



PLANNING COMMISSION MINUTES
Regular Meeting
April 2, 2009

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: Grafton Tanquary led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Bernstein, Buckner, Guardarrama, Hamaker, Yeber, Vice-Chair DeLuccio, Chair Altschul.

Commissioners Absent: None.

Staff Present: David DeGrazia, Senior Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, April 2, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. March 19, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, March 19, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

GRAFTON TANQUARY, WEST HOLLYWOOD, commented on height issues.

7. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker commented on the CEQA workshop.

Commissioner Buckner commented and thanked staff for the opportunity to attend the California Planners Conference.

Commissioner Bernstein commented and thanked staff for the opportunity to attend the California Planners Conference.

Chair Altschul commented on the participation regarding eastside businesses.

8. **CONSENT CALENDAR.** None.

9. **PUBLIC HEARINGS.**

A. **9000 Sunset Boulevard.**

Conditional Use [Tall Wall] Permit 2008-001:

Continued from Thursday, January 15, 2009. Applicant is requesting to erect a 12,492 square-foot tall wall billboard on the east face of the existing high-rise.

Staff is requesting a continuance to allow additional time to complete the analyses of the request.

ACTION: 1) Continue to Thursday, April 16, 2009. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried as part of the approved agenda.**

B. **City-Wide.**

General Plan Amendment 2009-001, Zoning Map Amendment 2009-001, Zone Text Amendment 2009-002:

David DeGrazia, Senior Planner provided a visual presentation and background information as presented in the staff report dated Thursday, April 2, 2009.

He stated the request is a recommendation to the City Council to consider replacement of the Interim Zoning Ordinance with permanent standards regarding permitted heights, maximum average unit sizes in the R4 and R3C zoning districts, parking structure slope and trash placement standards.

He stated revised maps have been distributed and clarified noticing issues.

Chair Altschul questioned if consideration was given to notifying all affected property owners.

John Keho, Planning Manager stated California state law only requires newspaper noticing.

Chair Altschul had concerns that affected property owners were not included as part of the required noticing.

David DeGrazia, Senior Planner, provided background history; stating on June 4, 2007 the City Council unanimously adopted Ordinance No. 07-759U, an Interim Urgency Ordinance that modified development standards for multi-family construction in the R3 and R4 zoning districts. It limited the average new unit size and building height (reduced to 35 feet / 3 stories in R3C and R4 zones, and remaining at 35 feet / 3 stories in R3B and 25 feet / 2 stories in R3A), and set a minimum net residential dividend per project. It also established a number of specific exemptions from the ordinance, including single-family properties, 50% affordable housing projects, and projects that span into the Sunset Specific Plan area. On July 21, 2008, the Interim Zoning Ordinance was amended, adding an exemption for properties developed as two detached units.

The Interim Zoning Ordinance was approved to better provide new multi-family construction that meets the housing needs of the West Hollywood community. In the years before the economic downturn, the City had been experiencing a period of increased applications for new residential development. Staff had observed trends among new applications including an increase in the number of units proposed for demolition per project, and an increase in size of the new units compared to the demolished units. Meanwhile, the City has an unmet need for affordable housing, and housing for smaller households. The City has limited land area within which to meet these housing needs.

Interim urgency ordinances provide temporary relief while the City develops permanent and comprehensive regulations to address the urgency issue(s). Interim urgency ordinances take effect immediately upon adoption, and expire at a date set by the ordinance. The City Council initially extended the Interim Zoning Ordinance through June 4, 2008, and subsequently extended it until June 4, 2009. Pursuant to State law, the Interim Urgency Ordinance may not be extended again. If no permanent amendments are made to the zoning ordinance, the standards will revert to what they were before the Interim Zoning Ordinance was adopted.

The purpose of the interim urgency ordinance was to address the number, size and type of dwelling units being built in the City, therefore staff recommends the establishment of a maximum average unit size requirement for projects located in the R3 and R4 zones. This requirement will:

1. Encourage a greater mix and balance of unit types within any individual new project;
2. Will discourage projects containing a smaller number of larger units than is otherwise permitted on a multi-family zoned property because the amendments will mandate a maximum average unit size which is currently not required; and

3. Encourage increased building articulation because the maximum average unit size requirement may lead to a greater mix of unit types and sizes.

In order to determine what the maximum average unit size should be, staff worked with a consultant to perform a feasibility study. Based on the study, staff recommends a maximum average unit size of 1,200 square feet in the R3 zone, and 1,400 square feet in the R4 zone. These sizes were shown to allow for a wide variety of unit mixes.

In order to maximize parking and consequent dwelling unit yield in new projects, staff recommends increasing the maximum allowable driveway slope for subterranean garages from 15 percent to 20 percent. The increased slope shortens the ramp, allowing for increased maneuvering room in the garage and additional parking spaces. The increase in parking spaces assists in achieving the maximum allowable density on the site, providing the possibility for more housing units.

Since the increased driveway slope makes it more difficult for the City's trash haulers to access solid waste and recyclable materials storage areas in subterranean garages, staff recommends revising these storage requirements. The revised standards would insure that a new project that proposes a driveway slope of greater than 15 percent be required to provide the storage at grade or provide an alternative means of bringing the solid waste and recyclable materials to grade, such as a lift.

As part of the General Plan outreach, an issue that has been identified is new building heights and their compatibility with existing structures in neighborhoods. Staff performed a detailed height survey in the City to determine where possible reductions in maximum allowable height might be appropriate. Using this targeted approach, the areas for reduction included most of the R3C zone and two areas of the R4 zone, one north of Sunset Boulevard and the other in the central portion of the City on both sides of Crescent Heights Boulevard. These areas would retain the reduced heights established by the Interim Urgency Ordinance, which is a reduction from 4 stories/45 feet, to 3 stories/35 feet.

Targeted areas were selected for height reduction based on the predominant height of existing structures in these areas. Locations where heights were mainly two to three stories were targeted for height reductions. Areas of predominantly three and four stories were left with four story height limits.

In order to ensure that new residential projects in areas with reduced heights could still maximize development opportunities and build to existing densities, feasibility studies were conducted using typical sites in the R3C and R4 zones. The studies found that it was still possible to build the maximum amount of units allowed under current density standards even with reduced heights.

The proposed reduction in height in these targeted areas, will not only address compatibility issues in these locations, it will also encourage smaller units by allowing the same density in a smaller building envelope.

The State of California has adopted regulations that require local jurisdictions to offer density bonuses and concessions to projects that provide on-site affordable housing. Projects may utilize SB1818 incentives to increase allowable heights by one-story, and to achieve a greater net residential dividend. Since any project in the City building over ten units is required to build on-site affordable units, and therefore becomes eligible for the SB1818 incentives, it is assumed that they will utilize the extra story of height allowed.

To address the issue regarding the number, size and type of dwelling units currently proposed in the City, staff recommends that the Planning Commission recommend to City Council the adoption of the proposed revisions to the General Plan, Zoning Ordinance, and Zoning Map.

Commissioner Bernstein questioned if there has ever been a comparable down-zoning in the history of the city and if a financial impact report was prepared.

John Keho, Planning Manager, stated for the record this request is not down-zoning. He clarified the zoning density is staying the same. Staff is requesting the change of development standards only.

Vice-Chair DeLuccio requested clarification regarding the amended maps.

Commissioner Yeber requested clarification regarding the original City Council mandate, questioned the data pertaining to average unit size and how SB1818 is impacted. He had concerns the staff report did not elucidate enough information to the general public.

Commissioner Guardarrama requested legal clarification from the City Attorney regarding disclosures for this item.

Jeff Skorneck, Housing Manager, City of West Hollywood, detailed affordable housing units and average unit size.

Commissioner Yeber requested clarification regarding Regional Housing Needs Assessment (RHNA) scores.

Commissioner Hamaker questioned if parking issues were considered.

Chair Altschul opened public testimony for Item 9.B:

LAUREN MEISTER, WEST HOLLYWOOD, has concerns regarding this item. She spoke on height averaging, parking and rent controlled units.

SHARON SANDOW, LOS ANGELES, CEO, West Hollywood Chamber of Commerce, has concerns regarding this item. She requested additional public input and public hearings on this item.

EDWARD LEVIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke on average unit size, massing and requested additional public input and public hearings need to be heard regarding this item.

TODD ELLIOTT, LOS ANGELES, has concerns regarding this item. He spoke on noticing issues, environmental analyses, parking standards, and affordable housing in-lieu fees.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on SB1818, height averaging, square-footage and noticing issues.

GENE SMITH, WEST HOLLYWOOD, has concerns regarding this item. He spoke on height averaging and massing.

RIC ABRAMSON, WEST HOLLYWOOD, has concerns regarding this item. He spoke on SB1818, development standards, affordable housing, square-footage and parking issues.

PATRICK SPILLANE, WEST HOLLYWOOD, has concerns regarding this item. He spoke on height averaging and average density requirements.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:50 P.M.

Commissioner Hamaker stated a study session would be very productive.

Commissioner Guardarrama stated more discussion is needed and would be available for a study session. He spoke on the urgency of this item and would like to see a sunset clause that is contingent upon the adoption of the General Plan, or some reconsideration of the Zoning Code, to bring all the various pieces together.

Vice-Chair DeLuccio commented on floor area ratios, height averaging, and had concerns regarding the public noticing.

Chair Altschul stated the affected property owners need to be officially notified. He spoke on the timeliness of this item and the opportunity for further public participation.

Commissioner Bernstein stated his concerns regarding noticing issues.

Commissioner Buckner had concerns with the sparse public turn-out, and stated she would like more information in order to make any type of decision.

Commissioner Yeber had concerns with the sparse public turn-out. He questioned how and/or if this would change the use of neighborhood compatibility standards. He requested clarification regarding the discrepancy between the Urban Studio Report and the staff report. He supports a sunset clause.

Vice-Chair DeLuccio stated his support of a sunset clause. He requested clarification regarding City Council deadlines.

Commissioner Guardarrama suggested if this was continued to a study session he would like to see additional public noticing and would like to see additional details regarding each recommendation.

Commissioner Guardarrama moved to: 1) continue this hearing to a special meeting on Thursday, April 23, 2009; and 2) notice shall be given to every affected property owners.

Commissioner Guardarrama requested staff: 1) to include a general consensus of the sunset provision in the returning resolution(s).

Chair Altschul requested a mailed notice shall be done to all affected parties in all affected zones.

Seconded by Vice-Chair DeLuccio.

ACTION: 1) Continue to a specially scheduled meeting on Thursday, April 23, 2009 (location to be determined); 2) legal noticing shall be mailed to all affected property owners and parties, in all affected zones; and 3) a sunset clause shall be incorporated into the draft resolutions. **Moved by Commissioner Guardarrama, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

AYES: Bernstein, Buckner, Guardarrama, Hamaker, Yeber, Vice-Chair DeLuccio, Chair Altschul.

NOES: None.

ABSENT: None.

RECUSED: None.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

A. **General Plan Update.** None.

B. **Director's Report.**

Susan Healy Keene, Director of Community Development, provided an update to items going forward to City Council on Monday, April 6, 2009: 1) Economic Hardship Package; 2) 1228 N. Flores; and 3) Matrix Consulting Group.

C. **Planning Manager's Update.**

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

14. **PUBLIC COMMENT.** None.

15. **ITEMS FROM COMMISSIONERS.** None.

16. **ADJOURNMENT:** The Planning Commission adjourned 8:20 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, April 16, 2009 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 23RD DAY
OF APRIL, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR