



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**November 19, 2009**

West Hollywood Park Auditorium  
647 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 Altschul led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Francisco Contreras, Senior Planner, Adrian Gallo, Associate Planner, John Keho, Planning Manager, Anne McIntosh, Deputy City Manager/Community Development Director, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

**1. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, November 19, 2009 as presented. **Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. November 5, 2009**

**ACTION:** Approve the Planning Commission Minutes of Thursday, November 5, 2009 as presented. **Moved by Commissioner Altschul, seconded by Vice-Chair Yeber and unanimously carried; notating the abstention of Commissioner Buckner and Commissioner Hamaker.**

**6. PUBLIC COMMENT.**

HARRIET SEGAL, WEST HOLLYWOOD, commented on the non-compliance of the tall wall signage located at 9000 Sunset Boulevard, West Hollywood, California.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the non-compliance of the tall wall signage located at 9000 Sunset Boulevard, West Hollywood, California.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Guardarrama commented on and questioned staff regarding the non-compliance of the tall wall signage located at 9000 Sunset Boulevard, West Hollywood, California.

John Keho, Planning Manager, stated staff is aware of the current issues and a meeting is scheduled for Monday, November 30, 2009 regarding a possible resolution.

Commissioner Guardarrama stated if this meeting does not yield any results, a public hearing should be scheduled before the Planning Commission regarding compliance issues for the signage located at 9000 Sunset Boulevard, West Hollywood, California.

Commissioner Hamaker commented on the non-compliance of the tall wall signage located at 9000 Sunset Boulevard, West Hollywood, California. She would like to see this resolved as soon as possible.

Commissioner Guardarrama reiterated the amount of light spillage on Hammond Avenue from the signage at 9000 Sunset Boulevard, West Hollywood, California.

Commissioner Hamaker stated the lighting should be turned off immediately.

John Keho, Planning Manager stated this issue will also be turned over the Commercial Code Compliance Division for further investigation.

Vice-Chair Yeber commented and questioned if now would be a good time to look at the on-site and off-site signage policy.

Chair DeLuccio requested the on-site and off-site signage policy be directed to the Long Range Planning Projects Subcommittee for discussion.

Chair DeLuccio reiterated the signage at 9000 Sunset Boulevard should be agendaized as a public hearing if no resolution is amicable. He would like an update report given on Thursday, December 3, 2009.

**8. CONSENT CALENDAR.**

**A. 8600 Sunset Boulevard (Sunset Plaza Shopping Center):**

Continued from Thursday, November 5, 2009. On Thursday, September 17, 2009, the Planning Commission directed staff to prepare a resolution of approval for the demolition of an existing structure and construction of a new commercial structure.

**ACTION:** 1) Continue to Thursday, December 3, 2009. **Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and unanimously carried as part of the approved agenda.**

## **9. PUBLIC HEARINGS.**

### **A. 1019 N. San Vicente Boulevard.**

#### **Demolition Permit 2005-015, Development Permit 2005-023, Tentative Tract Map 2005-007, Variance Permit 2009-007, Variance Permit 2009-008, Final Environmental Impact Report:**

Continued from Thursday, June 4, 2009, Thursday, September 17, 2009 and Thursday, October 15, 2009. Francisco Contreras, Senior Planner provided a visual presentation and background information as presented in the staff report dated Thursday, November 19, 2009.

He provided a detailed history of the property and stated the applicant is requesting to demolish a potentially historic duplex and two accessory buildings that have been used as residential units, to construct a five-unit condominium project. The proposal requires approval of two variances, requires certification of the Final Environmental Impact Report (EIR) along with adoption of a Mitigation Monitoring and Reporting Program (MMRP) and a Statement of Overriding Considerations. The Environmental Impact Report was required due to the proposed demolition of the potentially historic duplex on the site.

The proposed project meets all development standards, except for two: a) common open space requirement; and b) additional six-foot front yard setback for the second and upper stories.

He stated there are not sufficient grounds for the requested variances, and Staff cannot support the request.

Staff recommends approval of the project, with a condition that the project be redesigned to meet the front setback and common open space requirements, with review and approval of the redesigned project by the Director of Community Development.

## **THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 6:50 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 6:55 P.M.**

Vice-Chair Yeber questioned the number of units currently on the site and if this project was reviewed by the Historic Preservation Commission.

