds like it. -- Michael will address the specific issues in detail. I would like to introduce Allan Steinberg -- Sternberg of Angelo, Gordon, who has stood by this project for a long time, is a very capable financial partner, and who is anxious to move ahead immediately upon receipt of necessary approvals. Just in case there are any questions, our financial partner, Allan Sternberg, is here.

I would also like to reiterate two of our most significant concessions, which it seems that many still today potentially misunderstand what these concessions are.

David Barton was originally proposed as a two-level 42,000-square-foot health club. That is very much in line with the industry standards of health clubs today. We have reduced that square footage by 50% to approximately 21,000 square feet. This is considered a boutique gem by most standards and would only appeal to a unique operator, not a traditional health club.

Our original project application proposed 6,662 square feet of signage. Today, it is 2,154 square feet, less than half of what was originally proposed and half of what previously existed. In addition, we are not proposing a video component with moving images, although that is what previously existed. This is entirely different than what

existed when we purchased the property, and I hope that is acknowledged and recognized.

With that, I turn it over to Michael Darner. Thank you.

MICHAEL DARNER: Thank you, Sol.

Good evening, Commissioners. I am Michael Darner. I'm representing Gensler. We're architects for 8801 Sunset Boulevard in West Hollywood. Thanks again for the opportunity to respond to your questions about the project. But before we speak to those responses, I'd also like to thank Staff for their very thorough presentation tonight. We really appreciate it.

Last time we were here, we spoke about the changes we'd made to the project since our original application, particularly regarding height, massing, signage components, and open space. Now, we've made more adjustments, and we want to discuss those with you.

We are providing ingress on Horn Avenue, as well as Sunset. We will widen Horn by four feet to accommodate left-turn lanes into the project. We have altered the design to add a sign shield at the north end of the sign bend to help shield it from view. We still are able to maintain a 45-foot-wide open park space at the north of the property accessible to the public.

We believe our shared parking approach is valid, but we are able to provide up to 261 spaces on the site, which is within the acceptable range for code compliance. However, we believe the demand for parking on this site makes this many spaces unnecessary.

Just to speak to the shared parking aspect, this chart shows the conclusions of our shared parking study by analyzing the parking demand for each of our uses added together hour by hour during the course of the standard business day. If you look at the red dashed line at the top, it indicates that the highest demand from our cumulative uses occurs during the hour 11 to 12 AM, and that has a requirement for 236 cars. We are providing 238 spaces.

Next, let's speak about the ingress on Horn.

The added access will eliminate all potentially significant traffic impacts. We can widen Horn by four feet by using two feet from the right-of-way and dedicating two feet from our property. We meet both sidewalk width and setback requirements. We will provide clear signage at the entry lane and directional signage, both inside and outside, to emphasize which exits to use for direction of travel.

I think Staff has spoken to the U-turn question, so I'll move on from there.

This diagram shows how the Horn widening and entry would work. Horn would be widened by four feet from the intersection to our new entry and by two feet beyond the entry. This would allow for a 10-foot left-turn lane at Sunset and a 10-foot left-turn pocket into our project, and to respond to the questions raised earlier, each of these left-turn pockets would be about 64 feet in length, which would handle at least two cars. It would allow for 12-foot northbound and southbound lanes.

At the entry, the left-turn pocket would be striped to direct flow into the project and discourage any left turn out going northbound on Horn.

Beyond the entry, Horn would be gradually feathered back to its current width as it enters the residential neighborhood. Internal directional signage would indicate right turns only from the Horn and Sunset exits. "No left turn" signs would be posted at the Sunset entry. Our eastern elevation would be modified by the addition of a portal for the driveway access to and from Horn.

On the ground level, the Horn in and out ramp would merge at the ground floor with traffic from Sunset, where both would access the parking below. On exiting, directional signage would direct westbound traffic to the Sunset exit and eastbound traffic to the Horn exit.

On the second level, although the access cuts a corner out of our second and third floors, we still are able to provide a 45-foot-wide open space at the rear of the project. I would like to note that the compilation of all of these issues leading to the Horn access would cost the project approximately another \$0.5 million.

Now, let's talk about signage.

Our signage proposal has been pared back not just twice but three times, from 6,000 square feet to 1,850 square feet in the currently proposed alternative, where we've already given up one sign panel. None of these had any lighting impacts.

Our sign covenant will control brightness levels and copy change frequency. It will allow for additional operational restrictions, if necessary. Our signage is integrated with the architecture and uses the curvilinear approach outlined in the SSP. And we've added a sign shield to help screen the view of the sign bend from the northern residential neighborhood.

This diagram, which was on the screen before, shows the position of the creative video sign bend and the billboard in relation to its commercial neighbors. The residential neighborhood starts about 120 feet north of the end of the sign on Horn. Note in plan that we have created a sign shield by peeling a proportion of the skin to help screen the sign from the north. This rendering shows how the sign shield would look from the Holloway Triangle. Basically, the skin breaks free and shields the sign. Also note the driveway in this image to the Horn Avenue entry.

This view is taken from the EIR document, and it shows the existing site from the residential neighborhood border just after you've crossed the commercial line.

This view is taken from the EIR and shows the alternate before design review changes and before the deletion of one of the sign panels.

This view shows the current alternate design with the sign panel removed and the addition of our proposed sign shield. Views of the proposed signage have been substantially curtailed from the north.

Our proposed project is a significant improvement in terms of signage impact at this location on Sunset. Tower had nearly 5,000 square feet of signage on every surface. It had uncontrolled limits on lighting levels. Ours will be controlled. Copy could change constantly instead of reasonable increments. It could show movies. We will not. It most definitely was not integrated into the building.

Ours is. The City received no revenue from their signage. It will receive 10% of our receipts. It had no operational standards review by the City. Ours will.

This is what Tower looked like at night, garishly lit signage on every surface. Here is what we propose instead - - integrated, tasteful, controlled signage in accord with the Sunset Specific Plan's desire to activate the Holloway Triangle.

We thank you for the opportunity to review our responses, and we're open to questions.

COMMISSIONER YEBER: Chair, I have a few questions for the architect.

CHAIR BERNSTEIN: Yes?

COMMISSIONER YEBER: Real quick, Michael, who did the parking demand study? Was that an internal thing or--?

MICHAEL DARNER: No, it was Hirsch/Green.

COMMISSIONER YEBER: Okay, so it was an actual parking consultant --

MICHAEL DARNER: Yes.

COMMISSIONER YEBER: -- that determined that. Okay. And then could the project still be viable if the footprint was 10 to 15% smaller?

MICHAEL DARNER: Particularly now that we've added the access from Horn, the real constraint happens for the first level at the street because of the nature of the site. As it cuts back into the hillside, there's very little frontage or footprint on the ground floor that can be viable if you push it back.

COMMISSIONER YEBER: Okay. And then, lastly, regarding the sign, why peel the building away? Why not peel the sign to curve out towards Sunset so that the glare is pushed forward? Why are you peeling the building away?

MICHAEL DARNER: That's another way to do it. We wanted to respond quickly, and this is one way we choose to do it. But undulating the skin more to achieve the same effect is conceivable.

COMMISSIONER YEBER: Okay, thank you.

CHAIR BERNSTEIN: Any other -- Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Real quick one. So you're proposing a four-foot dedication on Horn where Staff is mentioning two feet?

MICHAEL DARNER: NO, we're proposing a two-foot dedication but a four-foot widening on Horn. We would be taking two feet from the public right-of-way, although at the -- from the intersection to the entry, we have enough setback of our own building to provide adequate sidewalk width and setback overall.

COMMISSIONER DELUCCIO: Okay. So you're saying in a different way than Staff put it in the Staff report?

MICHAEL DARNER: Maybe.

COMMISSIONER DELUCCIO: Okay. That's fine. I think all the other questions have been asked.

CHAIR BERNSTEIN: Vice-Chair Buckner, yes?

VICE-CHAIR BUCKNER: I have a question. The four feet, the widening.

MICHAEL DARNER: Yes?

VICE-CHAIR BUCKNER: You say you're taking two feet of the sidewalk, the walkway that's public space. You're going to give the city --

MICHAEL DARNER: Actually, what we're doing is pulling the sidewalk in. Everything moves in to the west. That would be the case with the dedication when we were proposing to do it just at two feet, as well. The sidewalk has to come in, but it's also moving in -- it's moving westerly at the same time.

VICE-CHAIR BUCKNER: But you're not taking anything away from the building. The building's still going to be the same size?

MICHAEL DARNER: The building is still the same size, yes.

VICE-CHAIR BUCKNER: So really what you're giving up is the walkway which makes it pedestrian-friendly, is that right?

MICHAEL DARNER: We overall have more than the average setback, which is from the curb to the face of the building, throughout the entire project. What we would be giving up there would be an extra two feet from the intersection to our entry.

VICE-CHAIR BUCKNER: Okay.

COMMISSIONER DELUCCIO: Another question, actually.

MICHAEL DARNER: Yes?

COMMISSIONER DELUCCIO: Thank you, Commissioner Buckner, for clarifying that. So you're really not giving up more. That answers that question. It was there. Okay. So the other ones. What about the park line in the back. Where do we stand on that now?

MICHAEL DARNER: Yes. As I mentioned, before we added the Horn access, we were able to achieve about a 50-foot -- or 57-foot-wide park space. Because of the way the ramps cut into the building, we need to push a portion of the building back, so we'll be left with about 45 feet, which is still a very generous space. It would be about 6,700 square feet, the side and the back -- the side door, which is very narrow on the west, and what's in the back on the north.

COMMISSIONER DELUCCIO: So you have 6,700. What was it before, 75?

MICHAEL DARNER: About 8,500, all together.

COMMISSIONER DELUCCIO: Thank you.

CHAIR BERNSTEIN: Okay. Commissioner Meister?

COMMISSIONER MEISTER: In Miss Carlsen's letter today regarding the shared parking, she says that it's likely that a patron or tenant employee will use one of the more project's uses in a single vehicle trip and that they may be members of the gym. How much is the gym again, the membership fee per year or per month?

MICHAEL DARNER: That I don't have an answer for, but I will get it for you before the end of the meeting.

COMMISSIONER MEISTER: Thank you.

CHAIR BERNSTEIN: Okay. All right. Then we will -- you're done? Yes --

MICHAEL DARNER: Thank you.

CHAIR BERNSTEIN: -- we will go on to public comment, and we will start with Jerome Cleary, to be followed by Genevieve Morrill, to be followed by Michelle Black. You will each have two minutes, and again, I will remind you, if you spoke last month, please do limit yourself to the new items tonight.

JEROME CLEARY: Good evening. I'm Jerome Cleary from West Hollywood. I've lived in this neighborhood for 25 years, and my biggest concern is that four feet's still not enough for Horn Avenue. It would have to be like eight feet. There's very large SUVs from our neighborhood. It's a very upscale neighborhood. And, still, the final EIR comes back with 1,100 or more vehicles in and out of the building, over 550 car U-turns in front of the building. And right now, there's gridlock not only during rush hour, but there's grid lock throughout the day, even more tour busses in our city than ever, and this still is not accounting for if there's already gridlock, how are people even going to get in and out of this project, and we still have the same 52,000-square foot footprint of this project.

I think it needs to be sent back again and be considered for not only variables of gridlock but also emergency vehicle access and the impact on the neighborhood of the electric signage and the building. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Cleary. Genevieve Morrill, to be followed by Michelle Black, to be followed by Sally Carrocino.

GENEVIEVE MORRILL: Hi. Thank you. Good evening, Commissioners. Genevieve Morrill, City of Los Angeles and here in my role as President/CEO of the West Hollywood Chamber of Commerce.

Chamber is supporting this project, and we feel that the applicant has gone to great lengths to make changes and adjustments to the project at every request that's been made to them to the tune of hundreds of thousands of dollars and four years in the works. Even in the challenges with the economy, this business owner continues to move forward and address the concerns of the community.

To not repeat what we did last time in terms of why we support the project, the widening of Horn we had also been in recommendation of (inaudible) entrance and exit off of Horn. We feel this will eliminate a lot of the issues that have been concerned.

And the proposed new entrance that Centrum Properties has proposed may possibly also help some of the existing issues that are going on with that area.

The video signage has been addressed, as well, and they have given up some square footage to do some of the things that they've said through the course of all of these designs.

We really urge you to support this project. It is an amazing design. It brings in more in to the economy, to the Strip. Dave Barton as a product is exceptional for our city. Thank you.

CHAIR BERNSTEIN: Thank you, Ms. Morrill. Michelle Black, to be followed by Sally Carrocino, to be followed by Joan Henahan.

MICHELLE BLACK: Good evening, Commissioners, Michelle Black, Chatten-Brown & Carstens, on behalf of Elyse Eisenberg, who could not be here tonight. Ms. Eisenberg is a member of the community who lives at the top of Horn Avenue and is one of the hundreds of residents that would be impacted by this project.

Now that we've had a chance to review the additional information submitted by the applicant, it's clear that a lot of communities' concerns about parking circulation and Horn Avenue have not been addressed.

Parking plan still relies on shared parking reduction. Even though the project's uses would require parking at the same times, West Hollywood did not grant a shared parking

reduction allowance to 24-Hour Fitness, Gold's Gym, or to Equinox and should not do so here. Like the other full-service gyms in West Hollywood, the City should require this gym to provide 10 parking spaces per 1,000 square feet, as required by the city code. If additional parking areas will be required beyond the 238 spaces, they should be internal and provided through a reduction of commercial square footage and not placed on the project's roof. Rooftop parking has been eliminated once to address community concerns.

And, finally, Miss Eisenberg is still opposed to access on Horn Avenue, and thank you very much.

CHAIR BERNSTEIN: Thank you. Sally Carrocino, to be followed by Joan Henehan, to be followed by Spencer Villa Senor.

SALLY CARROCINO: Hello. I'm Sally Carrocino. I'm a resident of West Hollywood. My question for you today is, what is your vision for West Hollywood? I read on the West--

CHAIR BERNSTEIN: Ms. Carrocino, could you lower the microphone, please? Thank you.

SALLY CARROCINO: I read on the WEHO.com website under West Hollywood's mission and core values, "We maintain a balanced sense of community by protecting quality of life, conserving our historic neighborhoods, safeguarding housing affordability, and proactively governing growth with care and thought, and dedicated to preserving and enhancing its well-being, we strive for quality in all our actions, setting the highest goals and standards."

This project does not fit into this philosophy. This looks like something that would be on the Las Vegas Strip --

CHAIR BERNSTEIN: Please, let's not --

SALLY CARROCINO: -- not Sunset Boulevard. That film promoting the gym made it look like a brothel, and I do not want to live next door to a brothel.

So back to my question. You need not answer because I really know what the answer is. The project has nothing to do with the vision of the City and the needs and wants of the community. It has to do with greed and the money the

City will get from the billboards. The billboards will generate approximately \$4.5 million in advertising, which means almost \$0.5 million for West Hollywood in taxes. So it doesn't matter what the citizens of this city wants. You can spin this any way you want, but in my book, it spells whore.

CHAIR BERNSTEIN: This is our second hearing, and if we keep on being interrupted by applause -- please, it's great that you're here to support the project or oppose a project, to express yourself, but please find a way to do it without applauding.

Joan Henehan, to be followed by Spencer Villa Senior, to be followed by Kate Nevels.

JOAN HENEHAN: Good evening, Commissioners. My name is Joan Henehan, and we're a resident of Toluca Lake, and I'm here to speak on behalf of the project in my capacity as the immediate past chair of the West Hollywood Chamber of Commerce.

The Board of Directors of the West Hollywood Chamber of Commerce acknowledges the project modifications requested by Planning Commission, and fully satisfied by Centrum Properties and its representatives as described by the developers this evening, the Chamber continues to support the approval of this iconic Gensler project four years in the planning, intended for one of the City's most renowned locales.

We respectfully request that the Planning Commission will allow the project to move forward this evening. Thank you very much.

CHAIR BERNSTEIN: Thank you, Ms. Henehan. Spencer Villa Senior to be followed by Kate Nevels, to be followed by David Wheeler.

SPENCER VILLA SENOR: Good evening. Spencer Villa Senior, resident of West Hollywood. I was at the hearing earlier in the month, as well as this evening, and I believe Centrum has been nothing but accommodating to the concerns and the suggestions of both the neighborhood, as well as the Commission.

One thing that wasn't quite clear to me originally but is now regarding the parking was the number needed and also the -- you know, without knowing who the tenants are going to be, certainly seems as though the demands will be different during the day versus at night, and it certainly appears that the 238 are not only what's required by law but seem to be ample for the development there, as well as the sign. I think the architect has done a great job of adjusting the sign so as to not block the views as much as possible. I think they've done all that they can, the developer, in order to address the concerns, and I believe it's time to move forward and recommend the approval tonight. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Villa Senior. Kate Nevels, to be followed by David Wheeler, to be followed by Joseph Clapsaddle.

KATE NEVELS: Good evening. Kate Nevels, West Hollywood resident. I spoke before, and I will be very brief this evening as I am here in support of this project.

I believe that Centrum has done everything they can to accommodate the Staff and community concerns with regards to signage, parking, and access. I urge the Commission to recommend the approval of this project tonight. Thank you very much.

CHAIR BERNSTEIN: Thank you. David Wheeler, to be followed by Joseph Clapsaddle, to be followed by Jason Somerville.

DAVID WHEELER: Yes, my name is David Wheeler. I'm a resident of 1230 Horn Avenue, and I'm speaking against the project.

First, the Staff report rejected the U-turn project because it would result in an increased number of cars in the left-turn lane at the intersection, resulting in increased delays for vehicles traveling east on Sunset and north on Horn.

Well, if you have a Horn Avenue access -- ingress, you could have the identical number of cars in the left-turn lane from Sunset onto Horn. Have the exact same problems here.

Second, the left-turn lane is four or five car lengths, and that's going to have to be shared with both southbound and northbound cars going into the project. It's either one or two car lengths. It's not clear. It looks like one on sheet 13. You see one car in the diagram, but regardless, it's one or two car lengths. If you have a second or third car trying to get in, those cars will block northbound access on Horn right there and you'll have -- that will potentially block emergency vehicle access, as well.

Second, southbound on Horn Avenue, the way it's set up right now, you have cars on the right-hand lane for going across Sunset and down Holloway. One of the nice things about getting [out in that] neighborhood is be able to make a right turn. If you have that right-turn lane shared by cars going across to Holloway and cars trying to make a right on Sunset, if there's a red light and a car planning to go across, you'll wait until the green light, and it'll prevent cars from making the right-hand turn, and it will lead to more cars backing up on that southbound lane on Horn.

I think it would be an incredibly congested intersection on this tight, narrow -- it's a very steep -- when you look at the diagram up there, you see the entrance at the top of the very steep grade. There's some letters about putting like a "keep clear" sign on the street. It doesn't work on San Vicente. It won't work here. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Wheeler. Joseph Clapsaddle, to be followed by Jason Somerville, to be followed by Eric Cook.

JOSEPH CLAPSADDLE: Good evening, Commissioners. My name is Joseph Clapsaddle, and I'm a resident of West Hollywood and manage one of the iconic businesses on the Sunset Strip.

So before I get into my comments on the project, I would like to welcome my good friend Lauren Meister to -- as the Commissioner and David Aghaei, who I met this evening. We thank you for your service because, as you know, this is one of the most important commissions of the city. And, of course, those of you who are incumbents, we're happy to see your faces here.

I am speaking in favor of this project, and I want to speak from the position as a resident of this city. I remember when BOA and the SOHO House hearings were held, and I live a half a block from those residents. I was told of all of the noise and all of the traffic and all the employees, and I was -- it was just going to be god-awful, and my children were not going to be able to sleep at night, and all kinds of things. None of that has happened. So while I am sensitive -- and I am sensitive as a resident to the residents who live on Horn Avenue -- we have to be realistic. This boulevard is the Strip. It is West Hollywood. It's one of our primary economic engines, and we need to protect it and develop it. And I think that we are fortunate because we've -- a lot of projects have come before you and have not been financed. This one has its money in place. This one has an outstanding design. This one has an iconic primary tenant. This one has an architectural firm that is respected internationally. This one has a developer in Mr. Barket who has shown that he can do and build a respectable project, and these people have been extremely sensitive to the citizens of Horn and to the community at large. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Clapsaddle. Jason Somerville, to be followed by Eric Cook, to be followed by Jeffrey Haber.

JASON SOMERVILLE: Commission, hello. My name is Jason Somerville. I'm a resident of Horn Avenue.

JEANNE DOBRIN: Couldn't you raise the microphone, Mr. Chair?

CHAIR BERNSTEIN: Yes. Mr. Somerville, would you please lift the microphone?

JASON SOMERVILLE: Yes. Anyways, my name is Jason Somerville. I'm a resident of Horn Avenue. I'm actually an owner in the property that's exactly two lots behind the proposed development, and I've been a resident in the neighborhood for 10 years.

My primary concern as a resident and of a proponent of Sunset Boulevard and the unique offerings it has to the people of West Hollywood and to the rest of the country and the world has been the constant and consistent decay of Sunset Boulevard.

I, in advance of this hearing, took a drive from Doheny to just past La Cienega and counted no fewer than a dozen lots that are either abandoned or seeking redevelopment, and the blight that it is creating on the community, I think, is one that's substantial. It's causing investment dollars to move elsewhere and really reducing the quality of the experience of the Sunset Strip.

Clearly, we're all focused on environmental impacts. There should also be a meaningful discussion of the economic impacts. Yes, there'll be additional tax revenues, but it will also provide new jobs, hopefully revitalize an area that will bring in new investment and opportunity to turn over the neighborhood overall.

As it relates to the various different steps that the developer has taken, I've been actually quite impressed with what they've done. Specifically, I'll focus on traffic because I think as a member of the neighborhood, that's something that's of greatest concern to me.

There is substantial queuing, as there is today, on Horn Avenue, in part, because people can't figure out to either queue to the left or queue to the right in order to take those proper turns. Also, there's substantial queuing for those pulling over to the right to run into Coffee Bean and get a latte.

So there are issues within that area that I think this project will address. Thank you for your time.

CHAIR BERNSTEIN: Thank you. Now, we have Eric Cook, to be followed by Jeffrey Haber, to be followed by Victoria Joyce.

ERIC COOK: Good evening, Commissioners. My name is Eric Cook. I'm a resident of 1145 Horn Avenue and also the president of the homeowners' association there, one of the developments likely to be most affected by the proposed David Barton Gym project.

In its current configuration, the lower part of Horn Avenue, I believe, is a safety concern. The Tower Records parking lot, the hillside abutting the parking lot, and the vacant Spago building are draws and convenient shelters for vagrants and those perpetrating criminal activity.

Our development, as well as others in the neighborhood, have been witness to auto break-ins, vandalism, suspicious activity as a result of the haven that these areas provide. I've personally cleaned up trash, condoms, drug paraphernalia from out in front of my building and the surrounding areas. This is not the condition that our neighborhood should be in, and I believe the David Barton Gym project is a substantial opportunity to reverse that trend.

Comments on the issues previously raised by the Planning Commission -- I have two, one on electronic signage and one on the traffic.

Regarding the electronic signage, I believe, like much of the architectural design, the Gensler design, the signs are tasteful and artistic. They pay appropriate homage to the city's heritage as a nationally recognized center for design and for architecture, and I also believe that their interactive nature presents a cultural opportunity for the community.

Developers have been more than reactive to the concerns of residents and taking considerate and smart steps to redirect additional light away from the neighborhood. Aside from driving by the signs on your way up the hill, they will have a negligible impact on the residences north of the project on Horn Avenue.

Regarding the traffic, and this issue's already been mentioned, but Corn (sic) Avenue's traffic flow already has substantial problems as it's currently configured. The street only has two lanes. There are no dedicated right or left-turn lanes, and I believe the project will address that.

The Tower Records also has a driveway that causes backup that's placed way too close to Sunset Boulevard, and by moving the driveway north, I believe the developers will address that. Thank you for your time.

CHAIR BERNSTEIN: Thank you, Mr. Cook. Jeffrey Haber, to be followed by Victoria Joyce, to be followed by Richard Rothenberg.

JEFFREY HABER: Good evening. Jeff Haber from Paul Hastings in Los Angeles. I represent IAC, which owns the property immediately across the street from this project and the property immediately to the west of the project.

As you know from my testimony at the last hearing and from my letters, IAC opposes this project. I won't get into all of the issues that I previously raised at the previous hearing in the letter. I'll just deal with a couple of things that came up in this last Staff report.

The first is the shared parking. The shared parking simply doesn't work. As Michelle Black's letter points out, this gym is using the ULI shared parking rates. No other gym that I'm aware of in the history of the city, certainly none of the recent ones, was able to use shared parking. This project should be required to park at the code-required parking rates.

And more importantly, with respect to the parking, this gym is doing an unprecedented use of gimmicks inside the project to make it work. One-third of the spaces are either mechanical lifts or triple-tandem parking. The City has always disfavored this use.

And I will point out that the mechanical lifts here are very different from the automated structure that this city's proposing to put in at City Hall. That entire structure will be automated. Here, you're talking about mechanical lifts for 40 spaces merged in with triple-tandem parkings and other parking in an underground structure.

I wanted to talk a minute, as well, about the access on Horn. Michael from Gensler indicated that you probably only have queuing space for two cars in each direction. That's not sufficient queuing. If somebody's trying to make a left turn from Sunset onto Horn and then only two cars can queue, if more than two cars are trying to get up Horn in order to get into the project, and mind you, there will be 550 cars making that move every single day, they won't have room to do it. Thank you, and I'm available for questions if you have any.

CHAIR BERNSTEIN: Thank you, Mr. Haber. Victoria Joyce, to be followed by Richard Rothenberg, to be followed by Laura Marie.

VICTORIA JOYCE: Good evening. I'm Victoria Joyce. I live in West Hollywood, and I'm a music journalist. I've been covering rock 'n roll bands on the Sunset Strip for 10 years.

I'd like to support this project from an entertainment and artistic standpoint. Entertainment is the number-one export of the United States of America, and West Hollywood is a traditional home to those lively arts. The nightclubs now for the past 10 years or so are struggling, and they -- a lot of people work there and perform on those stages are struggling, and they're going elsewhere to other Los Angeles neighborhoods that are artistically thriving.

Also, I'd like to point out that with all the fuss being made about the parking issue, a lot of people walk in West Hollywood. They walk to the gym. They walk to the store. I walked here to this meeting tonight.

And, also, with all due respect to my neighbors, living a block off the Sunset Strip and complaining about noise and traffic is like living in Santa Monica and complaining about the ocean. Thank you.

CHAIR BERNSTEIN: Thank you. Thank you, Miss Joyce. Richard Rothenberg, to be followed by Laura Marie, to be followed by Elaine Morrison.

RICHARD ROTHENBERG: Good evening, Commission. My name is Richard Rothenberg. I'm a resident on Larrabee in West Hollywood. I've been there for 20 years.

A few weeks ago, the City Council approved four billboards on Sunset Boulevard. Two existing billboards were approved larger, and two brand new billboards were also approved. The City will be getting plenty of revenue off of them. We do not need any more billboards on Sunset Boulevard. What we need is a moratorium on billboards.

This project proposes one of the largest electronic billboards of segmented panels yet on Sunset Boulevard, and segmented panels would allow for a number of different ads. In order to be approved, it would need a development agreement to circumnavigate the Sunset Specific Plan. We do not need any more development agreements.

Today, I took photographs at 12:30 in the afternoon from The Coffee Bean corner looking west on Sunset Boulevard. Traffic northbound on Holloway was gridlocked across Sunset Boulevard going westbound, and I have a number of photographs showing how bad the traffic at that intersection was today and is every day without this project and the mega gym. Adrian Gallo sent you these pictures with my comments.

The EIR says this project would add 1,200 cars on Sunset, and if this new proposed entrance and exit on Horn, most of those cars will be going up and making turns onto Horn through that very congested intersection of Holloway, Palm, and Sunset.

We all know the expression "same you-know-what, different day." Well, this is the same you-know-what on this different day and the fourth time before this Commission. Please do not approve this project the way it is. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Rothenberg. Laura Marie, to be followed by Elaine Morrison, to be followed by Steve Afriat.

LAURA MARIE: Hi. Laura Marie, resident of West Hollywood on Larrabee.

To begin where I let off during the last planning meeting about four weeks ago, this proposed development simply does not have adequate parking for the size of the structure and proposed tenants.

The streets surrounding this sight do not have sufficient parking for the current residents, and this will only add additional pressure for those coveted spots.

Should this development proceed in any scale, I am suggesting the adjacent streets be zoned permit parking only on a 24/7 basis.

Also, all intersections near the site should have a "No U-turn" sign posted at traffic signals. There's one currently at Holloway and Sunset, but people make U-turns there all the time.

Moving on to the mega billboards. They are nothing but a revenue-generating machine. I have one question. If it's unsafe to text and e-mail while driving, how is driver distracted by this mega billboard any different? We're going to see an increase in traffic accidents, pedestrian accidents, and even bicyclists can be hit because drivers are paying attention to the video advertising.

All the businesses in the project in this area will be negatively impacted during the construction period because who's going to want to have a coffee, dinner, drink during three years of construction? And then, of course, the blaring lights from the sign afterwards.

As a realtor, it could adversely affect property values in the area because everyone who's potentially purchasing or leasing residential or community -- or commercial property nearby would have to be disclosed of this project and the impact.

Scale the project way down, get rid of the digital displays. This is not Times Square or Las Vegas.

CHAIR BERNSTEIN: Thank you, Ms. Marie. Elaine Morrison, to be followed by Steve Afriat, to be followed by Priscilla London.

ELAINE MORRISON: My name is Elaine Morrison. I was here last time for the meeting. I am an owner, a resident here in West Hollywood on Larrabee Street, and I'm against the project for a few reasons.

I last time spoke regarding the traffic, and I believe it's been brought up quite well today, as well that the traffic is very difficult. I don't think there's a normal time of day anymore on Sunset Boulevard that you can just drive down it except for maybe a Sunday morning, but I would like to talk really about the signage.

A moving billboard to me is so deadly. I feel it's -- there's a curve. Our street takes a curve right there at Horn to come around to Larrabee, where I live, and so every day as I see traffic coming and going, I see so many accidents because people either have to think of the people coming from Holloway or people coming down from Horn or people coming who want to make a left-hand turn onto Horn, and people today don't seem to pay attention to what

they're doing, let alone trying to look up at a billboard and they're going to make a curve on that street on Sunset. So I'm very, very concerned about accidents, and that's it. Thank you.

CHAIR BERNSTEIN: Thank you, Ms. Morrison. Steve Afriat, to be followed by Priscilla London, to be followed by David Weissfeld.

STEVEN AFRIAT: Good evening, Commissioners, Steven Afriat. I represent IAC. I'm a resident of West Hollywood adjacent.

I'm here tonight on behalf of my client and, frankly, on behalf of myself, who considers myself a part of this community, to oppose this project.

Frankly, I heard reference to SOHO House, and I had the honor of representing SOHO House in front of you a couple of years ago, and let me tell you what was different. SOHO House did not have reduced parking. SOHO House had full environmental review and public input of what was in front of you the night you voted on it. SOHO House was not a chameleon changing its ideas from meeting to meeting. Let's put the driveway over here or let's try parking lifts. Let's try shared parking, and let's not give anyone, including you, an opportunity to fully review what's in front of you to make what could be a critical decision for this community.

This is at the bottom of a funnel, and this neighborhood comes down into one street and people are coming into one street. Over 500 cars are planned to turn left into this project, and for those of you that are familiar with Horn, people line up waiting for that light to change. How would they turn left when the driveway's blocked? How will people get down Sunset when three cars want to be in the left-turn lane to go into the project?

Commissioner DeLuccio was here 10 years ago when the [Lord]'s project was in front of this Commission and they presented parking lifts. They make noise. They're slow. They're slower than the West Hollywood City Hall elevator, and people won't wait the five minutes it's going to take for those cars to come off the lifts. They're calling this a high-end gym. People aren't going to drive \$100,000 cars into a garage to put onto a parking lift hoping the car above them won't drip oil on top of them.

You are the custodians of land use. You're not an obstacle to get past to get to the next level. I would urge you to require CEQA review of what's in front of you. I would urge you to require that they apply for the appropriate plan amendments and bring this back so the public really sees what's in front of them. Thank you very much.

CHAIR BERNSTEIN: Thank you, Mr. Afriat. Priscilla London, to be followed by David Weissfeld, to be followed by Kenneth Darienzo.

PRISCILLA LONDON: My name is Priscilla London, and I am a resident of West Hollywood right above where this proposed project is. I want to thank you all as Commissioners for working so hard on bringing what will be right and great for our neighborhood. I want to thank Centrum, also, for their hard effort.

However, I am not opposed to putting in new space there but certainly not something this level, which reminds me more of Hollywood and Highland than it does of Sunset.

We love Sunset Boulevard. We love the historic aspect of it. The traffic -- I heard somebody use the word "eek" before. Well, I eeked my way out at 12:30, where the gentleman mentioned. It took me 10 minutes to eek my way out down Sunset Boulevard this afternoon at 12:30. I think I would like to invite some of our West Hollywood people that are on the City commissions to come and stay at my apartment. I even invite the owner of this property to come and stay at my apartment and live with what we call eeking our way down and out.

So you are the Planning Commission. I have -- we all have to have you make the choices, so please plan for the best thing for West Hollywood for Sunset and for Horn. Thank you.

CHAIR BERNSTEIN: Thank you, Ms. London. David Weissfeld, to be followed by Kenneth Darienzo, to be followed by Jason Greene.

DAVID WEISSFELD: Thank you, Planning Commissioners. My name is David Weissfeld. I live at 1230 Horn Avenue, at the very top of Horn Avenue. I've lived there for 25 years, and for 25 years, I've been involved in community

affairs, mostly attending most every project that was presented for development in our area.

I have fought regarding issues of parking and congestion, and this is the first time that I have decided to be so much in favor of this project. Centrum Properties met with us. They've bent over backwards to try to accommodate to our concerns. I happen to know for a fact that there are some people who oppose this project. Under no circumstances are they willing to accept this project. There's no doubt in my mind. I've had those conversations, okay? That's crazy.

Now, as far as the signage issue, I was suffering from Tower Records' megatron billboard, whatever they call it, and the signage, there's no comparison between what that Tower Records' signage system was and what they have here. You could be blinded by Tower Records in the middle of the night. It was like a spotlight. You could hardly see driving down Sunset Boulevard. There really was no comparison.

So I think that this developer has really worked with us very, very closely and bent over backwards to accommodate to our situation, and I think they deserve a proper acceptance of this project. Thank you very much.

CHAIR BERNSTEIN: Thank you. Kenneth Darienzo, to be followed by Jason Greene, to be followed by Sibyl Zaden.

Is Kenneth Darienzo here? Okay, well, Jason Greene. Sibyl Zaden? To be followed by Arleen Weinstock.

SIBYL ZADEN: Sibyl Zaden, resident of the city of West Hollywood. I just want to say both sides have put a lot of hard work into the project and they're both -- both sides should be commended, and the Planning Commission, also, for dealing with it.

I just wanted some clarification from Staff. When I got here, maybe I heard part of it, but I wasn't sure what the final plans were for the -- I think I heard an ingress and egress on Horn, and I don't know if there was something on Sunset. Maybe they could clarify that for me.

I feel that an egress on Sunset works but an ingress is what is going to affect the circulation. Thank you very much.

CHAIR BERNSTEIN: Thank you, Sibyl. And, Staff, maybe when we get back to your comments later, you can just clarify that for Ms. Zaden.

Arleen Weinstock, to be followed by Todd Steadman.

ARLEEN WEINSTOCK: Okay, I'd like to speak against the project. I've been following this for a long time, and I'd like to say that we're reasonable people. We appreciate the work that you on the Planning Commission are doing to find the best way to do things.

But we are living on a street that is so unusual, so unique, so narrow, so hilly, and there's no other way out of there. I don't think a lot of people realize that, including the builders. By putting an entrance and an exit on Horn, I mean it is the most congested street. On a good day, it can take 10 minutes to get out of Horn. And when Spago was there -- I've been there 25 years -- when there were cars going into Spago and making turns, I would get stuck in the middle of Sunset because I couldn't get through. So when you have more traffic in such a congested street, you really have to think about that.

Also, shared parking. The idea that they're getting away with not giving every single parking space is ridiculous because, first of all, I can ever in Los Angeles imagine people using a lift. They can barely wait two seconds to get their cars, and can you imagine the time it takes -- people in New York hate those lifts. Can you imagine people in Los Angeles using them? People would just be circling around looking for parking, and it will make it just even more congested.

And, also, I don't think they've brought into consideration all the streets that come together. It's not just four. There are five streets coming together at that intersection.

Also, the gym. I mean we have to think about how much traffic is generated by a gym. Regardless of what they say about private training or whatever, a gym is a gym, and when it's given permission to be a gym, they could put in a 24-Hour Fitness or any kind of gym. So I'm just saying give this a lot of thought and think about the neighborhood. We live here. We love the neighborhood. We love the Sunset Strip. Bye.

CHAIR BERNSTEIN: Thank you. David, for the minutes, that was Arleen Weinstock from West Hollywood. And now Todd Steadman, and then a final call for Kenneth Darienzo and Jason Greene.

TODD STEADMAN: Thank you, Commissioners. My name is Todd Steadman. I'm the Executive Director with the Sunset Strip Business Association, also a resident of Los Angeles.

Our board several months ago took a position to support this project, and when it comes to the Sunset Strip, it is unique, and this project is unique, and what's great about the Strip, too, is a variety of different experiences and building sizes here, and I think that's what important, have the variety. That's what makes the Strip cool. So thank you for your consideration.

CHAIR BERNSTEIN: Thank you. Kenneth Darienzo, to be followed by Jason Greene, to be followed by our last speaker, Jeanne Dobrin. Kenneth, are you here? Jason Greene? Jeanne Dobrin.

JEANNE DOBRIN: Jeanne Dobrin, a longtime resident of West Hollywood. I'm going to read. This project is an anomaly. Now it's one of the worst and scary three intersections in the city of West Hollywood. Mr. Wheeler and others have magnificently described the hazardous currently existing intersection for east, west, north, and south drivers. True, because it's that kind of an intersection. Plus the tremendously distracting huge blatant signage, which Mr. Barket has, frankly, admitted will generate one-half of his total revenue -- pardon me -- of a total project revenue stream.

Is that what West Hollywood's mission statement is all about of this city? This garish, distracting, hazardous sign and distracting for human beings, as well as the fact that this project will undoubtedly -- there is no question -- create a disastrous situation for emergency vehicles on Sunset Boulevard, not just at Horn, and at this scary, scary intersection.

Please send this back to be redesigned or deny it. Thank you.

CHAIR BERNSTEIN: Thank you. And we just got one last speaker slip for Richard London.

RICHARD LONDON: My name is Richard London, and I'm a resident of West Hollywood, and thank you very much for allowing me to speak. I just have a couple of questions.

I understand from articles in *The New York Times* that David Barton Gym has gone into bankruptcy, and how is it possible that an anchor tenant in a major building is in bankruptcy? That's number one.

And, number two, there have been quite a few projects that have gone on along Sunset, a couple west, I think, at the intersection of Doheny, or maybe at San Vicente, that were vacant for three years, and there are a number of stores currently on Sunset Plaza that are vacant. How can a building of this magnitude in looking for retail space on Sunset Boulevard go on if it's going to continue to be vacant, as other buildings have been?

So we appreciate all of your efforts that you guys have put into it and to the developer, and we hope that you will vote correctly this evening and deny their application. Thank you.

CHAIR BERNSTEIN: Thank you. And now I will invite the applicant and his team up for up to five minutes of rebuttal.

NICKI CARLSEN: Good evening, Commission. Nicki Carlsen with Alston+Bird, representing the applicant. Just a few comments.

With respect to the shared parking, it's an accepted methodology, both by the City and ULI. We have 238 parking spaces, which as you can see from the chart, accommodate all of the uses at their maximum peaks during the day.

We also put the information out there with respect to the mechanical lifts, which is also an accepted method by the City. Talks about triple-tandem, which is the maximum that you could do. We do think the shared parking is appropriate and that the 261 spaces with mechanical lifts is not required, but it's there for your consideration.

And particularly shared parking in the mixed uses -- this is a mixed-use project -- that's what it's there for.

With respect to the Horn access, really the question is are we providing enough dedication to meet the City standards for the lane widths. Here, we have a 12-foot lane, 10-foot lane, 12-foot lane. What do we need to accommodate that? That is what's required. It's the four feet of widening, two foot in the existing right-of-way, two feet of dedication. Everything -- in response to the question -- everything moves forward, so there's not really a loss of public sidewalk, and in fact, the average width of the sidewalk that we're providing is over 15 feet, which is more than what the City requires.

With respect to the U-turn, I think the U-turn is a little bit of a red herring in the sense that we have a viable solution here, Horn access. It eliminates all of the impacts, and that's what should be done by this commission.

Another issue was raised with respect to the queuing in terms of the turning in the left. The two cars, I think the 64 feet that Mr. Darner had talked about, was sufficient, but also note that there's plenty of queuing, as you can see from the diagrams, inside the building once there's turning in there. So the two cars are there, turn left with the "keep clear" signs, and sufficient queuing within the building, as well.

This project has been reworked, redesigned, reduced in response to community's concerns, the Commission's concerns, and we think it's time for Planning Commission action. We've reduced the signage. We've reduced the massing. We've added a sign shield even. It's really tremendous what really Centrum has done in response to this. We urge your support and recommendation. Thank you.

ALLAN STERNBERG: Allan Sternberg, Los Angeles. Thank you, Commissioners.

I wanted to briefly dispel any financial concerns for the project. We're a financial partner of Centrum and Sol Barket's. We at Angelo, Gordon have -- we are well capitalized. We manage in excess of \$20 billion as an asset management firm, and we are strongly and firmly behind Sol. We've listened. We believe we've made the accommodations that are necessary that the community has brought, and we feel that we've heard those concerns and adjusted for them. Thank you.

SOL BARKET: In closing, I just -- once again, I've heard again and again people stated concern that this could just as easily be an LA Fitness, an Equinox, a number of other gyms, and that simply just is not the case. It is, again, commonly known in development circles and in the health club circles that a typical gym today is 40, 45, 50,000 feet. I'm not aware of anyone in my experience and discussions over many years on a daily basis of a national health club chain that would be able to go into a 21,000 square foot space. So I do think it's a very unique situation with a very creative operator of health clubs.

In addition, I am hoping that in the future if this is approved that people will look at this and point to it as a great example of how to tastefully incorporate signage into a project. We went to great lengths to incorporate it into the building, into the architecture, as is called out in your zoning ordinances and specific -- Sunset Specific Plan, and we're proud of it, and we're looking forward to moving ahead with this project. Thank you.

CHAIR BERNSTEIN: Thank you. Mr. Sternberg, I don't have a speaker slip for you. At some point, would you go up to the desk and just fill one out so we have one? Thank you.

I think I'll leave the hearing open for a little bit longer just in case there are questions that we need to pull people back in for, but does Staff has any response that they'd like to give us at this point?

ADRIAN GALLO: Yes, as far as access to the project, the project will provide right turn in, right turn out driveway operations on Sunset Boulevard and full-access left turn in, right turn out driveway on Horn Avenue.

CHAIR BERNSTEIN: Okay. I think that was Ms. Zadan's question. I hope that answers it. And Commissioner Meister?

COMMISSIONER MEISTER: Yes, I had the one question about the cost of gym membership because we're looking at shared parking analysis.

CHAIR BERNSTEIN: There was a question. I think Mr. Darner said he was going to get back to us on it, but anyone can.

SOL BARKET: That question is a very difficult question to answer. People asked us that question four-and-a-half

years ago, and without knowing when exactly you're going to open a health club, given the uncertainty of when we might obtain approvals, when we might open, it's hard to say where he would -- David Barton might open up, but he will be very competitive. He's not necessarily going to come in here and price himself out of the market. He's going to be competitive with rates of other health clubs and in line with what services and atmosphere that he offers. I can't really comment any further on that.

CHAIR BERNSTEIN: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: I just have a question for Staff, actually. Thank you.

Where do we stand now with the statement of overriding consideration? Everything is being proposed tonight. Their new proposal, option three, is that what we're incorporating into the documents perhaps? So maybe you can tell me what would we be required to do the overriding statement of consideration for? What are the elements? Is it temporary for noise and construction, and is it still going to be for traffic?

CHAIR BERNSTEIN: Mr. Barket, I think you can sit down.

[MELISSA HATCHER]: The statement of overriding considerations would be finalized based on your recommendation. So if the project went forward with Horn Avenue --

JEANNE DOBRIN: (Inaudible) is talking -- the microphone.

[MELISSA HATCHER]: -- we could adjust it, but for now, it says that there is a significant and unavoidable traffic impact given that ingress and egress is on Sunset.

COMMISSIONER DELUCCIO: But the proposal that they're proposing now is the ingress and egress on Horn, as well as Sunset, so if we go with that option this evening, what will the statement of overriding consideration -- would it eliminate the traffic?

[MELISSA HATCHER]: If there is ingress and egress on Horn in addition to Sunset, it would eliminate the traffic impact, and that significant and unavoidable impact would go away.

COMMISSIONER DELUCCIO: And then we would still do a statement of overriding consideration, but that would be for the temporary noise in construction?

[MELISSA HATCHER]: Exactly, yes. There's other significant impacts.

COMMISSIONER DELUCCIO: But that would just be limited then to the noise in construction?

[MELISSA HATCHER]: Exactly.

COMMISSIONER DELUCCIO: Thank you.

VICE-CHAIR BUCKNER: I want to ask you, how do you -- what study have you done that would lead you to say that it would eliminate any impacts on traffic if you have the Horn egress and ingress?

[MELISSA HATCHER]: A traffic study was conducted that looked at that, the change in traffic patterns that will result from that ingress and egress on both Horn and Sunset.

CHRISTI HOGIN: And just for clarification, when she says eliminate, she doesn't mean eliminate impact. She means make it so that it's not at a level of significance.

VICE-CHAIR BUCKNER: Okay.

CHAIR BERNSTEIN: Are there any other questions?

VICE-CHAIR BUCKNER: I have some questions.

CHAIR BERNSTEIN: Okay. Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Sol Barket -- if he would come to the podium, I'd like to ask him a question.

CHAIR BERNSTEIN: Mr. Barket, I think there's another question for you.

VICE-CHAIR BUCKNER: Thank you. In addition to individualized training in the gym, which is what he's known for, basically, there's also -- I saw in the diagram's floor plan that there are classrooms there. How many people will be coming to classes at a particular time

and those things in addition to individualized training programs?

SOL BARKET: That's really a very difficult question for me to answer.

VICE-CHAIR BUCKNER: Well, what's the square footage of those classrooms?

SOL BARKET: All the components are broken down. We were required to give very specific breakdowns of what components of the health club were.

VICE-CHAIR BUCKNER: But you would have a lot of people coming to take classes at certain hours so there would be more traffic going into the gym than just people coming on an hourly basis with their individualized trainers?

SOL BARKET: If there's specific classes, that's accurate, but there are classes held throughout the entire day. It is not something -- a lot of health clubs have condensed schedules for morning, condensed schedules in the evening. David Barton does have a more spread-out training base, and classrooms are spread out more throughout the day than at a typical gym, but I can't tell you a specific amount of people that might attend.

VICE-CHAIR BUCKNER: Can you address the issue that was raised by Mr. London regarding the rumor on the streets, as they say, about the bankruptcy, and how would that impact his occupancy of your building?

SOL BARKET: Well, I don't think it's appropriate for me to talk too much about legal matters when I'm not an attorney. I will tell you that my experience is that we've seen people use the laws of bankruptcy to reorganize in appropriate situations.

David Barton is a four-wall company, is extremely healthy. Every one of his gym operations is very profitable, but on a corporate level, he had amassed a certain amount of debt during the peak days, I would say, of expansion, and this was a reorganization. This is now with his financial -- with his investors and people that he had debt with to restructure and make the company all the more healthy.

VICE-CHAIR BUCKNER: Thank you. I have one more question. With regard to the shared parking, since you really don't know who your tenants are going to be and what kind of demands they're actually going to have, how can you do a parking analysis with regard to knowing exactly what the shared parking needs are going to be?

NICKI CARLSEN: I don't -- we could have the City's traffic engineer respond to that, but I think that's taken into consideration in terms of the rates that they use for the shared parking.

VICE-CHAIR BUCKNER: Can you address that?

BOB CHEUNG: Sure. The shared parking analysis, it's based on actually City code, what is required. So let's say the gym requires 160 spaces. We take that 160 spaces and we measure the amount of demand throughout the day so it reaches 160 at a certain point. The key is to look at collectively all the uses, how they -- how the demand fluctuates throughout the day, and the peak accumulation that graph shows is at 236. And because different uses peak at different times of day, you look at all the uses collectively to determine the actual peak demand. Does that answer your question?

CHAIR BERNSTEIN: Commissioner DeLuccio?

VICE-CHAIR BUCKNER: No --

COMMISSIONER DELUCCIO: My question actually goes back to the -- Christi -- this is maybe a Christi question -- to the finances.

This evening before us, I know we're looking to approve a project with some uses. Whether it is this particular gym operator or not, does that matter?

CHRISTI HOGIN: Well, it doesn't matter in the sense that it can be any operator, but it will only be a certain number of square feet and --

COMMISSIONER DELUCCIO: Yeah, I understand all that.

CHRISTI HOGIN: Right. So when Staff analyzes the parking impacts, they don't look at like this particular gym.

COMMISSIONER DELUCCIO: That's not where I'm going, though. Mine has to do with the finances. As a body, we approve land use here and make recommendations.

CHRISTI HOGIN: Right.

COMMISSIONER DELUCCIO: So as far as the finances go, that's not really in our purview, is that correct?

CHRISTI HOGIN: Yeah, generally speaking. I mean I can understand the question because you're also looking at a development agreement, and so you're entering into a relationship with this particular operator.

COMMISSIONER DELUCCIO: But I mean that doesn't necessarily have to be this particular gym operator. It's a use we are approving.

CHRISTI HOGIN: That's correct.

VICE-CHAIR BUCKNER: Commissioner Yeber and then --

JOHN KEHO: Chair? I'm going to see if I can try to explain a little bit more for Commissioner Buckner.

CHAIR BERNSTEIN: Great. Thank you.

JOHN KEHO: So what we were talking about is the peak use of each occupant doesn't happen at the same time, so on the chart up there, you can see the purple at the top. That's office. So the peak number of parking spaces required is like two and three and four PM.

But when you look down those columns, you can see that the orange area, which is the gym, that's not the largest time that the most number of cars are coming to use the gym. It's later in the day, around six or seven.

So if you were to take the portion of those columns that had the most number of parking spaces and added them all together, you would reach the 276. But what we're saying is that the office -- everyone isn't coming to the office use at the same time that everyone's coming at the gym use at the same time that everyone's coming at the spa and the retail.

VICE-CHAIR BUCKNER: But the peak gym time is the same? It's consistent with the heavy traffic periods on Sunset turns into Horn or Larrabee and so forth, right?

JOHN KEHO: It might be with the traffic on the street, but this is looking at the use of the garage, right?

VICE-CHAIR BUCKNER: I understand.

CHAIR BERNSTEIN: Commissioner Yeber?

COMMISSIONER YEBER: This is for Sol, actually. Sol, this is to piggyback on the question about David Barton as the operator. Is there a contingency plan should the David Barton Gym fall through for whatever reason? What do you see that space being occupied, another gym or can the project still be viable?

SOL BARKET: It's hard to answer that question because we are -- this was always anticipated to be somewhat of a turnkey situation for David. We're fully behind him.

COMMISSIONER YEBER: Okay.

SOL BARKET: He's in other projects of ours. He's committed of future projects of ours, and we have enough belief and faith in him we will finance the project for him.

COMMISSIONER YEBER: So in some fashion, it's a partnership without actually being an official partnership that you're engaged in?

SOL BARKET: That's somewhat correct, absolutely.

COMMISSIONER YEBER: Okay, thank you.

CHAIR BERNSTEIN: Commissioner Aghaei?

COMMISSIONER AGHAEI: Along those same lines, I remember hearing that due to Mr. Barton's -- the gym's bankruptcy, Meridian Sports Club got involved. To what degree are they involved, and to what degree will they step in the management and operation of the gym if Mr. Barton's situation should become more dire, if it will become so?

SOL BARKET: I don't see it becoming more dire. I think it was a strategic move with some of the equity partners involved with David Barton, who had also been involved with the Meridian operation.

David Barton for years and years has been written up and known for two primary things -- for his design standards, the uniqueness of his gyms, and his private training, his specialty and private training and the fact that 50% of his revenue is derived from private training versus a typical gym of 5 to 15%.

And so this merger was viewed more as bringing in somebody that would allow David to focus on the design, focus on the edginess of his gyms, focus on the PR, and focus on the private training while allowing another group to come in and focus more on the operations to free up his time.

COMMISSIONER AGHAEI: So Meridian is involved in the operations of the -- will be involved in the operations of the gym and kind of keeping it in line, keeping the project -- well, not the project but the business going?

SOL BARKET: That's correct, and David will focus more on the creative aspects of the business.

COMMISSIONER AGHAEI: Thanks.

COMMISSIONER MEISTER: Chair, I have a question.

CHAIR BERNSTEIN: Commissioner Meister?

COMMISSIONER MEISTER: I've been looking at the plans, and you have 8,560 square feet of spa, and so the parking rate for that area is all spa, correct? I mean that's -- it's based on the spa square -- per thousand square feet.

There's only four treatment rooms totaling 550 square feet and a mani/pedi room, which is just under 200 square feet. So we're talking about -- with reception, we're talking about maybe 1,000 square feet of spa and about 7,500 square feet of locker rooms and a yoga class and storage and café and a shared building lobby, etcetera.

Do you really need 2,000-square-foot locker rooms for four people attending this spa, or are those locker rooms really going to be used for the gym?

MICHAEL DARNER: The spa -- if I might speak for Sol on this one, there are multiple components in the spa. It also includes the yoga space. So there will be exercise. There will be private treatment. And the kind of luxury and the kind of space allocation for individuals who are in the spa for this operation is expected to be greater. So, yes, in fact, it's entirely conceivable that there would be that much space allocated for spa usage.

COMMISSIONER MEISTER: But the yoga class, even though it may be a more sedate type of exercise doesn't mean it's going to be less people going than any other classroom that's at the gym.

MICHAEL DARNER: That's correct. But as you've questioned the amount of area for the locker rooms, it anticipates that there would be a certain percentage of people who would come for yoga classes. So I think the yoga space is 800 to 1,000 square feet, so given the space kind of requirement that people need for stretching, it's probably a 30 to 40-person class in that room.

COMMISSIONER MEISTER: But the yoga -- but what I'm saying is that the yoga classroom is based on the rate of the spa, the parking rate at the spa as opposed to the gym.

MICHAEL DARNER: That's correct. All those functions relate to the spa.

COMMISSIONER MEISTER: Okay. Thank you.

CHAIR BERNSTEIN: Great. Any further questions? Would anyone like to start our deliberation?

I have a request for a five-minute break. Without objection, we will be taking a five-minute break. If you're here, I would ask that you understand we can't discuss this hearing with you right now, so if you want to say, great, but we're not going to be able to talk about this matter while we're on break. Thank you.

(Short break)

CHAIR BERNSTEIN: I see Commissioner DeLuccio coming back, so Commissioner Yeber, if you'd like to kick off our deliberations, that would be great.

COMMISSIONER YEBER: Well, first of all, I wanted to thank everyone, the community, for coming out again and having -- keeping your thumb on this project and all the time and energy spent, but I also want to acknowledge the applicant for the amount of hoops and hurdles that this applicant's been through and doing your best to listen to the community and the Staff in terms of what's best for that site and the community.

This is a tough one for me. I still don't know where I stand on it. I definitely -- on one end I want to see a project of this nature on that site. That site needs a project of this type.

I'm a little concerned, as I sort of alluded to in a question earlier. I'm not sure why it needs to be the exact size that it is and wondering if it could be slightly reduced. I'm not looking for a significant reduction.

I'm not convinced about the circulation, although I think it's the best possible scheme of all the schemes that's been presented so far, and I'm just still concerned about Horn.

As far as the billboards go, I'm still concerned about the impact of the billboard knowing of the impact that we experienced with the prior tenant or prior owner, Tower Records, and I'm just curious to see where the other commission falls.

I guess what I would hate to see is we ask this applicant to go back -- to continue this item and go back and come with another scheme. I sort of feel like we need to make a decision tonight, up or down, on this so that the applicant can move forward.

CHAIR BERNSTEIN: Thank you. Commissioner DeLuccio?

COMMISSIONER DELUCCIO: I'll just jump in because I actually echo pretty much what Marc has to say. I thank you for exploring the U-turn. I understand completely why that would not be possible. I do think if they just even shaved off a little bit of square footage from the project, and I think on reading the Staff report, even 4,000 square feet from the gym, for example, that would probably not even require the shared parking any longer, right? They

would then probably fall into the park -- into the parking requirement that they would need.

I guess I'm asking as sort of the question, but that's what I've read from the Staff report. Or maybe I'm giving direction that I would like to see them shave off a little of the project so they wouldn't need -- and which if I think if they shaved 4,000 off of the gym, they may not need the shared parking and maybe could come up with the code parking instead. So that is a concern that I would have liked to have seen addressed.

I also -- of course, I have some concern about the ingress and egress on Horn. I do understand from the explanation from the applicant of what we mean by the two feet of -- there's two feet of dedication but there would be four based on the restriping and everything.

And also on the signage, I don't really have a concern with the signage in the front of the project. I do have a concern about -- which I call a videotron. I don't know what you guys call it, but of how it wrapped all the way up into Horn. I do appreciate you putting the shielding -- the shield onto it, proposing the shield, but I just don't think that quite does enough for me. I still think there's a little bit too much signage.

So I would -- I mean I really think -- otherwise, there's some really good stuff about this project. I think it would add a lot to Sunset Boulevard, but I don't know if I'm in a position this evening where I could -- to recommend approval to City Council.

CHAIR BERNSTEIN: Commissioner Aghaei?

COMMISSIONER AGHAEI: In line with my comments from the last meeting, I'm generally in favor -- generally in favor of the project in its current status. In my opinion, it's in line with the Sunset Specific Plan.

The objections of the Sunset Specific Plan, it activates the intersection and the Holloway Triangle, effectively bringing what's an underutilized site to life, and I want to thank Staff for addressing all of our questions.

With respect to the shared parking analysis, I see how Staff went through it and what the concerns are and how the ULA standards are being applied. I'm not completely

convinced that the ULA standards may be appropriate given that this is a very busy intersection and the Sunset Strip is anomalous in that regard, i.e., it's as busy as maybe a Times Square or -- I mean I don't know what else is another counterpart, but there aren't that many places throughout the country that are as busy. But it sounds like Staff and the traffic consultants went through that, and the potential for --

Oh, and with respect to option three, with ingress and egress off of Horn, it sounds like that alleviates a lot of the traffic concern with respect to circulation. It might not be the best solution, and I can understand how some residents who live north of Sunset might not be very excited about it, but it does relieve a lot of the tension with respect to traffic.

With respect to the signage, my biggest concern was how it wrapped into Horn. Going through the many iterations that the applicant has gone through, it sounds like they've reduced the amount of signage substantially where it wraps into Horn, but I still did have a concern with where it was being viewed -- how it could be viewed by the residents in neighborhood.

While the solution that the applicant provided through his architect with respect to extending the undulation to create a sign shield, while it may not be perfect, I think it's somewhat of an actually elegant solution if it legitimately does reduce the impact to the residents on Horn and architecturally kind of is in line with the building.

And I just want to say just more generally, after 20-some-odd -- I think it was like almost 30 iterations, again, I think Gensler has come up with a great design. I really think it looks great in that regard.

And I want to also mention that the applicant -- it sounds like from my review of the record and the evidence that he spent almost four to five years -- Centrum Properties and their associates spent four to five years meeting with residents in the area and trying to address their concerns, and it's actually gone through a lot of changes, and I think they've gone above and beyond with respect to addressing a lot of these concerns.

So that's where I'd stand at this time with respect to the project.

CHAIR BERNSTEIN: Thank you, Commissioner Aghaei. Commissioner Meister?

COMMISSIONER MEISTER: Thank you. I also want to thank the public for coming out and thank Sol Barket, who I think missed a family reunion to be here.

I think the problem with this project is really that it starts at the beginning and that's with the Environmental Impact Report. I think that the preferred alternative does not meet the requirements of CEQA. It's basically the same project as the original project except that it has less parking. And if shared parking with something that was a preferred way to go, then it would have been offered up in the beginning when it was the original project because it was basically the same project except maybe a couple hundred square feet bigger. So it really makes us look at the original project versus the alternative project apples to oranges because you took away parking and then you said, oh, but shared parking works, and I don't necessarily buy that shared parking works because based on the graphs that we saw, and as Commissioner Buckner pointed out, there's a lot of the same use at the same times.

There's also the issue of accessory use and the fact that the basis of number of required parking spaces on the spa - - you know, an accessory use is supposed to be an accessory use, which is 1,200 square feet or 25% of the primary use, whichever is less, and that's not what's happening in the spa. The spa is literally -- generously saying it's 1,000 square feet and then you have 7,500 square feet of other uses that you're using the same calculation of parking spaces per thousand, which really should have gone with the gym, or at least a good portion of those spaces should have been the number of parking spaces that go with the gym, which is 10 per thousand, should have been applied to those spaces rather than what was used for the spa, which is a lot less parking spaces.

So I think that the basic premise of how many spaces this project should have, the required number of spaces is off. And I didn't sit and calculate what that is, but I would say that you have a project that really requires a lot more

parking spaces than is in the Environmental Impact Report and in the Staff report.

So I would have to say that this project would need to be reduced substantially. Well, first, I would say that you need to recalculate the number of spaces required for the David Barton portion of the project, and it should be consistent with Equinox and other gyms that West Hollywood has approved over the years.

And regarding the signage, I really don't have a problem with the signage that goes around the top of the building. Obviously, I'd prefer that it didn't go as far up Horn, but my issue is with the larger billboard on the side, which really does not go with the Sunset Specific Plan. It would be a new billboard in a geographic area that is not slated for new billboards necessarily, and maybe that should be a separate issue, separate from the project that requires a Sunset Specific Plan amendment.

Let's see. What else? I don't -- I do think that having ingress and right-turn-only egress on Horn is necessary because otherwise they will be making U-turns, which would be even worse for that street. However, in its current state and size and number and the square footage, I don't think it will work either. I think that the project has to be smaller and less trips in order for that configuration to work.

So at this point, considering that I believe that the Environmental Impact Report is flawed and the number of spaces that -- parking spaces required also seems to me to be flawed, I couldn't support the project as is.

CHAIR BERNSTEIN: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Thank you, and I thank Commissioner Meister for doing such a good job on those issues, so I won't repeat what she said because I've already addressed some of those issues earlier in this hearing.

But I am very concerned -- first of all, I really do like the design, and I really do like the idea of this project. I'm not at all opposed to project.

What my issues are is there's been significant accommodation by the developer to reduce certain things, but what they're reducing is the parking, not the size or

the use or the interior space, which is really what's creating the problems with the traffic and the parking issues.

So eliminating the parking upstairs, the two stories, they did that and then created this what looks to me a little bit like fiction with regard to the parking -- combination of different ways of accommodating the number of cars that are going to be going to that building for the number of uses that are there. That concerns me. I do think that eliminating the -- or making the U-turn issue less if it's been a -- that was a good thing, but however, I think that the egress and ingress on the Horn Avenue just created other different parking and traffic problems.

I'm very familiar with that corner, and even putting up a sign that says "No left turn," I don't think stops people from making a left turn. There's been a number of times that I've been sitting in the left-turn lane to turn onto Horn, which sometimes has a left-turn arrow and sometimes doesn't. Cars are coming east on Sunset, and even though there's a sign that says "No left turn," they turn left onto Holloway anyway. And it's a very, very dangerous corner because cars are coming. They're either creeping along because there's so much congestion, or they're coming really fast around Sunset when there is not as much traffic, and it is a very dangerous corner.

So, basically, I do like the project and I do think we need something pretty special on that corner because it is a place on Sunset that requires something like this, but I just think that the project itself is just too big as it exists right now.

COMMISSIONER DELUCCIO: If I can jump in again, I actually keep comparing this to the new Pavilions on Santa Monica Boulevard. To me, it's the same in a lot of ways. I think what they're doing with the ingress and egress on Horn is the same as on Robertson Boulevard. I think it's similar in what we did there, and I imagine Pavilions would probably have as much traffic every day as this project would have. So I think we're there. Coming out now where everything is pretty similar as far as what they can do as far as putting an ingress and egress on Horn and having the -- and also the exit and entrance on Sunset. The only difference here that you wouldn't be able to put the U-turn in.

I think I'll go to the person who wrote the Staff report, Adrian. Page two, when you answered our questions, you mentioned about if they were to reduce it -- on the top of the page -- approximately 4,000 square feet of gym from the total building square footage, if that was eliminated, that's an example of how they could come down to the required number of parking spaces?

ADRIAN GALLO: Correct.

COMMISSIONER DELUCCIO: Okay. So that's what I'm alluding to. I just think by even taking 4,000 square feet off of this building, that would bring them back to the required number of parking spaces they would need, 238.

My concern actually is not only are they getting shared parking, which is something that we can recommend or not -- that's discretionary -- my concern is that not only do they have shared parking -- and I think Vice-Chair Buckner, you've articulated that -- it's the creative way that they are cramming all these spaces into the building, into the parking area with triple -- most of it, I believe, is triple-tandem, as well as lifts.

I'm not -- I was here some years ago, yes indeed, when we tried that for the [Lord] project, and that did not work. It didn't go anywhere using the lifts. I'm very concerned about using lifts, very concerned about having triple-tandem throughout the project. So I just wanted to rearticulate that.

And, also, I don't think -- how would we make a motion? I'm not sure but I would maybe -- could we move this on to Council with direction and not necessarily recommend the resolutions at this time?

JOHN KEHO: Sure, you can do that, and you'd want to identify what the suggestions of to make the project better.

COMMISSIONER DELUCCIO: Yeah, because I -- again, my -- if I can just articulate, my suggestions would be taking off about maybe an example of maybe 4,000 square feet in the gym area in order to bring the parking back to what code would be.

And then I don't know if we want to look at shared parking, that's another thing, but I think then maybe by bringing it back to code, taking some square footage off the project, we can maybe -- we can look at how the parking spaces will be reconfigured, also, within the project.

And then, also, my other concern is the signage on Horn, which I would like to see some of the signage that wraps around, another treatment on that, maybe getting ridding of a little bit -- some of that signage on -- of the way it wraps around Horn.

Those are my concerns.

CHAIR BERNSTEIN: All right. I'm going to jump in.

COMMISSIONER DELUCCIO: I think Lauren had a --

COMMISSIONER MEISTER: That's all right. I'll wait.

CHAIR BERNSTEIN: Okay. I promise you you will have your turn.

It seems that the initial question that we need to resolve is whether we move this on to Council, who will be the decision making authority on this -- we are not being asked to make a decision tonight, just a recommendation to them -- or whether we send it back for redesign. I think there's not consensus here, but I think there's a movement, and I think I'm in that camp, to moving it on to Council and letting them figure it out.

Clearly, people are raising questions about the legal sufficiency of the project, both in terms of CEQA compliance and in terms of the General Plan.

I just need to say that I've rarely seen a project where so many sides are represented by lawyers. There seem to be more lawyers than sides. We have lawyers up here, but we are not here to advise you on the legal sufficiency of your project. If there is a legal challenge, that may be good. But the applicant is well represented and seems ready to face that prospect, so I have to presume that they have made an informed decision on that, which again, tends to make me think that it's better to move it along.

The Horn entrance and egress seems to me to be the proper way to go. It clearly reduces the impacts of this project and reduces the need to find overriding consideration for traffic.

I also tend to think this space needs to be brought down. I'm less convinced about the gym. I need to say that for me, one of the fundamental questions that I've had is the value of the office space because it's not actually big enough to be what it could be in that site, which would be a great flagship for someone.

So I'm not as concerned about us determining where the space needs to be brought down. That seems to me something that could simply be recommended to Council to work on and come to their own conclusions.

And then I do need to say that I am pleased with what they did to sort of guard the view of the billboards from the residents on Horn. I remain challenged by the fact that it's not two billboards, it's five, and I wish that the four billboards would be unified and not ad hoc. And, clearly, if other people agree to me, that's a piece of advice that we could pass on to Council, who would make a decision based on our input and also their perspective, I'm sure, on the development agreement and other considerations.

So those are some of my thoughts. I think Commissioner Meister had some thoughts she wanted to add.

COMMISSIONER MEISTER: No, I was just going to say that with regard to that, the billboard that wraps, being four panels, we were told that it's just going to be one ad, so I think that needs to be conditioned in any conditions because I don't know that it was in the actual conditions that we saw, that it needs to be one ad. So that might be one thing that we want to do to protect that.

CHAIR BERNSTEIN: And before you jump in, Commissioner DeLuccio, I do want to say one other thing. I have to say that I so appreciate everyone who has been involved in this project and the public for being so passionate and interested.

I was very struck by Mr. Somerville and Mr. Cook from the block, who actually spoke about concerns about blight and about regentrification in the neighborhood, and there were a lot of great comments, and I think we all listened to all of them.

But I do need to just point out that Gensler has brought us a beautiful design. Curvilinear is a term that's been used frequently. I think it's a whimsical term. I don't know if we actually invented that term for this or if it existed before, but I think the shape is in some way an homage to old records.

I think there are absolutely concerns that still need to be worked out. I think they can be worked out of Council. But I think there's a lot of appeal to elements of this, and I think it would be remiss of me not to also acknowledge those and to acknowledge the fact that while we have to be very concerned about these impacts, we also need to be concerned about what Mr. Somerville and Mr. Cook talked about from the block, which is making sure that this amazing, vital strip remains amazing and vital.

COMMISSIONER DELUCCIO: I wasn't dictating about -- I don't care where the square footage would come off the project. I agree with you. I was just quoting out the Staff report where they gave a couple of examples of either you take it off 10,000 square feet of office space or you take it off of 4,000 square feet of the gym. I have no -- just for direction, I just feel like it needs to be taken from somewhere. I agree with you. And as far as the signage treatment, I also, again, think we need to take -- some of the signage can be removed off the part that wraps around. So I don't know. Are you going to make a motion?

CHAIR BERNSTEIN: I could. You could. But I think Commissioner Meister has (inaudible - multiple speakers).

COMMISSIONER MEISTER: No, I just also -- I wanted to say that I think that we have to remember, first of all, that the gym is going to be getting a conditional use permit and the use goes with the land, and I do like the idea of David Barton being on the Strip. I mean we all saw him testify, and if he isn't Sunset Boulevard, I don't know what is. However, if he's not there, any gym can go in there, and it's a CUP, and the use goes with the land. So I think we have to keep that in mind.

And I also would hate to see an arbitrary, you know, let's take 1,000 feet here and 2,000 feet there. I think this really needs to be thought out if that's going to be the recommendation or we don't recommend it. We just say we think the project needs to be smaller in order to accommodate less trips on Horn.

And I don't know that we can be saying right now in the five minutes figuring out how we're going to make this project smaller. So I don't think that would be fair to Mr. Barket or to anyone.

COMMISSIONER DELUCCIO: I think you just made a motion. You just made a motion about how you want the project -- we want the project to be smaller, and that would trigger maybe less trips and also it would require less parking.

COMMISSIONER MEISTER: Well, yes, and I think that the parking -- there should be -- the project should have -- should be self-sustaining in terms of parking. I mean we have a real parking problem in West Hollywood, and I think it would be irresponsible for us to not have the right number of parking spaces when we're starting from scratch.

I read Ms. Carlsen's letter about the shared parking and the General -- and she brought up the Draft General Plan. The Draft General Plan has not been approved, so that's not something we can refer to, and the parking credits program that was in one of the exhibits, that hasn't even been piloted yet. So I think for us to take chances based on things that aren't even approved is just not responsible.

CHAIR BERNSTEIN: So I've not heard the magic words yet, so I will turn to Commissioner Yeber, who I think wanted -- oh, I thought you wanted to make a comment. You don't have to.

COMMISSIONER YEBER: I was just going to prompt Donald to go ahead and make his motion.

37:07

COMMISSIONER DELUCCIO: I don't always want to make motions, but if I have to, I will. I just feel what I'm hearing is that direction -- we can give direction. I don't think -- I'm not ready to move on the resolutions this evening, but at the same time, I mean I can defer to the -- do we need the public hearing open? -- we can defer

to the applicant. Did you -- I think there needs more -- can the applicant come up perhaps? The problem needs more -- I'm hearing that the problem needs some more work before we could possibly make a recommendation in favor. I'm just speaking for myself perhaps. Did you want another continuation, or did you want us to give direction and move it on to Council? What is your --

SOL BARKET: Well, it's a little bit difficult for me to speak to that because I don't understand necessarily the technicalities of how you can or cannot move forward. If you were able to, what I would like to do is see you move it forward and approve it subject to certain conditions that you're concerned about, but I don't know how that works.

NICKI CARLSEN: We would prefer direction and move it on to Council is what we would prefer.

CHAIR BERNSTEIN: Okay, thank you.

NICKI CARLSEN: Thank you.

CHRISTI HOGIN: And so what you're proposing to do is a motion that says that you'd be inclined to deny the project as presented and then based on the fact that it's too big and it doesn't have adequate parking and you're not comfortable with the --

COMMISSIONER DELUCCIO: Signage.

CHRISTI HOGIN: -- lift and the triple tandem, right.

COMMISSIONER DELUCCIO: And the wraparound signage.

CHRISTI HOGIN: And the wraparound signage and the extra --

COMMISSIONER DELUCCIO: Right.

CHAIR BERNSTEIN: Before you say the magic words, I have a question, though. Why couldn't it be moved on with a recommendation that we would approve it if?

NICKI CARLSEN: Thank you.

CHAIR BERNSTEIN: I just -- can you clarify whether --

CHRISTI HOGIN: I'm not sure that there's consensus that that's true. What I've heard is Commissioners saying that to get it to a place where it was approvable, it would have to be redesigned and they'd have to take a chance to look at the new design. So the sort of way to get there is to say, well, here are the specific areas where we're having roadblocks. Comes out the same for the Council.

NICKI CARLSEN: Or it could be neutral, as well.

COMMISSIONER DELUCCIO: Well, thank you. I think we're okay now. I think we can --

COMMISSIONER AGHAEI: Their assumption to -- (inaudible - multiple speakers).

CHRISTI HOGIN: We can note for the record that there are Commissioners who are supportive of the project as proposed, as well.

COMMISSIONER AGHAEI: I think one of the issues I see here is that there might be a general support or lack of, whatever -- there's support one way or another for the project, but everyone has a different concern.

So is it possible to, for instance, move the project forward and recommend it and we maybe make a list of our concerns that we would want the Council to consider, i.e., there's a consideration with respect to square footage that a few of the commissioners have stated. Maybe we could say, "Well, this was an issue that was raised. Please consider it," and so on and so forth because we all have different reactions...

COMMISSIONER DELUCCIO: I think I made a motion -- or I think my -- first of all, before we do that, I actually have a motion on the floor, and do you -- I don't know if you want to second my motion.

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER DELUCCIO: My motion is right now for discussion and we can change it if it doesn't go over. Mine is not to approve the project this evening.

Christi, I think you worded it for me.

CHRISTI HOGIN: Well, I was just -- well, we're not recommending it.

COMMISSIONER MEISTER: It's like we're not approving or not denying the project. We're just not recommending.

COMMISSIONER DELUCCIO: I'm not recommending it at this time.

CHRISTI HOGIN: Yes. Let me try something that maybe will satisfy everybody. We'll see.

COMMISSIONER DELUCCIO: Okay.

CHRISTI HOGIN: That the motion start with the statement that the Commission wishes to communicate to the Council that it is generally supportive of the redevelopment on this site with a project that is architecturally unique but that the Council is unable to recommend it as proposed because, and then we'll go into your list.

COMMISSIONER DELUCCIO: Yes, because of the size of the project --

COMMISSIONER MEISTER: Number of parking spaces.

COMMISSIONER DELUCCIO: The size of the parking, the number of parking spaces, and the configuration of the parking with the triple tandem and the lifts, and the number --

VICE-CHAIR BUCKNER: Traffic considerations.

COMMISSIONER DELUCCIO: -- and the number of sign -- and then amount of signage, especially the wraps -- the way it wraps around Horn Avenue.

COMMISSIONER MEISTER: And also how parking was calculated.

COMMISSIONER DELUCCIO: And the parking calculation circulation. That would be my motion.

VICE-CHAIR BUCKNER: Also, the condition of the sign being unified.

CHAIR BERNSTEIN: Okay, I'm sorry. We don't make motions by committee generally.

COMMISSIONER DELUCCIO: Does somebody want to second my motion?

CHAIR BERNSTEIN: Somebody needs to make a motion and then second it.

COMMISSIONER DELUCCIO: I'd made a motion. Somebody want to second it?

COMMISSIONER MEISTER: Second.

COMMISSIONER DELUCCIO: Okay.

CHAIR BERNSTEIN: Could somebody please read that back?

CHRISTI HOGIN: The motion, if I got it right, is that the Planning Commission to communicate to the City Council that it's generally supportive of the redevelopment on this site and especially the architecture. However, the Commission's unable to approve it as proposed because it is too large, because the calculation and the number of spaces resulted in the triple tandem and the lifts, which the Commission didn't find workable, that the sign going up Horn went up - - too far up the street, and that there was some question about the need for the additional billboard.

COMMISSIONER MEISTER: Or actually that the billboard should be --

COMMISSIONER YEBER: A separate item.

COMMISSIONER MEISTER: -- a separate item.

COMMISSIONER YEBER: Yes, that's with the development agreement.

COMMISSIONER DELUCCIO: That's not what I -- yes, should be a --

COMMISSIONER MEISTER: But do you agree with that?

COMMISSIONER YEBER: Yeah, I mean I could see that. That should be -- let them deal with it as separate item like they're dealing with all the billboard issues now.

COMMISSIONER MEISTER: Right.

CHAIR BERNSTEIN: I would like to be on board for this. I just want to point out something. I don't think the project is too large per se. I think the parking requirements for the use of the project -- I don't think it's necessary to say the project is too large. If they brought it back as this project with uses that didn't have 10 parking spaces per thousand, I wouldn't object to the size, so if we could just --

COMMISSIONER MEISTER: It's the intensity.

COMMISSIONER YEBER: I actually think Commissioner Meister said it correctly. A project that's at the scale that's reasonable for the number of trips that's feasible, that makes sense. She was all about reducing the number of trips.

VICE-CHAIR BUCKNER: Well, trips are (inaudible - multiple speakers).

CHAIR BERNSTEIN: I think you're right, but I don't think the motion currently states that.

COMMISSIONER DELUCCIO: Excuse me. That's not my motion, number of trips.

CHRISTI HOGIN: It was parking.

COMMISSIONER DELUCCIO: Yes, because my concern was I do not want to send something to Council that would require a statement of overriding consideration for the park -- for the traffic, and their option does not trigger that. So mine has to do with the size of the building requiring the number of parking spaces. I want to -- my objective is to see a -- not -- see the building scaled back in order for the number of parking spaces to come to the code requirement, and I think that would also satisfy not having to do tandem, triple tandem, and lifts. So that's my motion.

COMMISSIONER MEISTER: I think what Marc is trying to say is -- Commissioner Yeber is trying to say, it's not necessarily the size of the building. It has to do with the use and the fact that the gym is 10 spaces per thousand and the number of trips that it is. Using shared parking analysis may not be the way to go on this and also the way

the parking was calculated in terms of the spa, that could double the number of parking spaces that it requires.

COMMISSIONER DELUCCIO: But this is the uses in front of us. This is what they're recommending to us. So I'm saying a way around that would be maybe the gym use needs to be -- they need to scale back on the square footage of the gym. I don't want to tell them how to do that, or they may need to scale back on the number of office square footage, but I don't want to sit here and dictate that.

I just think that this is what's before us, these are the uses, and I just think it's going to require them to go -- for me to go forward, which I'm not with a recommendation of approval at this time, would be for them to work on this, on the size of the building.

COMMISSIONER MEISTER: So what if the motion was to not recommend the project based on concerns about number of parking spaces, traffic on Horn, because some of us do have concerns about the traffic on Horn, the billboard -- the sign that wraps around the building --

COMMISSIONER YEBER: The separate billboard.

COMMISSIONER MEISTER: -- the separate billboard, that that should be a separate issue, and then we don't have to get so specific. We could just say, "These are the concerns that Commissioners have, and this is a list," and it doesn't have to mean that we all have the same concerns. It just means that we had concerns in listing out for the Council people, and they are welcome, of course, to read the minutes and watch the video.

COMMISSIONER DELUCCIO: Right. I'm fine with that, but I also think we need to also mention the size of the building. This is --

COMMISSIONER MEISTER: And if that's your -- if that's a concern for you --

COMMISSIONER DELUCCIO: Yeah, that's my concern that it's too big.

COMMISSIONER MEISTER: -- then that's listed on the concerns. I mean we can say these are the concerns that came up. It doesn't mean that we have to be unanimous about our concerns.

COMMISSIONER DELUCCIO: Do you have that, Christi?

CHRISTI HOGIN: I think I do. So the motion would be to communicate to the City Council that the Commission is generally supportive of the redevelopment of the property and especially the superior architecture, but that was -- the Commission was unable to reach a consensus because various Commissioners had concerns with the traffic on Horn, the size of the building, the calculation and configuration of the parking, the signs going up Horn --

COMMISSIONER YEBER: Video signs.

CHRISTI HOGIN: -- and the fact that the billboard was not treated separately from the project.

COMMISSIONER MEISTER: The only issue I have with that is I don't know that it's about reaching a consensus about - what. I mean I think we do have to say that although we do want to see that site redeveloped and we do think that a vibrant project can be put in there, that we cannot recommend this project at this time, and these are our concerns.

CHRISTI HOGIN: Unable to recommend the project at this time because various Commissioners had concerns --

COMMISSIONER MEISTER: Various concerns.

VICE-CHAIR BUCKNER: -- and they're on the list.

COMMISSIONER AGHAEI: I would -- if I can chime in, I would actually just respectfully disagree with that to a certain degree. I think I feel like there's a -- I don't know -- we have to go through the motion process and so on and so forth and amending the motion, but I think there's a general support for the redevelopment of the site. I think the last iteration of the motion as you explained it, but that specific Commissioners do have specific concerns that we addressed at this meeting and we want to pass along to the Council, that's how I --

COMMISSIONER MEISTER: No, I'm not saying that we don't support the redevelopment. What I'm saying is that we support the redevelopment, but we don't support this project in its current iteration. That's the point. And that the concerns that various Commissioners have are as

follows. I mean you can -- if we do a straw vote, you don't have to vote for it. I mean we're not all going to agree about everything.

COMMISSIONER DELUCCIO: Well, no, actually, this is a motion.

CHAIR BERNSTEIN: But I just have to say I'm just uncomfortable with a motion that assembles a laundry list of individual considerations. I'm sorry, please -- let me finish what I want to say, and that is we never have to all agree, but we should be trying to reach a majority, and simply detailing everyone's -- I mean anyone who wants -- they're on www.WEHO.org. You can watch this hearing if you want to hear our individual comments.

The purpose of a motion is not to make a laundry list of individual reservations; it's to try to find out what the consensus of the Planning Commission was, and it is, respectfully, starting to sound just like a laundry list of things that individual people, including myself perhaps, are saying, and I think we should be trying to reach something that is simpler and represents our consensus because it's going to be a de novo hearing for the Council.

They're simply going to take this as input and they're going -- if we move it on to them now -- determine what is going to be done. So I'm getting a little --

COMMISSIONER DELUCCIO: How would you change this?

COMMISSIONER YEBER: Why don't you simplify it and just say basically like the beginning said, that we're in favor of redevelopment on this site, but we cannot -- we're not inclined to support the current configuration, and then the minutes will reflect the various reasons.

COMMISSIONER DELUCCIO: I know, but this is a way of concisely communicating that to the City Council, I think. I think the minutes are probably going to be all over the place, right, when I listen to the minutes.

CHAIR BERNSTEIN: If I may, I'm hearing two or three consistent reservations.

COMMISSIONER DELUCCIO: Okay, there you go.

VICE-CHAIR BUCKNER: Right. There is concerns --

CHAIR BERNSTEIN: Here's what I'm hearing, if it's helpful. I'm hearing a general support of the design. I'm hearing not a unanimous but a sense that if we do entrance on Horn and eliminate the need for a traffic overriding consideration, that people are okay with the tr-- and I could be wrong about that.

I'm hearing essentially that the parking does not work, that somehow or other the project needs to be brought in in a way where the current parking schematics are simplified to something that we would find more traditional, and I'm finding some consistency to reservations about how the standalone billboard is being brought forth. But I don't -
- if --

COMMISSIONER MEISTER: I'm not convinced that the traffic impacts are going to be reduced to a less-than-significant level. I'm not convinced of that.

COMMISSIONER DELUCCIO: Well, they -- but Staff, they just said that it would be if we don't --

COMMISSIONER MEISTER: To less-than-significant, yes.

COMMISSIONER DELUCCIO: Option three would not require the overriding. We're not saying then there won't be any traffic impacts. We're saying they won't be significant, where it would trigger the statement of overriding consideration.

I'm going to go back to my original motion, okay? My original motion was very simple. It starts with we do want to see redevelopment in the site. We do want to recommend this project. However, my only concerns -- I only have like three concerns. One was -- had to do with the shared parking arrangement or the parking -- and more the parking configuration within the structure, the concern about the triple tandem and the lifts. And then, also, the concern about the signage and the way it wraps around Horn and the ay -- and about -- standalone signs should be treated as a separate -- should be treated separately and going through a different, I guess, approval process.

CHAIR BERNSTEIN: If Lauren isn't comfortable seconding that motion, I would be happy to jump in as a second on that motion.

COMMISSIONER DELUCCIO: Okay. I know we want to make it simple.

COMMISSIONER MEISTER: I'm not comfortable with it.

CHRISTI HOGIN: So the motion is to communicate to the City Council that the Planning Commission is generally supportive of the redevelopment of this site, especially the superior architecture that's being proposed, but is unable to approve the project as opposed because --

COMMISSIONER YEBER: Recommended --

CHRISTI HOGIN: -- of the configuration and calculation of the parking, specifically the triple tandem and the lifts, the fact that the signs go as far up Horn as they do, and that the billboard is not being treated separately.

CHAIR BERNSTEIN: And I think shared parking. You didn't say --

VICE-CHAIR BUCKNER: Shared parking.

CHAIR BERNSTEIN: -- but I think that was part of the package of considerations around ...

COMMISSIONER DELUCCIO: Yes, yes, because I just don't want to make her say we favor this, however, and not say anything else, so I think this concisely communicates our feelings.

COMMISSIONER YEBER: And just a slight correction, recommend -- recommend approval, not approving the project.

CHRISTI HOGIN: Right.

COMMISSIONER YEBER: Recommend approving.

COMMISSIONER AGHAEI: I think that was Don's original -- Commissioner DeLuccio's original motion, I believe, to recommend it but with the following concerns.

COMMISSIONER DELUCCIO: And you're seconding that?

COMMISSIONER AGHAEI: I'm seconding, yes.

COMMISSIONER DELUCCIO: Thank you.

CHAIR BERNSTEIN: Okay. Is everyone clear on the motion because I think we're ready -- whether it passes or not, (inaudible - multiple speakers)

COMMISSIONER YEBER: Wait, now I am confused now.

COMMISSIONER MEISTER: Yeah, I'm not clear either.

COMMISSIONER YEBER: Now I'm not clear because --

CHAIR BERNSTEIN: Christi, you're doing such a --

CHRISTI HOGIN: The reason you're not clear is because, Commissioner Yeber, your grammatical suggestion was "but unable to recommend approval of the project," ...

COMMISSIONER YEBER: And he's got something different now.

CHRISTI HOGIN: Yes, he's --

COMMISSIONER AGHAEI: I believe Commissioner DeLuccio's motion was to recommend.

COMMISSIONER YEBER: Was yours to recommend?

COMMISSIONER AGHAEI: And I seconded that.

COMMISSIONER DELUCCIO: Yes.

COMMISSIONER YEBER: To recommend approval?

COMMISSIONER DELUCCIO: I'm not -- at this time, I can't not recommend approval. I can't not.

COMMISSIONER YEBER: Can't not? That was a double negative.

COMMISSIONER DELUCCIO: No, what we're saying --

CHRISTI HOGIN: The motion on the floor basically says both. It says that we're communicating to the City Council general support for the redevelopment and especially commenting on the superior architecture of the proposal, but the Planning Commission's unable to recommend approval of the project exactly as proposed because of concerns about the configuration and calculation of the parking --

COMMISSIONER YEBER: Okay.

CHRISTI HOGIN: -- particularly, the shared parking, the tandem -- triple tandem..

COMMISSIONER MEISTER: I can second that.

COMMISSIONER DELUCCIO: Okay. Okay.

CHAIR BERNSTEIN: Except that I think -- so all right. We have a motion.

COMMISSIONER YEBER: And we have a second, several seconds.

CHAIR BERNSTEIN: Yes. I think Commissioner Aghaei actually got the second in on that.

COMMISSIONER DELUCCIO: Are you still seconding my motion?

CHAIR BERNSTEIN: And I'm sure the public is anxious for us to move this along, as I am. Are we -- does anyone need to have this restated? Are we ready to vote?

COMMISSIONER DELUCCIO: Yes, I'm ready to vote.

JEANNE DOBRIN: You haven't closed the public hearing.

CHAIR BERNSTEIN: I'm now -- I thank the lovely Ms. Dobrin for reminding me that I am at the end of my ability to keep the public hearing open. I'm closing the public hearing.

COMMISSIONER YEBER: We're calling the question.

CHAIR BERNSTEIN: And I'm calling the question. I'm going to ask David to do a roll call.

DAVID GILLIG: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: What am I voting on? Yes, I'm voting yes. Okay.

DAVID GILLIG: Commissioner Aghaei?

COMMISSIONER AGHAEI: Yes.

DAVID GILLIG: Commissioner Meister?

COMMISSIONER MEISTER: Yes.

DAVID GILLIG: Commissioner Yeber?

COMMISSIONER YEBER: Yes.

DAVID GILLIG: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Yes.

DAVID GILLIG: Chair Bernstein?

CHAIR BERNSTEIN: Aye.

DAVID GILLIG: Motion carries, six ayes and one absent.

COMMISSIONER MEISTER: Do you always have to be different, aye?

CHAIR BERNSTEIN: I like saying aye. We're going to take a five-minute break, and then we're going to come back for our final item of the night. Thank you.

(Short break)

PUBLIC HEARING

ITEM 9.C. (1264 N. HARPER AVENUE)

COMMISSIONER YEBER: Chair, I will have to recuse myself from this next item since I live within 500 square feet.

CHAIR BERNSTEIN: Well, thank you for your fine service tonight, and I would suggest you go home and we're all tell you how it all turned out later.

COMMISSIONER YEBER: So, good night.

CHAIR BERNSTEIN: I think that Commissioner and former Chair Yeber probably knows when he needs to recuse himself. I'm going to take him at his word.

So we are now on to Item 9C, 1264 North Harper. It's a request to demolish 14 units and construct a four-story 14-unit condominium building, and I would ask Staff if they have a report that they'd like to make.

JENNIFER ALKIRE: I do.

CHAIR BERNSTEIN: Jennifer, welcome.

JENNIFER ALKIRE: Good evening. Thank you, Chair and Commissioners. Good evening.

This item is for the demolition of a 14-unit apartment building and the construction of a four-story 14-unit condominium building with one level of subterranean parking.

The project is subject to a settlement agreement that was the result of a lawsuit filed by the property owner against the City. The details are in the written Staff report, but I'll just summarize briefly that under the settlement agreement, the project would be allowed to build to standards that were in place in June of 2007, prior to the interim zoning ordinance for multi-family housing districts. The project would be allowed to be four stories and 45 feet and up to 17 units, and it would not need to comply with the green building ordinance, the average unit size, the minimum required density, and compatibility finding for a development permit.

The project is located on the east side of Harper between Norton and Fountain. Nearby are two historically designated properties. The Ramona is one of them. It's located to the south on the same side of Harper. This site is separated from the -- I mean the Harper one is separated from the subject site, sorry, by one separate parcel and then by the portion of the Ramona that has recently had construction on it.

To the north and across Harper on the corner of Fountain and Harper is the Four Gables, which is a French Colonial building. Neither of these buildings would be affected by the proposed demolition or construction.

The item was reviewed by the Historic Preservation Commission, and comments were generally supportive of the design, and the Commission did not express concern for existing historic resources on this street.

The design review subcommittee also reviewed this project. The comments were generally supportive, though some of the concerns were raised with respect to height, massing of the building, as well as some of the materials, like the lattice work in the front -- that's a better view of it, sorry -- the lattice work in the front entryway and the material on the other balconies that's kind of like a storefront glass.

Since that meeting, the applicant has made several changes to the building to address some of these concerns. They are that the color of the lattice work in the front has been altered to resemble more closely a wood material. The railing on the third floor in the center of the building has also been changed from glass, similar to the other balconies, to a lattice that is similar to the front entry, so it kind of ties that together. The third floor trash chute and roof structure have been cut back to reduce the height and massing on the southern portion of the front façade, which was something that was discussed at length in the Design Review Subcommittee meeting, and the eaves have been tapered toward the outside edge of the property to help visually diminish the bulk of the overhangs, as well as the building.

And now I'm going to turn it over to Todd Gish, our Urban Designer, to give a bit more of a synopsis on the urban design.

TODD GISH: Good evening, Chair and Commissioners.

The project is located on a street currently built out with multi-family residential structures ranging in date from the 1920s up to the present. Most are two, three, or four stories tall over partially subterranean parking. Styles range from traditional French Chateau or Mediterranean Revival to Modern, either Mid-century Modern or Contemporary Modern, and varying from high-quality cultural resources to average to unremarkable buildings.

The project's four-story design stacks two-story units on top of each other with entries and circulation balconies occurring only on the building's first and third floors as a result. The U-shaped plan of the complex centers on a narrow central courtyard, and a small communal open space is located in the rear yard. The rooftop is unoccupied.

Overall massing is highly articulated using deep recesses, offsets, and projecting cantilevers along the street and also, to a good extent, along side elevations.

Exterior facades on all sides are further modulated by balcony guardrails and projecting window boxes and ledges.

Material and color changes add to the effective modulation. A distinctive tapered split butterfly roof effect tops off the building. The project's architectural language is modern and employs a coolish palette of materials and colors of stucco, glass, sheet metal, and aluminum in off-white and shades of gray. The warm exception to this scheme is the use of stained wood at the soffit or underside of the tapered butterfly roof, many parts of which are visible from below at street level, that you can see in the rendering there. And the design of it is of sufficiently high quality compared with typical projects to declare it exemplary. Thank you.

JENNIFER ALKIRE: Thank you. I have a couple more things I'd like to mention before I wrap up.

First of all, I'd like to mention that I've received relatively few letters and pieces of correspondence considering that the neighborhood meeting was well attended by the neighborhood and also that many people had a lot to say about the project.

I did hear from a couple people, and the correspondence was included in the packet or forwarded to you this week. I did get a chance to speak with a couple of the neighbors prior to the meeting this evening, and I hope that they've been able to stay through the kind of lengthy meeting. But I received word from them that they were submitting correspondence but it just wasn't coming to me. It was going to different places in the city. I don't know if you guys received it or not, but I hope that they're able to speak, but just wanted to let you know that that was something that I'd heard, that there has been some

correspondence. It just hasn't come through me. So, hopefully, that will be rectified prior to the City Council meeting and it'll be included in the public packet.

A few other things. The site has currently little to no landscaping in front of the building. Mostly, it's parking and it's paved. That's the current situation. But as you can see on the site plan, the dark areas are the landscaping. I'm sure that the architect will speak more about the landscaping, but it will introduce quite a bit more planting to the streetscape than in the front of that building.

And, finally, this is the garage layout, and as you can see, it doesn't include any tandem parking, which has been kind of a point of contention for some of the residents and for some of the Commissioners in the past, so I wanted to point that out, that the parking is side by side.

And once again, this request is to demolish a 14-unit apartment building to construct a 14-unit condominium building. The project is before the Planning Commission for recommendation to the City Council since it involves legislative actions of a zone map amendment and a development agreement.

Staff recommends that the Planning Commission recommend approval to the City Council, and I'm here to answer any questions if you have them.

CHAIR BERNSTEIN: Are there any questions at this time? Well, stick around. We may have some later.

I would invite our applicant up, Jay Vanos, and his team. You have up to 10 minutes.

PUBLIC PRESENTATION/COMMENT:

JAY VANOS: Oh, there we go, and thanks again. I wanted to thank the Commission, of course, and also the City and Staff. Jennifer Alkire has been working with us on this project I think now for pretty close to four years.

JEANNE DOBRIN: Mr. Chair, can we know who this person is?

JAY VANOS: I'm sorry. My name is Jay Vanos. I'm a resident of Los Angeles.

CHAIR BERNSTEIN: And Ms. Dobrin, we'll be doing this all year, so I just want to promise you I will pay attention, and I was just waiting for a moment -- Ms. Dobrin? I was waiting for a moment to ask him to introduce himself. I promise you. Please go on.

