



PLANNING COMMISSION MINUTES
Regular Meeting
May 7, 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 6:36 P.M.

2. PLEDGE OF ALLEGIANCE: John Chase 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: Jennifer Alkire, Associate Planner, Laurie Yelton, Associate Planner, Genene Lehotsky, Senior Contract Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Gregg Kovacevich, Acting City Attorney Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, May 7, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. April 23, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, April 23, 2009 as presented. **Moved by Commissioner Hamaker, seconded by Commissioner Buckner and unanimously carried.**

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker congratulated newly pointed councilmember Lindsey Horvath.

Commissioner Guardarrama thanked everyone for their support regarding the city council nomination and appointment process.

Councilmember Buckner thanked everyone for their support regarding the city council nomination and appointment process.

Vice-Chair DeLuccio thanked everyone for their support regarding the city council nomination and appointment process.

Chair Altschul thanked everyone for their support regarding the city council nomination and appointment process.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 8600 Sunset Boulevard. (Sunset Plaza Expansion)

Draft Environmental Impact Report:

Public and commission comment on the Draft Environmental Impact Report, to demolish the existing structure and construct a new, 16,785 square-foot commercial building in its place. The new building would consist of a lower “garden” level of 6,885 square-feet, a 6,365 square-foot space at street level, and a 3,535 square-foot mezzanine/storage space level. The maximum height of the proposed structure is thirty-five feet.

[VERBATIM TRANSCRIPTION]

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Altschul: *Item 9.A., Draft EIR. The Applicant Montgomery Management, the address 8600 Sunset Boulevard. Jennifer Alkire will give the staff report. Hi, Jennifer.*

Alkire: *Hi, thank you.*

Altschul: *You haven't delivered yet.*

Alkire: *Not yet. Can you tell? This is the...this is a project that is in the Sunset Plaza Shopping Center. It's at 8600 Sunset Boulevard and I'm just going to give a brief synopsis of the details of the project then I'm going to hand it over to the consultant to talk about the impact analysis. So, the Applicant Montgomery Management Group is applying to demolish a 3,371 square foot building that's a retail building on that site right now and construct a 16,785 square foot building. This will have a lower and garden levels, each about 6,000 to 6,500 square feet and a mezzanine for storage. It will use the parking that goes along with the rest of the shopping center, so it doesn't have parking necessarily with it in this project. And I'm happy to answer any other specific questions about the project after the consultant has a chance to talk about the impact analysis and why we're here this evening to comment on the adequacy of the impact analysis. Okay?*

Wazlaw: *Thank you. Hello, my name is Sean Wazlaw. I'm with Rincon Consultants, here with Joe Power who's also with Rincon. We helped the City prepare the Environmental Impact Report and I'm just going to give a brief overview of the Draft Environmental Impact Report. First of all, just a few of the purposes of SEQUA, which I'm sure you're all familiar with, but to disclose significant environmental effects, to*

