

Official Transcript
City of West Hollywood Planning Commission
West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California

Regular Meeting
February 5, 2026

Commissioners

Chair David S. Gregoire
Vice Chair Stacey E. Jones
Commissioner Rogerio Carvalheiro
Commissioner Lynn M. Hoopingarner
Commissioner Jesi C. Harris
Commissioner Mark R. Edwards
Commissioner Andrew Solomon

Staff Present

Nicholas Maricich, Director, Community Development Department
Jennifer Alkire, Assistant Director, Community Development
Saima Qureshy, Current and Historic Preservation Planning Manager
Antonio Castillo, Senior Planner
Gloria Aviles, Supervisor, Rent Stabilization Division
Isaac Rosen, Legal Counsel
David Gillig, Secretary

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CHAIR GREGOIRE: Good evening, everybody. The West Hollywood City Council acknowledges that the land in which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples.

I will call this meeting to order. This is a meeting of the West Hollywood Planning Commission. Tonight is Thursday, February 5, 2026. It is 6:30 p.m. At this time, I would like to invite people to stand and follow me in the Pledge of Allegiance.

(Conducts Pledge of Allegiance)

CHAIR GREGOIRE: Mr. Gillig, could we have a roll call, please?

DAVID GILLIG: Thank you. Good evening. Commissioner Solomon.

COMMISSIONER SOLOMON: Here.

DAVID GILLIG: Commissioner Hoopingarner.

ITEM 5.A.

COMMISSIONER HOOPINGARNER: Present.

DAVID GILLIG: Commissioner Harris.

COMMISSIONER HARRIS: Here.

DAVID GILLIG: Commissioner Edwards.

COMMISSIONER EDWARDS: Here.

DAVID GILLIG: Commissioner Carvalho.

COMMISSIONER CARVALHEIRO: Here.

DAVID GILLIG: Vice Chair Jones.

VICE CHAIR JONES: Here.

DAVID GILLIG: Chair Gregoire.

CHAIR GREGOIRE: Here.

DAVID GILLIG: And we have a full seven-member quorum.

CHAIR GREGOIRE: First item is approval of the agenda. Unless there are any changes, would someone like to make a motion to approve the agenda?

VICE CHAIR JONES: I'll move.

COMMISSIONER EDWARDS: Second.

CHAIR GREGOIRE: We have a motion and a second. Let's go to the vote. Mr. Gillig, I believe Commissioner Edwards seconded that motion.

DAVID GILLIG: Okay. We'll make that note. Seconded by Commissioner Edwards?

CHAIR GREGOIRE: Yes.

DAVID GILLIG: Okay. The motion passes unanimously with seven ayes, approving the agenda for Thursday, February 5, 2026 as presented.

CHAIR GREGOIRE: Approval of the minutes. We have one set of verbatim minutes to approve from our January 15, 2026 meeting. Does anybody have any changes to propose? If not, do we have a motion?

COMMISSIONER CARVALHEIRO: I'll make a motion.

VICE CHAIR JONES: I'll second.

CHAIR GREGOIRE: We have a motion and a second.

DAVID GILLIG: Motioned by Commissioner Carvalho, seconded by Vice Chair Jones. Commissioner Hoopingarner? Thank you. And the motion passes unanimously with seven ayes, approving the draft of the verbatim minutes of Thursday, January 15, 2026 as presented.

CHAIR GREGOIRE: Next item is general public comment. This time is limited to a maximum of 20 minutes, and it's been set aside for the public to address the Planning Commission on any item that is not set for public hearing tonight or any item that's not on tonight's agenda.

In accordance with the Brown Act, public comment related to business not appearing on the agenda cannot be acted upon or discussed by the Commission during the meeting, but may be referred to staff for report on a future agenda; ordered, received and filed; or referred to the proper department for administrative resolution. Staff requests that all persons wishing to address the Commission, please scan the QR code located in the rear of council chambers or see the Commission Secretary prior to speaking.

The Commission requests that when you begin speaking, you state your name and the name of the city where you reside. For this general public comment, individuals may address the Commission for up to three minutes, unless the Commission determines a different time.

Mr. Gillig, do we have any general public comment?

DAVID GILLIG: We do, Chair. We have a few in council chambers, and I believe we have one on Zoom. So we'll do the chambers first and transfer to Zoom.

Our first public speaker will be Mike Carter. Mike, you will be followed by Al Shanidi. I think that's the name.

MIKE CARTER: I must decline. Thank you.

DAVID GILLIG: Al? Good evening.

ALI SHAHIDI: Good evening. My name is Ali Shahidi. I'm a resident of West Hollywood. I'm here to address the comment made on the record in this room on January 15 by a member of the Planning Commission, Mr. Mark Edwards.

He said that West Hollywood West and Norma Triangle residents, "Only account for 0.003% of the votes," and therefore our views don't count. His statements are deeply disappointing and insulting. His words contradict the spirit of public service and the basic premise of democratic participation, that every resident who shows up, testifies in good faith and engages in the process deserves to be heard on their merits.

West Hollywood West and Norma Triangle may be small in size, but we are large in civic engagement. We care for the entirety of West Hollywood community, not only the streets that we live on. You can make eye contact if you wish, Mr. Edwards. We are renters, owners, and people who work in the city. We show up, we read the staff reports, we walk the blocks. We live with the consequences of your decisions.

Reducing our participation to a fraction of the citywide voters by Mark Edwards sends a very dangerous message. If this Planning Commission's message today is that the voices of residents who live on certain streets can be ignored, the message tomorrow will be that any minority viewpoint is disposable. That is the opposite of inclusive planning.

Furthermore, what you said, Mark, is on the fringes of voter intimidation and potentially illegal. Your comment was squarely against the code of conduct as a planning commissioner. Your comment was similar to the racist ideas in the 1930s that resulted in redlining certain neighborhoods. Your statement about only 0.003% of the votes amounts to redlining those two neighborhoods that you mentioned. I should add that not only your words were wrong, but also your math was wrong, since 0.003% of the 26,000 registered voters amounts to only less than one vote. How did you come up with that calculation? You should use a calculator and check your math. I ask both the commissioner, Mark Edwards, who made the offending remark, and the Planning Commission to acknowledge it was inappropriate, redact it and apologize.

Second, I asked the City Council and Planning Commission to affirm on the record that all speakers will be evaluated on the substance of their testimony. Mark Edwards or anyone who belittles even one vote, even a single vote, does not deserve to have a seat on the Planning Commission. Thank you.

DAVID GILLIG: Thank you. Our next speaker will be Victor Omelczenko. Victor will be followed by Stephanie Harker.

VICTOR OMELCZENKO: Good evening, commissioners. My name is Victor Omelczenko of West Hollywood, and I'm here to address a systemic failure in the city's Engage WeHo promise.

While the city discusses, and you discuss, streamlining to eliminate public hearings, and almost yourself as a commission, the only remaining forum for community input, the neighborhood meeting, is being treated as a meaningless box to check.

Look at 8760 Shoreham Drive. The West Hollywood Heights Neighborhood Association has highlighted how that project's expansion from 11 to 22 units was presented in a virtual meeting that effectively silenced the community. As reported in today's WeHo Online, even our Long Range Planning Manager, Mr. Maricich, admitted that the city lacks a codified set of standards for these meetings, yet we see lobbyists like Mr. Zavala of Afriat Consulting claiming the process is already standardized. You can't have it both ways. While the lobbyists claim the systems work, the visual evidence, and you'll be hearing more from me about the Hayworth project with its inadequate public noticing, this provides a deliberate blackout of the public.

This lack of standards is a public safety crisis. Tonight, you have two projects you're going to be hearing about, 7811 SMB, Santa Monica Boulevard; and 948 North Hayward, sitting directly adjacent to two schools, the Fountain Day School and the Laurel Magnet School. Despite the California Department of Toxic Substances having much stricter 2026 standards, these projects are being fast-tracked using 12-year-old environmental data. California Safe Schools, and we care about our children, don't we, has officially warned that you cannot ensure the safety of these children based on prepandemic reports.

I urge you as our Commission, with still a little bit of discretion, to stop talking the talk and start walking the walk. Codify neighborhood meeting standards now. We need legally enforceable rules for noticing and transparency. Halt shortcuts near schools until current standard health risk assessments are preferred, because we care about our children, don't we? Don't trade the safety of our schoolyards for an artificial streamlining that only serves the lobbyists and developers. Thank you.

DAVID GILLIG: Stephanie, and you'll be followed by Kevin Burton.

STEPHANIE HARKER: I promise not to use it like Jeanne Dobrin did. Good evening. Stephanie Harker, City of West Hollywood.

WeHo has reached a turning point. And to so many of us in the community, it does not feel as if we are heading in the right direction. This Commission has been a place where we could voice our opinions, our feelings and our suggestions. But now we come here and are what feels like summarily dismissed, not unlike the City Council when we community members show up, stand up and speak up, and no matter how many citizens engage, and no matter from which area of the city we hail, we are voted down if we disagree, and sometimes even chastised, vilified and called liars.

It's not supposed to be this way. We care about the city, we care about our neighbors and we care about our neighborhoods. For any of us to sit up -- for any of you to sit up there and tell us, "There's nothing we can do," it's distressing, even worse from the days we were told rent control doesn't work in a city founded on rent control.

WeHo has done nothing towards developing a transit-oriented development alternative plan before July 1, as Beverly Hills is doing, to counter SB 79, which will give the state almost total control over what happens in our city. I hope you will all take the time to read Professor Storper's research that refutes the YIMBY stance on housing. It is enlightening, and I hope we will all take a note from it and figure out what is the real issue going on, and it's not exactly a shortage of housing.

When we have 18,000 people per square mile in West Hollywood and 11.2% vacancy rate, WeHo does not have a shortage. We are building luxury housing at a rapid rate with only a smattering of affordable housing. That would take decades and decades to fix the problem. Thank you for your attention.

DAVID GILLIG: Thank you. And our last speaker in chambers will be Kevin Burton, and then we'll transfer to Zoom.

KEVIN BURTON: Good evening, commissioners. I'm Kevin Burton, a resident of West Hollywood, and I want to speak to you this evening on a topic that I'm not quite sure is part of your purview, but it's related. And with regard to looking at your purview, I've been trying all day, several different machines, including here in chambers, and I always get an error message saying bad gateway. I can't get to it. So if staff could look into this problem, I would be appreciative.

The topic has to do with demolition of single-family homes for new developments. And of course, you're going to be dealing with that a couple of your agenda items this evening. You deal with that all the time.

And I just want to suggest that the city develop a program to help facilitate moving rather than demolishing homes. When I say help facilitate, I mean communicate with property owners and developers who want to eliminate single-family homes, this could be apartment buildings as well, on their properties.

In lieu of a new development, recently a company, architectural company, Omgivning, I can't quite pronounce it, worked with LA Conservancy to move a home that was on Orlando at Willoughby, just outside the city limits, to Altadena, the fire zone, in order to speed up and reduce the cost of putting a home on what is a burned-out property.

And it seems to me that now the need is greater than ever to consider moving some of these homes rather than just demolishing them. They are sorely needed, both in terms, as I say, of reducing cost and speeding up the process. And the city would do well, I think, to develop a program to help facilitate this process. A lot of it has to do with saving historic homes. And they could be older homes that don't quite meet the definition of historic preservation in West Hollywood, but nevertheless people in the fire zones would love to have on their empty properties.

And so there's this one company that's doing it. There may be others. And I think there would be a number of approaches. And as I say, I don't think this is really in your purview. But it's related to your activity, so I thought I would speak here about this issue. Thank you.

DAVID GILLIG: Thank you. Our next speaker will be Lynn Russell. Please Star 6 to unmute yourself. And you'll have three minutes. Thank you.

LYNN RUSSELL: Good evening, commissioners. This past week, John Beyer of Beyer Blinder and Belle, a celebrated architect has passed away. He and [indiscernible] and helped save our city's past over the past 50 years, even as [indiscernible] to push the city into the future.

Mr. Beyer and [indiscernible] took particular inspiration from journalist Jane Jacobs, whose 1961 book, *The Death and Life of a Great American City*, inspired a groundswell of nationwide

support in historic preservations. Ms. Jacobs is praised for her [indiscernible] and noble ideas into action. They were looking at the fabric of the community.

In subsequent decades, [indiscernible] renovation and expansion project. In their hands, what is considered [indiscernible] became civic [indiscernible]. Grand Central Station, the [Wings Museum], New York Public Library's main building, the [indiscernible] as well as new residential projects in Washington, D.C. Lastly, [indiscernible] rebuilding of the World Trade Center, which they considered their most important work. "We ask that the public understands what planning means, the relationship among terrain, infrastructure, building [indiscernible], building use [indiscernible]."

This is a foundational element, regardless of a city's size, whether it be Hollywood or Manhattan, what Hollywood has had an excellent [indiscernible], which [indiscernible] planners could easily have [indiscernible] to adapt and reuse in neighborhoods and along main corridors to [indiscernible] the original structures and promote an evolution of neighborhoods through great design.

The historic preservation [indiscernible]. It was meant to be a respected tool rather than being reduced to an artifact on its own. Many current developers, unfortunately, have used the Housing Accountability Act as a license to build thoughtless, [indiscernible] structures that destroy the fabric of our communities, [indiscernible] producing a tragic result that didn't need to occur. And additionally, a copy of this comment, which was incorrectly submitted to the agenda on the items A and B, but was also [indiscernible] as Mr. Beyer's extensive obituary appeared last week in the New York Times. I hope you all reference it and get yourselves a copy of how a great American city -- excuse me, The Death and Life of a Great American City by Jane Jacobs. It's a foundational tool, and you should be aware of it. Thank you so much. I appreciate it.

DAVID GILLIG: And Chair, that is our last public speaker.

CHAIR GREGOIRE: Great. Thank you all for your public comments.

Next item on the agenda is the Director's Report. Director Maricich?

NICHOLAS MARICICH: Thank you Chair Gregoire, Vice Chair Jones, members of the Planning Commission. Nick Maricich, Director of Community Development.

I begin my report by providing an update on a recent Council action. At their meeting on January 20, the City Council reviewed and approved the billboard project at 9200 Sunset Boulevard, known as the Legacy Loop, which was previously recommended for approval by this body. You may recall that this was a revised design which incorporated a single-phase, full-motion digital billboard at this property, which is located at the western end of the Sunset Strip. And the project was revised based on direction given by the City Council last year. So the Council approved the project entitlements, including a 30-year development agreement.

I also wanted to share that there will be a community rally and press conference in support of the San Vicente-Fairfax route for Metro's K-Line Northern Extension light rail project. The rally is

being coordinated by the City; the Office of LA County Supervisor, Lindsay Horvath; the All On Board Coalition; and West Hollywood Advocates for Metro Rail, also known as WHAM. And the rally will take place next week on Thursday, February 12, at 8:00 a.m. in West Hollywood Park.

After years of outreach and technical work, the Metro Board is approaching a key decision on the final route for the project, or the local preferred alternative. And this rally is one way that the City is mobilizing community support. There will be coffee, pastries and giveaways while supplies last, and we hope you can help us get the word out, share on social media and attend yourselves, of course, if possible. You can find more information about the event at the city's online calendar, weho.org/calendar. Or for more information about the project and the city's preferred alignment, you can go to weho.org/metro.

This concludes my report. I just want to acknowledge that you all have a tough job, and I know you have a full agenda for tonight, so I'll leave it there. We know you're all volunteers, and we thank you for your service to the community. And thank you to the community members who have turned out for tonight's meeting. Thank you.

CHAIR GREGOIRE: Great. Thank you. Any commissioner questions for Director Maricich? Hearing and seeing none. Thank you so much.

NICHOLAS MARICICH: Thank you.

CHAIR GREGOIRE: We do not have any consent calendar items tonight.

So we're at the main event for tonight. We actually have two public hearings this evening. And from the number of people in the audience, we anticipate that tonight's public hearings could take a while to get through. As of 5:00, I think we had 27 people signed up to do public comment on the first hearing. I don't know what the number is now. But we would ask everybody's cooperation, the public and my fellow commissioners, in getting through the agenda tonight, getting through these public hearings.

With respect to the public, you will have an opportunity to make public comment this evening. Please be sure to scan the QR code or sign up with the Commission Secretary. When you do come to the podium, obviously, please state your name and city of residence. I'll be proposing that we limit public comment to two minutes for the first public hearing this evening because there are so many people signed up and we want to get through the evening, unless my fellow commissioners object to that.

COMMISSIONER HARRIS: You might want to explain the process.

CHAIR GREGOIRE: One thing I would ask the people in the audience, please refrain from clapping or booing. I know people do want to support what they hear or oppose what they hear, but either clapping or booing can be very intimidating to people who might not share your point of view on the matter. And it also slows down the meeting. We do want to get through the

meeting before the wee hours of the morning, so please withhold your applause and please respect what people have to say.

So generally, the way the hearings proceed, commissioners will make disclosures about public conversations, we'll have a staff report, commissioners will have an opportunity to ask questions of staff. There will be a 10-minute presentation by the applicant. After that, we'll open the floor to public comments. And after public comments, I'll close the public comments and the applicant will have a five-minute rebuttal. And at that point, the Commission will go into deliberations and make a decision on what's before us tonight.

With respect to my fellow commissioners, I ask that you all cooperate as well in trying to move the meeting along. I know in the past, sometimes we've had a lot of questions and we've spent a lot of time asking questions. I'm fully committed to each of you having an opportunity to ask all of the questions of staff and the applicants that you'll need to make an informed decision. However, I'm also committed to making the meeting run as smoothly and expeditiously as possible, ensuring that both staff and applicants feel respected, and the public.

To this end, please, when asking questions, I would ask my fellow commissioners to refrain from asking questions that seem overly combative or suggest that they have made a decision on the matter prior to commissioner deliberations. The time for asking questions should not feel like a deposition or a cross-examination or an interrogation. We should refrain from explaining why we're asking questions or commenting on the answers we receive until we get to the actual deliberations. I, too, have been guilty of this. I have been known to say, "I ask this question because A, B and C," or, "I ask this question because, in my experience, I don't think your answer or D, E and F are true." The proper time for making these comments or observations is during deliberations.

One thing lawyers love to do is ask leading questions. For example, "In your answer, you said construction delays are caused by X. Isn't it true that project completion delays are really caused by Y and not X? In my experience, 9 out of 10 construction delays are caused by Y. X has nothing to do with it." Leading questions are designed to either support or discredit the witness and make it appear that we've made up our minds prior to actual deliberations. When it comes to deliberations, we all can explain why we asked certain questions or why we didn't find the answers to those questions convincing.

I raise this issue because there have been a number of meetings in my time on this commission that I thought were unnecessarily long and drawn out because commissioners were asking questions like we were sitting for a deposition or commenting on the answers that they were receiving prior to actual deliberations. It's neither fair to staff, the applicants nor the public that are here to have meetings go on for way longer than is necessary. Everybody eventually runs out of steam.

So with that, let's turn to the first hearing, 7811 Santa Monica Boulevard. This involves 1114 North Orange Grove Avenue and 1125 North Ogden Drive. We'll be holding a public hearing at this time requesting the demolition of all structures and parking lots on the project site, consisting of three contiguous parcels, to be tied as a single project site, and construct a seven-

story mixed-use residential and hotel building for the properties located at 7811 Santa Monica Boulevard, 1114 North Orange Grove Avenue and 1125 North Ogden Drive.

With that, do commissioners have any disclosures they'd like to make before we move to the staff report? Commissioner Edwards.

COMMISSIONER EDWARDS: Yes, had a conversation with the applicant and had a conversation with one of the community members impacted by the project. Do I need to state the person's name as far as the community member or just state that it's a community member?

CHAIR GREGOIRE: Just disclose that you've had those conversations and whether they were matters that were raised in the staff report.

COMMISSIONER EDWARDS: Yes.

CHAIR GREGOIRE: Anybody else?

COMMISSIONER SOLOMON: I've spoken with the applicant and with members of the public about items on the staff report.

VICE CHAIR JONES: Yeah. I had a very brief conversation this morning with the applicant and also met with staff and Chair Gregoire this morning as part of our regular pre-Planning Commission meeting.

COMMISSIONER HARRIS: I also spoke with the applicant, members of the community and staff of the city about items contained in the staff report.

CHAIR GREGOIRE: And I, too, spoke with staff this morning. Okay. Could we have a staff report?

ANTONIO CASTILLO: Yes. Good evening, Chair Gregoire, Vice Chair Jones and members of the Commission. Antonio Castillo, Senior Planner with the Current and Historic Preservation Planning Division. I have a brief presentation for you this evening.

The item before you this evening, it consists of the redevelopment of three contiguous parcels to be tied as a single project site and construction of a mixed-use development with residential and hotel, which includes 126 residential units with 10 very low-income units and 10 moderate-income units, 45 hotel guest rooms and a ground-floor restaurant.

As part of the project, the applicant is requesting a demolition permit, development permit, conditional use permit, administrative permit and lot merger. The project site consists of three abutting parcels, including properties along Santa Monica Boulevard, Orange Grove Avenue and Ogden Drive.

The parcel fronting Santa Monica Boulevard is an irregular L-shaped parcel located within the CC2 zoning district and is currently occupied by a gym and parking lot. The parcel fronting

Orange Grove Avenue is rectangular in shape, also located within the CC2 zoning district and is currently used as a public parking lot. And the parcel fronting Ogden Drive is rectangular in shape, located within the R3B zoning district and is currently occupied -- or developed by a multi-family residential building containing seven residential units. And all seven units are vacant, and the property was removed from the rental market through the Ellis Act in June of '23.

Combined, they encompass an approximately 40,186 square foot project site. The development consists of approximately a 148,720 square foot, seven-story residential and hotel mixed-use building fronting Santa Monica Boulevard and Orange Grove, with two levels of subterranean parking. This portion of the development includes 117 residential units, 45 hotel guest rooms, a residential and hotel lobby and approximately 4,473 square foot ground-floor restaurant with outdoor dining. The Ogden site includes a detached, approximately 12,500 square foot, four-story, nine-unit residential building with no subterranean garage or driveway.

As part of the proposal, the applicant requests a 100% density bonus, parking reduction, two concessions and six waivers to deviate from the development standards under the city's affordable housing incentive program and the state density bonus law. With these incentives, the project is deemed consistent with density, height and other development standards for the project's site within the CC2 and the R3B zoning.

I want to point out a correction, a typo in the staff report on Page 18. I had noted on there seven waivers. The project itself is six waivers, and that's consistent with the applicant's request as well as the staff report and the draft resolution.

The project site has a cumulative base density of 63 units prior to the application of any density bonus under state density bonus law. This includes the CC2 portion of the development with a base density of 56 units and the R3B portion with a base density of seven units. Pursuant to state density bonus law, as a mixed-income housing development, the project may achieve an initial 50% density bonus by restricting 15% of its base density for very low-income households, and then may achieve an additional 50% density bonus by restricting 15% of its base density for moderate-income households, resulting in a total density bonus of 100%.

As proposed, the project includes 15% of its base density, or 10 units, for very low-income households; and also 15% of its base density, or an additional 10 units, for moderate-income households. The project is therefore eligible to receive a total density bonus of 100%, or a total of 126 residential units.

In addition to the state density bonus law, the project would comply with West Hollywood's inclusionary housing standards, which requires 20% of its base density, or 13 units, to set aside for very low and moderate-income households on an alternating basis. And therefore, the project meets and exceeds West Hollywood's requirement.

In addition to the density bonus for providing the affordable units, the project qualifies for three concessions and an unlimited number of waivers necessary to ensure physical construction of the project. The applicant is requesting two concessions. Concession #1 would allow the applicant to increase the FAR, or floor area ratio, for the CC2 portion. Allowing the increase helps maximize

the building's footprint to accommodate the residential component of the project and an additional market rate residential floor to support the project's provision of 20 affordable units.

Concession 2 would allow the allocation of the density bonus across the base densities of the CC2 portion and the R3B portion.

Now going to the waivers. Waiver #1 would reduce the minimum aggregate lot area for the mixed-use development that spans both commercial and residential zoning districts from 50,000 square feet to 40,186 square feet.

Waiver 2 would allow the increase from the five stories, 55 feet height maximum with the additional 10-foot height bonus for a mixed-use project to allow two additional stories for an additional 29 feet in building height, or a total of seven stories and 84 feet in height.

Waiver #3 would allow the increase from the three stories and 35 feet in height maximum for the property in the R3B zoning district to allow one additional story for an additional 10 feet in building height. And that would result in four stories and 45 feet in height.

Waiver #4 would eliminate the 25-foot setback from adjacent residential zone parcels above a height plane of 35 feet for the development.

Waiver #5 would allow the reduction in the portion of common open space required to be located at grade or at the level of the first habitable floor to other areas within the development.

Waiver 6 would allow the increase in the nonpermeable surface standard from 50% to 54.4%. The maximum nonpermeability requirement applies only to the R3B portion, which has the required setbacks. The CC2 portion does not have any required setback requirements.

It's staff's assessment that the requested concessions and waivers of development standards are appropriate and consistent with what is contemplated by state density bonus law.

The project initially evaluated under CEQA with the intent to prepare an environmental impact report. A notice of preparation was issued, and an environmental analysis and technical studies were undertaken. Based on this work, a draft EIR was prepared and circulated for public review and comment in accordance with CEQA requirements. Following circulation of the draft EIR, the applicant revised the project's scope and design. In addition, Assembly Bill 130 took effect on July 1, 2025 and was applied to this project, streamlining the environmental review process. In light of both the revised project design and the new CEQA statutory framework, the preparation of a final EIR was discontinued, and the project is eligible for Assembly Bill 130. This approach satisfies CEQA requirements while reflecting the revised project design and the state legislature's direction to streamline environmental review for eligible projects.

The Housing Accountability Act establishes the state's overarching policy that a local government may not deny, reduce density of or make infeasible housing development projects that are consistent with objective local development standards. Under this state law, projects that meet objective development standards must be approved unless there is a documented health and

safety impact, which includes specified written findings based on a preponderance of evidence that a specific adverse health or safety impact exists. A project with a density bonus and waivers is still considered consistent with the objective standards.

Overall, staff supports the project given that the project is well-suited for the subject site and zoning districts and meets the applicable development standards for housing projects using density bonus incentives and provides a net increase of 119 residential units to the city's housing stock. While the building's scale is larger than the existing context, the design is carefully considered and thoughtfully executed, reflecting the character of an area in transition. The project includes careful consideration of building programming and amenities and planning for both current and future needs. Additionally, the proposed project is designed to respond to and integrate with the surrounding streetscape, introducing new architectural and landscape elements to the neighborhood.

Therefore, and consistent with state law limits on discretion for qualifying affordable housing development projects, staff recommends that the Planning Commission approve the project request, subject to the findings and conditions of approval set forth in the draft resolution, with a few revisions to some of the conditions and a minor typo on the draft resolution.

The conditions staff is recommending for revision include those on the screen here. These are fees, and specifically having to do with the timing of when fees are due, consistent with state law rather than what was initially proposed as prior, which read, "Prior to issuance of demolition and building permits." The revised language would replace that and instead say, "Consistent with Government Code Section 66007," and the condition would continue. And that would be for Condition 4.1, 4.2, 4.3, 4.8, 4.10, 4.11, 4.12, all having to do with fees.

And within Section 8 of the resolution, there are some revisions having to do with an existing tree. So one of the conditions is that all existing trees shall remain in place, and there is an additional language having to do with -- what that would conflict with the project as designed. So if we look at Condition 8.4, "The applicant shall protect in place all existing street trees," and the additional language would read, "with the exception of one existing street tree, to be relocated northwards along Orange Grove Avenue to provide access to the development's proposed trash room and electrical customer station. The relocation of this street tree shall be performed to the satisfaction of the city's Facility and Field Services Division."

Condition 8.9 reflects that same language within the existing condition. Condition 8.14 is similar to those within Section 4 of the fees. And the last one would be condition 9.10 in the Landscape section, which is consistent with the language in Section 8 for addressing that single tree along the parkway on Orange Grove Avenue.

The correction in the resolution is all the way at the end. The date states February 5, 2025. That should be 2026.

And before I conclude, I want to acknowledge the numerous public comments that have been submitted prior to and after the agenda was published. Comments have varied, including in support and in opposition to the project. Any public comments that were included as part of that -

- that were not included as part of the exhibit to the staff report when the staff report was published were provided daily via supplemental memos and also made available on the city's website.

And with that, this concludes my presentation. Staff is available for any questions now or during deliberation.

CHAIR GREGOIRE: Great. Thank you so much for your staff report.

Before we get to the applicant's presentation, let's give some time for commissioner questions of staff. Who would like to begin?

COMMISSIONER CARVALHEIRO: I'll go.

CHAIR GREGOIRE: Commissioner Carvalho.

COMMISSIONER CARVALHEIRO: Yeah. I have two questions. For legal, 8555 Santa Monica Boulevard was denied because it had a site that was under 50,000 square feet at first. How have the laws changed since then that allows this project to apply for a waiver to bypass that requirement?

ISAAC ROSEN: Commissioner Carvalho, without having the materials in front of me from the 8555 project, I can note that state density bonus law has been revised several times since that project came forward.

So the standards for a denial of a concession or the waiver remain the same, but what's more limited under state density bonus law is the information that the Commission can require to essentially prove that what the applicant has sought is required. But when the Commission moves to deliberation, they're being asked to consider staff's recommendation that the concessions and waivers meet the standards outlined under the threshold under state density bonus law to approve.

COMMISSIONER CARVALHEIRO: Okay. Thank you.

And then my other question is for staff. If the hotel room were converted to apartments, under today's laws, would they be required to provide low-income housing as part of the same percentage that they are providing on the project currently?

ANTONIO CASTILLO: Thank you, Commissioner. So that's a hypothetical, which is difficult for staff to answer. So any project is able to be amended. Any entitlement is able to be amended. Staff needs to apply the zoning code provisions that apply depending on what the request is, in addition to any applicable state law, also using the general plan as its guidance.

The question is if a hotel is proposed to be converted?

COMMISSIONER CARVALHEIRO: If the hotel rooms are converted to apartments, --

ANTONIO CASTILLO: To apartments.

COMMISSIONER CARVALHEIRO: -- say next year, after -- or a year after the project is built and they converted the apartments, are they bypassing the low-income, moderate-income requirement, or would they be subject to providing 15%, I think was what we discussed earlier, low-income units, and then the same moderate?

ANTONIO CASTILLO: The hotel is subject to a conditional use permit, and that's discretionary. So any amendment to the conditional use permit would continue to be discretionary, and the adding additional units would be subject to the affordable housing provisions that apply today, which are a minimum of 20%. Now that would be a different application, different project from this one.

COMMISSIONER CARVALHEIRO: And that would come to the Planning Commission if something like that was going to happen?

ANTONIO CASTILLO: An amendment to a conditional use permit would return to a public hearing by the Planning Commission.

COMMISSIONER CARVALHEIRO: Great. Thank you.

CHAIR GREGOIRE: Any other commissioner questions? Commissioner Solomon.

COMMISSIONER SOLOMON: Thank you.

Antonio, I have a question. I know we spoke about it briefly yesterday afternoon, and then I emailed -- it was brought to my attention because of the next project on the agenda tonight, but it also applies to this project. And I emailed with Casey about it. But I'm going to the resolution and the conditions of approval. This is Page 31 of 41, and it is Approval 12.6. And it concerns street permit parking.

So we state in this approval that projects, basically new multi-family projects are not eligible to go to the Kings Road garage and get a permit parking for the residents that live there. That is what this condition of approval is saying. But is that -- I mean, I guess my question is, is that a policy that's been adopted by the city, that new multi-family can't get street parking, or is it just a practice that we have done here on the Planning Commission and by way of inertia, it travels to each and every condition of approval thereafter? I ask because I was reading through all the code, and I couldn't find in the code where we say no street permit parking for new multi-family.

ANTONIO CASTILLO: Yes. Commissioner, that is a standard condition of approval. It's not a provision in the West Hollywood Municipal Code within the zoning ordinance.

COMMISSIONER SOLOMON: So fair to say it's a practice, but not a policy?

ANTONIO CASTILLO: The practice has been to include it as a standard condition without referring to a specific code provision.

COMMISSIONER HOOPINGARNER: So it's a policy, not a standard?

ANTONIO CASTILLO: It's a policy.

COMMISSIONER HOOPINGARNER: Okay. Thank you.

ANTONIO CASTILLO: And by policy, if I --

COMMISSIONER SOLOMON: But is it a policy that's been adopted by the City Council and put into our ordinance code, or is it something that we've just done on the dais and it's stuck?

ANTONIO CASTILLO: Yeah. I was going to clarify that. Thank you for asking that. The policy is by way of a standard condition. It's not a policy that has been formally adopted to apply to in these type of projects, multi-family or mixed-use or otherwise.

COMMISSIONER SOLOMON: Okay. Thank you. That's all my questions.

CHAIR GREGOIRE: Great. Commissioner Harris.

COMMISSIONER HARRIS: Thank you.

I know based on the materials that the project is looking to qualify for AB 130. It just so happens that before AB 130 was signed into law quite recently and went into effect, the project had already prepared or at least started to prepare some kind of environmental impact report to comply with CEQA requirements and that there was a Phase I study done.

Just to clear it up for me, the requirement under AB 130 is that a new Phase I be completed prior to the issuance of building permits. Is that correct?

ISAAC ROSEN: Thank you, Commissioner Harris. It's a good question in part because, as you noted, there was a previous EIR prepared for the project, and the city is certainly sensitive to this change in practice.

When the governor signed AB 130 last June as a statutory exemption, the state weighed the competing interests between potential environmental impacts and the provision of housing, and that's what resulted in this creation in favor of the latter.

There's nothing within -- and I know there was a supplemental memo provided late. There's nothing within the eligibility of AB 130 that requires a Phase I until after entitlements. So the project applicant can be required and is required to prepare a Phase I, but does so, and the city evaluates any environmental impacts, on the other side of project entitlement.

COMMISSIONER HARRIS: Thank you. And along those same lines, if contaminants of concern are suspected by the Phase I, then the applicant also would have to, if needed, remediate before building permits are issued. Is that correct?

ISAAC ROSEN: Correct.

COMMISSIONER HARRIS: Okay. Thank you.

CHAIR GREGOIRE: Any other commissioner questions?

ISAAC ROSEN: Oh, I'm sorry, Chair. I do want to make one clarification to Commissioner Harris' question. Under AB 130, remediation must be completed prior to the issuance of a certificate of occupancy.

CHAIR GREGOIRE: Thank you for the clarification. Any other Commissioner questions? Commissioner Edwards.

COMMISSIONER EDWARDS: Yeah. I just want to follow up on that line of questioning regarding environmental impacts.

And so Phase I is, you're saying after -- just to say hypothetically, this project is approved and they move forward and they start doing construction? Or is the conversation you had before construction with regards to any type of environmental analysis that might require some kind of study, depending on what the findings are?

ISAAC ROSEN: So I would need to defer, I believe, to the CDD department in terms of the standard practice about what happens with fulfilling the conditions of approval and at what stage the applicant is eligible for a grading permit or building permit. But of course, the intent -- I shouldn't say of course. But the intent of AB 130, it's a new law, is that there's a specific explicit obligation to complete a Phase I as a condition of approval. So there is going to be an obligation to do that and to evaluate whether or not there are any recognized environmental conditions that are found on the site.

CHAIR GREGOIRE: And Vice Chair Jones.

VICE CHAIR JONES: Yeah. I just have one question. I think this is probably for legal. I want to ask about the waivers of development standards. And I just want to understand for the purposes of tonight's hearing about the language, which is a little bit nebulous, in my mind anyway. Essentially, it says, "In accordance with state law, if any development standard physically precludes construction of the project, the city must grant a requested waiver, unless the city makes a finding based on substantial evidence that," and then it's listed as one and two.

Are you able to speak a little bit to that first part of it, the standard that physically precludes construction of the project, and what exactly that means in basic terms?

ISAAC ROSEN: Vice Chair Jones, I will do my best. I think to your point, the quote nebulous nature of it is a byproduct of statutory language under state density bonus law. Under 65915(e)(1), the city utilizes the language that's required by state statute. And that language does say, "In no case may a city deny an unlimited number of waivers of development standards that could physically preclude the construction of development."

The statutory language does not provide a more detailed explanation of that standard. Although I would note that, one, by state statute, the burden is on the city to evidence that it does not comply based on a specific standard. And there are published cases that provide some degree of deference to the developer to the extent they are making that waiver request. So I would just note for the Commission, although the statutory language does not provide more detail, ultimately, it's our decision makers and it's the Commission that would need to make the determination or find whether or not it meets that standard that the denial would physically preclude the development.

VICE CHAIR JONES: Okay. Thank you very much. That's my question.

CHAIR GREGOIRE: And Commissioner Harris.

COMMISSIONER HARRIS: And to that regard, do you have examples of the types of objective standards that would constitute a denial of a project that is applying for a density bonus with incentives and waivers?

ISAAC ROSEN: Commissioner Harris, I am not aware of any -- me personally, I'm not aware of any published case law where there's been an upheld denial. Based on objective standards used to deny a waiver, I would note in terms of what sort of standards are considered for purposes of a waiver or concession, density bonus law has a definition of development standards that's fairly broad. So it nonexhaustive.

So there are certain examples. But really, the development standard that an applicant could seek a waiver or concession on includes a broad array of construction conditions, adopted policies, standards and things of that nature.

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Yeah. For staff, how many people were Ellised out on this project?

ANTONIO CASTILLO: How many people were --

COMMISSIONER HOOPINGARNER: Were Ellised out of the residential parcel?

ANTONIO CASTILLO: According to the Housing Division, there were two individuals that were Ellised out of out of the seven units. I don't have all the background on each unit.

COMMISSIONER HOOPINGARNER: I guess the question is, are they eligible for moving to the top of the list for the new project, affordable housing units?

ANTONIO CASTILLO: That would be a question for the Housing Division. Let me see if I can get that question answered for you.

COMMISSIONER HOOPINGARNER: Okay.

ANTONIO CASTILLO: One moment, Commissioner.

COMMISSIONER HOOPINGARNER: Related to that, how many affordable units will be provided on the Ogden residential parcel?

ANTONIO CASTILLO: That has not been determined yet. None of the 20 units have been selected by the Housing Division yet.

COMMISSIONER HOOPINGARNER: I'm just curious because this became an issue on 8555 Santa Monica, where the residential parcel -- the affordable was all pushed into the mixed use, and that was denied and they were moved back into the residential. So I'm just curious as to where they're going to fall, given that the bonuses are being achieved on the house, right, on the parcel. So are they going to be delivered on the parcel? Okay.

I looked through all the conditions and I didn't see anything protecting the neighborhood buildings during construction, in particular the preschool. I know in the past with the Viper Room, we required a I don't know how many story wall protecting the London Hotel during construction. So is there anything in here that protects the preschool during construction from noise, dirt et cetera?

ANTONIO CASTILLO: Not by way of condition, other than the project is subject to standard construction process. During the plan check process, there's a construction mitigation plan that is prepared, reviewed by Engineering, Building and Safety for the type of -- for the construction phasing itself. The resolution does not have any conditions. It relies on the West Hollywood municipal code and the practice of Engineering and Building and Safety.

COMMISSIONER HOOPINGARNER: Then why did we include it in the Viper room?

ANTONIO CASTILLO: I can't answer that, Commissioner.

COMMISSIONER HOOPINGARNER: Okay.

CHAIR GREGOIRE: I would note that Condition 17.2 and 17.3 does make reference to schools and construction, staging areas and equipment.

COMMISSIONER HOOPINGARNER: Right, but not the actual how high of a wall and protection. That's my concern, is how high of a wall to protect the school from both noise and dirt, dust blowing. That's the concern. I mean, general construction standards are great.

Okay, I'm confused. Does code allow tandem parking in residential parking and mixed-use, multi-family projects? I thought in our new parking standards, that went away. Am I wrong?

ANTONIO CASTILLO: I will have to check those parking standards. The tandem parking two-deep was allowed prior to the code change. This project is subject to the prior code provisions, given that it was deemed complete January 31, 2019.

COMMISSIONER HOOPINGARNER: But it's allowed to use the new code as relates to the 50,000 instead of 60,000 square feet, even though at 2019 the standard was 60,000?

ANTONIO CASTILLO: I'm sorry, I'm not following the connection there.

COMMISSIONER HOOPINGARNER: I guess you just said that the cutoff was the deemed complete of 2019. So whatever code was in place in 2019, that's what applies to this project, correct?

ANTONIO CASTILLO: Correct.

COMMISSIONER HOOPINGARNER: Okay.

ISAAC ROSEN: Commissioner Hoopingarner, I would note, just for purposes of the concession or waiver, the process the applicant will go through -- and maybe they can speak to that point during their questions. But the process they would go through, whether it was 60,000 feet or 50,000 feet to request the concession to get to their square footage would be comparable in terms of the process under density bonus.

COMMISSIONER HOOPINGARNER: I'm aware of that. But if we're saying it's only 50,000, but it's really 60,000, then we're not saying the correct thing. So you just said they are subject to the code that was in place in 2019 as relates to parking. Correct?

ANTONIO CASTILLO: Correct.

COMMISSIONER HOOPINGARNER: Okay. But then that would apply to all the code that was in place in 2019, correct?

ANTONIO CASTILLO: That would be correct.

COMMISSIONER HOOPINGARNER: Okay. Because in 2019, in order to merge commercial and residential, you needed 60,000 square feet.

ANTONIO CASTILLO: I would need to check that.

COMMISSIONER HOOPINGARNER: Yeah.

ANTONIO CASTILLO: So you've checked that? Okay.

COMMISSIONER HOOPINGARNER: So okay. So if we have a cutoff date, the question is, does the cutoff date apply to everything or do some things not count?

ISAAC ROSEN: Yeah. I don't know necessarily the question, Commissioner Hoopingarnier. But to reiterate, I think for purposes of the sought carve-out, the sought concession or waiver from the aggregate lot size --

COMMISSIONER HOOPINGARNER: I was just using that as an example.

ISAAC ROSEN: Understood. But I want to just reiterate that to the extent there is a need to deviate from a specific standard, and the one that's being discussed as part of this question is that aggregate lot size. So I would just reiterate that if we're talking about that specific standard, the process that the applicant would utilize under state density bonus law would be the same, whether it was 60,000 or 50,000.

COMMISSIONER HOOPINGARNER: But for purposes of all of our questions and all the understanding of the code, given your statement about the parking, we're working with 2019 code, correct?

ANTONIO CASTILLO: The code provisions that were applicable when the project was deemed complete, yes.

COMMISSIONER HOOPINGARNER: In 2019?

ANTONIO CASTILLO: January 31, 2019.

COMMISSIONER HOOPINGARNER: Okay. So any code that has happened since then, such as canopy trees, et cetera, doesn't apply to this project?

ANTONIO CASTILLO: If that's the case, yes.

COMMISSIONER HOOPINGARNER: Okay. Okay. I have a couple questions for legal. Who is the review authority that is allowed to grant lot mergers in the city?

ISAAC ROSEN: Well, Commissioner Hoopingarnier, in this instance, I would say because -- well, gosh, I was thinking again of the aggregate number, so apologies. I was going to say that's coming as a concessionary waiver.

COMMISSIONER HOOPINGARNER: Any project comes to us with a lot merger.

ISAAC ROSEN: Yeah.

COMMISSIONER HOOPINGARNER: I mean, comes to the city with a lot merger, who is the review authority?

ISAAC ROSEN: So I defer to CDD on that piece. I believe it is a director-level approval.

ANTONIO CASTILLO: Yes. A lot tie or a lot merger is a ministerial process. The project is conditioned to tie the three lots in order to -- prior to issuance of a building permit. Once the project -- if the moves forward, there's a -- blanking on the name. It's a certificate. Essentially, it's the lot tie process that gets approved by the director, gets notarized by the city clerk and recorded with the county.

COMMISSIONER HOOPINGARNER: Okay. And is the city obligated under HAA to grant a lot merger?

ISAAC ROSEN: The city is obligated under the Housing Accountability Act to consider all relevant objective standards and to apply those that are objective and codified in the code or to seek under some state law authority, such as density bonus law, a concession, or a waiver or a carve-out. From what I understand from Mr. Castillo, although I think the city team could certainly look at a specific subsection of the code if that's helpful, but it sounds like it's a director-level approval, that it's coming before this as part of the same application.

COMMISSIONER HOOPINGARNER: Okay. And is -- okay. I'll let it go for now.

If a future applicant came to us and had a 5,000 square foot commercial lot and a 5,000 square foot residential lot and asked for a lot tie and asked to use the mixed-use merger and a waiver of 40,000 square feet, would the city be obligated to grant it?

ISAAC ROSEN: Commissioner Hoopingarner, I know no one loves a lawyerly answer. I think it would have to depend on the specific application in front of the city. I don't feel like I could answer that question without the specifics of what was presented and submitted. And that also contends with how it was considered by the City Council during the conformance check and consistency check. So I don't feel like I could answer the hypothetical.

COMMISSIONER HOOPINGARNER: The City Council conformance check? What's that?

ISAAC ROSEN: No, sorry, the city check. So when a preliminary application is submitted, that's the process through the HAA. And I would be uncomfortable on the record answering a hypothetical in terms of a separate project with potentially separate standards and separate zoning considerations.

COMMISSIONER HOOPINGARNER: Okay. So under the Waiver #1 request, and as staff has put in the staff report, it says, "The applicant may request a waiver of any development standard that would have the effect of physically precluding the construction."

So Waiver #1 is to reduce the minimum aggregate lot area. And in it, it states that the reduction of the minimum aggregate lot area from 50,000 to 40,000 says its allowing the relief from the minimum lot area requirement helps maximize the building footprint to provide higher quantity affordable units.

So I'm trying to understand how, instead of building affordable housing on a 50,000 square lot, we're asking to build it on a 40,000 square foot lot, and yet we're going to get more quantity of units.

ISAAC ROSEN: Commissioner Hoopingarner, I think that question may be best addressed if maybe addressed as part of applicant's presentation or what they've submitted. I think the city feels that anything that would have the effect of -- again, and to a question from Vice Chair Jones, anything that the project as submitted and as proposed feels that the standard would preclude the construction is eligible for consideration as a concession or waiver. And it may be something that's addressed in applicant's presentation.

COMMISSIONER HOOPINGARNER: I ask because we're being asked to make a finding that it's going to provide more quantity.

ISAAC ROSEN: Correct. And I think when the Commission is in deliberation, if it's a concern of the body, it will be an appropriate time to discuss whether the Commission feels they can make that finding.

COMMISSIONER HOOPINGARNER: That's fine. I just wanted to understand if there was some math that I'm missing, because the second part of the statement is that it would also provide higher-quality units.

ISAAC ROSEN: Commissioner Hoopingarner, is there a question?

COMMISSIONER HOOPINGARNER: Yeah. So I want to know how going from a 50,000 square lot to a 40,000 square lot provides higher-quality units. Is there some sort of metric on quality? Because I understood from everything under HAA that we don't do quality. So what is the thinking behind this that says this will produce higher-quality units? That's what I'm trying to understand.

ISAAC ROSEN: Yeah. Commissioner Hoopingarner, I think some of this may be answered as part of applicant's presentation.

COMMISSIONER HOOPINGARNER: Okay.

ISAAC ROSEN: Yeah.

COMMISSIONER HOOPINGARNER: Is there any concern about the school's state licensing and the impact of this building? My question is because I was told some time ago that these schools have very specific licensing requirements around air and fresh air and sunlight and everything for these schools. So is there anything about this project with seven stories only five feet away going to impact the license for the school?

ANTONIO CASTILLO: That's not a question staff's able to answer. I'm not aware of the provisions that regulate that school.

COMMISSIONER HOOPINGARNER: So I guess I'm talking about impacts to the neighborhood. Okay. Those are my questions. Thank you.

CHAIR GREGOIRE: Commissioner Solomon.

COMMISSIONER SOLOMON: I just had one more question, and it relates to replacement housing. So because of SB 330, you have to do one-for-one replacement housing on protected units. And here in this instance, because of the Ogden property, there's seven now vacant but formerly rent-controlled properties. So we are replacing those.

And then I know we had a big debate last summer about -- a state law was passed, AB 2556, which -- and it was passed in like 2017, prior to the deemed complete date, which allowed a jurisdiction to make an election as to how they treat the replacement of above lower income, formerly rent-protected properties.

And then if we look at, from the staff report, at the -- is it CHAS? You just say the CHAS formula, the CHAS data, the Comprehensive Housing Affordability Strategy Data, we see that of those seven, because the incomes are unknown, of those seven, four of those units need to be provided at lower income or below threshold, and then three are above lower income.

And that was the crux of the debate last summer, a year and a half ago. What do we do when we're replacing those units? Do we replace them with deed-restricted affordable, or do we replace them with rent-controlled? And I know we made a determination, and pretty sure Council also, that it was -- the formula that we were trying to use for deed-restricted didn't work, so we were going to use rent-controlled for the above lower income -- so for the three units in this instance.

I see on this project, there are no rent-controlled units. I mean, we are replacing the formerly rent-controlled units with now deed-restricted affordable one-for-one. I think this may tie in. The answer may be because of the deemed complete application date, and that wasn't on the books yet.

But is that the reason why -- I was expecting to see when we're replacing rent-controlled units that you would see some rent-controlled units on the other side of it. But in this instance, there aren't any. It's all deed-restricted, affordable. Is it because of the deemed complete application date? I know these are kind of lofty, weighty things to think about. For instance, in the next project that we're going to see later tonight, there are rent-controlled units on the other side.

SAIMA QURESHY: I can try to answer that. The difference between the other project and this one is that those are occupied units right now, and this property has already Ellised out. That's how I understand that. So it went through the process.

We reached out to our Rent Stabilization division for this project, and they shared with us that when it was Ellised, there were two tenants that were displaced, and the rest of the units were reported vacant at that time. So this one is a bit different.

COMMISSIONER SOLOMON: I thought it was whether or not they'd been occupied in the past five years, not whether or not they'd been Ellised.

DAVID GILLIG: Chair, we do have the Rent Stabilization Housing representative on Zoom if you do have questions for them.

COMMISSIONER SOLOMON: The relevant portion in Title 19 is 19.22.030, Subsection G. That's where we talk about our replacement formula.

ANTONIO CASTILLO: Commissioner, I would ask that, I believe it's Gloria Aviles joining us from the Rent Stabilization Division that can answer that question. And I believe she is on Zoom.

DAVID GILLIG: Gloria, if you can Star 6 to unmute yourself, please.

GLORIA AVILES: Hi. Good evening. This is Gloria from the Rent Stabilization Division, the Supervisor here.

I think the difference between these two properties is the actual date that the building was Ellised. And this is normally a topic that is covered by Alicen Bartle. She's the one that ensures whether it's going to be rent-stabilized or not. As far as the replacement units, she does this.

We do have a history here of when the property at 1125 opted, which is associated to the 7811 in Santa Monica Boulevard. It does say that the property was Ellised starting in 2023, on July of 2023, and was completely vacated in June of 2024. So it is within the five-year period that it would possibly be rent-controlled units, but I would want to speak to Alicen to find out why this was not applied in this particular instance.

COMMISSIONER SOLOMON: Okay. Thank you, Gloria.

CHAIR GREGOIRE: Great. Any other questions of staff at this time? Hearing none. I'd like to offer Commissioner Hoopingarnar an opportunity to give a Design Review Subcommittee update on this item.

COMMISSIONER HOOPINGARNER: Thank you.

The Design Review Subcommittee met, and some of the results of our meeting are in the staff report. I think the feeling was that this was a very complicated construction of parcels with a lot piled into it, but it seems to accomplish the piling in, as it were.

There were comments about the look of the building as very 1960s retro. There was discussion about the affordable units and where they would be. There was discussion about the pool access to the residents, and the fitness. There was discussion in particular about the activation of the Orange Grove Street side, which at that time had just pretty much a solid wall and a driveway. At this point, I see that the applicant has added some, I guess, cement fluting to the wall and some images, but that didn't really address the concern that we expressed. But I think the bulk of it is in the staff report. And that's it for now.

CHAIR GREGOIRE: Great. Thank you so much.

We'll now turn to the applicant's presentation. If the applicant would like to come forward, please state your name and city of residence. And you will have 10 minutes.

JAKE STEVENS: Sorry about that. Good evening, Mr. Chair and Commissioners. I'm Jake Stevens, Vice President at Faring and a resident of Los Angeles. On behalf of the Faring Ownership Group and our architect, Kevin Tsai, we're thrilled to bring the Bond Hotel and Residences before you this evening.

So firstly, a bit of scene setting while we look at the project context. West Hollywood is a city actively growing in many ways, and the Bond is a collective step toward that shared future. Forgive me for taking the liberty, but I believe we can all agree that this important block of Santa Monica on our main city thoroughfare and just steps away from a new metro rail station at Fairfax Avenue deserves more than asphalt parking lots and tall warehouse walls crowding the sidewalk property line. So now, into that context, we introduce the Bond Hotel and Residences, which will transform a one-story commercial storefront, a few units of extremely old housing stock and several surface parking lots into a thriving residential community on our city's east side, all while visibly improving the public sphere along the way.

This is the project's Santa Monica Boulevard frontage and principal pedestrian entrance on the left, with street-front dining open to the public on the right side of the image. I will acknowledge that the Bond has been in the works for some time. But with big thanks to all the staff that have historically helped us along, that extra time and extra neighborhood input has meaningfully benefited the project's design and helped the Bond be as responsive to city general plan objectives and community needs as possible.

Goals-wise, the project team worked hard to ensure the Bond's design exemplified the city's building performance standards and climate action and adaptation plan. We hope to contribute to the city's effort to address the impacts of a changing climate while centering equity and quality of life outcome for WeHo residents, and east side neighborhoods especially. As an all-electric development that will deliver 20 new affordable housing units with high-performance building systems to the community, all under an intensive green roof and surrounded by native California plants and native soil, we've made efforts to elevate our environmental responsibilities wherever possible in the Bond's design.

This is the Santa Monica frontage in daytime view. As described in the staff report, this design removes several pedestrian vehicle interactions and curb cuts on Santa Monica, undergrounds overhead power lines and eliminates phone poles and adds street trees and new on-street parking spaces, plus a dynamic streetfront dining space in the middle of the block.

We agree with our City Council that new density should be transit-oriented, sustainable and on major boulevards, exactly as we have designed this project. A robust mix of townhomes, one, two and three-bedroom units will meet the needs of WeHo's diverse residents and growing families, all while helping the city achieve RHNA goals. The mid-market hotel component of the

Bond will service the often neglected east side of the city, who will no longer have to send their visitors up to Sunset Boulevard to find lodging or further east into the city of Los Angeles.

This is the project's Orange Grove frontage, which is facing the block-long, 30-foot-tall brick wall that is the east side of the Whole Foods shopping center directly across the street. In efforts to create the best pedestrian environment possible, consolidating the Bond's arrival experience on a commercial section of Orange Grove facilitated major improvements to the streetscape on our city's main boulevard, wholly removed cars from the Ogden drive side of the project and created an opportunity to showcase public-facing art.

Trash rooms and utility transformers are disguised and fully enclosed, no escaping vapors. And note that the driveway is located as far south on Orange Grove as possible, maximizing the buffer between that activity and the school at the block. On that note, I should mention that I've met with the Fountain Day School owner-operators, who have had no objection to the project. I've offered numerous construction period concessions, additional crossing guards, enhanced screening and cleaning in addition to those conditions included for wheel washing and noise abatement and demolition sequencing to the school, and we continue to work together as longtime neighbors and partners.

On the Bond's Ogden Drive frontage, we took special care to downscale and soften the project's massing toward the R3B zone, completely eliminating the vehicular driveway and replacing extremely old rental stock with high-performance, all-electric housing units surrounded by canopy trees in native plantings, in native soil.

Because we believe in community context and restraint, we have kept the project at a modest four stories on the Ogden frontage, where the building could reach nine stories tall using new state laws. We have used the fire department-required staircase enclosure to add modest wayfinding signage to the project and ensure a cohesive brand identity on all three frontage.

We have community support from UNITE, the Carpenters, YIMBY-LA, WeHo for All, Abundant Housing and the WeHo Chamber of Commerce. This is just the project summary. As we've described in the staff report, we are providing more than the affordable requirement for replacement. And we can discuss some of the project details here, but just showing that we have a great mix of unit types, including in the townhomes that will be assigned as affordable units by the city by themselves. We have nothing to do with that.

This is the site plan, showing the Santa Monica consolidated residential and commercial entrance. This demonstrates the limited number of balconies. We only have four on the northern property line. As a measure of deference to our school to the north, we've tried to limit those views. And we've consolidated here. On Orange Grove, you see the driveway. And in red is the moved street trees that we talked about in the amended conditions, so we're adding street trees and parkway there.

So we've gone through the design issues, we've consolidated driveways, we've removed telephone poles, extensive landscaping and all of that. And we have a good mix there of the 20 affordable units to clarify where they're coming from and what they will be.

So now I will just close before I hand it off to our project counsel and say that as much as we have appreciated the temporary 17 or so years of our city using Orange Grove property as a surface parking lot, the future is calling. And the time has come to bring the site to its most needed and best use. We sincerely believe that the Bond Hotel and Residences meets that challenge.

So now I'm joined by our project counsel, Todd Nelson, to review California's state law compliance. We have our architects and our landscape designers here on hand for questions afterward as well. Todd?

TODD NELSON: Good evening, commissioners. Todd Nelson, attorney with Rand Pastor Nelson, resident of Los Angeles. We'd like to thank staff for doing such a comprehensive review of the project's compliance with state housing and environmental law, so we're just going to recap some points and try to add some additional context and responses to some of the questions that we heard.

The project, as described previously, provides 30% of its base density to achieve a 100% density bonus. Those 10 very low income units are going to exceed a 1:1 replacement ratio for the existing units there. But just to be clear, this project was filed and deemed complete even before SB 330 even came into existence, so it's not subject to SB 330, SB 8 replacement obligations.

The project is eligible for three incentives. It's proposing to utilize two of them. One is to increase FAR on the commercially zoned portion, and the second incentive is to allow an averaging of density across the site. This is actually moving density off of the R3 onto the CC2. The R3 density could be 14 units. We're proposing nine.

We are proposing parking that slightly exceeds residential density bonus standards. Tandem parking is explicitly authorized under state density bonus law. The hotel and restaurant parking meets West Hollywood code requirements.

There's been a lot of discussion of waivers of development standards. The process outlined for eligibility for waivers has been described by the state's Housing Community Development Department. The very first thing that you do is find a site that can support a base density of at least five units, and then you identify the proposed number of affordable units. And provided that it meets state density bonus requirements, then you are automatically eligible for a specified number of incentives and an unlimited number of waivers.

Waivers of development standards are those that are required to deviate from objective design and development standards that would preclude the development of the project as designed by the proponent, and with all of the density allowable under density bonus law. The Bankers Hill case out of San Diego by the Appellate Court upheld that. Decision-making bodies cannot reallocate density, move massing around or tell the developer to remove components of a project.

So here, the waiver that has attracted the most attention is the mixed-use waiver, the mixed-use lot area waiver. If that development standard was applied to this project, it would physically

preclude the construction of the project, resulting in 0 units as opposed to the proposed number of units. That is why it is an eligible waiver, that is why it's being requested.

Also, the waiver itself, contrary to some public comments, is not allowing commercial uses or additional density onto the R3B portion of the site. All of the commercial uses are on the CC2. And as I mentioned before, density is being shifted from the R3B portion to the CC2.

Moving along. Again, in the record, there is no evidence in the record of a specific adverse impact to public health and safety based on objective written standards adopted by the city. So the Housing Accountability Act fully applies to this project. The CEQA infill exemption, the demonstration of the eligibility for that exemption is fully laid out in the staff report and in the resolution. We've already touched upon the Phase I and Phase II. That is already in the record from the prior environmental path for this project. I do want to confirm that the condition exists in the resolution to prepare a new Phase I to submit it as part of the new project's permitting effort.

Thank you, staff, for addressing all of our requests for revisions to conditions. We had slides here, but we're not going to go through those. And as Jake said, our team is available to answer any questions. Thank you very much.

JAKE STEVENS: Thank you, Commissioners. We're happy to answer any additional questions.

CHAIR GREGOIRE: Great. Any questions for the applicant at this time? Commissioner Edwards?

COMMISSIONER EDWARDS: Yeah. Sorry. Commissioner Hoopingarner did ask a very interesting question that I'm hoping you can answer with regards to the quality and quantity, that having a reduction -- and I think the lawyer touched on it, but can you add some more depth to it to make it make sense?

TODD NELSON: Sure. It's really the quantity and the physical ability to construct the units that are being proposed. It's as simple as that. If the Commission wished to delete the word quality from that finding --

COMMISSIONER EDWARDS: Oh, no. It's just like, Waiver 5, common open space. And then further into it, you said the building footprint -- the relocation of the common open space helps maximize the building footprint to provide a higher quantity and quality of affordable units. That seems to be a nonobjective expression of what is being offered, unless you actually have something that's --

TODD NELSON: Again, the key in that finding would be the proposed allocation of common open space and the deviation from the code standards to have a greater proportion higher up in the building rather than at ground floor, which would constrain the development footprint of the project. That is the physical preclusion issue. If the code standard was required, it would cut the building. And again, the Bankers Hill case out of San Diego from a few years ago unfortunately, but clearly ties the city's hands in ability to say, oh, just move the open space to another location.

JAKE STEVENS: Quality is not part of it.

TODD NELSON: Quality is not a part of the waiver finding.

COMMISSIONER HOOPINGARNER: Can I follow up on that?

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Just to keep it -- instead of mixing the questions. So the city code is 50,000 square feet.

TODD NELSON: Currently, yes.

COMMISSIONER HOOPINGARNER: And in Waiver #1, you are saying, well, we only have and only want to use 40,000 square feet.

TODD NELSON: Correct.

COMMISSIONER HOOPINGARNER: And in the waiver, you're saying the benefit that this will accrue to the city and to you is that you will provide more units.

TODD NELSON: The staff's draft finding includes both a physical preclusion component and a quality and quantity of units. I would read that finding in line with the requirements of state law, which is imposing that standard on this project would physically preclude any number of units from being developed. So it's a physical preclusion issue.

COMMISSIONER HOOPINGARNER: But it's an eligibility to build.

TODD NELSON: No, that's why I spent a little bit of time during my quick process of -- the way to assess a density bonus project is to look at a piece of property and see if that property has the eligibility to support a base density of at least five units. That's the definition of a density bonus project. We have that.

COMMISSIONER HOOPINGARNER: So with that logic, you could say I've got a 5,000 square foot lot that supports five units, but I want to do this. And it's not 50,000, so you have to allow me. So that's what you're saying?

TODD NELSON: Yes.

COMMISSIONER HOOPINGARNER: So basically, you're saying that this ordinance has no meaning?

TODD NELSON: No, I'm saying that this ordinance can be deviated from through state density bonus law.

COMMISSIONER HOOPINGARNER: Okay. And so I understand the request to eliminate the required 25-foot setback in another waiver, I forget what number it is, and how that would give you a lot more units. I get that. Okay? But I'm trying to understand how taking a requirement for 50,000 in order to do lot spanning and shrinking it to a smaller parcel gives us more quantity.

TODD NELSON: Because it's the difference between 0 units being allowed, if that standard was imposed, and the number of units that are being proposed.

COMMISSIONER HOOPINGARNER: Okay. Interesting. And you're going to give us higher-quality units under this waiver. And how is that going to happen?

TODD NELSON: Quality is not a standard under the waiver rules.

COMMISSIONER HOOPINGARNER: But it's in the waiver.

TODD NELSON: That's in the draft finding. If the Commission were inclined to delete the word quality, that finding would remain -- would be perfectly in line with state density bonus law.

COMMISSIONER HOOPINGARNER: Okay. I'm sorry. Go ahead. I just wanted to follow up on that one question.

CHAIR GREGOIRE: Commissioner Edwards.

COMMISSIONER EDWARDS: Oh, no. I appreciate it, just to take this issue and just really dig into it to help us better understand what is being asked of us and when we render whatever decision we render. So that's it. That was the extent of it.

CHAIR GREGOIRE: Great. Other questions from commissioners? Commissioner Solomon.

COMMISSIONER SOLOMON: Quick question to the applicant and to staff, whomever, on parking. In the staff report and also in the presentation that you just laid out, we discussed how much parking is required by our own municipal code. How utilizing state density bonus can reduce the amount of minimum required parking, but the magic words that I was expecting to hear and haven't heard is AB 2097. I mean, this is an AB 2097 eligible project, correct?

TODD NELSON: Yes, it is. The applicant is electing not to utilize AB 2097.

COMMISSIONER SOLOMON: So you don't have to --

TODD NELSON: We don't have to --

COMMISSIONER SOLOMON: You don't have to provide any parking?

TODD NELSON: -- provide any parking for the residential uses.

COMMISSIONER SOLOMON: Does 2097 apply to commercial as well?

TODD NELSON: It does not apply to hotels.

COMMISSIONER SOLOMON: Okay. So you're providing 107?

TODD NELSON: Yes.

COMMISSIONER SOLOMON: Okay. Thanks.

CHAIR GREGOIRE: Any other questions at this time? Commissioner Harris.

COMMISSIONER HARRIS: Yes, thank you. Can you tell us a little bit about the history of this project? I know that it's been in the works for a long time. I know that AB 130, for instance, and the bright new density bonus AB 1287 weren't available at that time. So what was the concept of the project then? I know that's also germane to what was discussed and presented to community members.

And then sort of as a piggyback on that, in what ways have the feedback from community that you referred to changed the project that's being presented to us today?

JAKE STEVENS: Sure. I mean, it has been an assemblage that has been accomplished via family acquisitions over many, many years. The temporary arrangement with the city to use the Ogden parcel as a parking lot has existed for almost 17 years, but the concept has always remained the same of a residential and hotel combination. That's what was studied in the prior environmental, and that's not changed at all.

The community feedback that we talked about and how it's improved the project, so there were complaints about Ogden side, the number and width of the driveways and how that was a problem. So we totally removed vehicle access on the Ogden side. We talked a lot about how people didn't want only singles or only studios, so we have a comprehensive multi-bedroom unit mix. We have townhomes in different typologies with different types of resources and amenities available to each.

We heard that the project was scary as it related to environmental issues and was not a high-performing, sustainable project, so we're an all-electric building now. We have extensive landscaping. We removed the portion of the project that would excavate under Ogden so that we can stay with no excavation on the residential side. We can plant into native soil and add canopy trees. So those are some examples of the way that we've responded to community feedback.

COMMISSIONER HARRIS: Thank you.

CHAIR GREGOIRE: Great. Any other questions at this time?

COMMISSIONER HOOPINGARNER: Yes.

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Yeah. I think a lot of my next questions are for the architect.

JAKE STEVENS: Okay. Well, we'll answer them. But go ahead.

COMMISSIONER HOOPINGARNER: If you can bring up the plans, it might help facilitate the questions.

JAKE STEVENS: What sheet are you asking about?