JEANNE DOBRIN: Is he the applicant?

JAY VANOS: I'm the architect, yes.

JEANNE DOBRIN: Why isn't he speaking into this microphone?

CHAIR BERNSTEIN: Because he's not legally required to.

JAY VANOS: And so I can manage the computer. Thank you.

I also wanted to thank Mr. Keho and Mr. Gish for their help during the process, and I'd like to go through relatively quickly because I think Jennifer did a wonderful job of explaining the critical points of the building. The building's gone through a lot of reiterations.

Originally, it was a 16-unit project and as part of our discussions with the neighborhood, the issue of the tandem parking, which it originally had, was a big issue, and we decided and the owners decided that they would be just as happy with a 14-unit project and that would allow us to provide for standard side-by-side parking and no tandem whatsoever. And so that was one of the original very early design changes.

So I'm going to go through this very quickly. You all are, I think, very familiar with the location. Jennifer explained it very well. This is the current condition of the building. I want to reiterate the one issue that Jennifer mentioned, which has to do with the fact that the parking right now is accessed by this extraordinarily long apron along Harper, really removing colossal amounts of street parking in its wake and also removing any potential of landscaping in that area, which we will be bringing back both street parking and significant landscaping.

This is a view from the south looking towards the northeast, and you can see on the right side the Ramona redevelopment project and then the sort of '80s project in between us, and then behind the jacarandas and the other trees is the current project proposed.

This is looking directly across the site from us, and I brought this one in because I wanted to comment just very quickly on not just the eclectic nature of the architecture in the area, which is, I think, is wonderfully indicative of West Hollywood in general, but in particular, when we were looking at this area and looking at the kind of architectural style that we were -- we're certainly going to be doing something in the modern vein, something in a -- essentially a Mid-century Modern flavor.

We are, very fortunately, in proximity to this building across the street, which again has this sloping raked roof, not so dissimilar to the Hollywood Riviera, another building that has that featured roof, and so this winged roof element is something that we're very fond of and happy to see that that was a piece that was resident in the area. These are the buildings directly to our north. This is directly to our south. And this is the property line between the north and south buildings and ourselves just so that everything is sort of slated.

You can see from this viewpoint -- there's a rendering of the building in place -- we've had to mask out the existing trees so that you could see the building because, in fact, from the south side, the existing jacarandas are pretty substantial, for all intents and purposes, make it virtually impossible to see the building as you come up Harper.

This is a wonderful thing not because you can't see our building; it's a wonderful thing because there's so many plants and so many wonderful trees, all which we're very happy about. This is a little bit of an enlargement for that purpose, and this again, is the view from the northwest looking towards the southeast.

These are some other views that we put in to give you a kind of more clear description of the building without all of the existing conditions around it so that it's more precisely being seen.

Again, it's a central courtyard building that has a narrow tall courtyard, very lush, very cool inside during the summer -- everybody's going to, of course, appreciate that -- and heavily modulated with a lot of articulations, a lot of step-backs, and then this very dramatic roof form, which

we think provides sort of extraordinary character to that site.

This is a view again from the northeast looking -- I mean northwest, and this is looking through the center. And you can see the filigreed entry gate and the upper railings now reflective of it.

Now, some of the changes that I just want to sort of point out, this element was commented on repetitively in the Design Review, and we've reduced its mass substantially, and this whole area in here has been redesigned to have more in common and talk to this area so that they're unified.

Those were two of the sort of primary concerns, and then the additional concern -- and I thought this was actually a wonderful suggestion of Staff -- was that we articulate the roof in a kind of tapered fashion so that it provides again a kind of more -- a kind of lightened element with a little bit more of an elegant kind of shape to it, which I thought was just a wonderful thing to suggest, and we took Staff's recommendation on that.

The building is this sort of paired buildings that go all the way through to the landscaped area in back. So from the street, you'll be able to look right through, all the way down to the end of the site.

This is an elevation of all the buildings sort of in the proximity and so you get an idea of the relative scale that we have. I'm going to flip through this on the quick side. Jennifer already mentioned the fact that we're all side-by-side parking, so I go past that.

Again, all the units vary in size. They vary from about 1,250 square feet to up to 2,000 square feet, a little over 2,000 square feet. They vary between two and three bedrooms. But they're all designed using the same general model, which is a two-story loft arrangement with a relatively modest open-to-above area. So there's one area in the building that has a small double-height space.

And I'll just flip through these elevations. The striated area or the lined areas in the elevation are the cement board material that would be painted. You'll see that in the sample board, the colors have been modulated so that they're all in a monochromatic warm green mode basically so

that the cement board, this material, will be painted a darker version of the same kind of monochromatic kind of warm green. And then the wood material here is what we're hoping to use for all of the lattice work in the front. If the ipe, which is what that wood is for whatever reason unavailable to us, what we had mentioned was that we would be painting a metal version of it with the same sort of tonal color as that. And then this is the wood that would be used on those ceilings, which is a vertical grain Douglas Fir.

And this gives you a sense of how the section works, and so these are the double-height units and why the roof is actually sloped. We actually step up into these little terrace areas and set up the exterior decks that way.

The landscaping, again, is very extensive on the front now with a good number of trees. These three trees, in particular, are in native soil. They have full depth available to them, so they're not in any kind of planter condition. Same thing with the trees along the back. The back trees are also in native soil, so they'll get full rooting depth.

And then the courtyard is basically landscaped with bamboos and ferns to take advantage of the cool interior space basically, and these are some of the plant types that are being proposed.

And that's really where we are.

CHAIR BERNSTEIN: Does that mean you're done?

JAY VANOS: That does. Thank you very much.

CHAIR BERNSTEIN: Thank you very much. Does anyone have any questions for our applicant? All right. Then we will go to the public hearing. You will each have up to two minutes to speak on this, but one quick question first from Commissioner Aghaei.

COMMISSIONER AGHAEI: Hello. I have a quick question, actually, because I wasn't here when this project was first brought before us. You said there was an issue with that -- what is that exactly? Because at the bottom --

JAY VANOS: There's a trash chute here, and that's actually the trash kind of --

COMMISSIONER AGHAEI: Oh, so that's a trash chute.

JAY VANOS: Yes.

COMMISSIONER AGHAEI: Oh, okay.

JAY VANOS: Yes, and there's a stair behind it, and so originally this piece was of full mass and it had a full roof element over it, so we reduced its mass by 50% at the upper portion, and actually, I failed to mention -- thanks for giving me the opportunity -- this area right here, that step back there and this step here are actually planters, so we're going to be planting those areas, as well.

COMMISSIONER AGHAEI: Okay, cool.

CHAIR BERNSTEIN: All right. You'll have up to five minutes to respond if you wish at the end of public testimony, and now we'll go to that.

We're going to start with Esther Baum, to be followed by Victor Omelczenko, to be followed by Mark Hersh.

ESTHER BAUM: Esther Baum, resident of the city of West Hollywood and 21 years across the street at 1265 North Harper.

I don't have any objection to the building. It's the lack of parking. There are two parking spaces for three bedrooms, and you know if there's three bedrooms, they will be three cars. Where is the third car going to park?

There are no places on the street right now. Day and night, every parking space on Harper is occupied mainly because the older buildings were built with just one parking space to an apartment when there were really two people with two cars in each apartment.

I would like the building very much if they could have another parking space for each of the units with three bedrooms.

CHAIR BERNSTEIN: Ms. Baum, I have a question. Does your street have permit parking on it currently?

ESTHER BAUM: No. We haven't needed it because we're too far south of Sunset, too far north of Santa Monica to have business parking. The parking on the street is people who live on the street.

CHAIR BERNSTEIN: Okay. Thank you.

Victor Omelczenko -- is Victor here? Oh, I didn't see you behind the TV. Hi, Victor -- to be followed by Mark Hersh, to be followed by Patti Thomas.

VICTOR OMELCZENKO: I'm Victor Omelczenko, resident of West Hollywood, and you know, it seems like no good deed goes unpunished nowadays. I remember that this probably results from the fact that the City had put a moratorium on over-rapacious development in the boom-boom days back in 2007 except some of the boom had already come off the rose then.

But now they won in court against the developer, but at court of appeals, the developer won, and we're being handled a settlement agreement that is really, really crappy.

I think the owner gets to develop the property over the next 10 years. That's just too long. Additionally, the project does not have to comply with the new green building and average unit size that every other developer nowadays has to conform to. That seems sort of unfair to business.

I don't know what to think. What I'd like to know is in the previous presentation, we heard from Mr. Steinberg -- Sternberg of Angelo, Gordon saying that there was money. There was \$20 billion to possibly develop that Centrum project. A financier actually appeared at a West Hollywood meeting to say that there would probably be money on the table to construct that new Centrum project.

Where are the financiers and where's the money for this project? I think that one of the conditions in the resolution for this project should be something like make money on the table a condition of the resolution before eviction of long-term tenants, before boarding up of livable apartments buildings, before demolition, show us the money to build this new luxury condominium before you approve it.

And I might also add that earlier this evening, you denied to recommend another project by Mr. Vanos at 1350 North Hayward because of the massiveness of its design and its incompatibility with the neighborhood. I, frankly, think this design is too big and too massive, especially to the building that is practically to the north, and I hope that you do not recommend this project. Thank you.

CHAIR BERNSTEIN: Thank you, Mr. Omelczenko.

Mark Hersh, to be followed by Patti Thomas, to be followed by Christopher Cox.

MARK HERSH: Good evening. My name's Mark Hersh. I'm a resident of West Hollywood, and I live on Harper Avenue. I'm here to oppose this. I've lived on Harper for eight years now, and there has not been a time where I've not been dealing with the construction, either on Harper -- there's been three buildings on Norton. I've suffered flat tires, dealing with dirt, debris, construction vehicles blocking my driveway. It's just not conducive to what I signed up for when I moved into this city.

Also, as far as the City's mission statement, there are residents that are living in this building that are being displaced to offer condominiums for sale, which we have, in my opinion, too many of in our neighborhood that are still for sale after a year or two.

And I just -- aesthetically, I just don't think it goes with the street. I'm just against this. Thank you.

CHAIR BERNSTEIN: Thank you. Patti Thomas, to be followed by Christopher Cox, to be followed by Gail Del Torto.

PATTI THOMAS: Hi. My name is Patti Thomas. I'm a resident of West Hollywood, 22.5 years, 14 years on Harper.

There isn't very much time that I've lived on Harper in the 14 years that I didn't have to endure construction. All the mess, debris, and the fact that the buildings that are being constructed have nothing in common with the balance of the street.

So if you can do this with this building and the subsequent buildings, you can do it with every building on every street. You're building condos. You're not building

rental units. You're pushing people out. I think this is behemoth.

And by the way, I didn't know there was a neighborhood meeting for this project, or I would've showed up with everyone in my building to oppose it. I don't mind if you build. Build rental units. Make them affordable. Take into consideration the demeanor of the climate of the neighborhood, everything, not just money, padding someone else's pocket, building something that won't fit with everything else, and you're going to tear it all down.

This is my home. I don't want to lose it. Thank you.

CHAIR BERNSTEIN: Thank you. Christopher Cox, to be followed by Gail Del Torto, to be followed by Keegan Killian.

CHRISTOPHER COX: Hi. I'm Christopher Cox. I'm a resident of West Hollywood, and I've lived here for five years. And in the time that I've been here, along with the time that I've spent here dating my wife, one of the things I came to love about the city is the government's willingness to serve and be of service of the citizens. And I'm having a tough time seeing where this serves the citizens of West Hollywood.

There's plenty of new construction square footage available in our neighborhood already, and this project is seemingly unnecessary. There's enough supplied. I don't know that adding additional supply is going to help the neighborhood in any way.

As Patti brought up, parking's an issue. It's already an issue on that street. My wife and I, we moved from Laurel, where we did have permits, and going from a permitted street to a non-permitted street has presented a challenge. We're fortunate enough to live in one of the underwhelming buildings, but we do have tandem parkings, so for us, it works. But if we have a single person over, it becomes a complete task where you're getting home early, you're trying to drive around to find something.

And if any of the anecdotes that Patti has shared were to come true, it'll just be a nightmare for the entire time that this project is being put together. So I'm opposed. Thank you.

CHAIR BERNSTEIN: Thank you. Gail Del Torto, to be followed by Keegan Killian.

GAIL DEL TORTO: Hi. I'm Gail Del Torto. I've lived at Harper House for 42 years, and I don't like this project. I think it's atrocious. I think it doesn't fit with the neighborhood, and you're kicking people that have lived there for as long as I have or longer. There's an elderly lady that lives below me, and I'm disabled, and I can't go and find someplace if you're low income that's going to be comparable because of the rent control that was in my area, and I don't want to go and live in [WATS] or someplace where I could maybe afford an apartment. And I know that if I'm going to have to move, that I'll never find a place that I can afford. So where do I go? What do I do? Do you help me find a place to or not? I don't know what they're going to do with the people that are going to live there, but they've got to find a place that's reasonable enough with the rent control in West Hollywood, and it's gone up and up in the price, and I don't know why they're going to build this because I think it's just greedy people that want money, they want to get more taxes for the city, and the people that are building it are going to get their money. There's no people that are going to have separate apartments or anything like that to put in for them to be able to have an apartment to even rent. It's all condos, people that have money, that are going to buy it, and what are they going to need? Four stories.

And if they're going to have no tandem parking, where are they going to have a handicapped spot, or when are they going to have any extra people for parking? If they visit it, they're not going to have it if they're going to have it on the same level.

And then the people -- the narrow -- the part that's south of the building that's going to be only just a driveway length that they're going to be having to deal with all the problems with the dust and dirt and noise and everything . Thank you.

CHAIR BERNSTEIN: Thank you. Keegan Killian, to be followed by Don Petranczyk.

KEEGAN KILLIAN: Keegan Killian. I've lived in the building at 1264 North Harper for six years. Two things to mention.

First is the parking. The way the building is now, we've got five spots in front in that driveway that you saw in the picture. They're actually tandem spots, so you can fit two -- we can actually -- we have small cars, so we can fit three cars, so you're looking anywhere between 10 to 15 spots just in the front of the building. Now, there's additional parking in the back. So if you close that off, you're only creating two, maybe three street spots where right now we have 10 to 15 in the front of the building.

And then just rent-wise, there's a one-bedroom for rent right across the street in 1265 right now for \$1,300. That's more than \$400 what I pay now with the rent control, and it's even less for a lot of people like Gail, who have lived in the building. So if we're getting around \$5,000 to be displaced, \$400 a month plus security deposit in a new place, that \$5,000 after, what, 10 months, it's gone, and then you're just stuck with higher rent. So that is definitely a concern for a lot of people in the building. Thank you.

CHAIR BERNSTEIN: Thank you. Don Petranczyk, to be followed by our final speaker on the item, Jeanne Dobrin.

DON PETRANCZYK: Hello. My name is Don Petranczyk, and I live at 1264, Harper House. I've been there for the last eight years.

I'll ask for an excuse for not having a prepared statement, but I wanted to come to this meeting to hear what was being said and to voice my opinion so that I would be on record.

I'm opposed to this construction for obvious reasons, such as being displaced after eight years from an apartment that I think is quite lovely for what it is.

I'm originally from Chicago, and what I've noticed in West Hollywood and Los Angeles is there's an unfortunate reality that I don't think there's a lot of respect given to original architecture. I think this building in its current state could use some love, but I think that with that, we could respect the original architecture that was there, along with the rest of the stuff that goes on on Harper Avenue.

As a quick comment, in agreement with the construction that has gone on on Harper and the Ramona, I'm not connected to the Ramona, but if I were the architect or a relative of the architect, I'd be insulted to know that that building that was created from the ground up is connected and associated with the Ramona. That building in its original state is breathtaking and gorgeous, and what was "added on," it just -- it's been insulting. And I feel like this, added to the neighborhood, will just continue that architectural thought process.

So, for the record, I'm opposed. Thank you.

CHAIR BERNSTEIN: Thank you. And our final speaker tonight will be Jeanne Dobrin.

JEANNE DOBRIN: Jeanne Dobrin, going on a 36-year resident of West Hollywood.

I'm a little surprised that the Chairman only allotted two minutes. There were only about six or seven speakers. We're ordinarily allowed three minutes unless there's a huge group of people, which is not the case.

I would encourage the people who live on this street to enter into a preferential parking permit district, and therefore, I would suggest should this project be approved in any way with conditions, that one of the conditions be that when and if they get a permit parking district, that this building, proposed building that those people will not be able to get preferential parking permits, especially because its three bedrooms only have two parking spaces. You know the drill there.

A friend of mine built 1220 North Harper about 50 years ago and the building next door. They are two of the most undistinguished building I have ever seen. They're sort of boxes, but that was allowed under the County. But in contrast, this is without doubt the ugliest building I have ever seen that is being proposed here. I cannot believe it.

I understand there was a lawsuit, and this guy complained because the moratorium that John Duran had went into effect, that he was cheated and he won in his lawsuit. The Court of Appeals overturned the original decision to hold for the City.

If the truth of the matter is his application was not finished by the time the moratorium went into place, and this is injustice in the State of California, but that is it.

The lovely Ms. Alkire has not told us as to whether these so-called non-tandem spaces are compact spaces or regular sized spaces, and I think we should know that as far as the size is concerned.

I hold with the people on this street. It has no relation to anything else that's on this street, which has beautiful historical building. Thank you.

CHAIR BERNSTEIN: Thank you. And Ms. Dobrin, I believe that Condition 10.7 addresses your consideration that this building, if approved and built, would not qualify for permit parking if there were permit parking on this street.

JEANNE DOBRIN: Couldn't find that.

CHAIR BERNSTEIN: Okay. And now the applicant has five minutes, if you wish, to rebut.

JAY VANOS: I thank you very much again, and I wanted to thank all the neighborhood for coming actually and voicing their opinions. We've been involved in this thing for four years. We've been --

UNIDENTIFIED SPEAKER: (Inaudible - microphone inaccessible)

JAY VANOS: Yes, we've been involved with a lot of discussions, some of which were not particularly enjoyable or pleasant, but I would say that the things that are recurring are not specifically ours.

Parking in the city, parking in cities in general, is a consistent problematic. This project provides parking per code. We've got 28 spaces for our residents and four guest spaces. And so we've met the City's requirements for parking, and I think that's -- that was, of course, incumbent on us, but we do that. And we did that, and I don't see how that -- having done that, we should be subject to further criticism about whether or not we have adequate parking. The City set a standard. We met the standard.

In terms of the problems of construction on Harper, I'm sympathetic, but -- I'm sympathetic with the fact that construction occurs. The fact of the matter is this is an urban world, and in an urban environment, things get redeveloped and built on, and that's what it means to live in a community that's a dense community. They build around where I live. They build around where all of us live. And that's what it means to live in a city. That's not always the most pleasant part of it, but in fact, that's what it means to live in the city if the city is to continually improve. And we believe that this is a really remarkable improvement over the building that currently exists, and I think it will do great benefit to the city and to the neighborhood in time.

I don't know that there were anything -- at any level specifically that I could address beyond that. I know that the City has a relocation assistance program, which we'll be very actively involved in, so issues about relocation, we will certainly be compliant and energetically so in terms of taking care of any relocation issues that need to be taken care of.

Thank you very much.

CHAIR BERNSTEIN: There's a question for you. Wait one moment, please.

COMMISSIONER MEISTER: Hi. You have a development agreement that's approved by the City Council. You have 10 years to develop this project. Is that right?

JAY VANOS: You know, I'm not on the legal end of the project. I think maybe Jennifer would have a more complete understanding. I actually have not read the development agreement because as the architects, we don't always have access to all the legal documents.

COMMISSIONER MEISTER: Well, I guess my question is are the tenants going to be evicted -- if you're not planning to develop in five years, do the tenants have to be evicted sooner rather than later? I mean --

JAY VANOS: No, no. First of all, I'm not -- I am not knowledgeable of the exact schedule that our clients are intending to develop the project in. The client hasn't revealed to me whether or not they plan on building this

next week or in three to five years. I think given the current status of the economy, it would not surprise me that they would delay the construction of the project for a number of years.

But to answer your question, there would be no reason to evict anybody prior to that time in which they have decided to initiate construction. There would be no need to do that.

COMMISSIONER MEISTER: Okay. And do you happen to know how many parking spaces will be added on the street when you change the driveway?

JAY VANOS: You know, I haven't looked at it. We have a very -- our proposed project has a standard-width driveway cut. I would assume that it would be somewhere in the range of -- a minimum of three would be added on the street. I'm sure of that.

COMMISSIONER MEISTER: And if the City were to add the green building requirement to your project, would that be an easy thing to comply with or a difficult thing to comply with?

JAY VANOS: My guess is it would not be difficult to comply with, and my guess is that there would be not a huge opposition to doing so. We've talked a lot about doing -- well, a lot of the issues that would be issues in the green ordinance are part of our normal design process, so we're probably near compliance with the scheme as it is.

And I know that we've spoken to the owners, and they've been very supportive of the idea of doing additional measures outside of their need or unneed to deal with the green building ordinance, such as providing for electric car-charging stations within the facility, providing infrastructure for photovoltaics, things like that, so that those kinds of infrastructural developments have been discussed as being part of their goal, part of their plan.

COMMISSIONER MEISTER: Okay. And I just had one more question, but it might end up being a question for Staff, and that's do you know if there's a bond of completion?

JAY VANOS: Oh, no, I don't. Normally, the bond of completion is with the general contractor, not with the owner.

COMMISSIONER MEISTER: Okay. Well, in terms of the development agreement, some kind of bond to assure that the project will be completed.

JOHN KEHO: Right. All new construction projects have to have a bond to secure completion.

COMMISSIONER MEISTER: Okay. Thank you. Thank you.

CHAIR BERNSTEIN: Thank you. Are there any further questions for the applicant? Okay, then I'm going to close the public hearing. And does Staff have any response? And perhaps, Jennifer, you could elaborate a little bit on the parking to satisfy Ms. Dobrin's question.

JENNIFER ALKIRE: Compact parking spaces are not permitted on standard residential development unless it was a courtyard building. This is not a courtyard building. All the parking spaces are standard spaces of at least eight feet six inches in width, nine feet near an obstruction. Oh, and looks like many of the other spaces are nine feet even if they're not near an obstruction.

CHAIR BERNSTEIN: Okay. And I wouldn't want to misspeak. Was I correct in my reading of Condition 10.7, that if the block became a permit block, that this building would not qualify for off-street permits?

JENNIFER ALKIRE: Yes, you're correct.

CHAIR BERNSTEIN: Okay. Thank you. Are there any questions at this time?

COMMISSIONER AGHAEI: I have a question.

CHAIR BERNSTEIN: Okay.

COMMISSIONER AGHAEI: For Christi actually. As I understand it, we're probably bound by the Appellate Court's ruling with respect to the building standards of June 4th, I believe -- is it June 4th, 2007 applicable to the project?

To what extent, if at all, are we bound in our decision-making process right now with respect to the settlement agreement that the City has reached with the applicant?

CHRISTI HOGIN: The settlement agreement provides that if this development is approved in substantially the form that it's being presented in a way that's satisfactory to the property owner, that then the damages claims are dismissed. And if it's not, then those are pursued.

So you're not bound by it; it's just that the consequence to the City of not approving it is that we'll then try the damages portion of the case.

COMMISSIONER AGHAEI: Okay.

CHAIR BERNSTEIN: And before we get into deliberations, let's do ex parte communications. Commissioner Meister?

COMMISSIONER MEISTER: None.

CHAIR BERNSTEIN: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: None.

CHAIR BERNSTEIN: Commissioner Aghaei?

COMMISSIONER AGHAEI: None.

CHAIR BERNSTEIN: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: None.

CHAIR BERNSTEIN: And I also have none. So let's get into deliberations, or if someone wants to bring forth a motion, whatever?

COMMISSIONER DELUCCIO: I'll just make a comment. I know our hands are tied on this one. This is permitted under the old zoning ordinance, and unfortunately, this block has been chipped away at already. That's why we've changed the ordinance in the future to downzone it to three stories, I believe.

But I know that there was a -- we had another case on Hayworth where we actually did -- we recommended a denial to the City Council. However, there were different circumstances. That was right next door to an historic building. This is not next to an historic building. Unfortunately, a condominium building was built a few years back that was next to the Ramona, and that is next to an

historic building. So that started the chipping away of this street.

And I know there's another building next door to that, which I think was built many years ago, and now we have this third on this street.

So as far as the compatibility question goes, these buildings, unfortunately, have become compatible with this street, so we can't make that finding like we did on the Hayworth project.

So I would be very reluctant to approve this this evening, but I don't know where I stand right on it on it, but I just wanted to throw those things out on the table here, that we are in a very difficult position, and I really apologize to the people that live in the building and to the residents on that street.

CHAIR BERNSTEIN: And I would add, just to concur with Commissioner DeLuccio, that this is a case where the City attempted to fight this project, and we lost, the City lost, and I don't -- we have discretion here on what to do, and I did not like at Hayworth the agreement that our counsel worked out. I hope that it was a respectful disagreement. I think in this case, given unfortunate constraints, they've done the best that they can, and I would actually be prepared to move to Staff recommendation.

VICE-CHAIR BUCKNER: I'll second that.

CHAIR BERNSTEIN: Does anyone have any further comment?

COMMISSIONER MEISTER: Yes, I have one comment. I would be prepared to support it, as well, if they would add the green building standards to the development agreement in the conditions.

COMMISSIONER AGHAEI: I think -- I don't think we can.

CHRISTI HOGIN: Well, just under the unusual circumstances, given that the architect testified that he may not have an objection to it, maybe we could just ask if he wouldn't mind.

JAY VANOS: Yes, we would be fine with that.

COMMISSIONER MEISTER: Okay.

CHAIR BERNSTEIN: Based on that, I would accept that amendment. Would you accept it?

VICE-CHAIR BUCKNER: Yes.

COMMISSIONER AGHAEI: Second, I guess. Do we need to second the amendment to the motion?

CHAIR BERNSTEIN: Come again?

COMMISSIONER AGHAEI: Do we need to second the amendment to the motion or--?

CHRISTI HOGIN: We do it loosy-goosy here. We call it friendly amendments.

COMMISSIONER AGHAEI: Cool. All right.

COMMISSIONER MEISTER: We call big-hug amendments.

CHAIR BERNSTEIN: So are there any further comments?

COMMISSIONER MEISTER: I just have a comment.

CHAIR BERNSTEIN: Sure.

COMMISSIONER MEISTER: I mean I agree with Commissioner DeLuccio that at 1350 North Hayworth, it was a project that was not compatible with its neighbors and it had the historic building right next door or the cultural building, but I think that this project, I cannot make the finding that it's not compatible with the other buildings that are surrounding it.

And it's unfortunate that we don't have other things in place to protect these tenants, but when the City took away height averaging, that was one of the things that used to protect, indirectly, our rent-controlled units.

So these are definitely things that we have to think about in the future, especially as we talk about a new zoning ordinance or an updated zoning ordinance once the General Plan is approved.

CHAIR BERNSTEIN: Thank you for that.

VICE-CHAIR BUCKNER: And I just want to mention that I was on the Design Review Committee, and I think the applicant - the architect worked with the Design Review and basically did -- and I know that there's some issues about the size, the massing of this building, but it is -- there were adjustments. There were things that were changed to the articulation of the building and to change it so that it is not as it was when it first came to us, and I appreciate that he was able to take those suggestions and make those changes.

So I think in some ways, our hands are tied a bit in this one, and it's unfortunate, and particularly unfortunate to the residents who may be displaced or will be displaced when this project is underway, and I apologize to them for that.

CHAIR BERNSTEIN: David, can you take a roll call, please?

DAVID GILLIG: Chair Bernstein?

CHAIR BERNSTEIN: Aye.

DAVID GILLIG: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Aye.

DAVID GILLIG: Commissioner Meister?

COMMISSIONER MEISTER: Aye.

DAVID GILLIG: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Aye.

DAVID GILLIG: Commissioner Aghaei?

COMMISSIONER AGHAEI: Aye.

DAVID GILLIG: Motion carries. Five ayes, one absent, one recusal.

CHAIR BERNSTEIN: Thank you.

We have no unfinished business. We have no [excluded] consent calendar. Do we have a Planning Manager update, John?

JOHN KEHO: Sure. I just wanted to make sure everyone was aware that at the City Council meeting on August 15th, the City Council will be discussing the General Plan, so once again, everyone should come out to the City Council meeting on August 15th for the General Plan public meeting.

Also, for the Commissioners, there's no Design Review on August 11th.

COMMISSIONER AGHAEI: Just a question. Do we still have on August 17th, was it, a joint session with -- was it the Transportation?

JOHN KEHO: No, that's been postponed.

CHAIR BERNSTEIN: I think it's been postponed to Wednesday, October 19th.

JOHN KEHO: Right.

COMMISSIONER MEISTER: It was going to be September, I think, and then they moved it to October.

JOHN KEHO: Yes, we'll tell you -- right, it's on the schedule tentatively for September 15th -- oh, October, sorry, October 19th.

UNIDENTIFIED SPEAKER: Okay.

CHAIR BERNSTEIN: Is that it? Then we go to public comment. We have one public comment from Jeanne Dobrin. Jeanne, you may have three minutes.

PUBLIC COMMENT. ITEM 14.

JEANNE DOBRIN: Oh, thank you.

CHAIR BERNSTEIN: You're welcome.

JEANNE DOBRIN: I don't know why they're -- Jeanne Dobrin, a 36-year-almost resident of West Hollywood.

I don't know why they're building all these condominium. Everywhere I go and look, they're all vacant, including the one on -- I forget where the newspaper stand is -- and that condominium was vacant for two years except for one or two sales, and it's now turned into an apartment building.

Anyhow, I have great respect for the Commissioners. They have a tremendous amount of work to do. Somebody -- oh, I think Clapsaddle said that you're one of the most important commission. You are the most important commission in this city. You're the only one like the Council, requires that all members be resident of the city, right?

Anyhow, I am disappointed in the Commission, and this is about Lauren Meister's request for a review. We see that the City Council, when they meet, if you go to any of the meetings or watch it on television, are very collegial amongst themselves. It's, "After you, my dear Alfonse." It's like they say in the United States Congress, "my friend," when it's really your enemy. But behind the scenes, they're not so collegial.

However, there was a big misunderstanding that this was a precedent that would happen. I tried to explain to the Commission -- and I have respect for you guys -- I tried to explain to you that it was a part of the code that existed. It was not a precedent to start something new, like, for instance, development agreements are not in the code, but the City did a precedent and are accepting them as bribes all the time. This was in the code that a commissioner could ask for a review of a statement of a group, which is the community development director, below the Commission, and that is what Ms. Meister did. Tried to explain to you also that that has never happened before because people didn't realize it.

Then another reason is that Council Member Duran in the Pavilions case gave an indication he would not approve the demolition of the old building and build the new one, etcetera, etcetera unless there was an agreement that the nightclubs and the bars, which are different from restaurants with food, in the area could park there at night. And in a way, it was sort of a little bit of blackmail, but whatever. That's what happened. But it hasn't taken place yet. And that was the same thing that happened here.

I also mentioned, if you remember, that our esteemed City Councilperson John D'Amico had said in public that he had asked his Commission to ask for a review, and I think in the same way, even though you might not agree with any of these people, that you have to have respect for their positions.

So I hope that there will be a chance in some way -- we'll see -- to see if this issue can be brought up again.

Again, I would always advise the Commissioners to do what they feel in their hearts, but they should have a good deal of respect -- Mr. Aghaei, I'm speaking -- they should have respect for their fellow Commissioners, and I think Ms. Meister does have that respect for you all.

Thank you. Thank you for nothing in a way.

CHAIR BERNSTEIN: We now turn to items from Commissioners. Commissioner Meister?

COMMISSIONER MEISTER: Nothing.

CHAIR BERNSTEIN: Commissioner DeLuccio?

COMMISSIONER DELUCCIO: Thank you for getting us through this meeting, Chair Bernstein.

CHAIR BERNSTEIN: Commissioner Aghaei?

COMMISSIONER AGHAEI: Nothing.

CHAIR BERNSTEIN: Vice-Chair Buckner?

VICE-CHAIR BUCKNER: Nothing at this point. Thank you very much, everybody, for being here and sticking with us this long.

CHAIR BERNSTEIN: And thank you, Staff, for doing a fine job tonight. And this meeting is adjourned until our next regularly scheduled meeting on Thursday, August 18th here at 6:30 PM. Good night.

(Whereupon, the proceedings were concluded at 10:40 p.m.)

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 1ST
DAY OF SEPTEMBER, 2011.



ALAN BERNSTEIN, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY