



PLANNING COMMISSION MINUTES
Regular Meeting
November 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 6:40 P.M.

2. PLEDGE OF ALLEGIANCE: Ben Reznik led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: C.J. Amstrup, Senior Planner, Francie Stefan, Associate 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:

Chair Altschul stated the agenda will be amended due to the omission of amended Agenda Item 9.A. (9229 Sunset Boulevard; Conditional Use Permit 2004-001) from the originally posted agenda on October 28, 2004.

He announced staff reports for this item are being delivered later in the evening, therefore, Item 9.A. (9229 Sunset Boulevard; Conditional Use Permit 2004-001) will be moved to be heard after Agenda Item 9.C. (1112 N. Olive Drive; Development Permit 2004-019).

ACTION: Approve the Planning Commission Agenda of Thursday, October 28, 2004 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

ACTION: Approve the Planning Commission Minutes of Thursday, October 21, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

HILLARY SELVIN, LOS ANGELES, Executive Director of the West Hollywood Chamber of Commerce, thanked the Commission for the opportunity of working with them and stated she is leaving to take the position as Executive Director of the National Council of Jewish Women Los Angeles.

JOYCE HEFTEL, WEST HOLLYWOOD, spoke regarding the traffic delays caused from an oversized cooking oil spill on Sunset Boulevard.

7. **ITEMS FROM COMMISSIONERS.** None.

8. **CONSENT CALENDAR.** None.

9. **PUBLIC HEARINGS.**

A. **9229 Sunset Boulevard.**

Conditional Use Permit 2004-001.

Request to use the east facing wall of a building for a Tall Wall sign.

ACTION: 1) Moved item to be heard after Agenda Item 9.C., as part of the amended agenda. **Motion carried by consensus of the Commission.**

B. **Sunset / Olive Mixed Use Project.**

8430 Sunset Boulevard, 1326 Olive Drive, 8477 De Longpre Avenue

C.J. Amstrup, Senior Planner presented the staff report. He gave a detailed history of the project and property.

He stated the proposed project would construct a 138 unit apartment building over a semi-subterranean parking structure with 687 parking stalls. The applicant submitted revised plans for the project, which approximate, but are not identical to, Alternative Five in the Draft Environmental Impact Report. The commercial portion of the revised project is unchanged; however, the residential portion is modified.

The residential building would be a 125-unit condominium building over semi-subterranean parking structure with 602 parking stalls. Also proposed are modifications to the Sunset Specific Plan, General Plan and Zoning Map (138-unit only).

He noted since the applicant has not formally amended their application, staff has addressed each project in this report, and has prepared two draft resolutions recommending denial of each version.

John Chase, Urban Designer, gave a detailed history of the Sunset Specific Plan and the proposed project for this area.

Commissioner Hamaker questioned the parking situation relating to the House of Blues property.

Commissioner DeLuccio questioned construction, floor to area ratio and the current fault line.

Chair Altschul questioned the feasibility of a massing model and questioned staff regarding parking.

In-depth discussion was held regarding the House of Blues parking and target sites.

Commissioner D'Amico presented the Design Review Subcommittee report. He spoke on the massing of the project, mixed-use development within the Sunset Specific Plan and stated the Subcommittee would like to see this project returned for final analysis.

Chair Altschul opened Public Hearing Item 9.B.:

BEN REZNIK, LOS ANGELES, presented the applicant's report. He spoke on the Sunset Specific Plan, height, urban design, mixed-use, housing units, density and the expectations set-forth.

PATRICK KIBBY, WEST HOLLYWOOD, spoke is in favor of some type of development on the property of the Sunset / Olive parcel.

LIZA AMTMANIS, LOS ANGELES, has concerns regarding this item. She stated additional development in this area will have an impact on the surrounding area. She urged the Commission to uphold staff's recommendation.

JOYCE HEFTEL, WEST HOLLYWOOD, spoke in support of staff's recommendation. She spoke regarding affordable housing, increased traffic and future development in this area.

MARVIN PORTON, WEST HOLLYWOOD, spoke in support of staff's recommendation. He urged the Commission to uphold staff's recommendation.

ALLAN WILION, LOS ANGELES, representing resident Suzanne Manners, spoke in support of staff's recommendation. He spoke on the increased traffic and the earthquake fault that runs through the property.

DAVID THOMPSON, LONG BEACH, representing Latham and Watkins, has concerns regarding this item. He spoke regarding inconsistencies this current project has with the General Plan and Sunset Specific Plan. He recommended denial of the project.

GIGI VERON, LOS ANGELES, spoke in support of staff's recommendation.

RANDALL STURGES, WEST HOLLYWOOD, spoke in support of staff's recommendation. He spoke regarding building mass, parking and the increase in traffic.

ED GARREN, WEST HOLLYWOOD, spoke in support of staff's recommendation. He recommended denial of the project.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:15 PM AND RECONVENED AT 7:25 P.M.

TERI GUSTAFSON, WEST HOLLYWOOD, has concerns regarding this item. She spoke on the size of the proposed project and mixed use in the residential area.

BEN REZNIK, LOS ANGELES, presented the applicant's rebuttal. He clarified the parking situation at the House of Blues and stated the additional parking this project would create. He commented on the commercial aspects and building height.

Commissioner DeLuccio questioned the number of residential units and asked for clarification regarding the height.

ACTION: Close Public Hearing Item 9.B. **Motion carried by consensus of the Commission.**

Commissioner Bartolo commented on potential impact of traffic and noise. She spoke on the residential, commercial, retail, parking, affordable housing, public benefits and potential viability of the project. She suggested the project might consider reducing the amount of housing, reduce the floor area, eliminate the café and recommended the retail components could actually be removed from the residential building. She suggested this project be amended and come back at a later date.

Commissioner DeLuccio commented on the retail, height of the project, and stated he could not approve this project. He would like to see the applicant come back with a building more in scale with the neighborhood.

Commissioner Guardarrama commented on the fault zone, height and lack of private open space. He has concerns with the massing of the project, along De Longpre Avenue, and the design of the commercial component. He suggested the possibility of tabling this discussion and asked if the Environmental Impact Report should be certified first.

Discussion was held regarding the feasibility of certifying the Environmental Impact Report at this time.

Commissioner Hamaker recommended continuing this item to a later date, giving the applicant sufficient time to take Commission comments and to re-present the project. She is in favor of reducing the height from eight stories to six stories, is in agreement with breaking the project into two phases and has concerns with the proposed billboards.

Vice-Chair Thompson disclosed for the record; he had met with Ben Reznik, Ira Handleman, had telephone conversations with both, and met with the developers directly.

Commissioner D'Amico disclosed for the record; he met with the developers and spoke with Ben Reznik and Ira Handleman.

Commissioner Hamaker disclosed for the record; she had met with the developers and spoke with Ben Reznik and Ira Handleman.

Commissioner DeLuccio disclosed for the record; he had met with the developers and spoke with Ben Reznik and Ira Handleman.

Commissioner Bartolo disclosed for the record; she had met with the developers and spoke with Ben Reznik and Ira Handleman.

Commissioner Guardarrama disclosed for the record; he had met with the developers and spoke with Ben Reznik and Ira Handleman.

Chair Altschul disclosed for the record; he had met with the developers and spoke with Ben Reznik and Ira Handleman.

Vice-Chair Thompson stated his favor of the design of the project, the size of the housing units and the courtyard aspect. He has concerns with the overall size of the project and encouraged the developer to return.

Commissioner D'Amico suggested a vote be taken to table this item.

Chair Altschul commented on the amount of time this project has been in development, financial public assistance, the mass of the project and **motioned for denial as set forth in the staff report.**

Seconded by Commissioner DeLuccio.

Commissioner D'Amico commented on the amount of information presented for this project and the various competing projects within the same area and suggested more time for review.

Christi Hogin, Assistant City Attorney, questioned Ben Reznik, if his client would accept a continuance in order to redesign the project in a way that will reduce the density.

Commissioner DeLuccio reminded the applicant that guidance has been given the entire evening for the applicant towards a possible redesign of the project.

After discussion, Ben Reznik answered the question an affirmative "yes".

Chair Altschul withdrew the original motion.

Commissioner DeLuccio agreed to the withdrawal.

Chair Altschul suggested giving the applicant sixty (60) days to come back with an amended project, taking into consideration what has been evidenced at the hearing.

Anne Browning McIntosh, Interim Community Development Director, presented guidance regarding this project and [possible] future action(s).

Commissioner DeLuccio motioned for a sixty (60) day continuance and would like staff and the Design Review Subcommittee to work closely with the applicant.

Seconded by Commissioner Hamaker.

After discussion, Chair Altschul requested Christi Hogin, Assistant City Attorney to elaborate and illuminate the present motion.

Christi Hogin, Assistant City Attorney, suggested the motion could read as follows: 1) give the applicant sixty (60) days to resubmit a revised project.

Accepted by Commissioner DeLuccio and Commissioner Hamaker.

ACTION: 1) Give the applicant sixty (60) days to resubmit a revised project for the property located at 8430 Sunset Boulevard, 1326 Olive Drive and 8477 De Longpre Avenue, West Hollywood, California. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker and Vice-Chair Thompson.

NOES: Chair Altschul.

Chair Altschul recapped this action by reminding the Commission this action will also apply to the Environmental Impact Report.

All Commissioners agreed.

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

**C. 1112 N. Olive Drive.
Development Permit 2004-019.**

Francie Stefan, Associate Planner, presented the staff report. She stated the applicant is requesting approval of a Development Permit to allow conversion of an existing eight (8)-unit multi-family residential building to a condominium. The permit application was the outcome of litigation with the City of West Hollywood.

A final tract map for subdivision of the property was approved by the County of Los Angeles and recorded prior to the incorporation of the City of West Hollywood. California Department of Real Estate approval (the "white slip") to permit sale of the units expired prior to the sale of any units. The owner, however, sold three (3) units after expiration of the white slip. In litigation, the Court of Appeals held that the owner was obligated to obtain required discretionary permits for conversion of the building.

Approval of the Development Permit would allow the applicant to complete the remaining necessary steps to sell the units.

Commissioner Hamaker questioned if there are any residents currently living in the other units and what would [could] happen to them.

Francie Stefan, Associate Planner, indicated the owner would have to follow all required procedures according to the City of West Hollywood Rent Stabilization and Housing Guidelines.

Chair Altschul opened Public Hearing Item 9.C.:

STEVEN AFRIAT, LOS ANGELES, presented the applicant's report. He presented a brief history of the property and requested the Commission to amend Resolution No. PC 04-557; Condition 3.1. to read "...an Inclusionary Housing Fee to be negotiated with the City Manager" and requested approval of staff recommendation.

MICHELE KAUFFMAN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

DAVID DUNAWAY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

STEVEN AFFRIAT, LOS ANGELES, presented the applicant's rebuttal. He requested support of this item and reiterated support for the requested change to Resolution No. PC 04-557; Condition 3.1.

ACTION: Close Public Hearing Item 9.C. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio motioned to approve the item.

Seconded by Commissioner Guradarrama, notating inclusion of the amendment to Section 3.1. as requested by the applicant.

Chair Altschul considered amending Section 3.1 to read: **1) "... the City Manager and/or his designee".**

Commissioner DeLuccio and Commissioner Guardarrama agreed to this amendment.

Commissioner D'Amico questioned the landscaping plan.

Christi Hogin recommended amending Section 3.1. to read: 1) "...in an amount determined by the City manager consistent with the West Hollywood Municipal Code".

Discussion was held regarding changing the wording of the amendment.

Christi Hogin, Assistant City Attorney, changed the wording of Resolution No. PC 04-557; Section 3.1. to read: **1) "...in an amount set by the City Manager or his designee, consistent with the West Hollywood Municipal Code (or applicable with standards and practice)".**

Susan Healy Keene, Planning Manager, re-read the motion on the floor for the record: **1) to approve the staff report; and 2) modify Condition 3.1. "...pursuant to West Hollywood Municipal Code as cited, the applicant shall pay an Inclusionary Housing Fee in an amount determined by the City Manager or his designee, consistent with applicable rules and regulations."**

ACTION: 1) Approve the request; and 2) Adopt Resolution No. PC 04-557 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2004-019 FOR CONVERSION OF AN EIGHT (8)-UNIT MULTI-FAMILY BUILDING TO CONDOMINIUM UNITS LOCATED AT 1112 N. OLIVE DRIVE, WEST HOLLYWOOD, CALIFORNIA". **Motion by DeLuccio, seconded by Guardarrama and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker, Vice-Chair Thompson and Chair Altschul.

NOES: None.

The following item was amended and moved out of order by Approval of the Agenda:

**A. 9229 Sunset Boulevard.
Conditional Use Permit 2004-001.**

Susan Healy Keene, Planning Manager, presented the staff report in the absence of Debby Linn, Contract Planner. She gave a brief history of the property and stated the request is to allow the use of the east facing wall of a building for a Tall Wall sign.

Commissioner Guardarrama questioned the Assistant City Attorney if it is possible to enter an agreement conditioning approval of a tall wall for a public benefit.

Christi Hogin, Assistant City Attorney, stated it is considered a "First Amendment" issue and not permitted in the Code.

Chair Altschul opened Public Hearing Item 9.A.:

ROBERTA SPONSLER, GLENDALE, representing Elevation Media, presented the applicant's report. She requested approval of this item.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She stated her disapproval with this item.

LOWELL MARKS, WEST HOLLYWOOD, opposes staff recommendation for this item. He commented and stated the history of this tall wall and commented on the 15% issue.

JOHANNA JAVALUYAS, WEST HOLLYWOOD, General Manager and resident of Sierra Towers, opposes staff recommendation for this item. She commented on the lights and illumination of the tall wall.

GREG REGIER, WESTLAKE VILLAGE, representing Regency Outdoor Advertising, opposes staff recommendation for this item. He commented on pending litigation.

LOREN MC ELROVY, LONG BEACH, representing the owners of 9229 Sunset Boulevard, spoke in support of staff's recommendation.

ACTION: Close Public Hearing Item 9.A. **Motion carried by consensus of the Commission.**

Commissioner Guardarrama stated even though the building meets the technical requirements of the Zoning Ordinance, a tall wall does not fit in with the architectural scheme of this corner and intersection. **He motioned for denial of the request.**

Seconded by Commissioner Hamaker.

Discussion was held regarding the lighting and image area of the tall wall.

ACTION: 1) Deny the request. **Motion by Guardarrama, seconded by Hamaker and fails on a Roll Call Vote:**

AYES: Commissioners Guardarrama, Hamaker.

NOES: Commissioner Bartolo, DeLuccio, D'Amico, Vice-Chair Thompson and Chair Altschul.

MOTION DOES NOT PASS.

Commissioner DeLuccio motioned for approval of the request, with an amendment; 1) that particular attention shall be paid to ensure any proposed lighting does not impact adjacent properties in any adverse or negative way.

Seconded by Commissioner D'Amico.

ACTION: 1) Adopt Resolution No. PC 04-554 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING CONDITIONAL USE PERMIT 2004-001 TO PERMIT A TALL WALL SIGN ON THE EAST FACING WALL OF A BUILDING LOCATED AT 9229 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by DeLuccio, seconded by D'Amico and carried on a Roll Call Vote:**

AYES: Commissioner Bartolo, DeLuccio, D'Amico, Vice-Chair Thompson and Chair Altschul.

NOES: Commissioners Guardarrama, Hamaker.

10. NEW BUSINESS.

**A. 1150-1152 N. Gardner Street.
Administrative Permit 2004-041.**

Request for a legalization of a residential unit located in rear accessory structure.

ACTION: 1) Continue this item to the next regularly scheduled Planning Commission meeting of Thursday, December 2, 2004. **Motion carried by consensus of the Commission.**

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

Anne Browning McIntosh, Interim Community Development Department announced this will be her last meeting with the Planning Commission as Interim Community Development Director and a new Community Development Director will be announced shortly. She thanked the Commission for this opportunity.

Susan Healy Keene, Planning Manager, thanked Anne Browning McIntosh on behalf of the Planning Division and the Building and Safety Division for her support, help and guidance.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke of her displeasure with the action taken on the Sunset / Olive Project.

15. ITEMS FROM COMMISSIONERS:

Vice-Chair Thompson commented on the "process" and commended staff.

16. ADJOURNMENT: The Planning Commission adjourned at 10:40 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 18, 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 2ND DAY OF
DECEMBER, 2004.


CHAIRPERSON

ATTEST:


Community Development Director