



PLANNING COMMISSION MINUTES
Regular Meeting
June 18, 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 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Bruce Robertson led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: Yeber.

Staff Present: Christopher Corrao, Assistant Planner, Jackie Rocco, Parking Operations Manager, Maria Rychlicki, Interim Community Development Director, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

1) Move Agenda Item 9.C. (613 N. West Knoll Drive) to the Consent Calendar as Item 8.D.; 2) continue Agenda Item 9.A. (8811 Santa Monica Boulevard, Eleven) to Thursday, August 6, 2009; and 3) continue Agenda Item 10.A. (General Plan Update) to Thursday, July 2, 2009.

ACTION: Approve the Planning Commission Agenda of Thursday, June 18, 2009 as amended. **Moved by Commissioner Buckner, seconded by Commissioner Hamaker and unanimously carried, notating the abstention of Commissioner Yeber.**

5. APPROVAL OF MINUTES.

A. May 21, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, May 21, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Bernstein and unanimously carried, notating the abstention of Commissioner Yeber.**

B. June 4, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, June 4, 2009 as presented. **Moved by Commissioner Bernstein, seconded by Vice-Chair DeLuccio and unanimously carried, notating the abstention of Commissioner Yeber.**

6. PUBLIC COMMENT.

NICK SHAFFER, WEST HOLLYWOOD, commented on noise, litter, and vandalism regarding the London West Hollywood.

WARREN B. MERRIMAN, WEST HOLLYWOOD, commented on the continuance of Agenda Item 9.A. (8811 Santa Monica Boulevard).

TODD ELLIOTT, WEST HOLLYWOOD, commented and clarified the continuance for Agenda Item 9.A. (8811 Santa Monica Boulevard) was not at the request of the applicant, but was originated at staff level.

7. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker questioned if the residents of 613 West Knoll Drive are eligible for relocation fees.

Chris Corrao, Assistant Planner, stated for the record they are available for relocation fees.

Vice-Chair DeLuccio stated any complaints against the London West Hollywood should be reported to the Commercial Code Compliance Division.

Chair Altschul requested the Commercial Code Compliance Division investigate the aforementioned complaints regarding the London West Hollywood.

8. CONSENT CALENDAR.

A. General Plan Update.

Draft technical reports regarding traffic and circulation; human services and education; and arts, culture and historic preservation.

ACTION: 1) Receive and file. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Buckner and unanimously carried, notating the abstention of Commissioner Yeber.**

B. Capital Improvements Plan, 2008-2013.

The Capital Improvements Plan is a list of proposed public projects recommended for planning, initiation or construction during the next five fiscal years. A finding of consistency with the General Plan is required pursuant to Government Code Section §65401.

ACTION: 1) Adopt Resolution No. PC 09-876 as presented, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, FINDING, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION §65401, THAT THE CITY'S CAPITAL IMPROVEMENTS PLAN (CIP) FOR FISCAL YEARS 2008-2013 IS CONSISTENT WITH THE GENERAL PLAN.". **Moved by Vice-Chair DeLuccio, seconded by Commissioner Buckner and unanimously carried, notating the abstention of Commissioner Yeber.**

C. 685 N. Robertson Boulevard (Bossa Nova).

On Thursday, May 7, 2009, the Planning Commission directed staff to prepare and return a resolution of approval for extended hours of operation.

ACTION: 1) Adopt Resolution No. PC 09-868 as presented, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, REVERSING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY MINOR CONDITIONAL USE PERMIT 2008-007, FOR EXTENDED HOURS OF OPERATION FOR AN EXISTING RESTAURANT, LOCATED AT 685 N. ROBERTSON BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.". **Moved by Vice-Chair DeLuccio, seconded by Commissioner Buckner and unanimously carried, notating the abstention of Commissioner Yeber.**

This following item was moved to the Consent Calendar as part of the amended agenda:

D. 613 N. West Knoll Drive.

Applicant requested a parcel map to convert a three-unit apartment building into three condominiums.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 09-874 as presented, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE PARCEL MAP (TTM 2008-006), MINOR LAND DIVISION NO. 71000, FOR THE CONVERSION OF AN EXISTING THREE UNIT APARTMENT BUILDING INTO CONDOMINIUMS, FOR THE PROPERTY LOCATED AT 613 N. WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA.". **Moved by Vice-Chair DeLuccio, seconded by Commissioner Buckner and unanimously carried, notating the abstention of Commissioner Yeber.**

9. PUBLIC HEARINGS.

A. 8811 Santa Monica Boulevard (Eleven).

Amendment Permit 2008-005

Continued from Thursday, January 29, 2009, Thursday, March 19, 2009, and Thursday, May 21, 2009. Applicant is requesting to extend hours of operation of an existing nightclub.

ACTION: Continue to Thursday, August 6, 2009. **Moved by Commissioner Buckner, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda, notating the abstention of Commissioner Yeber.**

**B. 9000 Sunset Boulevard
Conditional Use [Tall Wall] Amendment Permit 2008-001:**

Christopher Corrao, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, June 18, 2009.

He provided background and historical information and stated the applicant is requesting a Conditional Use Permit to erect a new 6,500-square-foot tall wall image area on the east face of the existing high rise located at 9000 Sunset Boulevard. The structure is a glass skinned building comprised mostly of windows and mullions, with no blank or solid wall seen from the exterior. The total wall area is approximately 12,492 square feet; however the maximum area of proposed coverage is 6,500 square. The applicant is also proposing lighting to illuminate the tall wall during the evening hours. The request is accompanied by a Development Agreement which includes a significant and ongoing financial benefit to the City. The agreement provides \$299,999.88 (est.) in the first 48 months of contract and then \$10,000.00 per month thereafter in perpetuity.

The proposed tall wall would be the City's first tall wall with an accompanying Development Agreement with a financial public benefit. Under the City's current regulations there are no blank window-less walls left in the City suitable for new tall walls. However due to the fact that the 9000 Sunset Boulevard building is comprised of windows, steel, and spandrel glass, the existing regulations are difficult to apply to buildings with this type of architectural façade treatment. With different regulations concerning the percentage of window coverage for these types of buildings, other structures may become eligible for tall walls, possibly creating a significant revenue stream for the City during a time of budget cutbacks and layoffs in neighboring cities.

No regulation of content is proposed with this project.

The proposed Development Agreement provides a substantial and ongoing public benefit to the City, and the proposed maximum image area of 6,500 square feet on a glass skin building allows for a more creative use of tall walls, utilizing both positive and negative space. Consequently, staff concludes that the proposed Conditional Use Permit (CUW) 2008-001 is consistent with the Goals, Objectives and Policies of the General Plan and Sunset Specific Plan.

Staff recommend approval.

Commissioner Bernstein requested clarification regarding the \$10,000 a month fee of the Development Agreement. He questioned if that is contingent upon the sign producing income for the building, or would they still have to pay regardless of what they did or did not do with the entitlement.

Christi Hogin, Assistant City Attorney, stated it is regardless of whether or not there is a sign at that location.

Commissioner Buckner requested clarification regarding occupancy and square footage.

Vice-Chair DeLuccio disclosed for the record he spoke with the applicant's representative, Jeffrey Seymour. Items of discussion were limited to what is in the current staff report.

Commissioner Bernstein disclosed for the record he spoke with the applicant's representative, Jeffrey Seymour. Items of discussion were limited to what is in the current staff report.

Commissioner Guardarrama disclosed for the record he spoke with the applicant's representative, Jeffrey Seymour and representatives of surrounding property owners; Steven Afriat and James Arnone. Items of discussion were limited to what is in the current staff report.

Chair Altschul disclosed for the record he spoke with the applicant's representative, Jeffrey Seymour and Simon Mani. Items of discussion were limited to what is in the current staff report.

Chair Altschul opened public testimony for Item 9.B:

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant and representing the Mani Brothers, provided the applicant's report. He detailed the history of the site and site owners. He spoke regarding the Development Agreement, the tall wall design, lighting, and signage fees.

MARK STERES, attorney for the property owner, continued the applicant's report. He spoke on and detailed the Development Agreement.

HARRIET SEGAL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

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

JOAN HENEHAN, TOLUCA LAKE, representing the West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding CEQA impacts and violations, architectural impacts, and revenue.

MARK STERES, attorney for the property owner, provided the applicant's rebuttal. He clarified window coverage issues and aesthetic appeal.

Chair Altschul requested clarifications regarding CEQA guidelines.

MARK STERES, attorney for the property owner, clarified and stated staff has found this project to be categorically exempt. He detailed the CEQA guidelines in relation to the requested tall wall.

Discussion was held regarding CEQA regulations.

Christi Hugin, Assistant City Attorney, detailed the city's stand on CEQA and confirmed the exemption.

Commissioner Hamaker questioned if there is a limit of tall walls indicated in the Sunset Specific Plan (SSP).

John Keho, Planning Manager, stated there is no limit for tall walls in the Sunset Specific Plan (SSP).

Commissioner Buckner stated her concerns with the Development Agreement, whereas the City of West Hollywood is not given any revenues for an entire year. She also had concerns with the revenue amounts to be received by the City.

Commissioner Hamaker had concerns that two of the tall wall standards were not met and stated it is inappropriate to place a tall wall advertisement on this building. She could not support the request.

Chair Altschul moved to: 1) approve staff's recommendation of approval; and 2) recommend approval of the Development Agreement to the City Council.

Seconded by Commissioner Guardarrama.

Commissioner Guardarrama stated his support of the innovative design and functionality of the proposed tall wall.

Vice-Chair DeLuccio would like to see stronger language to Section 7.1) giving the Director of Community Development the ability to control the lighting, if complaints arise.

Chair Altschul agreed to this added amendment.

Chair Altschul reiterated the motion: 1) approve staff's recommendation of approval to City Council; 2) adopt the Development Agreement with the following amendments: a) the Director of Community Development shall review each application on a case by case basis for a new Conditional Use Permit regarding new content; b) the Director of Community Development shall have the ability to adjust and/or turn off the lighting if there is an impact to the surrounding neighborhood; and c) the Director of Community Development shall review the lighting plan for each new content change.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-847 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE [TALL WALL] PERMIT 2008-001, FOR THE ERECTION OF A 6,500 SQUARE-FOOT TALL WALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 09-863 as amended: a) the Director of Community Development shall review each application on a case by case basis for a new Conditional Use [Tall Wall] Permit regarding new content; b) the Director of Community Development shall have the ability to adjust and/or turn off the lighting if there is an impact to the surrounding neighborhood; and c) the Director of Community Development shall review the lighting plan for each new content change; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO CITY COUNCIL APPROVAL OF DEVELOPMENT AGREEMENT 2009-001, ASSOCIATED WITH A 6,500 SQUARE-FOOT TALL BILLBOARD ON THE EAST FACE OF AN EXISTING HIGH RISE BUILDING, LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" 4) Adopt Resolution No. PC 09-866 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONING MAP AMENDMENT 2009-002, IN CONJUNCTION WITH DEVELOPMENT AGREEMENT 2009-001, FOR THE PROEPRTY LOCATED AT 9000 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 5) Close Public Hearing Item 9.B. **Moved by Chair Altschul, seconded by Commissioner Guardarrama and passes on a Roll Call Vote:**

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:30 P.M. AND RECONVENED AT 7:40 P.M.

C. 613 N. West Knoll Drive.

Tentative Tract Map 2008-006:

Applicant is requesting a parcel map to convert a three-unit apartment building into three condominiums.

ACTION: 1) Moved to Consent Calendar as Item 8.D. **Moved by Commissioner Buckner, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda, notating the abstention of Commissioner Yeber.**

D. 8459 Sunset Boulevard.

General Plan Consistency:

John Keho, Planning Manager, stated for the record this request is to make a finding that a proposed public parking lot at this site is consistent with the General Plan. Staff is adding to the request, that the Planning Commission include a finding in the resolution, that the replacement billboard's which are accessory to the city use of the property, do not conflict with the City's long range planning goals to the City's use of the property as a public parking lot.

Jackie Rocco, Parking Operations Manager, provided background information as presented in the staff report dated Thursday, June 18, 2009.

She provided historical information and stated the requested action is a determination of General Plan Consistency for a City leased surface parking lot.

The proposed project would be located on an approximately 15,000 square foot parcel at the northwest corner of Sunset Boulevard and Queens Road.

The parking lot would provide 39 parking stalls. Of these, two would be handicap accessible and 19 would be compact, with the remaining 18 stalls provided as standard stalls.

The parking lot would be open from 7:00 am to 2:00 am. A gate would be used to prevent access to the lot when the lot is closed. Access would be provided off of Sunset Boulevard. No access will be provided from Queens Road.

Chair Altschul opened public testimony for Item 9.D:

BOB SHEPARD, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the billboards on the property.

CHELSEA BOND, LOS ANGELES, has concerns regarding this item. She spoke on regarding the billboards on the property.

JEFFREY MORGAN, LOS ANGELES, has concerns regarding this item. He spoke regarding the billboards on the property.

HAMID SALEHI, TARZANA, opposes staff's recommendation of approval.

SCOTT WELLMAN, LAGUNA HILLS, representing the Morgan family, opposes staff's recommendation of approval. He stated his concerns regarding the billboards on the property.

TODD STEADMAN, LOS ANGELES, spoke in support of staff's recommendation of approval.

LYNNE SEGALL, LOS ANGELES, opposes staff's recommendation of approval.

NIC ADLER, LOS ANGELES, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the billboards on the property.

Christi Hogin, Assistant City Attorney, detailed the background history and request before the Planning Commission. She stated for the record the only option is whether or not the proposed parking lot is consistent with the General Plan, and whether the subordinate accessory project (current billboards) [which the City Council has already found as in the public interest], is consistent with the General Plan. There can be no other actions taken.

Commissioner Bernstein requested clarification on "subordinate uses".

Discussion and further explanation was held regarding the legalities of the current billboards on the site.

Commissioner Buckner commented on the circumstances and the issues brought forward by the neighbors. She stated her support of the project.

Commissioner Guardarrama moved to: 1) accept staff's recommendation.

Seconded by Vice-Chair DeLuccio.

Chair Altschul reiterated this is a finding of consistency with the General Plan with the subordinate use of the billboards to the parking lot, as presented in the amended Resolution No. PC 09-873.

Commissioner Hamaker requested further clarification regarding use of the property.

Commissioner Bernstein had concerns with the subordinate use of the billboards to the parking lot.

Commissioner Hamaker had concerns with the subordinate use of the billboards to the parking lot. She could not support the motion.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-873 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DETERMINING THAT THE CITY LEASED PUBLIC SURFACE PARKING LOT PROPOSED FOR 8459 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA IS CONSISTENT WITH THE GENERAL PLAN;" and 3) Close Public Hearing Item 9.D. **Moved by Commissioner Guardarrama, seconded by Vice-Chair Deluccio and passes on a Roll Call Vote:**

AYES: Buckner, Guardarrama, Vice-Chair DeLuccio, Chair Altschul.

NOES: Bernstein, Hamaker.

ABSENT: Yeber.

RECUSED: None.

10. NEW BUSINESS.

A. General Plan Update.

Presentation and discussion regarding urban design issues for the general plan update.

ACTION: Continue to Thursday, July 2, 2009. **Moved by Commissioner Buckner, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda, notating the abstention of Commissioner Yeber.**

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.

He stated the annual elections for Planning Commissioners will be postponed until all appointments have been officially made by City Council.

B. Director's Report.

Maria Rychlicki, Interim Director of Community Development, confirmed Anne Browning McIntosh has been appointed as Deputy City Manager, Community Development Director. She will start the week of July 13, 2009.

She stated Matt Rami has been retained to work on the General Plan.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD commented on public participation and on-going city politics.

15. ITEMS FROM COMMISSIONERS.

Vice-Chair DeLuccio requested to agendaize the elections for Planning Commissioners on Thursday, July 16, 2006. He stated this item can always be tabled if City Council has not acted.

Chair Altschul stated he will not be in attendance at the meeting on Thursday, July 2, 2009.

16. ADJOURNMENT: The Planning Commission adjourned at 8:25 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, June 18, 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 2ND DAY OF
JULY, 2009.


CHAIRPERSON

ATTEST:


COMMUNITY DEVELOPMENT DIRECTOR