COMMISSIONER HOOPINGARNER: In particular, we'll start with looking at A103. And I appreciate for those following along at home, the sheets are not in order in the package, so it's a little confusing. I don't know the page number that is. It's sort of halfway through.

JAKE STEVENS: Okay. Let me see if I can find it for you.

COMMISSIONER HARRIS: That would be Page 49 of the project plan.

COMMISSIONER HOOPINGARNER: Thank you.

JAKE STEVENS: Almost exactly halfway. A103.

COMMISSIONER HOOPINGARNER: David, do we have video?

JAKE STEVENS: I should be sharing.

COMMISSIONER HOOPINGARNER: Great. Okay. Can you zoom in on the actual plans?

JAKE STEVENS: Which part, Commissioner?

COMMISSIONER HOOPINGARNER: The plans, the building.

JAKE STEVENS: Of course.

COMMISSIONER HOOPINGARNER: Not all of the pretty words.

JAKE STEVENS: Sure.

COMMISSIONER HOOPINGARNER: Okay. So notice here how this is both residential and commercial parking on the -- this is the P1 parking. And your elevators are all right there. So the public is going to have full access to this residential parking as I read the plans. So I'm wondering how you are securing the residential parking on this floor.

JAKE STEVENS: Of course. The programs are -- I mean, elevators can be easily programmed with FOB control to go to specific floors. So it's not a Wild West situation where anybody can press any button.

COMMISSIONER HOOPINGARNER: No, but this floor is both residential and commercial. So anyone gets off the residential elevator, they have access to commercial. And anyone gets off the commercial elevator, they have access to residential.

JAKE STEVENS: Well, there's also valet, but it's not just unregulated, anybody can go drive down into the garage.

COMMISSIONER HOOPINGARNER: So it's 100% valet for everybody?

JAKE STEVENS: There's a valet accessible.

COMMISSIONER HOOPINGARNER: No, is it 100% valet?

JAKE STEVENS: Everybody will have use of the valet if they'd like.

COMMISSIONER HOOPINGARNER: So what would prevent a hotel guest from parking in a residential parking space?

JAKE STEVENS: They would not be allowed to go down into the parking garage by themselves without stopping and speaking to the parking attendant at the entry to the project.

COMMISSIONER HOOPINGARNER: But once they get inside, they can still park wherever they would want to park.

JAKE STEVENS: They would be directed to the appropriate location by the valet.

COMMISSIONER HOOPINGARNER: Okay. And the physical security of the people in the residential parking lot?

JAKE STEVENS: What are you asking about, like a security guard down there, or a -- I mean, obviously, there'll be cameras in the normal [building center].

COMMISSIONER HOOPINGARNER: Well, in other projects, we've had a wall, a division, a physical division between residential and commercial to provide security for the residents. So when I look at this, I don't see that.

JAKE STEVENS: Yeah. We do have a roll-down gate. Eric, will you clarify where the roll-down gate is in the separation of the parking, please?

ERIK ALBRIGHTSON: My name is Erik Albrightson. There's a separation between the commercial parking and then the residential right here, which you would have FOB access control. So the left side of the gate is all just dedicated residential assigned parking.

COMMISSIONER HOOPINGARNER: And so you would have to -- when you're walking from the elevator to your car, you would have to use your FOB to raise the gate in order to get to your car?

ERIK ALBRIGHTSON: Yes, to get your car from the commercials. You would come down through the parking garage, and you would have to wait here for the gate to open and then you would access the gate via your FOB control and then continue for a residential parking down. So it's cordoned off for commercial use.

COMMISSIONER HOOPINGARNER: And when you leave, you've got to open that gate and then walk out into the commercial space to go to the elevator?

ERIK ALBRIGHTSON: Yes, you would have to access the commercial space to access the elevator.

COMMISSIONER HOOPINGARNER: Okay. We've made other -- we'll discuss that later. Where is the required staging zone for residential moving? I couldn't find it. And I saw in the staff report that you're putting it on the -- I guess go up one more page to 110. You said you were going to use that valet parking for moving?

JAKE STEVENS: So there would be a number of options available to residents upon move-in. So there's designated loading spaces that they would be available to use in the garage. We would also make arrangements so that move-in and out could make use of that valet staging area within the garage as practical, obviously managed by the valet and the hotel operator. And of course, if people want to be using larger trucks, they can always go to the city and get curbside move-in and move-out parking permits as is the existing program.

COMMISSIONER HOOPINGARNER: So there's no on-site parking for moving vans?

JAKE STEVENS: There is on-site loading and there will be availability to use valet staging area for move-in and move-out.

COMMISSIONER HOOPINGARNER: No, moving vans. So when Mayflower comes in with their semi-truck, where would they stage?

JAKE STEVENS: So an 18-wheeler would not fit in the garage. It would need to get a curbside permit, move-in and move-out parking. I would be hard-pressed to find a residential building in West Hollywood where an 18-wheeler can pull into the garage.

COMMISSIONER HOOPINGARNER: Just asking because it's in the resolutions that it's 100% on-site. So I'm just asking.

Okay. Can you show me where the trash is being picked up?

JAKE STEVENS: Sure. So the refuse room will be the staging area where Athens has reviewed the plan with us and Waste Management. There's a refuse room here in the Ogden property where trash can be wheeled back of house straight to the refuse room, and then it is staged for pickup on the Ogden side of the property there at the driveway. And that's where the compactors are, in the refuse room.

COMMISSIONER HOOPINGARNER: So is that a roll-up door?

JAKE STEVENS: No, it's not a roll-up door. You see in the renderings, it's actual gated doors. It's not a roll-up, and they're wood and it's decorative and there's public-facing art on it as well. So it's not just a metal roll-up kind of bodega security situation.

COMMISSIONER HOOPINGARNER: So when we looked at that rendering, the painting on the right was actually the trash door?

JAKE STEVENS: Yes, correct.

COMMISSIONER HOOPINGARNER: Okay. And this curb cut, you stated in the staff report that it's 20 feet. But on the plans, it's 40 feet.

JAKE STEVENS: Well, that dimension for -- oh, for 40 -- no, it's, it's 20 feet. So I'm sorry, that may be a typo. But it's, it's --

COMMISSIONER HOOPINGARNER: The driveway's 20 feet, but the curb cut's 40.

JAKE STEVENS: The driveway is, yeah.

COMMISSIONER HOOPINGARNER: Okay, because I believe we have code that says no to that. Okay. Sorry, a lot of pages here. Go a few more pages to A170.

JAKE STEVENS: Hold on one second. A170. [Indiscernible]. Oh, the seventh floor?

COMMISSIONER HOOPINGARNER: Correct. I'm looking at the common open space, which is a little hard to see. Again, if you zoom a little more. They kind of look like units because they're on the seventh floor and there's an entire roof deck up above. So even though where it says roof deck, that's not actually on a roof. It's on the seventh floor.

So I was looking at this and trying to understand where the ventilation is going to come from for these spaces. I mean, I understand the side is open and the top is open, but how do you get cross-ventilation in these common open spaces?

JAKE STEVENS: Well, I mean, there's no wall.

COMMISSIONER HOOPINGARNER: I mean, there's walls on three sides. Is there some sort of opening that -- because I see units on both sides.

ERIK ALBRIGHTSON: It would just have an open air, open to the sky, and then you'd have the front elevation that's open. It has enclosure on three other sides, though.

COMMISSIONER HOOPINGARNER: Okay. So this bottom one on the bottom there, that the roof deck is facing south, so it will get all the south sun, but no west breeze or east breeze?

ERIK ALBRIGHTSON: That's correct.

COMMISSIONER HOOPINGARNER: Okay. Go one more page to the roof. And I believe in our ordinance we have requirements for covering the mechanical units, but I don't see that on the plan. So I'm wondering what the proposal is and what they would look like and what that would do to the elevations.

ERIK ALBRIGHTSON: They would just be screened. It would just be a vertical projection to just conceal them from public right-of-way.

COMMISSIONER HOOPINGARNER: We're not talking about concealing. We're talking about the Climate Action Plan.

ERIK ALBRIGHTSON: I mean, they would still have the -- I mean, this is not an accessible roof as well, just to clarify. But it would just be screened from --

JAKE STEVENS: I'm sorry, are you talking about an actual lid on the enclosure over the mechanical, like a physical top on the enclosure around the mechanical?

COMMISSIONER HOOPINGARNER: Per the Climate Action Plan, it's been proven that covering mechanical units reduces energy cost by 30%. So my question is, how will that be achieved?

JAKE STEVENS: Well, I'm sure that energy savings could be achieved if it is covered. I don't believe that's a statutory requirement of the project here.

COMMISSIONER HOOPINGARNER: I'll leave that to staff. Okay. Let's go back to the ground floor -- no, wait.

JAKE STEVENS: I got it. Ground floor.

COMMISSIONER HOOPINGARNER: A110.

JAKE STEVENS: Yep.

COMMISSIONER HOOPINGARNER: Okay. Zoom in on the lobby, and the -- so that parcel room, so you've got 126 units, and is that the only parcel room?

JAKE STEVENS: I'm sorry, is the only what?

COMMISSIONER HOOPINGARNER: Parcel room.

JAKE STEVENS: Parcel room. Oh, parcel room for deliveries? Yes, that's correct.

COMMISSIONER HOOPINGARNER: Yes. That's it, for all 126 units?

JAKE STEVENS: Correct.

COMMISSIONER HOOPINGARNER: Okay. And how will they be secured?

JAKE STEVENS: The front of house will accept all deliveries. It will be, obviously, key fob for residents. There will be a system developed by the operator to identify and notify residents. There's a million different types of systems. You can --

COMMISSIONER HOOPINGARNER: So anyone can walk into that room with their key fob and get their package?

JAKE STEVENS: Depends on the operator, if they decide to give every resident a key fob or if you have to go request your package at the front desk. There will be some sort of access control. It will not be open to the general public.

COMMISSIONER HOOPINGARNER: Well, that I appreciate. It's a question of is that sufficient room, and how is it secured?

JAKE STEVENS: Yeah. We believe it is more than sufficient room.

COMMISSIONER HOOPINGARNER: Okay. I believe at design review, we asked about the pool and the fitness room. And would they be accessible to the residents?

JAKE STEVENS: Yes, they would be.

COMMISSIONER HOOPINGARNER: And that will be a condition?

JAKE STEVENS: There is a CUP with conditions of hours of operation for the pool at maximums there. And then within those strictures, the hotel operator can either live with those or come back and have another hearing at the Planning Commission to amend the CUP.

COMMISSIONER HOOPINGARNER: I'm not talking about the hotel operator, I'm talking about the residents. Are they going to have access to the pool?

JAKE STEVENS: Yes.

COMMISSIONER HOOPINGARNER: Okay, because it's on a hotel floor. So that the residents will have to go to hotel floors in order to get to the pool, correct?

JAKE STEVENS: They will have to go to the second floor, and the hotel is located on the second floor. So that's correct.

COMMISSIONER HOOPINGARNER: You've stated a couple of times that 100% percent of your plants are native.

JAKE STEVENS: I believe it's 80%, was in the staff report.

COMMISSIONER HOOPINGARNER: Okay, 80% of the plants are native. Is your landscaper here?

JAKE STEVENS: Yes.

COMMISSIONER HOOPINGARNER: Okay.

JAKE STEVENS: We can decide who answers the question, Commissioner. What's the question?

COMMISSIONER HOOPINGARNER: I'm a little confused.

JAKE STEVENS: What are you confused about, Commissioner?

COMMISSIONER HOOPINGARNER: The fact that there's only two native plants on this whole pallet.

JAKE STEVENS: Okay. [Yael], you want to talk about the native plants that are in our pallet?

COMMISSIONER HOOPINGARNER: I mean, they're South African, they're Australian, they're Asian, they're many things. And there are many lovely plants, but they're not native.

Yael: The plant pallets are basically drought tolerant. There was no request for native plants.

COMMISSIONER HOOPINGARNER: And I appreciate that's probably the brief you got, but the statement made is that they're native.

JAKE STEVENS: Then if I need to correct myself and say that they're 80% drought tolerant and not California native species, then I apologize for misspeaking and we'll happily correct that.

COMMISSIONER HOOPINGARNER: Okay. Well, I mean, it's important because it is, again, part of our climate action.

JAKE STEVENS: Certainly.

COMMISSIONER HOOPINGARNER: Okay. Thank you. That's it.

CHAIR GREGOIRE: Great. Any other questions for the applicant? Hearing none. Thank you so much.

JAKE STEVENS: Thank you, commissioners.

CHAIR GREGOIRE: Okay. Now is the time for public comments on this matter. The Commission Secretary is informed we have 37 people who are signed up to speak. Obviously, it's getting late, but we all want to hear what you want to say.

My fellow commissioners, I was proposing that each public speaker would get two minutes. Are there any objection to that? Hearing none. When it's your turn to --

VICE CHAIR JONES: If possible, and if my fellow commissioners are amenable, if someone really needs to go over two, I just want to grant them that. But I think we'd ask people to keep it to two. But if someone really needs to go for longer than that, I'd like to give them that if you're okay with that.

COMMISSIONER HOOPINGARNER: Especially given that our precedent is three minutes.

ISAAC ROSEN: Apologies to interrupt, Commission. I would just note, there has to be a uniform standard for all speakers.

VICE CHAIR JONES: Understood. Okay.

ISAAC ROSEN: So It would have to be applied uniformly.

COMMISSIONER HOOPINGARNER: Split the difference to 2.5?

VICE CHAIR JONES: I'm fine with two. I'm fine with two.

CHAIR GREGOIRE: Great.

COMMISSIONER HOOPINGARNER: I would also like to encourage people that concur with a previous speaker to say such and not necessarily repeat everything.

CHAIR GREGOIRE: Great. So everyone will have two minutes. And I'll just remind everyone, please, no applause. Applause actually adds a lot of time to the public comment. And also, we don't want to intimidate anybody who might want to express a different viewpoint.

With that, Mr. Gillig?

DAVID GILLIG: Thank you. Our first speaker will be Kathleen Murphy. Kathleen will be followed by Benjamin Watts. Is Kathleen here?

KATHLEEN MURPHY: Hi.

DAVID GILLIG: All right. You'll have two minutes.

KATHLEEN MURPHY: Good evening. I'm speaking tonight as an active member of this community in a very proud and concerned Ogden Owl, who lives just three buildings away from the --

CHAIR GREGOIRE: Can I stop you just to say, when you come to the mic, everyone, please state your name and city of residence for the recording and for the record.

KATHLEEN MURPHY: Yes, of course.

CHAIR GREGOIRE: And please speak into the mic.

KATHLEEN MURPHY: Okay. My name is Kathleen Murphy, and I live in West Hollywood on Ogden Drive. I'm speaking tonight as an active member of this community and a very proud and concerned Ogden Owl, who lives just three buildings away from this proposed project.

I want to begin by acknowledging that thoughtful development is an essential part of city life. I also share many of the concerns raised by my fellow community members and neighbors regarding traffic flow, pedestrian safety, circulation, noise, waste management and overall livability in an already dense and transient area.

Additionally, this project is simply too massive for the space available. It's like trying to build a mansion on a postage stamp. West Hollywood is special because of its unique character and architecture, rich history, walkability, mixture of cultures and local businesses. I believe a project of this kind is a risk that will disrupt and overwhelm the balance of our neighborhood, rather than contributing and enhancing it in a way that is in alignment with the pulse of our community.

I respectfully ask you all to take some time and carefully reconsider. Spend time in this neighborhood. Get a feel of the pulse and the heartbeat, the people, the flow of the day. That alone should guide you to the right decision. Thank you for your time.

DAVID GILLIG: Thank you. Benjamin Watts, to be followed by David Modisett.

BENJAMIN WATTS: Hello. My name is Benjamin Watts. I'm a resident of West Hollywood.

According to the plans, I already live in the Bond project based on the flyers that are up front and the coverage that is depicted. I live at 1119 North Ogden, which the house that I live in is somehow included in the red block that they are designing. So I just wanted to bring that to attention.

This project in general feels completely out of step and out of line with the surrounding neighborhood in general. It doesn't feel appropriate, gentle or sensitive to what goes on in this neighborhood. The awkward structure obviously feels forced, which feels evident based on the questions that are being raised.

The footprint of this project is a logistical disaster. It seeks to entomb multiple 100-year-old structures on three sides and places a massive development directly adjacent to the preschool, creating a chaotic environment for children and surrounding residents. This does not feel like development. This feels like shoehorning a zoo into the space.

This project additionally also sabotages future development by failing to do anything with the corner properties of these lots. It feels like this creates a permanent architectural scar in our neighborhood and any future development of these corners will then effectively be walled off for the balconies of this building. The awkwardness of this design feels directly related to the lack of land shortage and the fact that we are piecemealing these lots together.

We as a community are being asked to approve a project that is malformed because the applicant could not get the proper lot size. So I respectfully ask to please send this project back for redesign, proper lot size and an additional EIR. Thank you.

DAVID GILLIG: Thank you. David Modisett, followed by Brent Jones.

DAVID MODISETT: Good evening. My name is David Modisett, and I live on Laurel in West Hollywood.

I oppose this project for all the reasons you're going to hear tonight. But let's face it, this project as is presented tonight will never be completed. Right now, there are half a dozen examples of fenced off dirt fields within the city limits. These started out much like the project being proposed tonight. Businesses were evicted, buildings demolished, some even historically designated. And for what? I understand that this hearing is a part of a regulatory process. But obviously, the process is not working.

I'm a member of Brick, one of the buildings that would be torn down. Sorry. It's been my third place for more than a decade. It's a thriving community space and a small business. There are hundreds of members. It connects me to this community. I'm sober. I don't want to go to bars.

More than anything, I do not want to see my community space torn down, only to end up as a fenced off dirt field. The evidence clearly points to this very thing happening if this project gets approved. At some point, the city needs to ask itself who it supports. Does it want to be a place of hotels and corporate chains? Does it want to lift up its own communities and small businesses?

There was an article just today in the New York Times about a housing study that was titled Why Building Alone Won't Solve the Housing Crisis. The study showed that in cities that aggressively built housing, rents rose dramatically for lower-income households and stabilized for wealthier ones.

You're here tonight to decide if this development should receive special treatment and exemptions on several city ordinances. I'm asking you to instead uphold the rules, demand that the developer go back to its design and propose something that follows these established rules,

demand something more upfront in order to guarantee that the project would be seen through to completion.

I sent a message to this developer that it needs to complete the projects it already has in progress before destroying something else. Choose something different so that we can have a different outcome. Thank you.

DAVID GILLIG: Thank you. Brent Jones, to be followed by Huntley Woods.

BRENT JONES: Hello, my name is Brent Jones, and I'm speaking both as a West Hollywood resident of Ogden Drive, who lives within 500 feet of the proposed project as well as a longstanding member of Brick Fitness. I'm speaking tonight specifically from the perspective of a member of the Brick community.

There are not enough words to properly convey the value that Brick brings to the neighborhood and to the city of West Hollywood, but I'll do my best to paint a worthy picture. Brick is a thriving small business that serves as a progressive hub of the community, whose values are rooted in acceptance, inclusion, kindness and empowerment. I grew up as a closeted gay kid in the Appalachian Mountains of Kentucky. And as is the case for the majority of queer kids growing up in rural America, I know firsthand what it's like to navigate a world not feeling accepted by those around you and feeling like you may never belong.

That all changed when I joined Brick in 2021. At Brick, I found a place where I could meet like-minded people of all different ages, races, ethnicities and sexual orientations who all accepted each other, not in spite of who we are, but because of who we are. It was the type of place I always longed for as a young gay kid in Kentucky. Brick, its coaches, and its members healed wounds within me, some of which I didn't even know I had.

Brick is the type of place that the city of West Hollywood should be looking to as a role model and as a shining example of what's possible when we lead with our hearts and a vision for a better world. In terms of the LGBTQ+ community, Brick is the definition of a true ally and progressive values. And in the current hellscape of today's political climate, we need local government to support businesses and communities like Brick now more than ever. To move forward with this project would be to act in complete defiance of the values of the city of West Hollywood should be rooted in and a slap in the face to the LGBTQ+ community right here in WeHo.

Since 1985, the city of West Hollywood has proudly considered itself to be a sanctuary city. In that context, it's my stance that Brick Fitness is, in fact, a sanctuary within the sanctuary. And the city should be doing everything in its power to help Brick and other like-minded businesses stay intact, not actively working to dismantle them by granting waiver after waiver to investors and letting them pick and choose. Thank you so much.

DAVID GILLIG: Thank you. Huntley Woods, to be followed by Len Lancey.

HUNTLEY WOODS: Hi, my name is Huntley Woods from West Hollywood. I've been a resident on Ogden and Santa Monica for 17 years and a member of Brick for 13 years.

10 years ago, construction started on the building next door to me and it's still not done. 10 years. There are currently five unfinished construction sites on my immediate block alone. I have endured years of constant daily construction noise, dirt and debris littering my building and block, half of our street parking gone because of contractor parking. Years of unfinished construction projects have made working from home and living on Ogden insufferable.

This is just a taste of what the residents in the neighborhood and the children of the preschool will be forced to endure for who knows how long if Faring actually goes through with something for once. Has this committee even considered the construction density and amount of unfinished projects in this neighborhood before adding more to it, let alone a seven-story monstrosity that bypasses required environmental reports and is too large for the footprint?

At the very least, this proposal should include if you're going to destroy the gym, you should rebuild one in the new building plans. I find it absurd and disrespectful that instead of supporting a small local business that has been a pillar of the community, you would instead demolish a safe space dedicated to health and fitness, one with hundreds of current local members, which also employs many West Hollywood residents.

During the pandemic, Brick was one of the few things that got me through this dark period. It remained open because it was an essential business. We have enough blighted businesses in West Hollywood. And if the concern is redevelopment, why not do something with those empty spaces instead of displacing one that's still in operation and serves our community in such a positive way?

It's a slap in the face that they only offer a handful of affordable housing units. I'm sorry for believing that all housing should be affordable. What is the alternative here? Unaffordable housing?

My message to Faring: if you want to tear down Brick, you've learned nothing from gay history. Do not invade our safe spaces when bricks are involved. Thank you.

DAVID GILLIG: Thank you. Len Lanzi, to be followed by Brett Long.

LEN LANZI: Good evening, Commissioners. My name is Leonard Lanzi. I'm the President and CEO of the West Hollywood Chamber of Commerce. I live in the County of Los Angeles.

I'm here tonight because this project is simply too important to let pass by. We all know that our state, county and yes, this city is in a housing crisis. This isn't abstract. It's affecting real people, our neighbors, our workforce and the very fabric of West Hollywood. And now with a new metro rail station coming to our city, we are at a pivotal moment. We can choose to shape the future intentionally, or we can fall behind.

This project is exactly the kind of thoughtful, forward-thinking, community-serving development we need now. It brings desperately-needed affordable housing, half of it reserved to very low-income housing, low-income residents, right next to a major transit hub. That's the kind of forward-thinking climate-smart planning our city has been calling for. It supports jobs, it boosts our local economy and it activates a block that has been dormant for far too long.

Let's be honest. Concerns about scale are simply not grounded in reality. This applicant could have built a taller project under the new transit-oriented incentives, but they didn't. They chose to scale it down out of respect for the neighborhood. That's the kind of responsible development we want.

This project is supported by labor, by pro-housing advocates, by community voices who recognize that West Hollywood must grow if we want to maintain an inclusive and sustainable community. Commissioners, this is our chance to say yes to that future. Tonight, I urge you strongly to approve this project. Let's show that West Hollywood is serious about solving its housing crisis and building the future our community deserves. Thank you.

DAVID GILLIG: Thank you. Brett Long, to be followed by Louis Yaroshefsky. Oh, is he? Okay. Louis, we'll get back to you. Is he ready to go? No? Okay. Mike Carter, to be followed by Robert Blackman.

MIKE CARTER: Greetings, commissioners, staff, my neighbors. I'm Mike Carter, an Owls Neighborhood Watch captain here with my neighbors tonight to request that the Commission deny the requested waivers and require a final environmental impact report, and here's why.

#1, this project fails to meet objective eligibility standards in WHMC 19.36.170. This site totals only 40,186 square feet. The municipal code requires for a project of this intensity 50,000. This project demonstrates a 9,814 square foot legal chasm. A zone text amendment just recently lowered the required land assemblage for these projects by 10,000 square feet. How can what previously required a ZTA now be accomplished with just a simple waiver? If a project does not have the land to qualify for the use, it should not be granted the density.

#2, the developer is attempting to bypass the final EIR by using an Assembly Bill 130 statutory exemption. However, under Public Resources Code section 21080.66, Subdivision A, Paragraph 8, projects containing hotels or transient lodging are explicitly disqualified from this housing shortcut. A law intended for affordable homes cannot be used to shield a 45-room luxury hotel from CEQA environmental scrutiny.

#3, this site has a 100-year-old toxic legacy with a history of hazardous industrial uses, including a gas station, a dry cleaner, a neon fabrication plant. Deep subterranean excavation poses a direct risk of vapor intrusion and toxic dust. Because this project is immediately adjacent to a daycare center, a sensitive receptor, the city must require a full health risk assessment and a final EIR to protect the safety of neighboring children. Public safety and health demand it.

#4, the -- may I finish?

CHAIR GREGOIRE: 10 seconds.

MIKE CARTER: Thank you. The T-shaped footprint funnels all residential and hotel traffic onto North Orange Grove. The last neighborhood meeting regarding this project called by the developer occurred over five years ago under the first project iteration, and this is now the third.

CHAIR GREGOIRE: Thank you so much.

MIKE CARTER: Thank you. Have a good meeting.

DAVID GILLIG: Thank you. Robert Blackman, followed by Louis Yaroshefsky.

ROBERT BLACKMAN: Good evening, commissioners. My name is Robert Blackman. I live on Ogden Drive in West Hollywood, and I just wanted to echo my support for everything that Mike just said.

The development is very problematic in many different ways, but I want to register my strong opposition to the proposed development because it represents a radical departure from established zoning logic and poses significant risks to the safety and character of our neighborhood. It is an objective standard failure.

Our opposition is rooted in the following concern. The applicant is seeking a waiver to an objective standard. By definition, objective standards are the mandatory floor of acceptable development, not a suggestion. Please send this back for an updated EIR and a design review.

And I have the good fortune of living two buildings up from a hole that's been in the -- from a development that started seven years ago. It will never be completed. I don't think the federal funds rate will ever fall low enough to make this development likely on a financial basis anyway. Thank you.

DAVID GILLIG: Thank you. Luis Yaroshefsky followed by Andrew Purcell. Lois, sorry.

LOIS YAROSHEFSKY: That's okay. My father called me Luis. My name is Lois Yaroshefsky, and I've lived on Ogden Drive for 35 years. That's within the impact zone.

First of all, I want to express my 100% agreement with statements made by Michael Carter, who is our Owls Neighborhood Watch captain.

Commissioners, tonight is an opportunity to reaffirm that West Hollywood standards matter. The environmental review matters. The neighborhood matters. We're asking you to stand with the community and uphold the municipal code. Please send this project back to get the land required as an environmental impact report.

We ask you to require a new neighborhood meeting. The last one occurred more than five years ago under a different design, and this is now the third iteration. We ask the developer to remove the hotel use, reduce the height, eliminate the balconies and convert the residential parcel to open

green space. Even then, the massing built around an irregular 12-sided core remains fundamentally out of scale for this site.

To my union brothers and sisters, if you want to make a buck like we all do, support a good project. If you want a housing project, support a good one. Long after you will complete this project and go back to your homes, our neighborhood will suffer the scar that leaves behind.

One last thing. In all the years that this project has been in the works, I've never received a notice regarding the plan. If I hadn't spoken to a neighbor down the block, a few neighbors, I would have never known about it. I would have been very upset that I wasn't able to express my opinion and concerns.

Thank you for the opportunity to speak this evening, and please send this project back for something that we can all agree on. Thank you.

DAVID GILLIG: Thank you. Andrew Purcell, to be followed by Sebastian Steinberg.

ANDREW PURCELL: Good evening. My name is Andrew Purcell. I've been a long-standing resident of West Hollywood, now almost two decades living on Ogden Drive.

I do want to echo my support for Mike Carter and everyone that has spoken tonight in opposition of this project. I'll get straight to the point here. Lot time, it's a discretionary privilege granted by the city, not a right. It's intended to create cohesive, functional developments in this scenario. It's being used to circumvent minimum site area requirements.

If the Commission allows this, they're signaling to every developer in West Hollywood that they can buy a small residential lot, tie it to a commercial one and import massive commercial density into a quiet neighborhood. By allowing this lot tie, you're effectively rezoning Ogden Drive to CC2 without the public process of a general plan amendment. You're letting the developer redraw the zoning map.

The City Council recently approved a change to the WeHo Municipal Code item 19.36.170, Subsection A, Paragraph 1. It reflected a change in land requirement for projects just like this. A 60,000 square foot requirement was changed to 50,000. Now we're faced with a developer asking to waive the brand-new standard of 50,000 to 40,000. Why did City Council bother with the ZTA if this very objective standard is just to be waived anyway?

My request is to send this back for an ERI the property it requires and redesign. Thank you for your time.

DAVID GILLIG: Thank you. Andrew Purcell, to be followed by -- oh, I'm sorry, Sebastian. You're Andrew?

SEBASTIAN STEINBERG: Good evening, Sebastian Steinberg, resident of Orange Grove for 19 years.

I agree thoroughly with everyone who's spoken in opposition to this, particularly Mike Carter for doing really due diligence. The main impression I get as someone who spends a lot of time on the street and is an active part of the community is that this has got nothing to do with the local community. When I hear community leaders approving this, I find a complete disconnect. It really doesn't fit the neighborhood. It's very tone-deaf, and it seems very much made by people who don't live anywhere near where this is going to be happening. That's all. Thank you very much.

DAVID GILLIG: Thank you. Laura Boccaletti, followed by Nona Ziba.

LAURA BOCCALETTI: Laura Boccaletti, 23-year resident of Ogden Drive, West Hollywood, within 500-foot radius of this project.

I also express my 100% agreement with the statements made by Mike Carter, and I'll bring up one other point. A floor area ratio of approximately 4.43 to 1 is staggering for a residential-sized street. The irregular 12 sides and the jigsaw designs aren't artistic choices. They're desperate attempts to wrap a massive building around land the developer does not own.

The sheer volume of this proposal is incompatible with the surrounding context. The staff report admits the neighborhood is defined by one to two-story commercial buildings and one to three-story homes. 7811 proposes a seven-story monolith. This isn't an evolution of the neighborhood. It's an erasure of its scale.

Successful urban hubs are anchored by corners. This project hides in the middle of the block, pushing its massive bulk into the inner residential sections rather than the commercial intersections. There is no gentle way to transition a seven-story glass, concrete and steel mixed-use hotel into the backyards of one-story bungalows and 100-year-old apartments. The design outcomes are forced because the land assemblage is incomplete. Please send this project back for the required land parcel size. Thank you.

DAVID GILLIG: Thank you. [Nona Ziba], followed by Dena Kleinrock. Pass? Okay. Dena, to be followed by Pedro Borges.

DENA KLEINROCK: Hi, good evening. My name is Dena Kleinrock. I'm a resident of West Hollywood, and I live in the 500-foot impact zone where I've lived on Ogden for the past 24 years.

I do want to express my 100% agreement with everybody that has spoken in opposition to this project. We are here for the third time regarding a project that still fails to comply with the very laws governing its approval. This is not just a disagreement over its aesthetics. It's a fundamental failure of the applicant to meet the objective standard of 50,000 square feet required for the entitlements they seek.

This project attempts to claim the benefits of a mixed-use project under Section 19.36.170, yet it lacks the requisite land to qualify. It cloaks itself in the virtue of providing housing while housing a hotel. It demands six waivers, bonuses, two incentives, even asking this body to waive

objective standards. Its treatment of separation of uses should require yet another waiver of objective standard. This raises a really critical question. Does such an action hold legal precedent, or are we undermining the integrity of our own code?

The applicant has presented a spoiled child of a project, malformed by design and robed in ill-fitting clothes. Please send it back.

And I also want to note, very much like somebody else on Ogden, I was not made aware of this. I did not receive any notice about this project, and only found out about it by walking through the neighborhood, which I do every single day. And this neighborhood means everything to me. Please send it back.

DAVID GILLIG: Thank you. Pedro Borges, followed by Paul Smith Leonard. Pedro, passing? Okay. Paul Smith Leonard, to be followed by Loren Kalin. No, Paul? Okay. Loren Kalin, to be followed by Kevin LaFuente.

LOREN KALIN: Good evening. I'm Loren Kalin. I'm from Los Angeles. I'm the owner of 1121 North Ogden Drive, which is right in the middle of all the development and all the traffic and all the noise.

I have brought pictures of my older bungalows with power lines running through the property, and nobody in the environmental report has said anything about the danger of these power lines coming down and causing a fire. We went through the Palisades fire. If the commissioners will allow me to bring up these pictures, I will be happy to show them.

And I feel, as the owner of the property that's in the middle of this destruction, that I have to protect my residents that are living there. And if I have to, I will go to an attorney, and I will look possibly for an injunction if you give them the demolition permit, because safety is #1 with the residents, and we're right in the middle of all the destruction. Thank you very much. May I present the pictures to you of the power lines, of the bungalows?

CHAIR GREGOIRE: Please pass them over to the Commission Secretary.

LOREN KALIN: Okay, thank you.

DAVID GILLIG: Right here.

CHAIR GREGOIRE: Thank you. Kevin LaFuente, to be followed by Isabel Arias.

KEVIN LAFUENTE: Good evening, commissioners. My name is Kevin LaFuente, resident of Los Angeles, and your neighbor from Koreatown.

Brick Los Angeles, address 7811 Santa Monica Boulevard, is not just a gym. It has become a sanctuary to me and my chosen family. It has been a refuge since the world opened from COVID, and a place where I end my busy workday.

Just like yourselves, I myself as a public servant. I end my day at Brick, and I choose to drive extra mile to feel rejuvenated and refreshed, to be able to provide services to the population I serve, that are mostly underserved, indigent, often forgotten and ignored.

Brick Los Angeles is not just a gym, it is also therapy. The community it generates foster a sense of safe belonging, promotes health, wellness and exemplifies the meaning of a small business that does good for the people.

Brick Fitness has established many friendships and networks that I can tell you has gone beyond the borders of West Hollywood, from New York City, Spain, Italy, Europe, Brazil, Thailand. I can tell you that because of Brick, the community it has fostered, I have shared many smiles and memories with these people.

Friends, coworkers and family members are happy to meet with me in this establishment. And for me, it's synonymous to sharing a slice of my life, being a gay Filipino Catholic American. Some words cannot be described just by words, and for them to see me in this community, it's for them to step foot in how I live my life.

This gathering place gave birth to the true meaning of what and how a chosen family could be. And standing in front of you is a better version of myself, all thanks to Brick, located in 7811 Santa Monica Boulevard. I would not wish for this establishment to disappear, for it has done nothing but good. Thank you for your time.

DAVID GILLIG: Thank you. Isabel, to be followed by Joshua Goose.

ISABEL ARIAS: My name is Isabel Arias, I go by Izzy, and I'm a West Hollywood resident and I live on Ogden.

I wish to express my 100% agreement with the statements made this evening by Mike Carter, our Owls Neighborhood Watch captain, as well as the other people who have spoken in opposition.

The Municipal Code sets objective standards for a reason. These standards are the contract between the city and its residents. If a project doesn't meet the minimum site area, it is legally noncompliant. Granting bonuses and incentives to a project that fails to meet the baseline requirements is a subversion of the law. You cannot build a bonus level if you haven't completed Level 1.

By approving a project that fails to meet the minimum site area, you're not streamlining housing. You're endorsing a design that is physically too large for its foundation. This deficit is the direct cause of the dangerous traffic patterns, the entombment of neighboring structures, and the poaching of residential parking.

We ask the Commission to uphold the integrity of the municipal code. A project that does not meet the minimum requirements of the land cannot be expected to meet the needs of the community. We urge you to follow precedent and deny the application as presented. Thank you.

DAVID GILLIG: Thank you. Joshua Goose, followed by Mina Wesa.

JOSHUA GOOS: Hi, I'm Joshua Goose. I live in West Hollywood. I live on Ogden. And I just want to address -- I want to thank the Commission for their service. Even the people who want to invest in our city, thank you for wanting to invest.

But I have to oppose this project because I want to go to the issue of parking. I believe they said they're going to have 126 units, but only 107 spaces. And then there's the issue of permits. I believe they said that they're not issuing permits for this type of building, but it wasn't -- and there was confusion around permits. There's also going to be a restaurant there. Where are those people are going to park? And they're probably going to eliminate parking. And if you go into the Streetscape project, which has also eliminated 210 spaces, definitely a lot of parking disappearing for a lot of people in a small space. So for parking alone, I definitely have to be against this project. There's not enough parking at all.

The other speaker came up, Huntley Wood, and he talked about failed projects. And he is right. On our street, this is a picture of that project. There's a hole in the ground. It's been there for over two years. The city's done nothing to fill it. Not to say they don't have the money, but we don't know. I'm not sure what financial backing you guys check. How many construction loans do they have? Have they been preapproved? I mean, usually projects come in phases. They talked about two phases in the thing. Does that mean they have the loan for the original project? I don't know. So I just hope that addresses it.

And one other thing is when I do construction, that's a bottleneck there, so Whole Foods gets super busy. And then what are we going to do, residents? How are we going to make a left or right turn out of there? They're going to block the street on both sides. They're building on both sides of the street. So I just want to end there.

And I'm not against development or people wanting to invest, but I'm definitely against this design and the lack of parking. That's it.

DAVID GILLIG: Thank you. Mina, followed by Stephanie Harker.

MINA WESA: Hello. My name is Mina Wesa, and I'm a resident of West Hollywood for the past three and a half years. Let me open my -- I opposed this measure, and I agree with Mike Carter and everyone that opposes this measure.

Let me open with what the former Councilor John D'Amico said about Faring Capital. Faring Capital cannot be trusted. Faring Capital threw in the towel on Robertson Lane. Cranes raised their property, and the developer will now present a new plan. Seven years later, down the drain, and the property stands still.

I'm glad that my teammates at Brick talked about how Brick is not a gym, Brick is a house for all of us, for hundreds of us that have been going there, and it helped us have a home. And I cannot believe that this place would go. I cannot say how many times Brick actually had a direct impact on my mental health.

A couple new numbers. The City of West Hollywood have currently over 700 units available for rent that are not being rented. This number might fluctuate. Most of those units are going to be the same proposal as the Faring, with very ultra-luxury, high-rent proposals. For the hotel, the current capacity for hotels at the City of West Hollywood is running at 71%. I do not think that we need new hotels in the City of West Hollywood.

One last remark. I couldn't help but when my friends at Brick were pleading their case and saying how Brick impacted their life, to see that the applicants were laughing and not really caring about what they were saying or even tried to make a plan to propose something for those people that go to Brick. Thank you.

DAVID GILLIG: Thank you. Stephanie Harker, to be followed by Cathy Blaivas.

STEPHANIE HARKER: Good evening. Stephanie Harker, City of West Hollywood.

I oppose staff's recommendation to approve Item 9A for a myriad of reasons, but particularly due to the toxicity of the proposed site. If a building is planned without first fully remediating the ground, this has the potential to cause serious health issues for the surrounding area and inhabitants therein that cannot be remedied by a special wall next to the school. A wall does nothing to eliminate toxic vapors or contaminated groundwater.

This could be a better project if the developers change course now and go back to the drawing board. Ask the EPA to sign off first, remediate the ground prior to the construction and don't wait right up to the end before the certificate of occupancy is issued. Please don't force a name change from the Bond to the Brockovich.

My ardent hope is for all developers to stop cramming projects down our throats and not just listen to the community's input, but act upon the community's input. Community members want to have their work and their research matter. Faring's list of community support includes outside interest groups, Unite Here, an LA-based labor union; YIMBY LA; and Abundant Housing LA, an organization to which Commissioner Edwards and Commissioner Solomon have close ties. I see no community groups such as Ogden Owls, Neighborhood Watch or any other resident groups.

Please deny the staff's recommendation and oppose the 7811 Santa Monica Boulevard project as currently designed. It can be a better project. Thank you.

DAVID GILLIG: Thank you. Cathy Blaivas, to be followed by Steve Martin.

CATHY BLAIVAS: Good evening. Cathy Blaivas, City of West Hollywood.

I couldn't agree more with the articulate, well-researched comments of those people opposing this project. Clearly, it's beyond just a neighborhood. Clearly, the people who have spoken out tonight are passionate for the same reason others are passionate. They love our city. They love

where they live. And this project is too massive for all the wrong reasons -- I mean, for all the right reason, they are opposing this project.

In terms of the metro, we don't know that the metro is coming to this area for sure. It's not complete. I mean, it's ideal, but we don't know that for sure. In terms of housing shortage, I am so tired of hearing about the housing shortage in West Hollywood. We clearly have an affordable housing shortage and a below market rate housing shortage, but we do not have a market rate nor a luxury housing shortage. And that's mostly what we are getting from this project.

I know this is not within your purview, and I'm sorry to have to say this, but Faring Capital has left our city with at least two areas of blight, the historic French market and the Robertson Lane Studio One debacle, where the historic Studio One was dismantled and lays somewhere in storage with no clear path forward. The loss of jobs, the loss of businesses, those are the legacies that Faring Capital has in West Hollywood right now.

I would hope that you oppose this project and do what so many have asked tonight, have it brought back with an EIR and a more reasonable size and not the same tie-in. Thank you.

DAVID GILLIG: Thank you. Steve Martin, to be followed by Ben Bruskin.

STEVE MARTIN: Steve Martin, East Side of West Hollywood.

Chair Gregoire, Honorable Commission members, I want to pick up what Cathy Blaivas was talking about. Faring does have a record. It's a record of urban blight, record of two major projects in West Hollywood that have no light at the end of the tunnel for being built. This will be another one. If this project does open, it will only be after the subway comes through West Hollywood. That may be years.

There's a number of issues that concern me, among them being the fact that the staff is depending on a toxic report that was dated from 2011 or 2012. I don't know if anyone had a chance to look at that report, but it's totally inadequate. The person who did the report said they only did a visual.

The report says that a dry cleaning facility operated here between 1919 and 1970, and thereafter there was a neon and a gas station, a number of places. But the only report -- the only inspection was visual and nasal, because the guy said he couldn't smell anything. He didn't see anything. Dead birds didn't fall out of the sky when they flew over. It's totally inadequate.

I don't know what that report was done for, what the extent of the project was. But if we're doing subterranean parking and thousands of tons are going to be excavated, we want to know if they're toxic and they're contaminated before they go to landfill. That's our responsibility as good stewards of the environment, regardless of what the codes say, no matter what Sacramento says. That's our job. That's our moral duty. And I say that you go back and look at that environmental report and get the real facts on this. Thank you.

DAVID GILLIG: Thank you. Ben Buskin, to be followed by Jarett Camarda. Ben? No? Jarett Camarda, to be followed by Hezekiah Laronda.

JARETT CAMARDA: Good evening. My name is Jarett Camarda. I'm a resident of the city of Los Angeles, but also a property owner in West Hollywood and a former resident of the past 15 years in West Hollywood.

I cannot begin to elocute as well as some of the previous speakers did about all the reasons that don't need repeating, but I just want to thank the Commission for their service as well as keep in mind that everyone in this room knows that there are several other projects in the city that are construction graveyards, and this could very easily become a third one.

The neighborhood does not deserve blight. This is a project that is hastily thought. During the applicant's presentation, he mistook Ogden Drive for North Orange Grove Avenue at least twice, showing a disrespect to all of the neighbors that live within 500 feet and a project they've worked on for at least 10 years. And a lot more consideration needs to go in before a project like this is approved. Thank you. I yield my time.

DAVID GILLIG: Thank you. Hezekiah Laronda, followed by Michael Mensah.

HEZEKIAH LARONDA: Hello, I'm Hezekiah Laronda. I'm a resident of Los Angeles, and I drive into West Hollywood five to six times a week to go to Brick Fitness.

You will hear from a lot of people here in opposition to the building project that Brick is not just another gym. That is very true. I am a person living with disabilities. Most of them are invisible. I have physical disabilities, and I am also autistic.

Brick Fitness provides accessibility for me. The coaches there know my disabilities. They offer individualized training. They are pillars of this community. Having people like me come in from miles away just because I found somewhere that is accessible to me, that has the specialized support that I need from the people there as well as the facility.

This is not something that I can find at any other gym, so I want that to be taken into consideration, what the city is sacrificing in order to approve this project or to grant and graciously give waivers. I would like that to be taken into consideration, those of us who have disabilities, where we find home. Thank you.

DAVID GILLIG: Thank you. Michael Mensah followed by Jerome Kurtenbach. Michael? No? Jerome Kurtenbach? Pass? Thank you. Carter [Scholen], followed by Charles Connelly. No Carter? Charles? No? Drew Statton? Melanie Hunter? No? Scott Dwinell? Okay. Scott will be followed by AJ Escobar.

SCOTT DWINELL: Good evening. Scott Dwinell, City of San Clemente. My family has owned Fountain Day School for 70 years, so obviously this is very important to us.

A couple things I just want to get on the record. You brought up a great point about the state boards and what restrictions they might have for surrounding buildings. That's something that we will look at. The loss of the adjacent parking lot is a big concern to us, and hopefully it's something that we can come to the city and talk to you guys about going forward if this project does get approved. Our parents use that for drop-off and pickup, and if we don't have that parking lot, that's going to be a big problem for us.

We would also like to have an understanding of the protections the school has from the physical part of the construction. That was brought up by the Planning Department. But if that's something that we could have some clarity on, because we're going to have a lot of conversations with our parents regarding this as well as our employees.

Lastly, our #1 concern is the safety of our children and our employees. Any type of environmental studies impact, we would definitely like to have access to because that, again, is a conversation that we're going to have to have with our parents, and they're going to bring that up to us. So we need as much clarity as possible to share with our parents and employees. Thank you.

DAVID GILLIG: Thank you. AJ Escobar followed by Grant Sloss.

AJ ESCOBAR: Hello. My name is AJ Escobar. I've lived in West Hollywood for the last 13 years, the last 11 of which have been on Ogden between Fountain and Santa Monica. So I've lived next to that big hole for seven years that has yet to be filled.

I want to echo my full support for my community members, Mike Carter, Huntley Woods, Brent Jones and Cathy for everything that they have already stated. The 7811 project fails to meet the city's minimum requirements. 10,000 square feet is not a minor discrepancy. A project that does not meet the minimum requirements cannot reasonably be expected to meet the needs of this community.

We have seen this cycle repeat itself again and again. Luxury housing moves in even though quality was failed to be defined, and the very character of our city is driven out. I respectfully urge you to follow precedent and deny the application as it is currently presented so that we preserve the heart of our great city rather than sell a piece of its soul. Thanks.

DAVID GILLIG: Thank you. Grant Sloss, to be followed by Victor Omelczenko. No grant. Victor? Oh, there he is.

VICTOR OMELCZENKO: Good evening again. Victor Omelczenko.

You know, I look around this room and I see about more than 100 people, 100 residents, people who are concerned, people who are voters and people who know a lot of other people in this city. And we are here because we refuse to let a 2019 clerical date compromise 2026 community safety.

The resolution cannot be supported. The Commission is being asked to adopt a resolution that is just not supportable based on the evidence. You cannot make the findings that are in the resolution. Why? Because you're looking at rules from 2019, and the staff gave you a late-minute arriving document that said that this project should be exempt.

It can't be exempt. This cannot have a hotel according to AB 130. No hotel should be allowed. If you're going to make the rules stand based on 2019 like the staff did in this last minute report, then everything in this proposal should be based on 2019 rules, including the developer meeting 60,000 square feet, if not 50,000 square feet.

And regarding the toxic study, using data that is 12 years old, they have to do a new EIR because the Department of Toxic Substances Control says these standards have to be looked at in the year 2026 and how that property stands now. Toxic vapors that come out of the ground do not know any year limit. There has to be an update to the EIR for the safety of our children, and you should not find the findings in this resolution adequate. You cannot make these legal findings. Thank you.

DAVID GILLIG: Thank you. That was our last speaker here in chambers. If I've forgotten anyone, just come let me know. In the meantime, we'll pass it over to the Zoom platform.

UNKNOWN SPEAKER: Yes, we have three speakers on the Zoom. We'll start out with Lynn Russell, followed by Edgar and then Brett. You all have two minutes. And please, Star 6 to unmute yourself. Lynn Russell. Lynn Russell, can you please unmute yourself? All right. We'll move on to Edgar. Edgar, if you want to Star 6 to unmute yourself.

EDGAR CASTAÑEDA: Yes, good afternoon, or goodnight, I should say. My name is Edgar Castañeda. I reside in Los Angeles. I'm a member of the Western States Regional Council of Carpenters.

We support this project. The developer has committed to work with contractors that hire local and utilize stated-accredited apprenticeship training programs which promote community wealth and second-chance opportunities for subjects like myself. Projects like this have provided me a pathway to a livable wage, put my oldest daughter through higher education, something that in my lifetime was unexpected or ever thought of.

Urge you to please move this project forward and keep providing the second-chance opportunities for brothers and sisters into a professional union career carpenter. Thank you for your time, and have a good night.

DAVID GILLIG: Thank you. Brett, please Star 6, unmute yourself.

BRETT LONG: Good evening, commissioners. My name is Brett Long. I'm an LGBTQ creative professional who currently lives in Los Angeles, works in West Hollywood. And tonight I'm here asking for the opportunity to live in the community where I work and contribute.

I call this evening in support of the Bond project that will bring more than 100 new housing units about a block away from our incoming metro rail station at Fairfax and Santa Monica. Personally, I would love the chance to live in one of the new apartments in this project, especially when it would put me so close to major public transit.

I'm glad to see that there is a good mix of apartment sizes so it can become a real stable residential community for all the people and families who want to live in West Hollywood. I appreciate the building is all electric as that would move the city of West Hollywood further away from using fossil fuels. In my opinion, more projects should aspire to this level of environmental sustainability.

I also read in the staff report about the California state laws that the project is using to achieve its size and density. I think that officials in Sacramento passed these pro-housing laws because our cities need help getting housing built and to address the housing crisis we all hear about every day. I'm glad these state laws are now producing new housing right here in West Hollywood.

I've often heard West Hollywood politicians say that this city is a pro-housing city and that they're working hard to realize more new units built in the city as quickly as possible. Well, commissioners, here tonight is your chance to prove that West Hollywood is, in fact, a pro housing city by approving this Bond project. I implore you, please vote yes. Thank you.

DAVID GILLIG: Thank you. Lynn Russell, please Star 6 to unmute yourself. And that shall be our last speaker.

LYNN RUSSELL: Oh, good evening again. It's Lynn Russell.

I hadn't actually planned to speak a second time, but I'm glad I did listen to all the comments this evening. They were very thoughtful, many eloquent comments regarding this project, which really deserves some serious consideration in spite of its -- in particular in relation to the comments that I made in the general comments earlier in the meeting.

So in closing, Victor Omelczenko made some very interesting points that seem to be well-versed and definitely deserves some consideration as to whether it can be supported legally. So I'm also going to be looking for many copies of Jane Jacobs' excellent book, *The Death and Life of Great American Cities*, which should be required reading for anybody that really feels that they can intelligently discuss a planning project or plan planning projects, such as a developer. So that is my best to the developers. And good luck with your consideration this evening. Thank you.

DAVID GILLIG: Okay. And Chair, that is our last public speaker for this item.

CHAIR GREGOIRE: Great, great. Thank you all for all of your public comments tonight. At this point, I will close the public comment section of today's hearing.

I know that we're three hours into this meeting. I'm sure everyone is getting tired. I have been getting requests for a bathroom break, so I would like to take a five-minute recess so people can

use the restroom, and then we will resume. And we will resume with the applicant's rebuttal, if they would desire, to anything that they heard in public comment. So we are --

(Recess)

CHAIR GREGOIRE: Okay, let's get started again. We left off at the applicant's rebuttal. You have five minutes.

JAKE STEVENS: Thank you, Mr. Chair. Jake Stevens, resident of Los Angeles. So quickly, I want to give the microphone back to Todd. But a couple topics.

So on the environmental risk, shame on you, Steve Martin, for cherry-picking that public record. We have a Phase I and a Phase II, and I guess we missed the whole discussion where Commissioner Harris clarified that a new Phase I will be completed before certificate of occupancy. The reports, if you chose to actually read the whole thing, were based on soil samples. And Scott, that's in the public record, so you can share that with parents today.

Power lines. Mr. Kalin, undergrounding power lines actually makes them safer compared to the current conditions, and that has been designed and would be completed by SoCal Edison, professionals in the field.

WeHo for All is, in fact, a West Hollywood-based pro-housing group. I'm sorry, but Ogden Owls is not the only community in the city -- or community group.

Metro, either alignment that will be chosen by the Metro Board will include a Fairfax Avenue and Santa Monica stop. So either way, we are getting a Metro station.

On below-market housing, we are over-performing on the replacement of our below-market housing because we believe in that. We could have done less, and we're doing more to help alleviate our housing crisis.

And as it relates to Fountain Day School, I've already talked about the numerous construction mitigation programs that we've offered. We've offered additional measures for safety specific to the students, like crossing guards. And I personally attest that Fountain Day School and our partnership with them and the safety of those students is a priority for this project.

Todd, you want to take the rest?

TODD NELSON: Once again, Todd Nelson, Rand Pastor Nelson, resident of Los Angeles. A few additional items just to piggyback on what Jake responded to.

The Assembly Bill 130 CEQA exemption does allow -- is that better? Does allow projects, including a hotel component that were deemed complete prior to January 1, 2025, to be processed through the exemption. The staff report and resolution makes that clear, that the project's eligibility is met.

In addition to the efforts that the applicant is making to Fountain Day School, there are conditions of approval regarding noise and vibration protections for the adjacent structures, including the school to the north.

And once again, a number of the comments made during the public comment period looked at the lot area standard in the municipal code and made statements to the effect of objective standards are the bedrock, they cannot be violated. But that is precisely what state density bonus law authorizes. It is a very powerful statute. I know it is not to many jurisdictions' liking, but it is a very powerful statute. It has been increasingly strengthened by the legislature. It is very clear the process that I outlined during my earlier remarks that if a project is capable of achieving five dwelling units and provides a sufficient component of restricted affordable units, incentives and concessions are available to that project.

Setback deviations, height limits, open space requirements, parking requirements, lot width, lot dimension, lot area, all of these are available to state density bonus projects. The staff report and the resolution is clear and sets forth the clear evidence supporting the recommended findings for approval. And we ask respectfully that you concur with staff's recommendation.

JAKE STEVENS: That concludes our rebuttal, Mr. Chair. Thank you for your time.

CHAIR GREGOIRE: Great. Thank you so much.

So great. We've heard from staff. We've heard from the public. We've heard from the applicant. And it's now time for the commissioners to deliberate and make a decision on this project. Who would like to begin?

COMMISSIONER HOOPINGARNER: I still have questions.

CHAIR GREGOIRE: Commissioner Hoopingarner has a question.

COMMISSIONER HOOPINGARNER: Back to this discussion of eligibility. And this is a question for Legal.

In our code, we have eligibility to build or not build. If this applicant came before this body and asked to build a 7-Eleven on the ground floor of the Ogden residential parcel, would they be eligible to get a waiver to do that?

ISAAC ROSEN: Commissioner Hoopingarner, I think I struggle a bit with the hypotheticals just because I don't know that I can provide an answer outside of the project that's in front of the Commission this evening.

COMMISSIONER HOOPINGARNER: But that's an eligibility criterion, correct?

ISAAC ROSEN: I would need to look at the specific subsection of the code requirement to speak to it.

COMMISSIONER HOOPINGARNER: Building a commercial project on a residential lot?

ISAAC ROSEN: I don't have a better answer regarding the specifics of the hypothetical.

COMMISSIONER HOOPINGARNER: Okay. Can we discuss the concept of taking and the impacts of this development on the three parcels that it surrounds and whether or not their inability to develop based upon this project is considered a taking?

ISAAC ROSEN: The Planning Commission is being asked to consider only the project in front of it this evening. I'm happy to answer specific questions to the extent I can about takings law, but I can't speak to the impact on neighboring project sites that are outside of what is --

COMMISSIONER HOOPINGARNER: But this project has an impact on, for example, the parcel on Ogden that it surrounds. So it has an impact on that parcel, correct?

ISAAC ROSEN: I would defer to the legislative body here, the Planning Commission, to determine the extent to which they felt there was an impact on a neighboring parcel and how that relates to the findings associated with this project and the conditions on this project.

COMMISSIONER HOOPINGARNER: Okay. I have a question about a performance bond. A number of the public speakers brought up that this developer has failed to perform on a number of other projects and the resulting demolition of number of buildings in our city. So is it legal for us to include as a condition in this resolution a performance bond requiring minimum levels of financing, for example, prior to issuing any demolition permits?

ISAAC ROSEN: I would note that the project entitlements are distinguishable from projects that sometimes come before the Planning Commission where there's a negotiated development agreement, and there's terms that can be included with respect to insurance or surety.

I would note for the Planning Commission, under the Housing Accountability Act and the relevant state laws under consideration, I don't know that I would say that requiring certain financing or a pro forma or certain evidence of financing would be appropriate. I think one of the items that came up during the public comment and during the applicant's presentation was regarding the extent of density bonus concessions and waivers. We do have case law that says when looking at the scope of a project and the concessions and waivers sought, that the legislature has removed the ability for a legislative body to require evidence of certain financing or components to show, for instance, with a waiver that the project could not be constructed but for approval of those waivers.

COMMISSIONER HOOPINGARNER: Can we prevent demolition prior -- can we prevent demolition if financing has not been achieved? For example, on Robertson Lane, financing was not achieved and all of the buildings were demolished and we now have a dust bowl.

So the question is, to prevent this from happening on this parcel, do we have the purview to say you cannot be issued a demolition permit until you have proof of financing? It's nothing to do with approval of the project. It would be a condition of --

ISAAC ROSEN: Well, Commissioner Hoopingarner, --

COMMISSIONER HOOPINGARNER: -- the demolition.

ISAAC ROSEN: -- it would be a condition of -- as you said, it would be a condition of approval of the project because the Planning Commission needs to make a determination on the housing project in front of it, and the conditions of approval have to have a nexus to this specific development. I think we may be able to provide more information if the Commission as a body wants to explore it, but I would just be sensitive to the specific impact trying to be -- of the development and what the Commission was trying to accomplish versus other projects that are not before the Commission this evening.

COMMISSIONER HOOPINGARNER: Okay.

SAIMA QURESHY: I just wanted to add from the code perspective that our code requires proof of financing to issue a demo permit prior to the building permits. And --

COMMISSIONER HOOPINGARNER: I'm sorry. Where is that?

SAIMA QURESHY: The specific code section? We can check into that.

COMMISSIONER HOOPINGARNER: Because Robertson Lane didn't have financing, but they got their demolition permits. So I'm trying to understand where that is.

JENNIFER ALKIRE: Yeah. Good evening, Chair and commissioners. I'm Jennifer Alkire, Assistant Director of Community Development.

It's a requirement for projects that want to obtain their demolition permit prior to issuance of building permit to provide a few things up front. And that includes they need to have their contracts executed with their contractor, architect, and engineer; and they need to have proof of financing. That can be a letter from the lender.

This isn't a requirement if they pull their building permits and demolition permits at the same time because everything's kind of moving along at the same time at that point, but it is a code requirement for pulling the demo permit before the building permit.

COMMISSIONER HOOPINGARNER: I guess I'm confused. If it's a code requirement, how were all the buildings at Robertson Lane demolished?

JENNIFER ALKIRE: That is another project that we're not talking about and is not agendized to discuss tonight, but we can certainly provide that information another time. But that is not before us.

COMMISSIONER HOOPINGARNER: But it's a risk to this project. There's nothing to prevent it, given what happened at Robertson Lane. Okay. Thank you.

CHAIR GREGOIRE: Great. Who would like to begin deliberations? Commissioner Solomon.

COMMISSIONER SOLOMON: One more question before deliberations, and it's a question for the applicant.

I want to get you on the record on something. So the tall gentleman from San Clemente back there piqued my interest because I am a father of a preschooler, and the first thing that I do every day when I walk out is do preschool drop-off. And it can be insane with the queuing of lines. And knowing that this parking lot is being used, and just looking at the layout of this street, what's going to happen, that parking lot's gone, is that all of your parents are going to park at Whole Foods, and they're going to walk their kid across the street to go into Fountain Day. I mean, if it went away tomorrow, that's what they would do.

I know, Jake, you mentioned that you've talked about working on measures on cross guards, perhaps an improved sidewalk on Santa Monica. I guess I'm not -- I don't have the language to propose this as a condition of approval, but I did want to get you on the record as saying that given the enhanced pedestrian traffic of people who are 2.5 feet tall that are going to be crossing North Orange Grove, with the absence of that, just get you on the record that you'll work with the school and any adjacent property owners or the city to improve the street with the enhanced pedestrian traffic of three-year-olds that are going to be crossing it.

JAKE STEVENS: Thank you, Commissioner Solomon. Two parts. I mean, I agree with the thrust of your question or your request. If parents illegally double park, if parents illegally cross the street where there is no crossing walk, I can't control that.

COMMISSIONER SOLOMON: Yeah, they will. So it's, I guess --

JAKE STEVENS: I'm sorry, but if parents are going to break the law, I can't comment or say that I'm going to do anything to mitigate or control that in any way, shape or form. That's their choice. I can't control where people jaywalk. I can't control where people park.

What I have offered to our neighbors is a construction period program where we have offered enhanced measures to ensure specific attention and safety on the students during the construction period, which included a construction crossing guard at pick-up and drop-off on that sidewalk. I'm not going to speak about anything else. I don't have authority to say add a sidewalk. That's John Gilmore's bucket, but --

COMMISSIONER SOLOMON: And that's a part of the construction management plan?

JAKE STEVENS: That is something that I've offered separate and apart.

COMMISSIONER SOLOMON: Okay.

JAKE STEVENS: It's in addition to the requirements that are already in the conditions of approval that require wheel washing and dewatering and fences and dust abatement and all those conditions that are already in there. I think it's 17C or something like that.

COMMISSIONER SOLOMON: Okay.

JAKE STEVENS: Thank you.

COMMISSIONER SOLOMON: Thanks.

CHAIR GREGOIRE: Commissioner Harris.

COMMISSIONER HARRIS: Okay. Yeah, a couple of questions about the conditions. One along -- well, okay. Yeah, along the line of questioning from Commissioner Hoopingarner. Is it possible to have a condition that imposes a bond on the project that is released after certain phases of construction are completed? Is that something that's within the purview of what's legally allowable?

ISAAC ROSEN: Commissioner Harris, I think staff would need to take a look and just assess that as the Commission considers its deliberations to determine feasibility of that.

COMMISSIONER HARRIS: Okay. And then similarly -- I appreciate that. Similarly, the remediation condition, if there are contaminants of concern that are found on site, says that those things have to be mitigated before a certificate of occupancy is issued. My understanding is that the demolition permits, the building permits, those all come before the certificate of occupancy, right? The certificate of occupancy is kind of like the icing on the cake. It's the cherry on top. It's the last part.

Perhaps I'm missing something, but how can you remediate land that's already been built on? How does that -- does that work? I'm serious. I'm actually seriously asking. It just seems like the order should be that it should be remediated before -- especially because of the proximity to school and residences and other sensitive uses, that it should be remediated before there's the possibility of dirt flying around or any contaminants being released to the air or vehicles driving away from the site with those contaminants spewing.

ISAAC ROSEN: Commissioner Harris, I would note, I think we are a little bit confined to just the specific standards set out under the eligibility of AB 130. I would note, I mean, although it must be done before the C of O is issued, it doesn't mean that they wouldn't practically do the reports as part of the next stage following entitlements.

COMMISSIONER HARRIS: Absolutely. Yeah, the reports for sure. I think the reports are supposed to be done before the building permit. But it's the remediation part that I feel like if it comes up in the report that there are possible contaminants of concern and they're above levels that are set by the DTSC, then if you already are building on it, then it seems like the standard should be that that has to be mitigated before you're doing all the construction activities, right?

ISAAC ROSEN: Well, I would note that it is -- and I see we have applicant's counsel, but I would note that it is specifically by statute under the public resources code and AB 130 that the remediation is tied to the certificate of occupancy.

COMMISSIONER HARRIS: Okay. That's what I was wondering. All right. I appreciate that. So it comes directly from AB 130 that the mitigation happens before certificate of occupancy and not prior to building permits or construction permits?

ISAAC ROSEN: Correct.

SAIMA QURESHY: Correct. It just gives some more time, I think, to the whole process. So as you said, C of O is the last permit or last stopgap before it's out of the city's hands. So everything needs to be done before C of O rather than -- I mean, [the statute] is not asking us to make the remediation or everything be completed before any other steps in the construction phase.

COMMISSIONER HARRIS: I suppose in lieu of any kind of condition that could impose that, is it possible to get the applicant on record to speak to any possible necessary remediation efforts and when you could do them?

TODD NELSON: Permission to speak?

JAKE STEVENS: Yes.

TODD NELSON: Once again, Todd Nelson, Rand Pastor Nelson. I just wanted to clarify that the statute actually says a bit more. It says that a Phase I needs to be prepared. And if any recognized -- and that's at the beginning of the process. That's a condition in the conditions. If a recognized environmental concern, which can even be seen just by visual, just there's a history of past uses here, go investigate more.

If that step happens, a very specific type of environmental investigation needs to occur, which is known as a preliminary endangerment assessment, which is the gold standard of environmental assessments. It's done under current DTSC standards. You engage in a whole regulatory process. You can't just race ahead and build a building and say, "Oh, here's our report," because you hand it to the regulators, they're going to say, "My God, you built a building? Tear it down. Let's start" -- so no developer is going to take that risk.

The statutory requirement is to upfront assess if there's anything to be looked at further. And once you start looking at things further, the whole panoply of regulations will come in. There needs to be a soil management plan. You cannot excavate until all of the soil testing is done. It's front loaded. The language in the statute is all of that remediation to meet all federal and all state standards has to be proven up before anyone moves into that building. So your vapor barriers, your construction of the subterranean garage, the ventilation, any sort of building design features are all up and running and tested with indoor air quality tests if necessary before you get the final C of O. But the process tracks along. It's not just waiting until the end to, "I've got one inspection left. I better think about doing my remediation."

COMMISSIONER HARRIS: Okay. Got it. So just to make sure that I understand and members of the public and other members of the Commission understand, of course, the Phase I, if necessary, perhaps a Phase II and a PEA would need to be done prior to the issuance of building permits?

TODD NELSON: The statute doesn't state that, but I think that that's how it has to happen.

COMMISSIONER HARRIS: Right, right. To your point, if there are recognized environmental concerns, then the PEA comes next, which is --

TODD NELSON: You submit -- yeah.

COMMISSIONER HARRIS: -- what the --

TODD NELSON: If you submit that PEA when you're in the ground, the regulators are going to say, "You screwed up. You didn't do it in order." And no one's going to take that risk based on their reading of the statute and their insurance considerations for the property. The process kind of -- it has to start at the beginning and it has to constrain what you do to the property because you want to get to that endpoint of having all the building features that may be necessary installed, improved and meeting the regulatory requirements.

COMMISSIONER HARRIS: So by the nature of how the process functions, any recognized environmental concerns would be remediated after that PEA, before there's a bunch of digging and dirt flying around and air being possibly contaminated?

TODD NELSON: Right. If there's a -- yes. If there's a full-blown remediation process, you have to do that because you have to treat the soil, treat any soil that may be contaminated, install building mitigation features that may be required. You need to know that up front. You can't wait until the end to do that.

COMMISSIONER HARRIS: Okay. Thank you.

TODD NELSON: I hope that helps.

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Yeah. To follow up on that, if for example, there are gas tanks on the property.

TODD NELSON: There are not.

COMMISSIONER HOOPINGARNER: There's been an X-ray?

JAKE STEVENS: Yes.

TODD NELSON: It's in the Phase -- the Phase I has no record of USTs. The Phase II did soil and soil gas sampling.

COMMISSIONER HOOPINGARNER: So the X-ray showed nothing material that might span this project and any of the properties around it?

JAKE STEVENS: Correct.

TODD NELSON: Correct.

COMMISSIONER HOOPINGARNER: Okay. Thank you.

CHAIR GREGOIRE: Commissioner Edwards.

COMMISSIONER EDWARDS: I kind of lost the thread on the conversation. What's a PEA?

TODD NELSON: So the statute uses a specialized term called a preliminary endangerment assessment that meets the requirements of health and safety code. Can't recall the exact statute number, but it points you to a very specific process. It doesn't say if your Phase I shows something, do a Phase II or something else equivalent. It points you to a very specific statutory requirement for the type and scope of study that needs to be performed, which is typically done under the auspices of DTSC. So it's pretty -- it's quite rigorous.

COMMISSIONER EDWARDS: And has there already been a Phase I done?

TODD NELSON: There's been a Phase I and a Phase II done for the primary property, and there's been a Phase I done for the residential property. And the conclusions of those reports demonstrate that there's no risk to future commercial or residential occupants of the site. That process will happen again.

COMMISSIONER HOOPINGARNER: But not the parking lot?

TODD NELSON: Sorry?

COMMISSIONER HOOPINGARNER: But not the parking lot?

TODD NELSON: No, I'm sorry, the entirety of the CC2 area and the entirety of the --

COMMISSIONER HOOPINGARNER: Oh, you just said the primary -- okay.

TODD NELSON: I must have misspoken. I'm sorry. The entirety of the site has been covered through a combination of reports that are all in the public record from the prior environmental analysis of the site.

COMMISSIONER EDWARDS: And you have to do that -- you said you have to do that again, or --

TODD NELSON: Yes.

COMMISSIONER EDWARDS: And this is done prior to not the C of O, but before you -- if you're going to pull your demolition permits, you're going to dig up ground. So I just want to make sure I understand this.

TODD NELSON: There's a condition of approval that follows the state statute that says submit a new Phase I. And if that Phase I identifies anything, you go off of your path of seeking demo permits and being allowed to disturb soil. You have to go off and deal with the regulatory bodies to make sure that the next phase of site investigation meets these very, very strict Cal EPA standards for investigation, identification and, if required, remediation, which needs to be incorporated into the rest of the site development process and proven up and demonstrated at the back end of it before anyone moves into that building, hence the certificate of occupancy reference.

CHAIR GREGOIRE: Great. Any other questions for staff or the applicant? All right. Who would like to begin deliberations? Don't all jump at once. Commissioner Edwards.

COMMISSIONER EDWARDS: All right, since my vocal cords are already warmed up.

First of all, I want to acknowledge the public process and that this is something that was acknowledged by Alexis de Tocqueville back in 1835 when he came to America to understand our democracy. What he emphasized is that communities and our ability to come together was essential to what made us successful. So I want to say to the community, I appreciate everybody being here and to all those out there who wrote in.

And also I appreciate, to the point about the public comment, is that we find ourselves in a situation where the HAA, which was passed by our state legislature, who are elected officials, in response to a recognized challenge when it comes to the need for housing. And from my perspective, the ambition of the city of West Hollywood is to be a place where people could still come to and live here. And we have to make it possible. And I wish we had the federal dollars and the state dollars that allowed us to make everything 100% affordable, but we're not in that situation yet. We still have that need.

And so the [indiscernible] that when we have a project coming forward, we push hard to insist that some affordable housing can be provided, is it ideal? No, but that's where we're at. And that's what we're trying to do to achieve success. And I believe that staff did a thorough job in their analysis, and everything that they have presented to us aligns with the law.

And the HAA, as I understand it, unless we can strongly not make the findings about why they're making these asks, we are required to support the project. And I am comfortable in my -- I will vote yes for this project because I strongly believe that the findings were made.

CHAIR GREGOIRE: Who would like -- Commissioner Solomon.

COMMISSIONER SOLOMON: Sorry, I am recovering from a cold. But one, I'll just start off with the lead. I'm prepared to support staff's recommendation tonight. But I want to acknowledge the public process of everyone that came out. This is a long, drawn-out meeting. It's already past 10:00. You all care very much about this, whether you are members of the gym, members of the community.

And I think that I heard there were 37 speakers and, by God, it was a vast, vast majority opposed to it, like 36 out of 37 opposed to it. But I think about housing in terms of it's kind of unfair to put it as a straw poll as a democratic process, because more than the 36 speakers that spoke, it's about the people that aren't in the room. It's about the 120 families that will live there. It's about the unborn children that aren't even on this earth yet. That is the point of planning. That is the point of building housing, not -- we should be building housing for tomorrow, and we don't even have enough housing for today.

I would say from the speaker comments that came before us tonight, I empathize the most with the members of the Brick community. I think the third speaker that came up referred to it as their third place. And that's an important word to me. Somebody else called it a sanctuary. I know personally what my third place is. It's also a fitness-oriented thing, and I know the community that I've found through my third place and chosen family that I've found through it. And I know that I fight like hell if someone were trying to take it away, so I very much empathize with you and with your community.

But more than a third place, this location aims to be a first place for 120 families. This is where people -- this is where kids will walk across the street to go to that preschool. It's where people will live their lives. And as a parent and as a member of the Planning Commission, I can't get past looking at it from that lens about, are we building enough housing for tomorrow for the generation that comes after us?

It would be easy to say, "Our hands are tied on this. The state makes us approve it. If we don't approve it, they sue us, we lose, we have to pay our attorney's fees, their attorney's fees, plus the statutory penalties." That's true. That is the law, but I don't want to rely on that as a crutch. I want to see this built. I think this will be a tremendous benefit to the community. I think that what has been proposed to us makes the most out of an oddly-shaped parcel size.

I mean, if you look at that R3B parcel in the back, 1125 North Ogden, it is zoned for 14 units. Right now you think of it as seven units because that's what's there. They're vacant. But it's zoned to be 14 units back there. It's zoned to be twice as intense as what it is. And what's being proposed is instead nine units on that back portion, only four stories high. It's a deliberate attempt to make that portion of the property fit in with the rest of Ogden. And there's food left on the table, so to speak, and that could be more intense than what is allowed under our municipal code. It's clearly thoughtful about the neighborhood in the back.

The one thing that I will propose to amend in the resolution in front of us is item -- it's Condition 12.6. And I really take issue with this street permit parking. It was highlighted to me as I was reviewing the packet because it's a major focal point of the next project.

But I don't think it's a really equitable practice to say to someone, "You moved here. Boy, you look like you're not from around here. You are ineligible to have street permit parking." I mean, it's not a very welcoming -- it's not a very neighborly thing. But moreover, our streets are public assets. We pay for them with our taxpayer dollars. Who are we to say that some people can park on it, some people can't.

Look, I hate street parking. I think parking has ruined the world in many ways. But if we're going to -- clearly I've lost on this debate in that street parking is everywhere. But we can't pick and choose winners based upon some sort of incumbency protection, I've been here longer, so I get to park here. You're new to town. That person's probably paying market rate rent on a brand-new town home. They're probably paying \$8,000 a month to live there. Oh, and by the way, you're not allowed to park on our street.

It is not an adopted policy in the city of West Hollywood, and I would guess that might be intentional because I think you would have some real defensibility problems with it as it comes to equal protection. But if we want to have this as a policy going forward, that people in new buildings can't get street permit parking, then let's have that debate. Let's have our elected leaders in the City Council debate it, have people challenge it, speak in support, speak in opposition. But right now, it's just kind of a standard practice that we've done for probably a long time. And at a minimum, I think it deserves a broader policy discussion. But I will put forward an amendment to strike the street permit parking requirement -- the ban on street parking that is in Condition 12.6. That concludes my comments.

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: First of all, the street parking is a policy. The city has a number of policies that were never vetted by Council. In fact, most of our policies were written by staff and they were not passed through any organization. So we have these policies for a reason, and the street parking policy was for a very specific reason. That was to assure that new developments built adequate parking.

Now in recent days, state law has superseded that. But it hasn't changed the fact that our existing housing stock is underparked by design because many of our -- my house was built 104 years ago. Okay? My garage was built for a Model T. There are many, many buildings in this city that are grossly underparked, and we rely on our street parking. And the city made a conscious decision to make a policy to not allow street parking to make sure that developers provided adequate constructed parking for new construction where they had the ability to make the parking for today's vehicles.

I would beg to strongly disagree on the removal of that condition. It is not random. It has been a policy for at least six years. Staff can correct me on how long, but it's been a long time.

COMMISSIONER SOLOMON: Can I ask you a question on that? I mean, I hear what you're saying, that we didn't use to build parking. We went through the era where we had --

COMMISSIONER HOOPINGARNER: We didn't have cars.

COMMISSIONER SOLOMON: Fair, right? We had streetcars.

COMMISSIONER HOOPINGARNER: We had a red car running down the middle of Santa Monica Boulevard.

COMMISSIONER SOLOMON: Given state law now, I mean, the government code for this project says -- our local code for this project says it should be 216 spaces. State law says it can be as little as 0 spaces. I would say that we're back in this regime of underparked buildings as compared to old standards.

COMMISSIONER HOOPINGARNER: And that's precisely the problem.

COMMISSIONER SOLOMON: So aren't we back to the place where we need to allow people to be able to park on the street?

COMMISSIONER HOOPINGARNER: Well, but that's precisely the problem. Are we enabling? I don't want to get ahead of ourselves onto the next project, but we're in a chicken-and-egg situation. State law says we don't have to park it, so we're not going to build it. So the city needs to give us street parking because we don't want to pay to build our parking. That's a do loop that just hurts my brain. And so either the state is right and we don't need to provide parking because we have all this public transit, or we don't.

And so I would strongly disagree on the street parking waiver because it would be precedent setting, and we've had this policy in place for six years. And without a public discussion to just categorically erase it for a project with 126 parking units, not to mention cars, I think is extremely problematic.

COMMISSIONER SOLOMON: We've spoken our piece on it.

COMMISSIONER HOOPINGARNER: Yeah. Well, let me finish with my deliberations here. So yes, it makes the most out of an oddly-shaped parcel, but that's precisely the problem. The reason for the statute that requires a project to have 50,000 square feet to be eligible to merge commercial and residential lots is precisely to avoid this disaster.

The surrounded three parcels are going to be completely undevelopable, certainly the residential one. And that this developer gets to subvert our eligibility clauses to build this T-bone and take away the rights of the other property owners is inequitable, in my opinion.

I also don't agree with the premise that we need more luxury housing. My own tour through the rental sites this week showed anywhere between 700 and 800 luxury units available in this city right now. That is not affordable housing.

So conflating this luxury housing with a few -- 15%, not 20%, 15% affordable housing is not what this community wants or needs. And that, by the way, does not include a stroll through

Airbnb and how many of those units are actually not on the rental market because they're on the whatever market that's called.

The building itself, we can't talk about design. Well, that's good because this is kind of a 1960s medical office building. It has nothing architecturally to commend it. It's beige on beige on beige.

Operationally, it's very poorly designed. The luxury hotel swimming pool is located literally over the bays of a car repair shop, where you're going to be able to lounge in the sun and listen to air hammers all day. I don't think I would recommend my friends come to a facility like that. It would not be fun. I don't think that's good design.

The fact that it creates an unactivated space on the entire wall of Orange Grove is not good design. That the common open space is a collection of hot boxes with no cross-ventilation, not good design. But as everyone has pointed out, thanks to HAA, we don't get to discuss design.

So here we are faced with facts. We are being asked to make a finding that by not complying with the eligibility requirement to have 50,000 square feet, and only providing 40,000 square feet, that this applicant is going to give us more quantity of affordable housing as well as higher quality of affordable housing. I do not make the finding that Waiver 1 is correct.

On 9C on Page 11, I do not make the finding that the site is physically adequate for the type and density intensity, and all loading and delivery activity would be accommodated on site and out of public view. By applicant's own admission, the loading and delivery will take place on the street.

I am not opposed to a great building. I am not opposed to a mixed-use building on this site. I want a successful project. And to date, unfortunately, as Legal has told us, we don't get to discuss the fact that this applicant has no track record. But the fact of the matter is approving this project puts this city at risk. And I don't make those findings. Thank you.

CHAIR GREGOIRE: Commissioner Harris.

COMMISSIONER HARRIS: Yeah, thank you. Thanks to my colleagues who have already spoken. Thank you so much to the members of the community who showed up. All of you, thank you for being here. I know it's late. I know we've gone on for a while. I've been on the other side, and I know it's not how you necessarily want to spend your Thursday night.

To the folks who showed up from Brick, also, I spent years as a community organizer. That is very impressive that you got this many people to show up to a public meeting, give distinct comments and stay until -- it's almost 10:30 right now. I would love to be in bed, so kudos to you.

I definitely, as Commissioner Solomon spoke to, I do empathize with the loss of a community haven and a third space. I don't know if you all remember, there used to be a bar called Piano Bar up on Selma and Wilcox. And that was my third space for a long time. I was working at a youth

shelter down the street from here, and I would go there after work. They had live jazz every night, \$4 well drinks, \$4 beer, \$4 wine all day. They had a great house band.

One day I went there, and there was a sign on the door that said, "We are closed," and I did cry. I literally got down on my knees on the sidewalk and started crying because I wasn't expecting it, I had no idea what was going to happen and I was devastated. I think it was the last place to hear good live jazz without a cover of charge in Los Angeles. So I understand. I'm a bit of a gym rat myself, and if someone closed my gym, I would probably have the exact same reaction. I would probably cry.

There are a lot of protections at the state and local level for displacement of residential tenants, a ton of them. There are no such protections for commercial tenants, and that is unfortunate. I think that, as was spoken to, commercial businesses, especially small, locally owned commercial businesses are the lifeblood of our community, and they provide people with a space to be.

Cities inherently -- and I know at least one of the speakers spoke about Jane Jacobs and *The Death and Life of Great American Cities*, which is a book that I really like, and straight from Jane Jacobs, she says that cities are inherently places that are a mixture of uses. They are a mixture of different forms and different people. You have tall buildings next to short buildings. You have new buildings next to very old buildings. That is the mix that a city needs in order to be economically and socially viable and to be engines of innovation.

And so I want to talk first about what I like about the project. I do like that the project is replacing a parking use with housing. I know that that's not necessarily going to be a popular opinion, but I think surface parking in a city with a housing shortage is an unfortunate use. And I like that it's providing housing.

I want to clarify something else. One, the state of West Hollywood has one of the most aggressive inclusionary zoning ordinances in the region for sure, if not in the country. We require 20% of the base density to be set aside as covenanted affordable units.

There's a difference between covenanted affordable units and what we call naturally occurring affordable housing. What we really want in a community is naturally occurring affordable housing. I hear people call new "market rate" units, which market rate just means that it's not held under law, under covenant, to be affordable, luxury units all the time. And I won't disagree with you, but that's not a static label.

The housing that we have now that is naturally occurring affordable housing was built as luxury housing when it was first built. The problem in this region is that we stopped building housing somewhere around the 1970s. It greatly plummeted. And even today, we don't build as much housing even as we did during the Great Depression. During the Great Depression, we built more housing than we do now. And the problem is that over the past 50-odd years, we haven't built enough housing because we've thought, "Well, if we don't build it, people won't move here." And that hasn't happened. People have continued to move here because, again, cities, economic engines, social innovation, all that stuff we love, right? People continue to move to cities. And by not building the housing, we've gotten ourselves really, really, really deep in a hole.

And so while I recognize that the "luxury housing" does not fulfill currently the same function as covenanted affordable housing, we do have to build housing. And for it to be economically viable, especially to support 20 covenanted affordable units, it is going to be market rate. And that does mean that it's going to be -- it has to support the rest of the building. It has to support what's required. So I just want to clarify that.

If any of us are around 50, 60, 70 years from now, all respect to the developer, I guarantee you those units are not going to be considered luxury. The unit that I live in now, I'm sure it was considered luxury back when it was built. I promise you it is not luxury now. And I'm glad for it. I don't need it to be. I want it to be something I can afford.

So one of the things that I dislike about the building, I do think that the impacts to Orange Grove are going to be severe. I'm worried about having that single entrance and exit on Orange Grove with 107 parking spaces. So that's a lot of cars coming in and out in a section that I think is already hazardous. I live in this area. I walk to that Whole Foods, not that often because it's Whole Foods. But every now and again, I want something fancy, I'll walk to the Whole Foods. Anyone who's walked in that parking lot -- by the way, that parking lot is a nightmare no matter what mode you're using to get in and out of it.

But if you're walking in that parking lot, you notice that there's, I guess you could call it a sidewalk sort of along the east side of the property in front of those small businesses there. And then it just ends. And so if you are a pedestrian who cares about your life, instead of exiting right on that exit on Santa Monica, you cut through that driveway that exits onto Orange Grove. And even though cars are not supposed to pull in there, they're only supposed to pull out, they do, every time. And then you're up against the wall, like, "Oh my God, please don't hit me." And then you have to cross Orange Grove there or you walk down to Santa Monica and you cross there. But there's a median there on Santa Monica, at Orange Grove. So it's sort of already a hectic location for vehicles and pedestrians. And that there is a concern there.

I do think that it will make the development of those other parcels difficult. I understand that there have been efforts on the developer's part to try to acquire those other parcels. I think in a different world, those would be part of the project. Unfortunately, that wasn't able to happen. I understand this is just sort of what we're up against.

To Commissioner Hoopingarner's question, it is extremely difficult to make a successful takings claim that holds up in court. I don't think that it's a legal taking, per se, but I do think that it makes the development of those patchwork of parcels that's not part of the project really difficult. I think, yeah, I'll leave it at that. And yeah, I think that perhaps there are conditions that can be imposed to try to mitigate some of the impacts that this project has.

This discussion about parking, this comes up, obviously this comes up a lot outside of this room, inside of this room, on this topic and others. There are three options that municipalities and developers have in terms of what I call parking demand management. Well, not me. I mean, I do call it that, but I didn't make that term up.

One, you can build more parking. I won't go into detail about what that does to our urban fabric, but it's not optimal. Another thing you can do is you can manage the parking supply. The residential parking permits are one way to do that. Dynamic pricing of parking is another way to do that. That's those smart meters. It's when the demand is high, then the price gets higher. When the demand is low, then the price is lower. It encourages people to get in and get out so that the parking spot will open up and someone else can move into it.

Other things that you can do are support other modes of travel. I know that one of the impacts that this development could have is that the local folks in the area who work at businesses that might be impacted, that's going to be a hardship for them. I'm wondering if there's a way -- so I've represented projects that have taken parking reductions. And I understand that this one is not, actually, because of the state law and the number of parking spaces that they have to provide for their residential units. But I'm wondering if there are parking demand management strategies that can be conditioned on the project.

One that I often include is a local hire provision. So it doesn't mean that the developer -- like, "Okay, well, you can't find someone in the neighborhood who can take that spot. Well, you can't open your restaurant." It means that they work with the city, with the municipality, in order to identify members of the local workforce who can fulfill especially positions that don't require specialty skills. So there's a restaurant here. Restaurants are a great place to implement local hire. There's a hotel. Hotels need a ton of staff, typically.

By implementing local hire, you could also couple that with other parking demand management strategies that make it easier for at least employees to reach the site without the use of a car, so local hire plus transit passes, local hire plus incentives for employees who don't drive a car to the site. When I used to work at the LGBT center, they didn't have enough parking for all the employees. And so if you didn't drive a car, you basically got an extra \$100 because that's how much they were charging for the parking spot. And so I, who didn't drive a car, I loved that. I was like, "Okay, yeah, I'll take an extra \$100." I wasn't going to have a car anyway. But I think that there's ways that we can manage the parking impacts that also support some of the goals that we have as a city.

That said, based on state law, I know that we cannot condition the project in a way that physically or financially precludes the provision of the units as designed. And yeah, I think that this is one of the growing pains of a city redeveloping, that the buildings that are being replaced here were built in the 1920s and they're adjacent to buildings that were built in the 1920s. A building lasts about 80 to 100 years. So those are my deliberations for now.

CHAIR GREGOIRE: Great. Commissioner Carvalho.

COMMISSIONER CARVALHEIRO: Yeah, thank you.

I've just been thinking this is one of those meetings where you don't enjoy being a Planning Commissioner for all the reasons that you sit here and listen to almost 30 people or however many people come to the podium and talk about all the things that they're going to lose in the

community. I live near this building. I mean, we both do. We frequent that Whole Foods. I know the area. I know the Brick. I know how much it means to the community.

And then the Housing Accountability Act comes in, and I can't be any more eloquent than any of my commissioners. The comments that they've made tonight are so insightful. I don't really think I have all that much to add to the conversation other than, people, it's tough. I wish there was something that we could do. I wish there was something that we could take the Brick and move it somewhere else where it's not too far from its current location. We don't own the property. Faring owns the property. So we don't have -- we're not City Council. I don't believe City Council would even have that provision.

So from a design point of view -- I know we're not supposed to talk about design. But since we already talked about design, I'll at least go in that track for some of the comments. Jean Nouvel designed the Green Blade. And then there's the Steinway Tower in New York City. Both examples of amazing developments that can be made on very small lots. So I understand from one point of view how this development maybe landlocks these other two lots. But I also know in someone's creative hands, those lots can maximize their potential over time, so I'm not too worried about that.

I do like the contemporary sort of styling, the clean sort of aesthetic of this project. I think it did a very good job of mitigating these zones and placing the density in the right places to alleviate the transition from something tall on Santa Monica Boulevard and then the one story, two story neighborhood that surrounds this area currently.

I came into this meeting with a bunch of questions. I'm the only commissioner here that has this suspicion that the hotel is going to be turned into apartments. Again, it's a hypothetical, so we can't really make any sort of condition on that. And I was happy to know that if something like that was to happen under current law, that you would be required to provide low-income housing. So that alleviates a little bit of that.

Yes, the waiver for that 40,000-square foot thing based on 855 Santa Monica Boulevard, which we experienced years ago, and that project just, yeah, kept on going out and coming back, that's gone away. That waiver sits. As I understand the definition of a waiver, this qualifies for a waiver. I know that's not what the people in the community wants to hear. But legally, that's what it says.

So based on that, I need to say yes to the staff report and the project as presented.

CHAIR GREGOIRE: Vice Chair Jones?

VICE CHAIR JONES: Thanks.

I don't have a ton to add. And again, a lot of the things that I was going to say have already been said. As Commissioner Carvalheiro mentioned, we live down the street from one another. I don't live far from this location. I walk there a lot. I have a very young son of my own. I walk him in the stroller with my husband all the time. We go to that Whole Foods regularly. I go to that

Whole Foods in my car sometimes. And if it's too crowded in the parking lot, I just circle around and then I leave. I don't know if any of you have ever done that before, but sometimes I'm like, "I just can't. I can't actually deal with it."

And as of right now, and again, this doesn't really have any bearing on my comments about the project, but it's already a very congested area with a very tight, in my mind, very poorly designed parking lot that actually advertises to people, "Hey, you can go park on Orange Grove." Most people don't because they don't want to have to carry their groceries over. I'm like, "I'm not parking over there." I'm going to be one of these people who waits five minutes for a spot, or I'm just going to go home and I'll come back later, which I do, again, like I said, fairly regularly.

I struggle with all of the same things that everyone else here tonight has talked about. I think this is a decision that I don't like making because I don't feel good about it, but I also feel like, in essence, there are parts of it that actually aren't a decision, if that makes sense. And I don't like saying that to any of you. We all live in this city. A lot of us up here are renters. I have a child. Commissioner Solomon has a child.

Especially in this time, everything is so expensive. It is not an easy time to be alive right now. And I just want to say, I'm sure that all of you have partners and very comfortable couches and soft pants that you would like to be on or wearing right now. I cannot tell you how much we appreciate you coming out tonight. It's almost 11:00 p.m. I'm sure there are other ways you'd rather be spending your time, but we do appreciate it. And you are in such an important part of this process. So I just -- and I really mean it. Thank you so much for coming out.

Again, I don't have a ton to say about the project itself. It's not a project I feel great about approving, but I also don't feel like I have a lot of, candidly, just a lot of choice in the matter. There are two different laws that this particular applicant is leveraging. One is, of course, the numbers are just -- one is AB 130, and the other is the Housing Accountability Act. And those together, again, as many things as I don't love about it, I just feel like -- I'm sorry this sounds like a disappointing answer, but it's just I'm afraid, in talking to Legal and talking to staff, I don't know that I have a lot of choice here, which is really deflating.

One of the things I did want to comment on was the parking, because I don't know if we're going to get to this item now tonight given the late hour at which we now find ourselves. I don't want to speak for anybody else, but I don't know, but is about this condition for street parking. Because in my mind, regardless of the reasons why we did it before, and we're asking these larger multi-family projects to not -- for people not to be able to get parking, it's not about a, "Hey, you don't belong here, respectfully," but we're not going to grant -- or at least we haven't in the past granted street parking in buildings where the developer had a choice about whether or not to provide parking. And I think that's my biggest issue with it, is this building has 107 parking spots, I believe, which is over what they have to provide, but is probably less than half that what they would have had to provide five years ago, six years ago, where you're having to provide 1.5, two spots per unit contingent on the size of the unit.

I am fine with leaving the condition in as it is. And it's not a punitive measure for people who live there, but it's also about balancing the world that we're living in now, or where we will be in

four years, with the world that we want to be living in, which is one where we are less reliant on cars and more reliant on bikes and public transportation. That's just not the reality that we're living in right now.

So those are my comments. Again, not my favorite meeting and not my favorite way to have things to have to say to you all tonight, but those are my comments. Thank you.

CHAIR GREGOIRE: Great. I think everybody has had a chance to speak on this. As the Chair, I typically speak last. And I'm not sure how much I can add to what people have said.

Until I read page after page of public comment and heard 35-plus of you get up and speak against this project and talk about how important that gym is to your lives and the neighborhood and talked about the impact of this building on your residential street, I felt pretty good about the project. I kind of feel like we're building housing, we're building affordable housing. Of course, we're never building enough affordable housing. And some people are correct, there is a lot of market rate units that are unrented because people can't afford it. But I always feel good about building new housing, affordable housing, inclusionary housing. I also thought a hotel in that location is probably good for the city. You could argue it adds economic vitality to the city. Of course, it comes at the cost of losing the neighborhood gym that everybody cares so passionately about. But again, until I heard from all of you, I felt pretty good about this project.

That being said, I think the law compels us to approve this project. I've been watching Planning Commission meetings for years and years, and there used to be a time this Commission had real discretion to approve or deny projects. Individual cities used to have complete discretion. But in recent years and decades, and we don't have to debate whether this is good or bad, the state of California has taken most of the discretion away from us.

There's definitely been a debate in recent months about the future of this Commission. Why do we exist, right? If we don't have any discretion, we just have to approve projects, why do we exist? That debate is going to be continuing in the months to come.

But my reading of the law and what I've heard from our city attorney, read in the staff report, heard from the applicant's attorney, is that there are certain laws that the state of California have passed, like the Housing Accountability Act, State Density Bonus Law, AB 130. They really compel our approval of this project as proposed at this point, notwithstanding the impacts that you're all noting that could be detrimental to your neighborhood and your lives, the loss of the gym.

So I feel like I do generally like the project, or did until I heard from all of you. But notwithstanding what I think of it, I do feel like the law compels me to vote to approve staff's recommendation this evening.

With respect to the parking, I don't disagree philosophically with Commissioner Solomon that people who park on a street should have access to the permit parking. However, I do get the public policy of in some way trying to continue to encourage the production of adequate parking in these projects, because the more residents on the street, the more people are going to be

competing for limited street parking. I would also note the applicant didn't come before us tonight and request a deletion of that Condition 12.6. So again, while I don't really disagree philosophically with Commissioner Solomon, I would generally support leaving Condition 12.6 in our approval of staff's recommendation this evening.

COMMISSIONER SOLOMON: Rather than go through the formality and embarrassment of making a motion that might not get a second, is there anyone else that feels this way about it, to actually take a vote? If not, I won't bother.

COMMISSIONER HARRIS: Well, okay, point of clarification. If we want to impose any conditions on the project, that would be an alternative motion, correct?

COMMISSIONER SOLOMON: There is no motion on the floor.

COMMISSIONER HARRIS: Right. Well, I mean, so the standard motion would just be to approve what staff has written?

CHAIR GREGOIRE: Well, based on hearing what we've all had to say, if somebody has a motion that they think would have majority support, I would encourage them to make the motion. However, if somebody wants to throw out a suggestion as to what might be included in such a motion, they're free to do so.

COMMISSIONER EDWARDS: I would make the motion to support staff's recommendations with the changes that were presented to us with the strikeouts [and the] new language.

CHAIR GREGOIRE: Is there a second?

VICE CHAIR JONES: Sorry, I just want to ask, are there specific conditions you want to talk about that were not --

COMMISSIONER HARRIS: Well, I had asked a question about the bond condition and that being released based on phases of construction that staff was going to look into during our deliberations.

ISAAC ROSEN: Yes. Thank you, Commissioner Harris. So I do think it would be something that staff would need to vet and may not have a definitive answer tonight. I think it may be a challenge for the city to add that condition without knowing whether it was commercially available as something that could be enforced specific to the development.

COMMISSIONER HARRIS: Okay. And the other condition that I would consider is some kind of parking demand management strategy, some set of strategies that aren't a huge cost.

COMMISSIONER HOOPINGARNER: We have a TDM.

COMMISSIONER HARRIS: We have a TDM, yeah, which is slightly different than PDM. But yeah, I'm curious about if there's appetite for something like that, like a local hire program that also encourages --

COMMISSIONER SOLOMON: We have a city PDM program for commercial businesses [indiscernible].

COMMISSIONER HARRIS: Is that already imposed as a condition of the project? Or is that something [indiscernible] --

COMMISSIONER SOLOMON: It's on a related project just as the city [indiscernible].

COMMISSIONER HOOPINGARNER: I mean, I conceptually would support a local hire component. But I'm not sure how we would construct it, especially at this late hour. And I mean, Legal, you can read in on that. I mean, it's kind of amorphous and a little difficult to get real specific on without some -- I think it's something that should be taken up by Council and maybe looked at in a larger perspective. But I'm not sure that we can handle it tonight.

COMMISSIONER EDWARDS: I agree. Yeah, I agree because I know with the city of Los Angeles, they have a very complicated but vetted process that actually works, but it's layered. And when they implemented it, it took about 10 years for it to actually start to work. But there are strategies. But we can talk to Council.

CHAIR GREGOIRE: So Commissioner Edwards had made a motion to approve with the changes that staff read into the record earlier. Was there a second?

COMMISSIONER SOLOMON: I'll second.

CHAIR GREGOIRE: Is there any further discussion? Hearing none. Let's go to a vote.

DAVID GILLIG: And the motion passes with six ayes, one no by Commissioner Hoopingarner.

We do have an appeal process for this item. The resolution of Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council, approving Resolution #26-1635 for the properties located at 7811 Santa Monica Boulevard, 1114 North Orange Grove Avenue and 1125 North Ogden Drive, West Hollywood.

Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees. The appeal deadline will be extended by one day due to the President's Day Holiday on Monday. The appeal deadline is Tuesday, February 17, 2026 at 5:00 p.m.

UNKNOWN SPEAKER: Thank you, Lynn, for being the only [indiscernible] community.

UNKNOWN SPEAKER: Thank you.

CHAIR GREGOIRE: Okay. We have a -- moving on with the agenda. We have a decision to make about the next public hearing. It is almost 11:00.

COMMISSIONER SOLOMON: We have three public hearings on our next agenda [indiscernible].

CHAIR GREGOIRE: I was anticipating that the second item might be a long hearing as well. I understand from staff that there is generally -- if we haven't gotten to an item by 10:30, that the Commission has discretion to continue the item.

ISAAC ROSEN: So Commissioner Gregoire, I can speak to that. I understand in conferring with CDD staff that our bylaws do note that when you hit 10:30, the Commission should consider as a body whether it wants to continue.

The only other thing I wanted to note, and this came up relative to the ZTA the Commission considered at the last meeting in terms of streamlined housing approvals, like this project, the next project that's been agendaized tonight is subject to AB 130, which means there's a risk of a deemed complete project if it's not taken to hearing over a certain amount of time. The applicant and the city did negotiate an extension, which is permitted by law. And as listed in the staff report, that extension goes until February 21 of this year, which is two days after the next regular meeting. So the Commission would need to make a determination, make a decision on the project, a final decision, before the 21st of February or the project under AB 130 would be deemed approved.

So I just wanted to note that for the Commission. We do have a regular meeting on the 19th. I can't speak to the other scheduled items on behalf of CDD. Our planning manager may have more, but I just wanted to note that for the Commission.

COMMISSIONER HOOPINGARNER: Can I ask what's on the agenda for the 19th?

SAIMA QURESHY: Yes, we have two public hearings. None of them are residential projects. One is a conversion of office spaces to hotel rooms, and the other one is a conversion of a restaurant to a nightclub and bar. And then we have a consent item.

COMMISSIONER SOLOMON: Do we have the ZTA for the parking?

SAIMA QURESHY: No, not next meeting. That's in March.

COMMISSIONER HOOPINGARNER: March. March.

COMMISSIONER SOLOMON: Got it.

CHAIR GREGOIRE: Okay. So I guess I should probably ask all of your opinion about this. Do we have the energy to power through this? Obviously, we --

COMMISSIONER SOLOMON: What is the applicant's preference?

ISAAC ROSEN: And I'm sorry. Before the applicant starts, I would just ask the Chair because even if the Commission continues the item, we would open the public hearing. So I would maybe ask the Chair to just open the public hearing, and then we could hear from the applicant.

CHAIR GREGOIRE: We will open the public hearing and get your opinion as to whether we should proceed this evening.

ELISA PASTOR: Good evening, commissioners. My name is Elisa Pastor from Rand Pastor Nelson. We would really like to be heard tonight. I cannot be here on the 19th, and it's not something I can change, unfortunately. So we would really like to be heard. We've been sitting here all night, and we think we're ready to go.

CHAIR GREGOIRE: Okay. Thank you for that. Okay. Commissioners, what are your thoughts? Shall we proceed?

COMMISSIONER SOLOMON: Yes.

COMMISSIONER HARRIS: Yeah, I say we proceed. Yeah.

CHAIR GREGOIRE: Okay.

COMMISSIONER EDWARDS: But do we get a badge that says we went after midnight?

COMMISSIONER SOLOMON: [Say no].

COMMISSIONER HOOPINGARNER: You're saying no, we should wait until the 19th?

CHAIR GREGOIRE: Vice Chair?

VICE CHAIR JONES: I want to be respectful to everybody who's been here tonight, but it's 11:00 p.m. I'm going to say no. But if everybody else thinks that we should, then --

COMMISSIONER HOOPINGARNER: I am concerned that this project would get a short shrift if we don't continue it, and I would ask that staff calendar it for the first item on the 19th. But I'm concerned at this late hour that the public and everybody would really be not served well.

CHAIR GREGOIRE: Now the applicant, of course, said they have a conflict on the 19th.

COMMISSIONER HOOPINGARNER: But that's not the applicant.

CHAIR GREGOIRE: It's not?

COMMISSIONER HOOPINGARNER: No.

ELISA PASTOR: Excuse me. Respectfully, I'm the applicant's representative. I've been working with them since the very beginning of this project. I do think a lot of the issues that are going to come up are things we talked about and you all talked about in the previous hearing. We are here for as long as you want to be here, and we will answer all of your questions. And we respectfully request to be heard tonight.

COMMISSIONER HARRIS: There are also, it looks like, members of the community who've been here waiting for this particular item. So yeah, I think we should hear it, and I think we should hear them.

CHAIR GREGOIRE: Should we take a vote on whether we go forward?

ISAAC ROSEN: I would recommend a vote, Commissioner, on it.

CHAIR GREGOIRE: Okay. Somebody want to make a motion to go forward or continue it to the 19th?

COMMISSIONER SOLOMON: I think we're going forward. You have to make a motion otherwise.

COMMISSIONER EDWARDS: I'll make a motion to continue it until the 19th.

COMMISSIONER HOOPINGARNER: I'll second.

CHAIR GREGOIRE: All right. Can we do a roll call on that?

ISAAC ROSEN: Before we vote, I do just want to note again, just for the record, the deemed approval date will be February 21 on this project. So if it goes forward to the 19th, I just want the Commission to be aware. And if it's continued, I'd ask the motion maker in the second -- which I heard from the dais that the current motion is that it's heard as the first item on the 19th. But I do just want the Commission to be aware of the specifics.

COMMISSIONER SOLOMON: To the city attorney's office, the applicant representative has clearly stated they can't -- that's a conflict. They can't be here then. So if it can't be heard on the 19th, it's deemed complete and done on the 21st, so we won't weigh in at all.

ISAAC ROSEN: Well, I can't speak to if there's another member of the applicant's team who could conceivably be here that may be able to appear on the 19th. So I can't speak to that definitively in terms of the applicant's availability beyond our representative that's here tonight.

I would note the other option available to the Commission, of course, would be to -- the hearing's been open, so the Commission could start. But we have a pending motion on the floor and a second. I just wanted to note on the record.

CHAIR GREGOIRE: Yeah. We have a motion and a second. I guess my other question too, in theory, could the city and the applicant stipulate to a further additional time?

ISAAC ROSEN: I would ask the applicant to weigh in. I am unfamiliar with when the project was deemed approved, or deemed -- please go ahead.

ELISA PASTOR: Sorry. First of all, no, I don't think we're open to another extension at this point. And my architect just told me his daughter's having back surgery that day, that he just checked. So no, I don't think we would be open to a continuance at this point. And one of the reasons is because this has already passed the statutory timeline, so we've already stipulated to one extension.

CHAIR GREGOIRE: Understood. Thank you. Okay, we have a motion in a second. Should we have a roll call, please?

DAVID GILLIG: Commissioner Carvalheiro.

COMMISSIONER CARVALHEIRO: Yes.

DAVID GILLIG: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: Yes.

DAVID GILLIG: Commissioner Harris.

COMMISSIONER HARRIS: No.

DAVID GILLIG: Commissioner Solomon.

COMMISSIONER SOLOMON: No.

DAVID GILLIG: Commissioner Edwards.

COMMISSIONER EDWARDS: No.

DAVID GILLIG: Vice Chair Jones.

VICE CHAIR JONES: Yes.

DAVID GILLIG: Chair Gregoire.

CHAIR GREGOIRE: Yes.

DAVID GILLIG: Motion passes to continue this item to February 19.

CHAIR GREGOIRE: To the applicant, I apologize for any inconvenience that might cause, but -

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UNKNOWN SPEAKER: [Indiscernible].

CHAIR GREGOIRE: But yeah, it's very late. It's 11:00. So there were -- sufficient commissioners didn't feel like they had the energy to move forward at this point. Sorry that that happened. Sorry that you've been here all evening.

Okay. Move on to the rest of the agenda. We don't have any new business, unfinished business, excluded consent calendar. Items from staff, planning manager's update and subcommittee management.

SAIMA QURESHY: Commissioners, I'm just opening the web page. Just give me one second. Sorry.

Okay. So the next Planning Commission meeting is in two weeks, on February 19. We will, of course, have this continued item from today. And then as I just stated, there are two public hearings. One is conversion of office spaces to hotel rooms. The other one is conversion of a restaurant to nightclub. And then there's a consent item.

Then the next meeting in March, the first meeting in March, is zone text amendment. Our Long Range Planning staff will be here to present that, which is related to changes and amendments to the parking code to bring it in compliance with the state requirements.

There are no meetings scheduled right now for the Long Range Planning Subcommittee. No meetings scheduled -- or no items scheduled right now for the Design Review Subcommittee as well.

The next meeting for Sunset Arts and Advertising Subcommittee is on February 26, and they do have two items at that meeting for two billboard projects, 8906 Sunset and, oh, it's so hard to read, and 9121 Sunset. Thank you.

CHAIR GREGOIRE: Any questions for staff? Hearing none. Thank you. Do we have any additional public comment? Cathy.

CATHY BLAIVAS: Cathy Blaivas, city of West Hollywood. I'll be as quick as I can.

I want to thank you all for your deliberation. And I especially want to thank Commissioner Hoopingarner for all of her questioning. So many of her questionings are things that many of us might have thought of, didn't think of.

And I just want to say that it's becoming more and more obvious to the community that we feel impotent. I know from what many of you said tonight, you're feeling impotent as well with regard to state mandates. So I'm starting to question why we show up at all. If it's already mandated by the state, why are we wasting our time? And the frustration of that, coupled with the impotence we all feel with what's going on on a national level, is making it really hard to show up. And so I commend you all, because I should imagine you feel similarly.

And so again, I want to thank you, I want to thank staff and I really want to thank the community for showing up. And get home safe, everyone.

DAVID GILLIG: And Chair, that's our last public speaker.

CHAIR GREGOIRE: Great. Thank you. Any items from commissioners? Commissioner Carvalho.

COMMISSIONER CARVALHEIRO: Yeah. I want to say thank you, Cathy Blaivas, for making those comments because I do feel like crap right now. And it's not a fun time to be a planning commissioner. And I felt like I had to vote yes when I really wanted to vote no. And it just sucks. It just sucks.

So thank you, Cathy. I really appreciate that comment. I appreciate everybody who showed up tonight. I care for my community. And yes, it's really frustrating right now.

CHAIR GREGOIRE: Commissioner Hoopingarner.

COMMISSIONER HOOPINGARNER: I will second that motion.

It's time, perhaps, for this city to seriously think about whether or not it's time to start challenging these laws, because we might as well just take our zone text and just take it to the shredder. Everything that we have as goals and directions for our city are being eviscerated, and largely on the backs of other people's failure to produce housing, and not on our failure, because we have not been the one failing. We have been the one producing.

And so maybe it's time. Maybe it's time to start challenging state law and saying, how is this serving the community? Because it's not. And I don't think it's actually serving the purpose of housing. Thank you.

And again, a big shoutout to the community for showing up, this was outstanding, and to staff, oh my God. And I'm sorry, Casey, I saw her walk out. She's stayed all night to do her thing. And we apologize, but at a certain point, we're not doing anybody a service by staying this late. Thank you.

CHAIR GREGOIRE: Great. Anybody else? Commissioner Solomon.

COMMISSIONER SOLOMON: Yeah. I'll just say great job, Antonio. I mean, it was a really tricky project, and I'm sure tons of time on your end. But thank you for laying it out so that we could see it in that way. I know you put a lot of time into it.

CHAIR GREGOIRE: Anything else? Great. Hearing none.

COMMISSIONER EDWARDS: Oh, actually, I just have a process question.

CHAIR GREGOIRE: Okay.

COMMISSIONER EDWARDS: So two good points were raised during this process around the parking policy and the PDM or TDM and the local workforce. Is that something we start the conversation here, or should we just talk to our city councilmembers and have them start that conversation?

ISAAC ROSEN: Commissioner Edwards, yes, I don't -- I would suggest maybe it's something raised with councilmembers.

COMMISSIONER EDWARDS: Okay.

ISAAC ROSEN: Yep.

CHAIR GREGOIRE: Great. Anything else? Hearing none. I'll hereby adjourn this meeting.

And I'm adjourning the meeting to our next regularly scheduled meeting, which will be held on Thursday, February 19, 2026, beginning in these council chambers at 6:30 p.m. The meeting is adjourned. Have a nice night, everyone.

VICE CHAIR JONES: Thank you.

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PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held on this 5th day of March 2026 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

DAVID S. GREGOIRE, CHAIRPERSON
PLANNING COMMISSION

ATTEST:

DAVID K. GILLIG, COMMISSION SECRETARY

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