



PLANNING COMMISSION MINUTES
Regular Meeting
January 16, 2014

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:** Chair DeLuccio called the meeting of the Planning Commission to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE:** John Keho led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Aghaei, Altschul, Buckner, Yeber, Vice-Chair Huebner, Chair DeLuccio.

Commissioners Absent: Shink.

Staff Present: Jennifer Alkire, Associate Planner, Peter Noonan, Rent Stabilization and Housing Manager, Elizabeth Savage, Director of Human Services and Rent Stabilization, Stephanie Reich, Urban Designer, David DeGrazia, Acting Current and Historic Preservation Planning Manager, John Keho, Assistant Community Development Director, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, January 16, 2014 as presented. **Moved by Commissioner Altschul, seconded by Commissioner Buckner and passes, noting Commissioner Shink absent.**
5. **APPROVAL OF MINUTES.**

A. **December 19, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, December 19, 2013 as presented. **Moved by Commissioner Aghaei, seconded by Vice-Chair Huebner and passes; noting Commissioner Buckner abstained and Commissioner Shink absent.**
6. **PUBLIC COMMENT.**
STEPHANIE HARKER, WEST HOLLYWOOD, commented on the upcoming proposed plan for Plummer Park, which will be considered by City Council on Tuesday, January 21, 2014. She encouraged participation and opposes the destruction of the Great Hall / Long Hall building.

CATHY BLAIVAS, WEST HOLLYWOOD, commented on the upcoming proposed plan for Plummer Park, which will be considered by City Council on Tuesday, January 21, 2014. She encouraged participation and opposes the destruction of the Great Hall / Long Hall building.

IAN HUYNM, WEST HOLLYWOOD, representing Paint Lounge, commented on the item regarding 8505 Santa Monica Boulevard, which was heard by the Planning Commission on Thursday, December 19, 2014. He stated they felt they were not able to fully explain the nature of the business, which may have caused confusion that lead to the recommendation of denial. He requested the commission review the letter submitted for Item 9.A. before a vote is taken.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the proposed plan for Plummer Park Great Hall / Long Hall, and spoke regarding the appeal and alcohol process for the Paint Lounge.

7. DIRECTOR'S REPORT.

John Keho, Assistant Community Development Director presented the Director's Report.

He provided an update stating staff is currently working on the benefits that can be provided to owners of historically designated multi-family buildings. He stated a series of focus groups was recently held in November 2013. The next technical advisory group meeting will be Wednesday, February 12, 2014.

He commented on the discussions regarding single-family home design in West Hollywood West. Staff has looked into all the concerns raised and has scheduled another neighborhood meeting on Wednesday, February 5, 2014 at 6:30 p.m. at the West Hollywood Library, Community Meeting Room. At that meeting, staff will present several ideas to address the concerns raised.

8. ITEMS FROM COMMISSIONERS. None.

9. CONSENT CALENDAR.

A. 8505 Santa Monica Boulevard #3 (Paint Lounge):

The Planning Commission directed staff to return with a resolution of denial without prejudice allowing the on-site sales, service, and consumption of beer and wine

ACTION: 1) Adopt Resolution No. PC 13-1061, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING WITHOUT PREJUDICE A CONDITIONAL USE PERMIT TO ALLOW THE ON-SITE SALES, SERVICE, AND CONSUMPTION OF BEER AND WINE IN CONJUNCTION WITH A PAINTING STUDIO WITH TEN OR FEWER STUDENTS PER CLASS, LOCATED AT 8505 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." West Hollywood, California. **Moved by Commissioner Aghaei, seconded by Commissioner Altschul and passes; noting Commissioner Buckner abstaining and Commissioner Shink absent.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8505 Santa Monica Boulevard, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. 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.

10. PUBLIC HEARINGS.

A. Inclusionary Housing Requirements:

Continued from Thursday, December 19, 2013.

Peter Noonan, Rent Stabilization and Housing Manager, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, January 16, 2014.

He re-capped the amendments that have been proposed which address recent case law, and to clarify that parking is included in the base rent and included with inclusionary units in the buildings. It also proposes a new re-creation of the ordinance with a rental section as a means of easy reference for rental requirements and clarifying that certain things, i.e. pet rent, and other amenities with the buildings are included in the base rent set for inclusionary units.

He requested approval of the resolutions.

Chair DeLuccio opened the public hearing for Item 10.A.:

EDWARD LEVIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. He urged the commission to have a larger discussion with the additional issues this raises.

ACTION: Close public hearing for Item 10.A.: **Motion carried by consensus of the Commission.**

Commissioner Aghaei moved to: 1) Adopt the resolutions of recommendation to City Council.

Seconded by Commissioner Yeber.

ACTION: 1) Adopt Resolution No. PC 13-1062 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REVISING THE REQUIREMENTS FOR PROVISION OF INCLUSIONARY AFFORDABLE HOUSING AND APPROVING A ZONING TEXT AMENDMENT TO THE WEST HOLLYWOOD MUNICIPAL CODE;" and 2) Close Public Hearing Item 10.A. **Moved by Commissioner Aghaei, seconded by Commissioner Yeber and passes; noting Commissioner Shink absent.**

B. 1021 N. Ogden Drive:

Jennifer Alkire, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, January 16, 2014.

She stated the applicant is requesting to demolish a single-family residence and to construct a seven-unit condominium building that is approximately 7,950 square feet in size and consisting of three residential stories over a semi-subterranean parking area. The project includes green building features earning over ninety points and one unit of on-site affordable housing.

She detailed the location and history of the property, and spoke regarding neighborhood compatibility, height, massing, parking, front façade, materials, landscaping, location of the elevator shaft, and the affordable housing unit.

The project complies with all the required setbacks, with the exception of the additional six foot setback on the front façade. They are asking for a waiver providing exceptional design. The seven units consist of four two-bedroom units, and three one-bedroom units. There are eleven parking spaces as required for affordable housing projects. The two bedroom units have two tandem parking spaces per unit. The project qualifies for an incentive for high achieving green building project. It will earn ninety-two points. The applicant is requesting to place all five hundred square-foot of common open space on the roof.

Stephanie Reich, Urban Designer, provided the urban design review. She stated the subterranean parking is five feet lower than grade, therefore it presents visually as a three-story building. All units have substantial southern oriented decks with sliding pocket doors that enable substantial indoor/outdoor flow for the unit plans. This will provide a high quality of life for the units. She detailed the façade, framing, materials, setbacks, circulation, and height.

The building as designed can be considered exemplary architecture. Staff recommends the request for a waiver, regarding the additional six foot front yard setback for the second floor and above.

The building is broken up sufficiently, has a variety of quality materials, and has gestures to the related massing to the street level. Staff feels this is not only an exemplary design, but is compatible with the context.

Jennifer Alkire, Associate Planner detailed the concerns raised from the neighborhood meeting, which included shade and shadow issues, neighborhood compatibility, and the loss of single-family units in the neighborhood.

Staff recommends approval.

Commissioner Aghaei presented the design review subcommittee report. He stated this was a very clean design and visually pleasing.

Commissioner Yeber requested clarification regarding materials, and questioned the American Disability Act (ADA) requirements regarding the stairs leading to the entrance.

Chair DeLuccio requested clarification regarding the shade and shadow concerns, and neighborhood compatibility.

Chair DeLuccio opened the public hearing for Item 10.B.:

DANIEL MENSE, LOS ANGELES, owner, presented the applicant's report. He provided a brief history and introduced his colleagues.

DEAN LARKIN, LOS ANGELES, architect, continued the applicant's report. He spoke and detailed the indoor and outdoor space, subterranean parking, front yard setback, and landscaping.

SHELLEY SPARKS, VALLEY VILLAGE, landscape architect, continued the applicant's report. She spoke and detailed the tilting of the front yard, drought tolerant plantings, foliage plantings, and vegetable gardening in the back of the property.

Commissioner Yeber requested clarification regarding ADA access.

DEAN LARKIN, LOS ANGELES, architect, stated they currently have ADA access from the ADA parking space. The area in question can be easily modified to provide direct ADA access from the sidewalk.

DAN MORIN, WEST HOLLYWOOD, opposes staff's recommendation of approval. He had concerns regarding overdevelopment, height, massing, traffic and parking.

DARREN CRAWDORD, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking, height, neighborhood compatibility, and stated this is not exemplary architecture.

ADAM BASS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

ANNE DONNELLAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

LAUREN MEISTER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding neighborhood compatibility, and questioned why height averaging is needed in R3 and R4 neighborhoods.

DEAN LARKIN, LOS ANGELES, architect, presented the applicant's rebuttal. He spoke regarding neighborhood compatibility.

CYNTHIA SEVILLA, WEST HOLLYWOOD, was not present. A letter of support for staff's recommendation of approval was read into the record.

Chair DeLuccio requested clarification regarding the analyses of the shade and shadow study.

DEAN LARKIN, LOS ANGELES, architect, stated by moving the elevator shaft to the rear of the property, it actually increased the amount of light onto the neighbor's property to the north.

ACTION: Close public hearing for Item 10.B.: **Motion carried by consensus of the Commission.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:40 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 7:45 P.M.

Commissioner Altschul commented that we live in the second most populous city in the country. He stated we choose to live here, and if we didn't want to live in the 2nd most populous city in the country, we have plenty of options to move somewhere else. He stated the population has actually gone down in the City of West Hollywood by 3,000 people. It's the obligation of the body politic to provide housing. It's the obligation of those of us that live here to welcome neighbors and to accept reasonable and responsible growth. Seven new units in a condominium is not going to alter our lifestyle. He stated we need to appreciate this kind of building and enjoy our surroundings.

Vice-Chair Huebner stated he was encouraged by the cooperation of the architect with city staff. He stated his support regarding the conditioning of quality materials, and acknowledged the high achieving green points, the sensitivity to the concerns of the neighbors, and the compatibility with the majority of the block and development that's currently there. He stated his support of the project.

Commissioner Buckner stated her support of the staff report. She had concerns regarding the ADA access to the building. She would like to see a condition that the architect shall work with staff to work on a ramp regarding the ADA accessibility to the building.

Jennifer Alkire, Associate Planner stated it should be conditioned so that the architect works with staff to make sure staff has the input where the ADA access ramp is located and how it looks.

Commissioner Altschul agreed to this added condition to the motion.

Vice-Chair Huebner agreed to this added condition to the motion.

Commissioner Yeber originally had concerns with the materiality, which has been addressed, and has been further conditioned making sure the materiality is exemplary. He appreciates going beyond the green building minimum. The building is articulated very well and commended the architect, urban designer, community and design review subcommittee. He stated his concern regarding the front yard and ADA ramp. He stated his support of the project.

Commissioner Aghaei stated this is a green and very well designed project. It is code compliant to make sure we have reasonable growth. He stated his support of projects like this; which add to the fabric of both the architecture and to the community.

Chair DeLuccio questioned if permit parking passes have been included in the conditions.

Jennifer Alkire, Associate Planner stated it has not been added.

Chair DeLuccio requested a condition added: 1) permit parking passes shall not be permitted to the residents; but visitor permits are allowed.

Commissioner Altschul agreed to the additional condition to the motion.

Vice-Chair Huebner agreed to the added condition to the motion.

Chair DeLuccio reiterated views are not protected within the City of West Hollywood. He commented on the shade and shadow analyses, and stated some of those impacts cannot be mitigated, and the project is achieving an affordable housing goal.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1063 as amended: *a) architect shall work with the City of West Hollywood's Urban Designer to incorporate an ADA access ramp into the design; and b) permit parking passes shall not be permitted to the residents of the building;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEMOLITION PERMIT AND DEVELOPMENT PERMIT FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A SEVEN-UNIT

CONDOMINIUM BUILDING CONSISTING OF THREE RESIDENTIAL STORIES OVER A SUBTERRANEAN PARKING AREA, LOCATED AT 1021 N. OGDEN DRIVE, WEST HOLLYWOOD, CALIFORNIA;” 3) Adopt Resolution No. PC 13-1064 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 72396), FOR THE PROPERTY LOCATED AT 1021 N. OGDEN DRIVE, WEST HOLLYWOOD, CALIFORNIA,” and 4) Close Public Hearing Item 10.B. **Moved by Commissioner Altschul, seconded by Vice-Chair Huebner and passes; noting Commissioner Shink absent.**

Commission Secretary Gillig officially read into the record the appeal procedure for 1021 N. Ogden Drive, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission’s final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk’s office. 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.

C. 8497-8499 Sunset Boulevard (Karma Mixed-Use Project):

Applicant is requesting to subdivide a previously approved 28,139 square-foot mixed-use project into thirteen (13) separate air-space parcels.

ACTION: 1) Continue the public hearing to Thursday, February 20, 2014.
Motion carried by consensus of the Commission, noting Commissioner Shink absent.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:55 P.M. AND RECONVENED AT 8:05 P.M.

D. 8350 Santa Monica Boulevard (Kings Road Mixed-Use Project):

David DeGrazia, Current and Historic Preservation Planning Manager, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, January 16, 2014.

He stated the applicant is seeking amendments to a previously approved residential mixed-use project to increase the number of units to forty-eight apartments with eight on-site affordable housing units. There will be an increase in building size from 40,314 square-feet to 48,574 square-feet, and a decrease in ground floor retail from 7,099 square-feet to 5,850 square-feet.

He provided a history of the project. On June 2, 2008, the West Hollywood City Council originally approved the development of a twenty-unit, 40,314-square-foot mixed-use condominium development with subterranean parking. The approved project consisted of one, one-bedroom unit and nineteen, two-bedroom units, ranging in size from 1,000 square feet to 1,800 square feet, and approximately 7,099 square feet of retail space. The project included 66 parking spaces.

Stephanie Reich, Urban Designer, presented the design review report. She stated the site plan arrangement, including the building footprint, vehicular and pedestrian access remains largely the same as the previously entitled project, with a few exceptions.

The project has been pulled back three feet from the property line and the overall massing has relatively remained the same. The project is characterized by a four story rectangular block, which steps down to a three story building, composed of loft units with sixteen feet of linear outdoor space, patios and circulation.

She spoke and detailed the ground floor materials, design characteristics, and site configuration.

David DeGrazia, Current and Historic Preservation Planning Manager, stated the total contribution to affordable housing makes the project eligible for a density bonus and concessions under the zoning ordinance, and in accordance with California Senate State Bill 1818.

He made a correction to the staff report. Due to the applicant changing the affordable units to include four very low income units and four low income units, they are actually eligible for a 35% density bonus; however, they are requesting less than 25%. They are eligible for three concessions; however, they are only requesting two concessions.

The density bonus the applicant is requesting will increase the size of the building by approximately 8,000 square-feet. The amended project maintains roughly the same massing and building envelope as a result of two new factors.

The amended project encloses extended balconies and patios, which were located on the north and south side of the original condominium project. It also includes three interior hallways compared to the original project, which only included one. These two changes leave the fundamental massing and setbacks largely the same as the approved project.

The applicant has requested two concessions: 1) the projects open space requirements shall be satisfied through a mixture of private open spaces within units and through common open space on the rooftop deck. Although some units of the building will not have common open space, the total common and private open space for the building will still exceed the code's requirement.

2) Parking reduction. The commercial space within the project is required to have twenty spaces. Using the parking concession, the applicant proposes to provide twelve retail spots on-site and will provide a total of sixty-six residential spaces. The majority of the residential parking will be in a tandem configuration. The eight one-bedroom affordable units will not have a dedicated parking space. The applicant proposes to subsidize one hundred percent of the cost of a monthly MTA bus pass upon request by any of the eight inclusionary tenants for the life of the project.

Kaiser-Marsten has concluded the applicants' request for the density bonus and two concessions are necessary to achieve the affordable housing costs and rents.

