



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**October 15, 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 6:37 P.M.

**2. PLEDGE OF ALLEGIANCE:** Ivar Pine 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: Bianca Siegl, Associate Planner, Laurie Yelton, Associate Planner, David DeGrazia, Senior Planner, Jeffrey Aubel, Code Compliance Manager, John Keho, Planning Manager, Anne McIntosh, Deputy City Manager/Community Development Director, Christi Hogin, Acting City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

Move agenda Item 9.D. (Zone Text Amendment – Medical Marijuana Dispensaries) after agenda Item 9.A. (Environmental Impact Report – General Plan Update).

**ACTION:** Approve the Planning Commission Agenda of Thursday, October 1, 2009 as amended. **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried.**

**5. APPROVAL OF MINUTES.**

Vice-Chair Yeber requested clarification and amendment regarding the paragraph beginning "*Vice-Chair DeLuccio*" on page 3 of 10.

**A. October 1, 2009**

**ACTION:** Approve the Planning Commission Minutes of Thursday, September 17, 2009 as amended. **Moved by Commissioner Hamaker, seconded by Vice-Chair Yeber and unanimously carried.**

**6. PUBLIC COMMENT.**

IVAR PINE, LOS ANGELES, introduced himself as Council Deputy to Councilmember Horvath.

STEVE MARTIN, WEST HOLLYWOOD, commented on water supply exports from the City of Beverly Hills Water District.

DAVID HILL, WEST HOLLYWOOD, commented on the Interim Zoning Ordinance regarding average unit sizes.

**7. ITEMS FROM COMMISSIONERS.**

All commissioner's unanimously welcomed Council Deputy, Ivar Pine.

**ACTION:** Cancel the Planning Commission meeting of Thursday, December 17, 2009. **Moved by Commissioner Altschul and unanimously carried.**

**8. CONSENT CALENDAR.** None.

**9. PUBLIC HEARINGS.**

**A. Environmental Impact Report (General Plan Update):**

Presentation to solicit public and commission comments regarding the scope of the Environmental Impact Report for the City's General Plan update.

**[VERBATIM TRANSCRIPTION]**

*Provided and certified by Written Communications, Inc.*

**DeLuccio:** *At this time, we'll move onto our public hearings. And the first one this evening is Environmental Impact Report for the General Plan Update. And Bianca is going to give us a Staff report?*

**Siegl:** *Yes. Good evening, Chair and Commissioners. We're here for the scoping meeting for the Environmental Impact Report for the General Plan. I'm going to give a brief background about the General Plan Update, and then Melissa Hatcher from EDAW will explain more about the environmental review process. As you're aware from the Staff, report, the scoping meeting is similar in structure to EIR comment hearings with the difference that there's not a document to review yet. We're getting input from the public about what the EIR should study, rather than reviewing something that's already written. And I just want to note that we have already received three comment letters from agencies and members of the public and expect to continue to receive more during the comment period. So a General Plan has a long time frame, looking 20 years into the future. It sets goals and policies to help the City in managing our diverse resources. It reflects the vision of our entire community. And it's a technical document that guides decision-makers. It includes numerous elements or chapters that address topics, including land use, housing, transportation, open space, noise, economic development, sustainability, public safety, human services, and more. And based on input that we've gathered from an extensive community outreach program as well as expertise from Staff and the consultant team, we've identified three basic questions to be addressed in the updated General Plan. These are described in greater detail in the Notice of Preparation, which is attached to the Staff report for this item. The first question addresses the strong desire to maintain the existing quality and uniqueness of our residential neighborhoods as well as to balance that with the need to maintain or increase the amount of affordable housing, provide for diverse housing stock, and allow sensitive and full development. The*

*General Plan is also examining potential land use or urban design changes to key commercial districts. We also need to attempt to balance outside forces that will impact development and traffic in the City, including regional growth trends, the potential for a subway system through the City, climate change, and other trends. And the third question recognizes that the City is an established leader in human services and social equity, as well as sustainable development, housing, and rent stabilization. And the General Plan will include policies that allow us to maintain and enhance our leadership and innovation. I'll turn it over to Melissa now to take us through the EIR process.*

**Hatcher:** *Good evening. We prepared a Notice of Preparation on, and it was released for public review on September 30<sup>th</sup>. I've left numerous copies on the table in the back in case any members of the public would like to take them with them this evening.*

**DeLuccio:** *Thank you.*

**Hatcher:** *Public comment. We are soliciting that from September 30<sup>th</sup> through October 29<sup>th</sup>. And we are looking for comments on the contents of the Draft EIR. Currently, we are at Step 3 here on this chart. The scoping meeting where we'll take any verbal comments from the Commissioners and members of the public. We will take the feedback that we receive and go back and prepare the technical studies and the Draft EIR. We will bring the Draft EIR back for public review for a 45-day public comment period. There will also be opportunities for public comment when the final EIR comes back before Planning Commission and City Council. We are carrying every single of the 16 environmental issue areas forward for study in the Draft EIR. These includes aesthetics, agricultural resources, air quality, biological resources, climate change, which is an additional issue area we must now look at, cultural resources, geology and soils, hazards and hazardous resources, hydrology, land use, mineral resources, noise, population, public services, recreation, traffic, and utilities. So here's a really brief overview of the CEQA environmental review process schedule. We're going to go back in November and start preparing those technical reports. And we'll have a Draft EIR out in May of 2010. The final EIR, we anticipate, will be available in August of 2010. And we will go through the public hearing process between August and October.*

**Siegl:** *Just wanted to give a brief outline of additional opportunities for public input as this process moves forward. As you know, we have ongoing meetings of the General Plan Advisory Committee monthly through February. We'll have a series of three joint study sessions for Planning Commission and City Council beginning next month. And we anticipate two communitywide public workshops at one in January and one in May. And then again, the May workshop will address the Draft General Plan in the EIR, the January workshop will address the policy framework as we are preparing that draft. And then we'll go through the public review process late summer and early fall.*

**DeLuccio:** *That conclude your report at this time?*

**Hatcher:** *Yes.*

**DeLuccio:** *Thank you. Are there any speaker slips? There's no speaker slips at this time. Are there questions of the Commissioners or Staff?*

**Hamaker:** *Donald, I have a question.*

**DeLuccio:** *Yes, Barbara.*

**Hamaker:** *Can you explain a little bit the structure of the joint meeting that we will be having with the Council regarding the General Plan?*

**Siegl:** Sure. The first meeting in November, we anticipate, will focus on land use issues. And it will be an opportunity. Staff and consultants will make a presentation about the topic at each meeting. And then there will be an opportunity for Commissioners and Council to have a joint discussion of those issues and give us feedback and direction. And I should, I should have said also that for those meetings that take place at regularly scheduled Council meetings, they'll be hearing consent calendar items only, and then moving directly into the joint study session. There won't be any other items heard.

**Hamaker:** Okay. So that Council meeting will start at 6:30 as usual and, or 6:00.

**Siegl:** 6:30, yes.

**Hamaker:** 6:30? Okay.

**DeLuccio:** Okay. Before we continue with this, this time questions, and if you have any input for Staff as they are taking input on the scoping for the EIR. Marc?

**Yeber:** Well, actually, I had a question of Staff first. And that was just to, if you could brief us and the public on the selection process of the consultant who would, who was ultimately chosen to do the EIR. How that process goes about in the City.

**Keho:** The City...we look at multiple consultants, because there are multiple consultants that can prepare EIR's. And we looked at the qualifications of this particular firm, and we felt this particular firm was the best. They've known the City. They've done many EIR's in West Hollywood. And so they're the firm that we chose. But...so basically, that's the process that we went through. And we went to the City Council for authorization.

**Yeber:** Does this require an RFP or anything like that kind of process?

**Keho:** No. We did, we did have to go out and make sure that the cost of the EIR was in the approximate price range of other firms, and so it's in the same price range.

**Yeber:** Okay. And then just, Bianca, just to clarify. If I, if I understood correctly, the comment period for the scoping in which the public's invited to make comments on areas that need, that should be addressed, examined, evaluated, started on September 30<sup>th</sup>? And goes through, I'm assuming, the end of October?

**Siegl:** It's a 30-day comment period, yes.

**Yeber:** Okay. Thank you.

**DeLuccio:** Any, any other? Barbara, and then Joseph.

**Hamaker:** Okay. I, I, excuse me. I had made some notes as I went through the, the packet that Anne forwarded to us in the, in our E-mail. So I'm going to sort of go through there. The first question I have, and of course, as I got toward the end of it, some of my questions were answered. But I don't know how to phrase this. When you study the EIR of a General Plan, is there a way that you study what the potential impact would be of a complete build-out of the zoning?

**DeLuccio:** You know what, actually...you're asking a question, right, Barbara?

**Hamaker:** Yeah.

**DeLuccio:** Yeah, that's a question. You can ask it now.

**Hamaker:** Yeah.

**DeLuccio:** Yeah.

**Hatcher:** As you indicated, the EIR does take into account full build-out of the General Plan, like what could be developed.

**Hamaker:** Okay.

**Hatcher:** We also look at alternatives that can look at different levels of development as well.

**Hamaker:** Okay. Now let me just go through and see if I have anything.

**DeLuccio:** At this time, we actually have a question. So we do have a speaker. So Barbara, we'll come back to you in a moment.

**Hamaker:** Okay.

**DeLuccio:** Joseph, you have a question or a comment?

**Guardarrama:** I have a comment that can wait.

**DeLuccio:** Well, then, okay. If there's no other questions at this time, we'll open the public hearing, and we'll call Jeanne Dobrin up. Jeanne will have up to three minutes.

**Dobrin:** Jeanne Dobrin, resident of West Hollywood.

**DeLuccio:** To be followed by Steve Martin.

**Dobrin:** I went to the G Plan meeting a week and a half ago at Plummer Park, and I was very impressed by many of the speakers there who showed that they had more than the ordinary West Hollywood 101 knowledge to date. However, I noticed that the majority of the speakers, and I really feel that this is not the, the huge issue that we're going for with the General Plan...the majority of speakers talked about where is the next bus stop going to be for the MTA. I think that is very important. I myself am a handicapped person. I can hardly walk. But I do use the buses sometime. But I don't think that the General Plan meeting with all of the Staff there and the costs that are involved and the time and whatever should be focusing primarily on where is the next bus stop going to be of the MTA. I also have said a couple of times, I don't see much discussed by the consultants and the speakers too, with a few exceptions, I don't see that there is any emphasis on public safety. And I think that public safety is a very, very important issue. We just heard a few minutes ago about what can be done in West Hollywood to make sure that people have the quality, peaceful enjoyment of their homes and quality of life. I know the answer to that. The answer is, stop this huge development all around, which is making our traffic worse, which is ruining views, which is not a legal objection, of course. But building buildings, that we became a City to avoid having buildings like that. Thank you very much.

**DeLuccio:** Okay. Thank you, Jeanne. If anybody else would like to...Steve Martin. If anybody else would like to speak on this topic, give input to the General Plan's Environmental Impact Report, please get a speaker slip in at this time. Thank you.

**Martin:** Steve Martin, West Hollywood. I am a little concerned about the selection process for the consultant doing the EIR. It seems to be a favorite consultant that gives EIR's that are favorable to the pro-development stances of the City. And we've also heard how qualified people are because the first consultant for the General Plan was praised to the heavens until they got fired. So it does, you know, I...I don't have a lot of confidence in this process. There's a number of issues that, that seem to be glossed over. You know, when we did our housing element, we, many years ago, we talked about the need for, for work force housing. And after we closed that discussion, work force housing got completely swept under the table, and it is not talked about. And that's a really important issue in regard to how we deal with our, both our economic environment and our real environment. I also have concerns that the...it doesn't seem that the General Plan Committee has a lot of expertise on environmental issues, and maybe there might be a voluntary meeting that they can go to with, that's sponsored, or the City sponsors. But it brings environmental experts, particularly from environmental agencies and non-profits from around here to talk about those issues, because it's very clear that people are not up to speed on what we can do locally on climate change and water conservation and water run-off issues I know Mr. Yeber's talked about. And it's sad, because this is an important element. And as the consultant pointed out last time at the last meeting, there was only person in the whole General Plan Committee that even brought up the issue of climate change, which he thought was rather odd, given that we're constantly hearing about that in the press. So maybe it's just an issue. I know these people are very interested. I don't mean to be disparaging in that way. But you know, if you don't have the knowledge, it makes it real difficult to make informed decisions. So, thank you.

**DeLuccio:** Thank you. Elyse Eisenberg is our last speaker.

**Eisenberg:** Hi. Elyse Eisenberg, West Hollywood. Regarding the General Plan process, just a couple of comments. One of the things Steve said about the environmental and green aspect of it. I think it would be wonderful if the EIR could look into the possibility of solar panels. Somehow include putting solar panels on all the roofs. Part of Schwarzenegger's 100 million homes, solar panels. I also was a little concerned at the last meeting that the people on the committee...while certainly there's people with great expertise, like some of our Planning Commissioners...there are a lot of people who are not familiar with land use issues. And the consultant is presenting the City's position in terms of development in different parts of town. And they are not being shown the research that the previous consultant had done that takes the public input. I felt that they were being asked to rubber stamp what the City would like to do in terms of like a Grand Santa Monica Boulevard and a lot of development in this area. They seemed to be pushing for the people to approve development in areas where there are pending large projects, like at the intersection of Santa Monica and Melrose, the Melrose Triangle Project, in that area. I, the fact that I've read all of the surveys that the previous consultant put out, and there was definite emphasis from the public, both the people who participated at the meeting that was held here as well as the outreach telephone survey, that there was great resistance to height more than four stories throughout the City anywhere. Even if you ask for mixed use bonuses and things like that. And that's not what's being presented. And it's in fact being ignored. And I think the two years that were spent on public outreach is a very important part of the process. And the people on the committee need to be made aware of these surveys and the public comment that's come back, because it is not being presented. Bianca's doing a great job, and Dave, you know, I applaud what they're doing and their presentations. But I do think it is being guided along to the City's position which the public has not supported to the extent. I'm not saying it's anti-development, but it's anti-height and density. I think more consideration has to be given to municipal parking lots around the City in places where those could be built and a plan by the city to fund it, whether it's from stimulus money, State money, or whatever. I think we seriously need to look at more public parking lots on Santa Monica