Commissioner Hamaker questioned the context of the massing model.

Chair DeLuccio opened public testimony for Item 9.A.:

BEN RESNIK, LOS ANGELES, applicant representative, presented the applicants report. He provided a history of the property, stating the buildings are not deemed historical for this site, and spoke in detail regarding the variance requests; front yard setback and common open space. He requested approval.

Chair DeLuccio questioned if the designer looked into downsizing the square-footage of individual units in order to conform to the footprint without asking for a variance.

AMET APPEL, WOODLAND HILLS, applicant's designer, detailed conformance issues.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding rent control issues and Overriding Considerations.

BEN RESNIK, LOS ANGELES, applicant representative, presented the applicants rebuttal. He spoke regarding compatibility.

**ACTION:** Close public testimony for Item 9.A: **Motion carried by consensus of the Commission.**

Commissioner Guardarrama questioned the neighboring building height and requested clarification regarding the common rooftop open space.

Francisco Contreras, Senior Planner stated both buildings on either side are approximately 3 stories (35'), although a slight slope should be noted.

John Chase, Urban Designer, presented the Design Review Subcommittee report. He detailed the setbacks, design issues, elevations and spoke on coherence issues.

Commissioner Bernstein requested clarification regarding the compatibility of findings.

Vice-Chair Yeber requested clarification regarding contradictions of the Historic Preservation Commission and the Final Environmental Impact Report in regards to the historic resource survey.

Commissioner Guardarrama stated he could not support the requested variances. He supports staffs recommendation of project approval.

Commissioner Bernstein stated his support of the Final Environmental Impact Report and Statement of Overriding Considerations. He could not find compatibility for this project. He would like to see this project come before the Planning Commission for future design changes, which could include the Design Review Subcommittee.

Commissioner Altschul commented on the compatibility issues. He could not support the variances. He supports the certification of the Environmental Impact Report.

Commissioner Buckner commented on the design issues. She supports the certification of the Final Environmental Impact Report.

Vice-Chair Yeber requested clarification of the lot size. He stated he could not make a finding for the common open space or setback. He commented this project is not compatible with the neighborhood and is of poor design. He could not certify the Final Environmental Impact Report. He has concerns approving the Statement of Overriding Considerations.

Commissioner Hamaker commented on average unit size, setbacks, and stated the current design is not compatible with the surrounding area. She would like to see a redesign including the proper setbacks. She could not support the project.

Chair DeLuccio spoke regarding neighborhood compatibility and stated he would have like to have seen the project go before the Design Review Subcommittee.

**Commissioner Altschul moved to: 1) approve staffs recommendation of approval; which includes, a) Certifying the Final Environmental Impact Report; b) adopt a Mitigation Monitoring Program; c) adopt the Statement of Overriding Considerations; d) grant the entitlements; and e) deny both variances; 2) if the project goes forward, it shall be redesigned with the following stipulations: 1.1) shall go before the Design Review Subcommittee; and 1.2) final review by the Planning Commission.**

**Seconded by Chair DeLuccio.**

Discussion was held regarding the conditions of approval.

Christi Hogin, Assistant City Attorney, clarified the overall adoption regarding this project: a) *“it is not compatible with the variance on the setback and common open space, but if it were redesigned to meet the setback and common open space, then the building would be compatible. Basically a blueprint is given for the developer to come up with plans*

*that meet the conditions of approval; which will go through the Design Review Subcommittee and end up back with the Planning Commission. At that time, it will be more of a ministerial review, were the Planning Commission would judge whether or not they have in fact met the conditions.”*

Commissioner Bernstein stated he could not support this motion.

Vice-Chair Yeber had concerns voting on an entitlement on a project that is not absolutely clear on what its ultimate form is going to look like. He suggested a possible continuance. He could not support this motion.

Commissioner Guardarrama stated for the record, the designer complied with the requirements of the West Hollywood Zoning Code; therefore, the current basic design of the building meets the minimum standard of the code. He supports the motion.

**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 09-888 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (“EIR”), ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM (“MMRP”), AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PROPOSED DEMOLITION OF FOUR DWELLING UNITS AND THE CONSTRUCTION OF A FOUR-STORY, FIVE-UNIT CONDOMINIUM BUILDING, LOCATED AT 1019 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA; 3) Adopt Resolution No. 09-864 as amended: a) a redesign of the project shall go before the Design Review Subcommittee, and b) final review and approval shall be granted by the Planning Commission: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEMOLITION PERMIT 2005-015 AND DEVELOPMENT PERMIT 2005-023, BUT DENYING VARIANCE PERMIT 2009-007 AND VARIANCE PERMIT 2009-008, FOR THE DEMOLITION OF FOUR DWELLING UNITS AND THE CONSTRUCTION OF A FOUR-STORY, FIVE-UNIT CONDOMINIUM BUILDING, LOCATED AT 1019 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” and 4) Adopt Resolution No. PC 09-865 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2005-007 (MAJOR LAND DIVISION NO. 63221), FOR THE PROPERTY LOCATED AT 1019 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” and 5) close Public Hearing Item 9.A. **Moved by Commissioner Altschul, seconded by Chair DeLuccio and passes on a Roll Call Vote:**

**AYES:** Altschul, Buckner, Guardarrama, Chair DeLuccio.  
**NOES:** Bernstein. Hamaker, Vice-Chair Yeber.  
**ABSENT:** None.  
**RECUSED:** None.

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:45 P.M. AND RECONVENED AT 7:55 P.M.**

**B. 9015 Sunset Boulevard.**

**Billboard Permit 2009-004, Development Agreement 2009-002, Zoning Map Amendment 2009-009, Negative Declaration:**

Continued from Thursday, November 5, 2009. Adrian Gallo, Associate Planner provided a visual presentation and background information as presented in the staff report dated Thursday, November 19, 2009.

He provided a detailed history of the property and stated the applicant is requesting to remove a double-sided roof mounted sign and replace with a 20' x 60' billboard atop a pole. The top of the billboard structure will have a maximum height of 110 feet.

He stated staff prepared an Initial Study and a Negative Declaration. The project would not create any shade and shadow impacts. He detailed the Development Agreement Overlay, and stated staff is recommending a 14' wide x 48' high standard billboard, with an option of increasing the size for a creative billboard.

Staff recommends approval.

Commissioner Hamaker questioned if the requested billboard is vertical or horizontal and asked for clarification regarding placement of the Rainbow Bar & Grill signage.

Adrian Gallo, Associate Planner, stated for the record it would be a vertical billboard.

Vice-Chair Yeber requested clarification regarding the basis and appropriateness of the Development Agreement. He questioned what mechanisms are in place to ensure a creative billboard, rather than an industry standard billboard.

Commissioner Hamaker had concerns this may start a precedent amongst tall walls.

John Keho, Planning Manager, clarified this only applies to billboards, not tall walls. He provided details and differences between tall walls, creative signs and creative billboards.

Chair DeLuccio opened public testimony for Item 9.B.:

ANDY BILANZICH, LOS ANGELES, applicant representative, presented the applicants report. He provided a history of the property and current signage. He spoke regarding the Development Agreement, creative billboards, signage dimensions and requested approval of the requested sign dimensions of 20' x 60'.

SHARON SANDOW, LOS ANGELES, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

TODD STEADMAN, LOS ANGELES, Executive Director, Sunset Strip Business Association, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding illegal signage and shade and shadow issues.

ANDY BILANZICH, LOS ANGELES, applicant representative, presented the applicants rebuttal. He spoke regarding height and supposed impacts of signage dimensions.

Chair DeLuccio questioned the applicant why they decided to go vertical instead of horizontal.

**ACTION:** Close public testimony for Item 9.B: **Motion carried by consensus of the Commission.**

Commissioner Hamaker disclosed for the record she exchanged e-mails with Todd Steadman, Executive Director, Sunset Strip Business Association, and Mr. Gene Smith and Mr. James Litz, whom are in attendance.

Chair DeLuccio disclosed for the record he exchanged e-mails with Todd Steadman, Executive Director, Sunset Strip Business Association, and Mr. Gene Smith and Mr. James Litz, whom are in attendance.

Commissioner Altschul disclosed for the record he met with Mr. Gene Smith and Mr. James Litz, whom are in attendance.



Commissioner Bernstein disclosed for the record he met with Mr. Gene Smith and Mr. James Litz, whom are in attendance. They discussed matters solely contained in the staff report.

Commissioner Buckner disclosed for the record she received a message from Todd Steadman, Executive Director, Sunset Strip Business Association, but was unable to return the call.

Commissioner Guardarrama disclosed for the record, he spoke with Mr. Gene Smith, and discussed matters solely contained in the staff report.

Vice-Chair Yeber disclosed for the record, he spoke with Mr. Gene Smith, and discussed matters solely contained in the staff report.

Anne McIntosh, Deputy City Manager/Community Development Director, commented and clarified the benefits of additional billboards to the Sunset Strip. She detailed staff's context regarding policy.

Discussion was held regarding supposed precedents that may be set regarding Development Agreements and billboards. Clarification was detailed regarding the Sunset Specific Plan.

Commissioner Buckner had concerns regarding the Development Agreement. She stated the City should be negotiating for larger economic stimulus.

Commissioner Altschul had concerns with vertical billboards and the proposed precedent it may set. He would like to see a study validating if vertical billboards would be beneficial to the city, how many there should be, and where should they be located.

**Commissioner Altschul moved to: 1) grant the applicant one standard billboard of 14' x 48' horizontal, subject to a Development Agreement.**

**Seconded by Chair DeLuccio.**

Vice-Chair Yeber had concerns regarding architecture versus advertising, regarding the issue of vitality. He stated he is not comfortable with this current proposal.

Commissioner Hamaker had concerns regarding proliferation.

Commissioner Guardarrama stated the City Council was very clear with the direction they wanted regarding the Development Agreement. He questioned the City Attorney if there would be a remedy regarding a [possible] breach of the Development Agreement. He could not support the current motion.

Commissioner Buckner stated her concerns with a horizontal billboard and its [possible] impacts to homeowners.

Chair DeLuccio commented on the advertising and fabric of the Sunset Strip.

**Chair DeLuccio WITHDREW his second to the original motion.**

**No second.**

**MOTION FAILS.**

**Chair DeLuccio moved to: 1) approve staffs recommendation of approval.**

**Seconded by Commissioner Bernstein.**

**ACTION:** 1) Approve the modified version of the application; 2) Adopt Resolution No. PC 09-888 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO CITY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING BILLBOARD PERMIT 2009-004, TO REPLACE A ROOF-MOUNTED SIGN WITH A DOUBLE-SIDED 14 FOOT WIDE BY 48 FOOT HIGH BILLBOARD ATOP A POLE, LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA; 3) Adopt Resolution No. 09-898 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT 2009-002, ASSOCIATED WITH A DOUBLE-SIDED 14 FOOT WIDE BY 48 FOOT HIGH BILLBOARD ATOP A POLE, LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 4) Close Public Hearing Item 9.B. **Moved by Chair DeLuccio, seconded by Commissioner Bernstein and passes on a Roll Call Vote:**

**AYES: Bernstein, Buckner, Guardarrama, Chair DeLuccio.**

**NOES: Altschul, Hamaker, Vice-Chair Yeber.**

**ABSENT: None.**

**RECUSED: None.**

## **10. NEW BUSINESS.**

### **A. General Plan Update.**

John Keho, Planning Manager, thanked the Planning Commission for their participation on Monday, November 16, 2009 at the Joint Study Session between the City Council and Planning Commission regarding the General Plan.

He stated the next General Plan Advisory Committee (GPAC) meeting will be on Wednesday, December 2, 2009 at West Hollywood Park Auditorium. Topic and presentation will be traffic and transportation issues.

**B. 2010 Planning Commission Meeting Dates.**

**ACTION:** 1) Officially adopt the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays of every month for 2010 Planning Commission meetings; and 2) officially cancel Thursday, July 1, 2010 and Thursday, December 16, 2010. **Motion carried by consensus of the Commission.**

11. **UNFINISHED BUSINESS.** None.

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

13. **ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

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

**B. Director's Report.** None.

14. **PUBLIC COMMENT.** None.

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

16. **ADJOURNMENT:** The Planning Commission adjourned at 9:00 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, December 3, 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 3<sup>RD</sup> DAY OF DECEMBER, 2009.

  
CHAIRPERSON

ATTEST:

  
COMMUNITY DEVELOPMENT DIRECTOR