Elizabeth Savage, Director of Human Services and Rent Stabilization, stated sixty-five percent of the City of West Hollywood's inclusionary housing waiting lists are comprised of seniors. Normally, the inclusionary requirement would be for four moderate units and four low units. This proposal has four very low, and four low. That means the City is able to serve some of the inclusionary list that is very low. She stated eighty-seven percent of the 3,500 households on the inclusionary housing list are very low. This would help four of those households in a meaningful way, and also serve the low income groups as well. A very low income household being served by this would reduce the rent burden for those in need. Inclusionary housing serves the community members.

Peter Noonan, Rent Stabilization and Housing Manager, stated when staff analyzed this for the benefits to housing, it was noted of its proximity to transit. City Line and MTA buses stop directly in front of, or across from the project. Rapid buses are within two blocks. There are two grocery stores, three pharmacies, and a number of other locally serving stores to meet the needs of the residents. He reiterated to offset the parking, the developers will be providing bus passes to the households in the inclusionary units. He also asked the commission for consideration to a revision to the language in Condition 12.2; that the inclusionary housing units would be more comparable to the market rate units; that half of them would have open space, and half would not.

David DeGrazia, Current and Historic Preservation Planning Manager, stated the project is well suited for this site and the surrounding neighborhood. It is consistent with General Plan policy to reduce the demand for motorized transportation, by supporting land use patterns that prioritize pedestrian, bicycle, transit mobility options, and mixed-use development. It is also consistent to direct the majority of new development to the city's commercial corridors that are served by high levels of existing or future public transit. The development is designed with exceptional architectural quality, is complimentary to the context of the neighborhood, and meets all of the development standards for the CC1 zone. Staff recommends approval.

Commissioner Altschul requested clarification regarding the bus pass program and questioned the marketing of the program to the inclusionary housing units.

Peter Noonan, Rent Stabilization and Housing Manager, stated the intent was not for the person to request the bus pass monthly, but it would be a request at the beginning of the tenancy.

Commissioner Aghaei requested clarification regarding parking spaces and current inclusionary housing units.

Elizabeth Savage, Director of Human Services and Rent Stabilization, stated this is the first inclusionary housing where very low income and parking is included as a category.

Commissioner Yeber questioned the average unit size.

David DeGrazia, Current and Historic Preservation Planning Manager, stated the very low income units are a minimum of 500 square-feet.

Commissioner Yeber disclosed for the record he met with the applicant's representatives, and discussed matters contained in the staff report.

Commissioner Buckner disclosed for the record she met with the applicant's representatives, and discussed matters contained in the staff report.

Commissioner Aghaei disclosed for the record he met with the applicant's representatives, and discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he met with the applicant's representatives, and discussed matters contained in the staff report.

Vice-Chair Huebner disclosed for the record he met with the applicant's representatives, and discussed matters contained in the staff report.

Chair DeLuccio disclosed for the record he met with the applicant's representatives, and discussed matters contained in the staff report.

Chair DeLuccio opened the public hearing for Item 10.D.:

JEFF HABER, LOS ANGELES, applicant's representative, presented the applicant's report. He introduced the applicant's team.

SCOTT KEND, BEVERLY HILLS, applicant's representative, continued the applicant's report. He stated this project represents an opportunity for the city to fulfill many of the goals outlined in the General Plan. He spoke and detailed the rental housing, low and very low affordable housing, pedestrian access, financial feasibility, public transit, SB 1818, concessions, retail, and parking,

BRIAN LANE, LOS ANGELES, architect, continued the applicant's report. He provided a history of the project and detailed the site plan, massing, setbacks, green space, rear window effect, roof top terrace, and the retail level.

JEFF HABER, LOS ANGELES, applicant's representative, continued the applicant's report. He spoke regarding the size and massing, and affordable housing units. He clarified the one bedroom units range from 535 square-feet to just fewer than 600 square-feet, and stated for the record the affordable units, are just as compatible with the market rate units. They are the same, including half of the affordable units having private open space, just like the market rate. This is the first project in the city which included four low income and four very low income affordable housing units.

He spoke and clarified the requested density bonus, concessions under SB 1818, total open space, and parking.

Commissioner Altschul questioned if they are asking for a tentative tract map.

JEFF HABER, LOS ANGELES, applicant's representative stated they are not requesting a tentative tract map for the apartments.

Chair DeLuccio requested clarification regarding the floor area ratio (FAR) and the square-footage of the one bedroom units.

Commissioner Yeber requested clarification regarding the painted graphic and the blank, white wall portion [page A 3.2] (west elevation).

BRIAN LANE, LOS ANGELES, architect, stated this surface area could possibly implement an art element at some point.

Commissioner Aghaei requested clarification regarding the concessions on the parking.

Michael Jenkins, City Attorney, stated under the applicable state law, you have to make a specific finding, that the concession would create an adverse impact on public health or safety. It cannot be vague or general. It must have specific finding(s) supported by facts.

BRANDON HERMAN, WEST HOLLYWOOD, Board Member At-Large, Kings Manor, has concerns regarding this item. He stated they are in support of the project; however they would like to request some minor concessions to mitigate the impact to the homeowners of Kings Manor. They feel the gap (opening) in the southern wall will allow vehicle and pedestrian noise pollution to carry to the north facing units at 1045 N. Kings Road. They are requesting no opening in the wall and that it continue across the southern façade of the building and completely enclose the ground level parking. They also had concerns regarding [possible] vehicular exhaust and distribution. They request all ventilation be routed out the top, or side of the building.

JILLIAN FISHER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking concerns and traffic impacts.

KEITH COHN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the environmental concerns and possible impacts from a building on the lot that used to house a dry cleaner. He also spoke of the bamboo plant that is proposed.

EDWARD LEVIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

DONALD ELMBLAD, WEST HOLLYWOOD, has concerns regarding this item. He voiced his opposition regarding the requested parking concessions. He commented on the people on the waiting list that do own vehicles. It is rude, condescending, prejudicial, and discriminatory.

ALEX VALENTE, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

PETER HUDNOT, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

CAROLE PROPP, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding traffic impacts, parking concerns, height and massing, questioned the green building points and the lottery process for the affordable housing units.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding affordable housing units, pets, and parking concerns.

SCOTT KEND, BEVERLY HILLS, applicant's representative, presented the applicant's rebuttal. He spoke regarding the exhaust ventilating into the south setback. He stated for the record they have contracted with a mechanical engineering firm and they do not believe the ventilation presents any sort of an issue to the neighbors. The fumes would dissipate by the time they would reach the windows of the neighboring property. With respect to the vehicular and pedestrian noise concerns, there are a variety of systems available; from treating the floor with a broom finish, to install an acoustic baffle ceiling, as well as other systems that would be determined as the project moves forward. If that is not amicable, they are open to enclosing the opening with some sort of acoustically treated louvers. At a later date in the process, they will be happy to consult with a landscape architect regarding the hedge materials.

JEFF HABER, LOS ANGELES, applicant's representative, continued the applicant's rebuttal. He clarified for the record the tenants would not be allowed parking permits for the neighborhood.

He spoke regarding parking concerns. He reiterated they are required to comply with all applicable laws with respect to the construction and excavation that will include soil testing. He spoke regarding the financial incentives, and clarified that it is a financial cost to include inclusionary housing units.

Chair DeLuccio requested clarification regarding the parking concession.

JEFF HABER, LOS ANGELES, applicant's representative, stated In lieu of providing code required parking, the eight affordable units will not have parking spaces. The leases will contain a provision that states there is no designated parking spaces, and the tenants will have the option to request a bus pass. On the commercial side, the requirement is to provide twenty parking spaces, parked at 3.5 to 1,000 square-foot ratio. They are proposing instead to park it at 2 to 1,000.

Chair DeLuccio requested clarification regarding the concerns that some low income tenants may in fact have vehicles and questioned the parking, and the total amount of green points. He also questioned the inclusionary housing lottery system.

JEFF HABER, LOS ANGELES, applicant's representative, stated the twelve commercial spaces will not be utilized at night. Therefore those spots could be used for guest parking. There will also be a public parking garage available across the street. They will be complying with the city's green point ordinance.

Elizabeth Savage, Director of Human Services and Rent Stabilization, detailed the lottery system. She stated the city's inclusionary housing waiting list was recently re-opened. That list is now at 3,500. The sequencing was done in a public meeting with excel and a random number generating feature. Everyone was assigned a lottery number on the spot. The process, is to go to those who have been on the list since it began; there are a 400 base group that have been recertified, and then it would reach into the next groups. However, some of this list will apply to the Monarch projects as well. The list is now closed.

Commissioner Yeber questioned if there has there been any studies done on vehicular ownership among this population, and if a study has been done regarding additional support services necessary to support them. He also questioned if there is a parking inventory or understanding of the utilization of a public parking garage.

Elizabeth Savage, Director of Human Services and Rent Stabilization, stated owner of vehicle is part of the application process. The Community Needs Assessment regarding the social services funding, addresses the needs of this population.

David DeGrazia, Current and Historic Preservation Planning Manager, stated the Kings Road parking structure will have additional spaces available, once the City Hall Automated Parking Structure is complete and operational.

Commissioner Buckner questioned the lottery process when an individual declines an available unit.

Elizabeth Savage, Director of Human Services and Rent Stabilization, stated people do not go to the back of the list, simply because a match did not happen, but they are encouraged and told how this availability in inclusionary housing in the existing inventory is maybe two to three units a year. A low or very low income unit would be emphasized how valuable this opportunity is to potential tenants.

Commissioner Yeber stated this is a good project and is very solid in terms of its design and relationship to the street. It is a better design than the previous design that was entitled. However, it's unfortunate this project has come forward with the parking requests at this time. He stated he doesn't feel the city has addressed the larger policy issue.

He had concerns with assigning the no parking spaces to the affordable housing units. He indicated it is a bit of a stigmatization and it assumes people who are in need of affordable housing don't have private vehicles, or means to get around, other than public transportation. It also assumes when someone moves into a market rate unit, they need that parking space.

There are enough studies that show the generation in their twenties and thirties, young urban professionals, are making conscious decisions not to have a car, and purposefully living on major transit corridors. There seems to be a disconnect. He questioned where this is going and what in fact might be reality.

He stated the larger policy question would be, if this project moves forward without parking for affordable housing, where is the line drawn. It has not been addressed in any comprehensive or holistic manner. He stated this project is approaching the issue in a very piecemeal situation.

Commissioner Buckner stated her support of the rental units, the design of the building, setbacks and open space. She has concerns regarding the parking issue. She commented on the precedent it might be setting for future projects that might come forward. She also had concerns with the size of the units.

Commissioner Aghaei has concerns with the parking and the precedent it may set for low and very low income housing that is not parked. Potentially with the way the project will be parked, there would be health and safety concerns. He does not feel comfortable with the parking. From an urban design perspective, the project is very attractive and he is encouraged by the mixed-use and pedestrian activation.

Commissioner Altschul stated he believes the problem lies within SB 1818. He commented it may be a health and safety concern, but couldn't consider taking it further to try to prove it. He had concerns with the parking with respect to the retail portion. He does not have concerns about the parking as far as the residential is concerned. He stated it is not discriminatory to give housing to very low income people who don't have automobiles and to make life easier for them, especially when you're in a transportation corridor and you're giving them bus passes. He reiterated this is not discriminating. It is being helpful and it's being compassionate. He recapped that SB 1818 mandates that we give this applicant a concession. The concessions that they have asked for are for the parking. It's a good project with market rate housing and low income affordable housing. This is a win-win situation.

Vice-Chair Huebner has concerns regarding the parking and the retail portion. He stated the project is in a very pedestrian oriented area, and commented on the retail parking. Overall, he stated his support of the project and commended the architect and applicant, stating they have done a wonderful job, especially with the setback from the street.

He stated the design review subcommittee was in favor of the project and liked the articulation. This is definitely an improvement from the previously entitled project. They had some concern with the east face and the big white canvas and how that was going to look. He suggested perhaps it could be articulated a little more. Overall, the project is great and the fact that it has gone from condominiums to apartments is exactly what the city needs in housing stock. It does seem to be the trend in higher density cities that there are mini-apartments, giving people the opportunity to live in an urban area and make it affordable. He believes SB 1818 is mandating what we have to do.

Vice-Chair Huebner moved to: 1`) approve the project.

Seconded by Commissioner Altschul.

Chair DeLuccio commented on SB 1818 and stated one of the things that validates the parking concession is they are putting low and very low affordable housing units into the project. He spoke regarding the parking concerns and questioned how much would you give somebody a concession under SB 1818.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, reiterated what the city attorney stated. It is up to the city to determine that the concession or incentive isn't required to make the project financially feasible, or you need to make a finding that it will have a specific adverse impact upon the health and safety of the physical environment.

Chair DeLuccio stated his support of the motion.

Commissioner Yeber questioned if there could be some flexibility with the affordable units. Perhaps you could accommodate both the market rate and affordable housing units. Instead of assigning the no parking spaces strictly to the affordable housing, would it be possible to do a split; i.e. four of those no spaces are assigned to the affordable housing units and four are assigned to the market rate units.

JEFF HABER, LOS ANGELES, applicant's representative, stated its unfortunate, but the city's code doesn't allow for flexibility. He stated for the record they are willing to be flexible and have a condition added. They would work with the Housing Department regarding that amendment.

Commissioner Yeber added a condition to the motion for flexibility regarding the eight affordable no parking spaces. For those that want to move into this complex, he would like to see them accommodated.

JEFF HABER, LOS ANGELES, applicant's representative, suggested the developer will work with planning and housing staff to work something out that is acceptable to staff.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, stated staff can deal with any code issues by making that the third incentive, if needed.

Chair DeLuccio questioned the applicant if they are willing to have a condition added to work with the building to the south, regarding any sound issues.

JEFF HABER, LOS ANGELES, applicant's representative, stated they don't believe sound will be an issue, however, if there are issues, they are amicable to an added condition stating a noise study can be done six months after the project opens. If the noise study shows they are exceeding the sound impacts across the residential line, beyond what the city code allows, they would then put in further sound attenuation devices in order to bring the sound below what city code allows.

ACTION: Close public hearing for Item 10.D.: **Motion carried by consensus of the Commission.**

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1066 as amended: *a) Condition 12.2) inclusionary housing units shall be more comparable to the market rate units; half would have open space, half would not have open space; b) developer shall work with planning and housing departments to increase the flexibility of parking space allocation between market rate and affordable housing units; and c) a six month review by the Community Development Director regarding any noise issues that impact the neighbor to the south of the project;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AN AMENDMENT TO A DEVELOPMENT PERMIT AND MODIFICATION PERMIT, FOR THE CONSTRUCTION OF A FORTY-EIGHT UNIT MIXED-USE APARTMENT BUILDING, LOCATED AT 8350 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA," and 3) Close Public Hearing Item 10.D. **Moved by Vice-Chair Huebner, seconded by Commissioner Altschul and passes; noting Commissioner Aghaei voting NO and Commissioner Shink absent.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8350 Santa Monica Boulevard, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. 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.


11. **NEW BUSINESS.** None.
12. **UNFINISHED BUSINESS.** None.
13. **EXCLUDED CONSENT CALENDAR.** None.
14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

David DeGrazia, Acting Current and Historic Planning Manager, stated two draft environmental impact reports have been released for review and comments: 1) 8899 Beverly Boulevard, West Hollywood, California; and 2) Melrose Triangle Mixed-Use Project.

15. **PUBLIC COMMENT.** None.
16. **ITEMS FROM COMMISSIONERS.**
Commissioner Yeber requested planning and housing departments work together regarding parking associated with affordable housing, so the issue can be approached in a more holistic way, and less problematic.
17. **ADJOURNMENT:** The Planning Commission adjourned at 9:55 P.M. to the next regularly scheduled meeting which will be on Thursday, February 6, 2014 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 6TH DAY OF FEBRUARY, 2014.


DONALD DELUCCIO, CHAIRPERSON

ATTEST:


DAVID K. GILLIG, COMMISSION SECRETARY