and Sunset Boulevard. Not just at Plummer Park and West Hollywood Park, but scattered throughout the City, even if it's smaller lots. One more thing. I would just like to see a greater emphasis on buying public land for more City parks. Green parks, not cement gardens. Thank you.

**DeLuccio:** Thank you, Elyse. Okay. Now we'll go to some comments from the Commissioners. Let's start with you, Joseph, and then Barbara.

**Guardarrama:** I've been to more scoping meetings than I want to remember, just as a citizen, and in those meetings, there are categories of CEQA review that are just not studied because they're considered inapplicable to that particular project. And I'm just very pleased that all categories of possible CEQA review are going to be considered, regardless of how marginal they may seem on paper, when we're planning, you know, for a document that's supposed to guide us 20 years from now. It just makes me happy that all the topics are going to be at least considered in the EIR. One question I had was, when we want to preserve the identity of this section of town, Boys' Town, as being a historic center for gay and lesbian civil rights, would that fall under cultural resources, or is that just some general language that's going to be put in the front of the EIR as one of the policies of preserving the identity of a certain part of town?

**DeLuccio:** I don't think you need to answer that now, do you? I mean, this is more input for....

**Keho:** Just a quick, a quick answer. Typically, it would be in the cultural resource section.

**Guardarrama:** Okay. Thank you.

**DeLuccio:** Thank you, Joseph. Barbara?

**Hamaker:** Just referring back to what the speakers said about the, the history of the work that the prior EIR consultant did. I can't imagine that all of that research is not available and presented to the new consultant. Is that available to them? Have they not been able to research everything with that?

**Keho:** Yes. All that's available to them, and they've been using that as the starting point from where they're going.

**Hamaker:** Thank you.

**DeLuccio:** Okay. Is there any, any additional input from....

**Altschul:** Yes.

**DeLuccio:** John?

**Altschul:** First, a quick question of the consultant, and/or John. What is the expected life of the new General Plan? Approximate?

**Keho:** Approximately 20, 20 years. 20, 30 years.

**Altschul:** 20 years? Okay. Well, given that the expected life is 20 to 25 years, it's been publicized that at the present time, the MTA's intention is to possibly put a stop, subway stop at Santa Monica and La Brea. And they're having hearings on November the 3<sup>rd</sup> for potential other subway stops, three of them in our general location, but none of them in our City, and certainly none of them at the Fairfax, Santa Monica, or the San Vicente, Santa Monica site that I believe has been under discussion. So....

**Yeber:** John, I think they are.

**Altschul:** Huh?

**Yeber:** I think Fairfax is another.

**Altschul:** Yes, but it's Fairfax and....

**Yeber:** Santa Monica.

**Altschul:** No. It's Beverly and Fairfax.

**Yeber:** Okay.

**Altschul:** The sites that, I understand that they're considering is La Brea and Santa Monica, Beverly and Fairfax, and the La Cienega-San Vicente Cedars/Beverly Center sort of intersection there. So can we check into that?

**Keho:** Sure.

**Altschul:** And even with or without that, given the fact that Number 1, they may or may not happen, wouldn't it be prudent for us to evaluate our General Plan in terms of the fact that only one or none of them are going to happen at all? Secondly, also given the fact that I believe that the subway, even if it were to fully go through West Hollywood, is 20 years away. I think it would be prudent to evaluate in our General Plan the non-existence of the subway through the lifetime of this General Plan. Next, perhaps the General Plan could look at the place of the Specific Plan concept in our General Plan. What place does it have and what would constitute or what should constitute a Specific Plan? Also, we were told, quite interestingly, at the last General Plan meeting that in the 25 years the City's been in existence, the population has remained flat, and the number of residential units has also remained pretty much flat. But the General Plan, as it exists now, had several goals and expectations. And I was wondering whether or not any of them have been met or partially met, or whether there's even any way to quantify. For instance, one of the, the primary goal was pedestrian orientation. Is there any way to quantify whether or not pedestrian orientation is more advanced in 2009 than it was in 1980 whatever it was, 1985 that this General Plan was worked on? Secondly, another goal was amortization of certain businesses that were not felt to be desirable as of that time, and what is the end result of that particular goal? Next, there's been a buzz, somewhat unsubstantiated, because of potential water crises and water problems, that as of something like 20 years hence, that Beverly Hills will no longer guarantee water to some of its neighbors. And I know that Beverly Hill, that West Hollywood is dependent upon Beverly Hills for some of its water, at least in the western section of it. So perhaps a call to the City of Beverly Hills to verify this and to see what the status of that might be toward the end of this General Plan period, and what effect it may or may not have on where we are at that time. And that finishes my comments.

**DeLuccio:** Thank you, John. Marc, you have some comments?

**Yeber:** Yeah. A couple of questions, comments. First, I know typically EIR's only focus on the project site and don't take into account adjacent, adjacencies. Other development, for example. In this case, I'm thinking about the impacts that potential development in areas adjacent, L.A. areas adjacent to West Hollywood could have on the City. And I'm specifically thinking in terms of traffic. You know, everyone talks about the increase of traffic. And as Commissioner Altschul just noted, that even though our population has remained flat, our traffic has increased, you know, substantially. So that indicates that further gives credence to this notion that our traffic is not West Hollywood.



*It's not originating from West Hollywood. So I would like, if somehow, we could include that in the evaluation, so that we have a better idea of what's going on, you know, in the immediate area beyond our borders. So that we can plan accordingly, would be very helpful.*

**DeLuccio:** Okay. Is that it?

**Yeber:** Yes.

**DeLuccio:** Barbara, do you have something else?

**Hamaker:** *I'm just going to make a comment about what Marc just said, and I don't know how to incorporate it or even ask if it's appropriate to incorporate it. But because I've lived at the same address in West Hollywood near La Brea for 38 years, 35 years ago, I used to commute to Brentwood to work every day. And the traffic patterns were exactly opposite of what they are now. In the morning, everybody was going this way. Everybody was going downtown. And at night, everybody was going back out to the Palisades. Now when I come to the Planning Commission, it's bumper-to-bumper traffic going towards Downtown always. And I breeze right through coming this way, which sort of tells me that the jobs are in one place and not another. So more people apparently are working on the West side, and living east of here. So that's a really broad statement, but somehow piggybacking on what Marc said, our traffic problems may have to do with a broader question of where the jobs are in the City. And not that we have any control over that, but in the region, and so I just have found that a very interesting aspect.*

**DeLuccio:** *Perhaps some...yeah. Perhaps something to take into consideration as you're, as you're doing the Environmental Impact Report. We'll close the public hearing at this time. And did some, anybody else have anything they wanted to add?*

**Bernstein:** Yes, please.

**DeLuccio:** Alan?

**Bernstein:** Thank you. Thank you, Chair DeLuccio.

**DeLuccio:** *We're just closing the public hearing. Not the cutting off the comments from the Commissioners.*

**Bernstein:** Okay.

**DeLuccio:** Go ahead. Go for it.

**Bernstein:** *Okay. Something that I don't see here, and I want to make sure it's covered. When we received our report on the visioning section of the General Plan Update, there were two things that I recall that there actually was agreement on. One was that people like our social services, and the other is that people crave what everyone seems to call, even though I don't think it's really a word, walk-ability. Or what Commissioner Altschul was referring to as pedestrian orientation. It was universally acclaimed, as I recall, in the visioning period. But I don't see it here in the questions. And I think it's a very important part of our General Plan going forward. How we maintain and increase pedestrian orientation. Then the other thing that I want to ask could be covered maybe in a variety of ways, but certainly in this way. Under the first question, it says that people desire to increase affordable housing, but that's a fairly general term in many ways, although in West Hollywood, we tend to focus on housing for low-income and very low-income people. It also says that we desire to provide a continued diversity of the housing stock. And it seems to me that we have not done a very good job under this General Plan of providing new work force housing, which is under many definitions of*

*affordable housing, part of affordable housing. I just want to make sure that we look at what we're doing and what we could do to encourage the development of that aspect of affordable housing, of work force housing. And I would also hope that we could check into various ways of providing housing for low- and very low-income people, because currently, we do it, and it's a wonderful part of what we do. But we tend to do it in a very expensive way of putting up brand new housing, and perhaps there are ways of achieving that mandate that are more cost-effective and could help more people. And it would be great to examine that and see if our policies could be adjusted to accomplish that as well.*

**DeLuccio:** Sue, are you okay? Do you have anything? Okay. Barbara?

**Hamaker:** Not to prolong this, but I'll just make a couple of remarks since I work for the Housing Corporation. Building affordable housing is just as expensive as building market rate housing. And the reason work force housing isn't built is there's no money for it. There's some grants that are given for low-income and very low-income housing. But otherwise, work force housing falls in that gap where there's nobody that is giving grants for it, because the poorest of the poor get the most attention. So it's not going to happen.

**DeLuccio:** Okay. So...

**Bernstein:** Then I'd like to comment on that. And just say that....

**DeLuccio:** You can comment. And then at that point, we'll move...you can comment. Then we'll move on.

**Bernstein:** Okay.

**DeLuccio:** I don't want to have a cross-talk back and forth. Go ahead.

**Bernstein:** That perhaps, and there are other ways of accomplishing work force housing incentives that do not require the amount of subsidies, then we could continue to focus our subsidies on low and very low-income housing and find other ways of encouraging incentives for the development of the kind of middle class housing that has traditionally defined the residents of West Hollywood.

**DeLuccio:** Okay. Thank you, Alan. Maybe we need to agendize this for another evening. We have until October 30<sup>th</sup>. Is it October 30<sup>th</sup>?

**Male:** 29<sup>th</sup>.

**DeLuccio:** What date do they have until to get comments in?

**Siegl:** October 29<sup>th</sup>.

**DeLuccio:** October 29<sup>th</sup>. And they send them to your attention, Bianca Siegl?

**Siegl:** Yes.

**DeLuccio:** At the City of West Hollywood. Just, as going forward, when you collect all the information on the scoping, I hope you will keep in mind, which I think you will, all the work that's gone into this over the last two years. You've gotten a lot of input, not just from the, during this period of time, but I hope you keep, you'll review all that information and you'll hear things over and over again, and those items that keep coming up will be incorporated and studied in the environmental impact report. Okay. Thank you very much.

ITEM 9.A. OFFICIAL RECORDING ENDS).

*The following agenda Item 9.D. was heard out of order as part of the amended agenda.*

**D. Medical Marijuana Dispensaries.  
Zone Text Amendment 2009-006:**

Laurie Yelton, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, October 15, 2009.

She provided a detail history of the current zoning and stated the requested changes to medical marijuana dispensaries is from a conditionally permitted use to a permitted use in certain commercial zones subject to specified restrictions, requiring such dispensaries to obtain a regulatory business license, maintaining the current maximum limit of four dispensaries, locational restrictions for new dispensaries, changing the nomenclature from dispensary to collective, and amending the affected sections of the West Hollywood Municipal Code (WHMC), city-wide.

Jeffrey Aubel, Code Compliance Manager, spoke and detailed the key elements of the Business License Ordinance:

1) Location criteria: 500 feet of any school, park, daycare or religious facility and 1000 feet of another dispensary; 2) hours of operations will remain the same: Monday to Saturday, 10:00 A.M. to 8:00 P.M., and Sunday, 12:00 Noon to 7:00 P.M.; 3) owners affidavit must be submitted with the application; 4) submit a security operations plan; 5) guards must possess a California Department of Consumer Affairs Certification; 6) guards must patrol the surrounding neighborhoods; 7) collective must supply neighbors and law enforcement with a number for a responsible manager to handle complaints; 8) no recommendations may be given on site; 9) no medicating on site or in the surrounding neighborhoods; 10) collectives shall be no larger than 4,500 square feet; 11) shall only be located on main streets, such as Santa Monica Boulevard, Sunset Boulevard, Beverly Boulevard, and La Brea Avenue.

- The new business license ordinance will allow the city to conduct a criminal background check on any potential operator;
- Any drug related convictions for anything except marijuana or any convictions for violence or use of force upon another will automatically disqualify the applicant;
- There shall be no more than four (4) licenses issued at any one time in the city. Priority for the first four (4) licenses shall go to the operators in business continuously since January 16, 2007;

- A public hearing before the Business License Commission will also be required for any new applicants. This requirement will be waived for the four (4) operators that were in operation prior to January 16, 2007; and
- Under the new Ordinance, any person acting as a manager must obtain a Manager License. This license also requires a criminal background check.

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

TERRY LEFTGOFF, WEST HOLLYWOOD, spoke in support of staff's recommendation.

BILL LEAHY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ALFRED FRAIJO, JR, LOS ANGELES, spoke in support of staff's recommendation.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding compassionate distribution for people on a limited income.

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

**ACTION:** Approve staff's recommendation; and 2) Adopt Resolution No. 09-894 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A NEGATIVE DECLARATION AND APPROVAL OF ZONE TEXT AMENDMENT 2009-006, TO CHANGE MEDICAL MARIJUANA DISPENSARIES FROM A CONDITIONALLY PERMITTED USE TO A PERMITTED USE IN CERTAIN COMMERCIAL ZONES SUBJECT TO SPECIFIED RESTRICTIONS, REQUIRING SUCH DISPENSARIES TO OBTAIN A REGULATORY BUSINESS LICENSE, MAINTAINING THE CURRENT MAXIMUM LIMIT OF FOUR DISPENSARIES, LOCATIONAL RESTRICTIONS FOR NEW DISPENSARIES, CHANGING THE NOMENCLATURE FROM DISPENSARY TO COLLECTIVE, AND AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE;" and 3) Close Public Hearing Item 9.D. **Moved by Commissioner Altschul, seconded by Commissioner Guardarrama and unanimously carried.**

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:35 P.M. AND RECONVENED AT 7:45 P.M.**

- B. 9040-9056 Sunset Boulevard.  
Administrative Permit 2006-006, Conditional Use Permit 2006-007,  
Demolition Permit 2006-008, Development Agreement 2006-001,  
Development Permit 2006-010, General Plan Amendment 2006-001,  
Minor Conditional Use Permit 2009-005, Specific Plan Amendment  
2006-001, Vesting Tentative Tract Map 2006-004, Zone Map  
Amendment 2009-005, Zone Map Amendment 2009-008, Final  
Environmental Impact Report:**  
Continued from Thursday, May 21, 2009, Thursday, August 6, 2009 and  
Thursday, October 1, 2009.

David DeGrazia, Senior Planner, stated on Thursday, August 6, 2009 the Planning Commission directed staff to return to the Planning Commission with a Draft Development Agreement and resolutions to approve the project.

The project proposes the development of approximately 268,805 gross square feet of mixed uses including 148 hotel rooms, 20 condominium units, and approximately 37,940 square feet of commercial uses, comprised of retail, restaurant, conference rooms and a spa. The project requires an amendment to the Sunset Specific Plan to allow for a maximum height of 128 feet for the hotel component along Sunset Boulevard (Site 7D) and a maximum height of 109.25 feet for the buildings along Harratt Street (Site 7E), as well as an increased FAR of 4.07. The allowed height for Site 7D is 45 to 100 feet and for Site 7E is 35 feet. The allowable FAR is 2.75.

Commissioner Altschul questioned if the fractional units (timeshares) are still a part of this development.

David DeGrazia, Senior Planner, stated they are no longer a part of the development and are not referred to in any of the draft resolutions.

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

JIM ARNONE, MALIBU, Latham and Watkins, presented the applicants report. He briefly outlined the proposed project and urged support of the draft resolutions and development agreement.

HARRIET SEGAL, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding massing, height, loss of affordable senior housing, loading dock, traffic flow, setbacks, and employee parking.

RIC RICKLES, WEST HOLLYWOOD, spoke in support of staff's recommendation to approve the resolutions.

SHARON SANDOW, LOS ANGELES, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation to approve the resolutions.

NORMAN CHRAMOFF, WEST HOLLYWOOD, spoke in support of staff's recommendation to approve the resolutions.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the loss of affordable housing, massing, height, traffic mitigation and neighborhood compatibility.

JUDY NAGLER, LOS ANGELES, opposes staffs recommendation of approval. She spoke regarding traffic impacts.

ELYSE EISENBERG, WEST HOLLYWOOD, has concerns regarding this item. She spoke on the architecture, height limits, and traffic impacts,

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding timeshares, height limits, traffic impacts and water usage.

JIM ARNONE, MALIBU, Latham and Watkins, presented the applicants rebuttal. He spoke and detailed the revitalization of the west end of the Sunset Strip. He urged support of the draft resolutions and development agreement.

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

Commissioner Altschul stated his support of the design of the project. He reiterated this is not a target site, and had concerns with the time share units, the short term restaurant space, and height of the project. He cannot support the entitlements, but can support the certification of the Environmental Impact Report.

Commissioner Guardarrama stated his support of the draft recommendations to City Council.

Commissioner Hamaker questioned who owns the affordable rental units and the proposed use.

Commissioner Buckner had concerns with the recommended usage of the restaurant space and questioned the monetary entitlements to the city.

Anne McIntosh, Deputy City Manager/Community Development Director, detailed the development agreement, proposed interim uses of the property and monetary entitlements to the city.

Commissioner Bernstein stated his support of the draft recommendations to City Council.

**Chair DeLuccio moved to: 1) Certify the final Environmental Impact Report; 2) Adopt a Mitigation Monitoring Program; and 3) Adopt a Statement of Overriding Considerations.**

**Seconded by Commissioner Bernstein.**

**ACTION:** 1) Adopt Resolution No. PC 09-891 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT A MITIGATION MONITORING PROGRAM AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, REGARDING THE PROPOSED 148-ROOM MIXED-USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS, LOCATED AT 9040-9056 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, 1018-1022 N. DOHENY DRIVE, WEST HOLLYWOOD, CALIFORNIA, AND 9031-9041 HARRATT STREE, WEST HOLLYWOOD, CALIFORNIA." **Moved by Chair DeLuccio, seconded by Commissioner Bernstein and passes on a Roll Call Vote:**

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

**NOES:** None.

**ABSENT:** None.

**RECUSED:** None.

**Commissioner Bernstein moved to: 1) approve the following draft Resolutions: a) Resolution No. PC 09-889; b) Resolution No. PC 09-890; c) Resolution No. PC 09-893; d) Resolution No. 09-892; and e) Resolution No. PC 09-880.**

**Seconded by Commissioner Hamaker.**

Commissioner Hamaker requested clarification of the entitlement process.

Commissioner Yeber stated his support of the project and commented on the design. He spoke regarding the suggested usage of the current site.

**ACTION:** 1) Adopt Resolution No. PC 09-889 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF GENERAL PLAN AMENDMENT 2006-001 AND ZONING MAP AMENDMENT 2009-008, IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA;" 2) Adopt Resolution No. PC 09-890 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SUNSET SPECIFIC PLAN AMENDMENT 2006-001 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 09-893 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONING MAP AMENDMENT 2009-005, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT 2006-001, FOR THE PROPERTY LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA;" 4) Adopt Resolution No. PC 09-892 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT 2006-001 IN CONJUNCTION WITH THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA;" 5) Adopt Resolution No. PC 09-880 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THAT THE FOLLOWING ACTION BE TAKEN REGARDING THE PROPOSED 148-ROOM MIXED USE HOTEL PROJECT WITH RETAIL, RESTAURANT AND 20 CONDOMINIUM UNITS LOCATED AT 9040-9056 W. SUNSET BOULEVARD, 1018-1022 N. DOHENY DRIVE AND 9031-9041 HARRATT STREET, WEST HOLLYWOOD, CALIFORNIA: APPROVE DEMOLITION PERMIT 2006-008, DEVELOPMENT PERMIT 2006-010, CONDITIONAL USE PERMIT 2006-007, MINOR CONDITIONAL USE PERMIT 2009-005, ADMINISTRATIVE PERMIT 2006-006 AND VESTING TENTATIVE TRACT MAP NO. 064782 (AKA TENTATIVE TRACT MAP 2006-004);" and 6) Close Public Hearing Item 9.B.



**Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

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

**NOES:** Altschul.

**ABSENT:** None.

**RECUSED:** None.

**C. 1019 N. San Vicente Boulevard.  
Demolition Permit 2005-015, Development Permit 2005-023, Tentative Tract Map 2005-007:**

Continued from Thursday, June 4, 2009 and Thursday, September 17, 2009. Applicant is requesting to demolish four units and construct a five-unit condominium project.

Applicant has requested a continuance.

**ACTION:** Continue to Thursday, November 19, 2009. **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda.**

**D. Medical Marijuana Dispensaries.  
Zone Text Amendment 2009-006:**

Request to change medical marijuana dispensaries from a conditionally permitted use to a permitted use in certain commercial zones subject to specified restrictions, located city-wide, West Hollywood, California.

**ACTION:** Item moved after agenda Item 9.A. (Environmental Impact Report – General Plan Update): **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda.**

**10. NEW BUSINESS.**

**A. General Plan Update.**

John Keho, Planning Manager, confirmed there will be a Joint Study Session between the City Council and Planning Commission on Thursday, November 16, 2009, West Hollywood Park Auditorium at 6:30 P.M. The focus will be land use issues.

**B. General Plan Advisory Committee Update.**

John Keho, Planning Manager, confirmed the next General Plan Advisory Committee meeting will be on Tuesday, October 27, 2009, West Hollywood Park Auditorium at 6:30 P.M.

**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.**

JEANNE DOBRIN, WEST HOLLYWOOD, commented and stated there should be a limit regarding extensions of conditional use permits.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Buckner commented on the extension process for conditional use permits.

Commissioner Hamaker commented on the extension process for conditional use permits.

Vice-Chair Yeber commented on the extension process for conditional use permits and the richness of urban fabric on the east side of West Hollywood (Russian businesses). He stated his concerns regarding the risqué signage (banners) at 8811 Santa Monica Boulevard (Eleven). He requested staff to look into this.

**16. ADJOURNMENT:** The Planning Commission adjourned at 8:48 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 5, 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 5<sup>TH</sup> DAY OF  
NOVEMBER, 2009.

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR