



PLANNING COMMISSION MINUTES

March 4, 2004

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:37 P.M.

2. PLEDGE OF ALLEGIANCE: Mitch Dawson led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker and Thompson.

Commissioners Absent: None.

Staff Present: Elinor Aurthur, Assistant Planner, John Chase, Urban Designer, Anne Browning McIntosh, Interim Community Development Director, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, March 4, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, February 5, 2004 as presented. **Motion by Vice-Chair Hamaker, seconded by Commissioner DeLuccio and unanimously carried.**

6. PUBLIC COMMENT: None.

7. ITEMS FROM COMMISSIONERS:

Vice-Chair Hamaker announced the official opening of the West Hollywood Gateway Target® store will be Sunday, March 7, 2004.

8. CONSENT CALENDAR. None.

9. COMMISSION CONSIDERATION. None.

10. PUBLIC HEARINGS. None

11. NEW BUSINESS

A. Zoning Text Amendment 04-01.

Susan Healy Keene, Planning Manager presented a brief history and overview of the Zoning Ordinance; noting three of the items are City Council directed; 1) appeals, 2) noticing, and 3) tall walls. She stated the recommendations that are presented this evening, will be brought back to the Planning Commission meeting on Thursday, April 1, 2004 for [possible] recommendation(s) to the City Council.

Vice-Chair Hamaker questioned if the public noticing could be placed on a "postcard" for future mailings.

Staff indicated this is a possibility and staff is currently looking into the long term feasibility.

Elinor Aurthur, Assistant Planner, presented the history and overview of the Zoning Text Amendment(s), which was presented in the following order: 1) Public Hearings; 2) Appeals; 3) Tall Walls; and 4) Real Estate Signs for Open Houses.

1. PUBLIC HEARINGS.

Public hearings and noticing, sets forth the general guidelines for noticing. Chapter 19.74 requires three (3) methods of noticing: 1) publication, 2) mailing, and 3) posting.

Commissioner DeLuccio asked for clarification regarding the "10-day" and "28-day" noticing and questioned the use of the West Hollywood Independent newspaper versus the Beverly Press newspaper.

Commissioner Bartolo questioned the basis for the [current] reevaluation of noticing.

Chair Altschul opened this sub-section to Public Speakers:

TODD ELLIOTT, WEST HOLLYWOOD, has concerns regarding this item. He recommended changing the language to remove the word "minimum" (relating to the "28-day" noticing) and include a "10-day" period throughout.

ACTION: Close to Public Speakers. **Motion carried by consensus of the Commission.**

Vice-Chair Hamaker asked for clarification of the "500-foot" radius and questioned the possibility of expansion to a "750-foot" or a "1,000-foot" radius.

Discussion was held regarding changing the “500-foot” radius to a possible “750-foot” and/or to a “1,000-foot” radius.

Vice-Chair Hamaker had concerns regarding the usefulness of newspaper noticing versus mailed notices.

Commissioner DeLuccio suggested amending Section 3.c. of the Staff Report; Item 11.A.; by incorporating the use of the City of West Hollywood’s web-site for future noticing and supports raising the radius to 750-feet.

Commissioner Thompson would like to see discretion given to the Director of Community Development to increase the radius to 1,000-feet.

ACTION: 1) Section 3.b.: is still ambiguous and needs to be reworked; 2) Amending Section 3.c.: adding the use of the City of West Hollywood’s web-site for noticing; 3) change noticing to 750-foot radius; 4) elimination of newspaper noticing except where required by State law; and 5) discretion for the Director of Community Development to extend noticing to 1,000-foot radius where deemed appropriate. **Motion carried by consensus of the Commission.**

2. APPEALS.

The Zoning Ordinance provides procedures for filing appeals of decisions rendered by review authorities. The purpose of Administrative Appeals is to provide the City with an opportunity to correct an error and to assure that decisions are consistent with the City’s Zoning Ordinance and reflect community values.

Chair Altschul questioned and asked for clarification of the [implied] frivolous appeals in the past.

It was stated between the years of 2001 and 2003, a total of three (3) appeals have been officially filed by residents. Other appeals were filed by applicants.

Commissioner Bartolo asked for clarification of the term “beneficial interest”.

Commissioner DeLuccio asked for clarification regarding “50-signatures within the 500-foot radius” or “within West Hollywood”.

Chair Altschul opened this sub-section to Public Speakers:

HILLARY SELVIN, LOS ANGELES, Director of the West Hollywood Chamber of Commerce, has concerns regarding this item. She commented on signatures, (possibly) eliminating the Director’s Hearing and spoke on fees.

TODD ELLIOTT, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the (possible) elimination of a step in the process; possibly the Director's Hearing.

ACTION: Close to Public Speakers. **Motion carried by consensus of the Commission.**

Discussion was held regarding the history of the Director's Hearing.

Chair Altschul stated the current issues are: 1) whether or not there should be multiple appeals from a Director's Hearing and 2) what should be the standard for a fee waiver, with respect to residents, on the filing of an appeal.

Chair Altschul stated there is a double standard, in respect to fees, and he does not believe there should not be any change in the fees charged to developers or applicants. He made the suggestion of reducing the number of signatures necessary for the fee waiver, within the 500 square feet, to (possibly) 25 signatures and keeping 50 signatures (outside the 500 square feet). He indicated, if it goes outside the 500 square foot radius, establishing a minimum fee of \$500.

Susan Healy Keene, Planning Manager, brought to the Commission's attention and suggested a 750-foot radius, which would be consistent with the above mentioned recommendation in Public Hearings.

Chair Altschul recommended changing the signatures to a total of thirty (30) for a fee waiver, (if changed to a 750-foot radius).

Commissioner DeLuccio would like to see staff look at streamlining the structure of the initial hearing to the appeal's process. He would like a recommendation; instead of having it go before three different bodies; possibly see if it can be worked and go before only two [hearings'] bodies and the process that is involved.

Commissioner D'Amico stated that there should always be an option where there would be no fee(s).

Commissioner DeLuccio requested the Assistant City Attorney bring back language clarifying consistency.

ACTION: 1) Request staff to consider different fee waiver options including thirty (30) signatures within a 750-foot radius and a five-hundred dollar (\$500) fee for seventy-five (75) signatures Citywide; 2) request staff to explore the possibility of only one (1) appeal body versus two (2); and 3) request staff to look at language regarding beneficial interest. **Motion carried by consensus of the Commission.**

3. TALL WALL SIGNS.

Consider amending Zoning Ordinance Section 19-34.080 (l) (5) (b); which limits the amount of window area that can occupy a wall that is to be used for a tall wall sign.

Vice-Chair Hamaker asked for clarification of current tall walls in use and if this [recommendation] would in fact revert back to the original tall wall standard(s).

Chair Altschul requested the Assistant City Attorney to look into the legality of the requirements of phasing out tall walls.

Chair Altschul opened this sub-section to Public Speakers:

ROBERTA SPONSLER, GLENDALE, representing Viacom Outdoors spoke in support of this item and requested approval.

LAYNE LAWSON, LOS ANGELES, representing Clear Channel Outdoors, spoke in support of this item and requested approval.

ACTION: Close to Public Speakers. **Motion carried by consensus of the Commission.**

Commissioner Bartolo stated her views on the tall walls and billboards within the City of West Hollywood and the City of Los Angeles and inserted into the record that this is an example of a potential revenue stream.

Commissioner Thompson agreed with the revenue stream idea, which should be looked into at some point in the future, and agrees with staff's recommendations.

ACTION: 1) staff to return with information on how many additional walls exist and how many may be added; 2) staff to explore legally what would be required to phase out tall walls; 3) recommend City Council's original language from 1998 be returned to the Zoning Ordinance; and 4) staff to look at the possibility of creating a revenue stream for the City by imposing a fee associated with tall walls. **Motion carried by consensus of the Commission.**

4. REAL ESTATE SIGNS FOR OPEN HOUSES.

Section 19.34 is intended to encourage signs that have a positive effect on the city's image, are appropriate for their location, and provide flexibility in special circumstances. The Planning Commission considered modification of provisions of the Zoning Ordinance for "open house" signs.

Commissioner Thompson questioned "off-site private property".

Vice-Chair Hamaker questioned the number of “corners”; since some intersections have more than the standard four corners.

Chair Altschul opened this sub-section to Public Speakers:

JAMES LITZ, WEST HOLLYWOOD, representing the Beverly Hills and Greater Los Angeles Association of Realtors, spoke in support of this item.

FRAN HUGHES, LOS ANGELES, representing Coldwell Banker, spoke in support of this item.

ACTION: Close to Public Speakers. **Motion carried by consensus of the Commission.**

Brief discussion was held in support of staff’s recommendations. Specific questions arose concerning how other cities handle open house signs and how many signs may be at a corner.

ACTION: 1) one (1) sign per corner; 2) 18” high, 24” wide; 3) 42” for sign on a stake; 36” for A-frame sign; 4) on Sunday and Tuesday only, from 12:00 Noon until 6:00 P.M.; 5) to be placed on private property only; 6) text is “open house” with an arrow in direction of the property, double faced sign only; 7) no flags, no riders, no addresses, no company names, no agent names or descriptions. **Motion carried by consensus of the Commission.**

B. 1030 North Martel Avenue: Conditional Use Permit 97-13.

Anne Browning McIntosh, Interim Community Development Director presented the staff report. She stated the proposed property owner would like to continue to operate the site as a state licensed Board and Care facility, but with a different composition than originally specified in Condition 2.1. of Resolution No. PC 99-215.

Chair Altschul had concerns and questioned staff if this item would require a filing for an amendment to the Conditional Use Permit.

Staff explained, based on (the most recent) Resolution No. PC 99-215, and its phraseology, that issue and question would be up to the interpretation of the current Planning Commission to decide.

Chair Altschul opened the item to Public Speakers:

SIMON BASSEIN, WEST HOLLYWOOD, spoke in support of this item. He stated he is currently in escrow with this property. He gave a brief history of the property and the plans he has for its use. He indicated that he would not proceed with the purchase, until advised by the Planning Commission as to what could be done with the property.

Commissioner D’Amico questioned the current licensing and use of the

facility.

Commissioner DeLuccio questioned if the property is currently occupied by tenants.

TODD ELLIOTT, WEST HOLLYWOOD, has concerns regarding this item. He gave a brief history of the property and indicated this property is a “non-conforming” use, as written in the West Hollywood Zoning Ordinance. He has concerns regarding the property development standards for the street and stated the landscape and design provisions have not been adhered to. He urged the Commission not to grant this request and cautioned the (proposed) buyer.

ACTION: Close this item to Public Speakers. **Motion carried by consensus of the Commission.**

Assistant City Attorney Christi Hogin, gave a description of non-conforming uses and how the City interprets this in the Zoning Ordinance.

Chair Altschul reiterated the issue to consider is determining the change of use from mentally ill patients to seniors citizens, and if it constitutes a reason to go through the actions to file an amendment to the Conditional Use Permit, which specifically allows them to house mentally ill people.

Commissioner Thompson questioned the ramifications if this item was approved and voiced his aversion to having this item come before the Planning Commission for this particular reason.

Commissioner DeLuccio questioned the Conditional Use Permit and the “non-use” of the property.

Chair Altschul questioned the parking requirements.

Commissioner DeLuccio motioned this item should go through the formal process of a Public Hearing. Seconded by Vice-Chair Hamaker.

Commissioner Bartolo questioned the validity of the current Conditional Use Permit.

ACTION: 1) Return this item to the applicant; and 2) apply for a new Conditional Use Permit. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and carried, noting the no vote of Commissioner D’Amico.**

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:15 PM AND RECONVENED AT 8:30 P.M.

C. Sunset Specific Plan.

John Chase, Urban Designer, presented a brief history and overview on the Sunset Specific Plan. He narrated how the Sunset Specific Plan is a detailed plan that guides future development of Sunset Boulevard in the City of West Hollywood. The plan reiterates the City of West Hollywood's commitment to maintaining the high quality of life enjoyed by its residents, and is consistent with the City's innovative approach to planning and development.

There was a brief question and answer period.

Chair Altschul suggested the Commission identify two to four issues to study in terms of policy direction and policy recommendation to the City Council. He stated housing and mixed use is one topic and proposed the major topics for discussion be integrated with other Planning Commission agendas to be done as expeditiously as possible. He suggested a possible Study Session for a policy talk and/or discussion regarding target sites. He also suggested a policy discussion on tall walls.

Susan Healy Keene, Planning Manager, noted that the Urban Designer's work on the Sunset Specific Plan would not be policy making decisions, but simply a basic "clean-up", due to the inconsistencies.

Vice-Chair Hamaker questioned if the Master Environmental Impact Report is still valid.

Staff indicated that the Master Environmental Impact Report has expired.

Commissioner Bartolo suggested the opportunities for housing above parking structures.

Commissioner D'Amico brought up issues about sounds, shade and shadow and would like to see future studies regarding these.

Vice-Chair Hamaker would like to see "before" and "after" photographs of the project(s).

Chair Altschul stated when the document is reprinted, he would like to see the name of Tim Gawronski notated for his input on this document.

ACTION: The following items should be brought back to the Planning Commission to a date undetermined for review: 1) Housing and mixed use; 2) target sites; 3) tall walls (should they direct development?); 4) city parking structures and tall wall opportunities; 5) opportunities for housing above City parking structures; and 6) issues regarding sound, shade/shadow and pedestrian walk ability. **Motion carried by consensus of the Commission.**

12. **UNFINISHED BUSINESS.** None.

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.** None.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS:**

After discussion, it was decided to cancel the next Planning Commission meeting of Thursday, March 18, 2004. **Motion carried by consensus of the Commission.**

Chair Altschul appointed Commissioner Bartolo and Commissioner Guardarrama to the Ad-Hoc Transportation Subcommittee.

Chair Altschul requested staff to return with a report on the City of West Hollywood's internal High Impact Business Task Force.

17. **ADJOURNMENT:** The Planning Commission adjourned at 9:05 P.M.; notating the cancelled Planning Commission meeting of Thursday, March 18, 2004, to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, April 1, 2004 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 1ST DAY OF APRIL, 2004.


CHAIRPERSON

ATTEST:


Community Development Director