propose actions, to identify ways to avoid or reduce environmental damage, to consider feasible alternatives to proposed actions and to enhance public participation in the planning process. Here's a flow chart of the SEQUA process. The City has already prepared the initial study and circulated the Notice of Preparation. Now the Draft EIR has been prepared and now we're in the public comment period, which is 45 days ending on June 8th. So the purpose of this project being discussed here is just to get more public comments on the project. Here is a list of the issues which were analyzed in the EIR. You'll see some of them are in yellow text. Those are issue areas where potentially significant impacts have been identified. The ones that are in white text are issue areas where there are no potentially significant environmental impacts identified. I do want to mention though, or we'll look at this first. Here's just a list of the classification of impacts. Class 1 impacts are significant and unavoidable. There are no Class 1 impacts that have been identified for this project. All impacts can be mitigated. So that's the definition of Class 2 impacts. There are significant but mitigable impacts. Class 3 impacts are less than significant and do not need mitigation. And Class 4 impacts are beneficial impacts. So I'm just going to...we're just going to take a look, a quick look at each of the issue areas where mitigation is required. For esthetics, the impact would be the demolition of a scenic resource, that being the on-site building at 8600 Sunset Boulevard. The measure that would reduce that to a less than significant level would be adherence to the Secretary of the Interior's standards for rehabilitation on all new construction. And you're going to see the same mitigation measure again because it's actually from the Historic Resource section. They kind of go hand in hand since it's the same action. Here in Historic Resources, the impact is the demolition of the on-site building, which could reduce the design integrity for the potentially eligible Sunset Plaza Historic District. And again the mitigation that would reduce it to a less than significant level would be compliance with Secretary of the Interior Standards on the new construction and also to fulfill those standards, the design of the new building would be required to incorporate some architectural details of the Sunset Plaza Development basically to make it fit in. For geology, there are a couple impacts that need mitigation. One of them is the potential engineering failures due to unsuitable on-site fill materials. To mitigate this impact, it would be implementation of measures in the Geo-Tech Report and compliance with California Building Code requirements. The other impact here is potential soil collapse due to site drainage. Mitigation would be site drainage plan and drainage monitoring. For public services and utilities, there's one impact that would need to be mitigated and that is just...well, its possible failure to achieve the City's 50% waste diversion goal as mandated by State Law. And to ensure that the City's diversion goal can be met, implementation of an on-site solid waste diversion program during construction and operation would be required. For transportation and circulation, there's a traffic study that was prepared by another consultant, our sub-consultant, and they analyzed long term impacts at eight intersections surrounding the project site as well as two residential streets. There were no impacts that were identified. All impacts would be less than significant without mitigation. The exception is the...this temporary impact, which is temporary interruption of local roadway system during construction and for this, the Applicant would be required to implement a construction staging and traffic management plan. As part of the SEQUA process, the lead agency who is the City here, needs to identify some alternatives and one of those alternatives is always the no project alternative and as the name implies, it means there's nothing would happen, no project, so it would avoid all of the impacts that were identified for the project. However, it would not preclude future development on that project site. Then there's another alternative, Alternative 2, which is building retention and reduced expansion and basically the purpose of this alternative is to avoid that potentially significant but mitigable impact of...which is the demolition of the on-site building. So under this alternative, you'd basically keep the building that's there and expand on that and use that for the retail space. It would also avoid the potentially significant but mitigable impact associated with esthetics. As I said, the public comment period ends on June 8th. Up until then, you're encouraged to mail or email written comments to Jennifer Alkire and here's Jennifer's

contact information. I'm sure if you don't write it down now, you can get it again too. And then you should also know that on Monday, May 11th, this coming Monday, there's the Historic Preservation Commission meeting and this is because of the demolition of the on-site building and so you're all encouraged to attend. That's at 7:00 p.m. in the Plummer Park Community Center. And that's it, thank you.

Altschul: Thank you, is there anything further from staff at this time?

Alkire: Not unless you have questions.

Altschul: Are there any questions for staff at this time? I have one. My recollection from a very long time ago is when the, when the EIR was done for the Sunset Specific Plan, there were certain trip generations allocated to, I believe this is Target Site 5C, and of the Sunset Specific Plan and the now fully built out west parcel of Target Site 5C with respect to the Sunset Millennium's portion of it, used much, much more than 50% of the trip generations that that EIR ascribed to it. Has that been studied or does the fact that that EIR is no longer applicable because it is sunsetted have any effect on it? Or do we need to just address that when we come back?

Keho: Yeah, I think we'll take...note that and we'll address that in our response to comments.

Altschul: Thanks. Any other questions at this time? If not, we'll open the public hearing and this again is just the comment period on the Draft EIR where anybody can pose any questions or any thoughts that they want that will be studied and analyzed by the consultants and the staff and those questions and the analysis of those questions will be brought back as part of the Final EIR, whatever date that is scheduled to hear. We have several speakers, the first being Mark Montgomery. You'll have three minutes. Please state your name and your city of residence.

Montgomery: Mark Montgomery, City of Los Angeles, representing Sunset Plaza. I'm here to answer any questions, but because of the last couple of days I'd like to read something that doesn't have to do with us, it more would be a public comment, but I would like to ask your permission to do that.

Altschul: You have three minutes. You can read the phone book.

Montgomery: Okay. Well, I won't do that. If the watering cutbacks apply to the hillside from Sunset Boulevard to Ventura Boulevard and we have the usual summer and fall, the hillsides will become a tinderbox and the potential for a conflagration dramatically increases. Maybe we could lobby and get an exemption from the DWP cutbacks from...on water usage for the mountains from Sunset to Ventura and Griffith Park West to the Pacific Palisades. Conflagration according to Microsoft Word is a large fire that causes a great deal of damage and that would be an understatement because we have to cutback watering on hillsides, as you can see from Santa Barbara. A section is 640 acres then almost any normal fire is bigger than that, but a section is one mile on each side and this is...I think having the water cutback would be very dangerous this summer and if anybody can pass that on to anybody, please do. I'm trying to get the word out. Thank you.

Altschul: Mark, I made sort of a mistake. You're the Applicant. You would have 10 minutes if you need it. Do you want any more?

Montgomery: I'm done, unless anybody has a question.

Altschul: Any questions? Thank you. Jenny Worman, Wormer?

Wormer: Hi, my name is Jenny Wormer and I live in the Park Wellington, 1131 Alta Loma Road, which is directly east of where this project is planned. I only just recently heard about this and I'm surprised that there isn't any kind of a model for us to look at. A lot of our residents particularly on the west side of the building are very concerned about how this is going to impact them, the noise, the dust. We already suffered through the Sunset Millennium project a few years ago, which was very detrimental to some of our homeowners and it took a long time for that particular project. It sat empty for ages. I don't know if it still has a lot of vacancies, so I don't really understand in this economy the need to have more retail space. If you go down to Melrose Avenue, every other retailer is going out of business. I would like to know how high this is going to be. I love the Sunset Plaza as it is and when friends come to visit, they're just amazed at the beauty of it and the little outdoor restaurants and I'd be very sad to see that go. I don't really trust that it's going to incorporate the look the way it is now because that's what we were told when they build the Sunset Millennium and in my mind it's a monstrosity. So I'm personally very concerned. I don't live on the side of the building that's going to be most impacted, but I'm very concerned for my fellow neighbors that do live on that side. So I'd like to know what assurance that we're going to have, if any, that it's going to stay the way it is, what is going to be in what is now the parking lot. Is it going to be underground parking, more retail space, what ex...it's just very vague. Do I get my answers now or later?

Altschul: No, no. No, no, this is not the time to get answers. This is, as I said before, a time to comment on the Draft Environmental Impact study, which is this particular item. There will be at the time of the hearing on the actual entitlement for whether or not this gets built, I'm sure there will be a model and the answers to all of your questions.

Wormer: Okay.

Altschul: This is just the first step with respect to the environmental work.

Wormer: Okay, thank you.

Altschul: But thank you so much for your participation. Brian Bass?

Barr: Good afternoon, Brian Barr, West...City of West Hollywood. I also represent the Homeowner's Association at Park Wellington at 1131 Alta Loma. I'm here because I have concerns about the air quality, how it's going to affect our Association, which is directly behind the planned project. We're at the bottom of the hill on the other side of that very large hedge. Other concerns I have are regarding the drainage. This is a very...the area that immediately borders is a high common use area for our community. So these are just things I'd like to be informed about. Also, I'd be concerned if there are any...is there any planned traffic since, since transportation is a concern that would involve the use of Alta Loma Road? So, I will be concerned about this project as well as Ms. Wormer and I appreciate your answers. Thank you.

Altschul: Thank you, and Jeanne Dobrin who will be our last speaker. What? I said Jeanne Dobrin who will be our last speaker.

Dobrin: *Jeanne Dobrin, a resident of West Hollywood. I have known the Montgomery Family, in particular the father of Mark who testified here from whom he inherited the property for many, many years. I served with him on Supervisor Edelman's Community Plan Advisory Committee. I think very, very high of the Montgomery Family and their properties, what they have built and how they have maintained it, and over the years, as this first lady testified, the beautiful architecture that is there and has been well maintained, even the newer remodels that they've had has great quality to it. So I want to say for the record that I would be inclined to approve this project because of what I think of the Montgomery's, the way they manage their property, this is a large piece of property and also I believe that that is the side of the boulevard where they own the sidewalk also, which was to my belief the 1920's when it came to Mr. Montgomery's mother's family. Anyhow, as I said, I would be inclined to approve it and that's important to me, but I do have a question or two to ask. One of them is, and I'm disappointed because in the packet it did...the things that I wanted to ask and know about are only online. I'm going to ask the staff if I can get a written copy of it. I want to know what utilities are going to serve this property, will it be the DWP or will it be Beverly Hills Water and Edison Electric? I also have a concern because I remember that prior to the Sunset Millennium that there's an earthquake fault that runs under this part of Sunset Boulevard. I hope that that is going to be very adequately addressed. I think the last two speakers spoke very well. I know about the pro...Park Wellington, which was converted from an apartment building and they have reason to have concern. I intend to read the Draft EIR and I will hopefully have the time and the energy to write on it before June, is it June 6th or June 8th? And I think that that's about all. I am sorry to see that anything that is there already, as the speaker said, is going to be demolished, but let us hope that the Montgomery's and their plan and their design will make something as beautiful and that we won't have big, big, big problems. I support the resident's concern also. Thank you very much.*

Altschul: *Thank you. That is the last of our public speakers. Is there any further questions or comments or direction from the Commission? Okay, hearing none, any more comments from staff? Okay, thank you. That concludes this hearing and do we have a date as to when this item will return?*

Keho: *No, not yet.*

Altschul: *Okay, but everybody concerned will be properly noticed.*

Keho: *Everyone will be noticed, exactly.*

Altschul: *Thank you very much and thank you for coming.
//wci:rg*

(ITEM 9.A. OFFICIAL RECORDING ENDS).

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

Appeal 2008-003:

Laurie Yelton, Associate Planner provided a visual presentation and background information as presented in the staff report dated Thursday, May 7, 2009.

She provided a history of the original request to the Community Development Director and stated the applicant is appealing the Community Development Director's denial to allow extended hours of operation for food service only, at an existing restaurant until 4:00 A.M. nightly.

She spoke and detailed the Director's decision to deny the request for extended business hours, citing incompatibility with the existing and future uses of this area. There are multiple high occupancy night life locations in the area and the Sherriff's Department has had safety issues in this area after 2:00 A.M.

She stated and detailed the rebuttals of the appellant and presented staff's concerns with the requested rebuttals.

Sergeant Gonzales, West Hollywood Sheriff's Department, continued staff's presentation. She spoke and detailed the current businesses located on Robertson Boulevard and incidences occurring in the area. She recommends the denial of the Community Development Director's decision should be upheld.

Staff recommends denial of the appeal and upholding the Director of Community Developments decision.

Chair Altschul questioned if any of the current or past problems on Robertson Boulevard are directly related to Bossa Nova.

Sergeant Gonzales, West Hollywood Sheriff's Department, confirmed that Bossa Nova is not an issue, but Robertson Boulevard, along with the immediate block area is of concern.

John Keho, Planning Manager, stated the commission needs to look at the ancillary impacts of the surrounding area.

Vice-Chair DeLuccio questioned the original requested hours of operation and staff's recommendation.

Laurie Yelton, Associate Planner, stated for the record, the applicant originally requested extended hours until 4:00 A.M. Staff recommended extended hours until 3:00 A.M. The Community Development Director denied both requests.

Chair Altschul opened public testimony for Item 9.B:

AURELIO MARTINS, owner, Bossa Nova, presented the appellant's report. He provided a history of the business and stated the following: 1) approval of the requested extended hours of operation will help the financial impact(s) Bossa Nova has currently suffered, and will benefit the city with added tax revenue; 2) Bossa Nova should be entitled to the same rights as its competitors; 3) they have not caused any problems at their restaurant and do not have a poor track record with the Police Department or Alcoholic Beverage Control; 4) believes the Director of Community Development should be consistent in the approval of extended business hours; 5) the hours of operation for the consumption of alcohol will remain until 1:00 A.M. and the request to extend the hours of operation until 4:00 A.M. are only for food services; 6) there are no residential properties near the subject restaurant and is not in a traveled path for patrons; 7) does not believe the extended hours will impact the 2,000-2,500 patrons that flood the street between 2:00 A.M. and 4:00 A.M. is exaggerated; 8) does not believe there will be any additional impacts to the surrounding neighborhood during the extended hours; 9) believes the restaurant is strategically located within walking distances of nightclubs, and would like to accommodate patrons exiting the clubs at 2:00 A.M.; and 10) does not believe that after hours operation will attract driving customers from other communities at late hours. He affirmed he is amicable to a one year trial period.

Vice-Chair DeLuccio requested clarification regarding Bossa Nova's current website with the use of "*Los Angeles*" and "*West Hollywood*." He questioned if the appellant is amicable to some form of agreement regarding the wording "*West Hollywood*," which would be incorporated into future literature and web-sites.

AURELIO MARTINS, owner, Bossa Nova, agreed.

Commissioner Buckner questioned the restaurants seating capacity.

Commissioner Bernstein questioned why an extension regarding alcohol service was not requested.

SAMUEL BAYRAMYAN, WEST HOLLYWOOD, supports staff's recommendation of denial of extended business hours.

SHARON SANDOW, LOS ANGELES, representing the West Hollywood Chamber of Commerce, opposes staff's recommendation of denial.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding the item. She spoke regarding grandfathered businesses, outdoor seating, and public safety.

AURELIO MARTINS, owner, Bossa Nova, presented the appellant's rebuttal. He spoke regarding the track record of all three Bossa Nova operations.

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

Chair Altschul commented on lack of crime issues in the past regarding this establishment and neighborhood compatibility. He stated the City Council is encouraging appropriate places for after-hours businesses and he stated he does not believe this is an unreasonable request.

Vice-Chair DeLuccio moved to: 1) grant the appeal; with the following conditions: a) establishment hours shall be amended until 3:00 A.M.; and b) a six month (or one-year) review shall take place for possible extension of hours until 4:00 A.M.

Seconded by Commissioner Yeber.

Commissioner Hamaker had concerns with public safety issues. She could not support the motion.

Commissioner Yeber commented on after-hour businesses and neighboring cities. He had concerns with the loss of opportunities to make the city as vibrant as possible.

Commissioner Bernstein commented on the beneficial aspects of extended alcohol service at this establishment. He would like to see the alcohol service extended until 2:00 A.M.

Commissioner Buckner stated her support of a trial period.

Vice-Chair DeLuccio clarified his motion was to include: 1) indoor dining only.

Commissioner Hamaker questioned the crime statistics in West Hollywood Park after 2:00 A.M.

ACTION: 1) Bring back a resolution granting the Appeal in part; with the following conditions: a) establishment shall be allowed extended business hours until 3:00 A.M.; b) a one year public hearing review shall take place before the Planning Commission to consider additional extended hours; c) extended hours shall apply to indoor dining only; and 2) Close Public Hearing Item 9.B. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Yeber and passes on a Roll Call Vote:**

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

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

**C. Zone Text Amendment 2009-004.
(Cultural Re-Nomination Procedure):**

The proposal is an amendment to the Zoning Ordinance initiated by the City and applicable City-wide. Pursuant to Section §19.78.040 (Commission Action on Amendments), the Commission shall make a written recommendation whether to approve, modify, or deny the proposed amendments based on findings as outlined in Section §19.78.060 (Findings). Required findings are based on consistency of the amendments with the General Plan.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: *The next item we will consider is Item 9.C., Zone Text Amendment 2009-004, Cultural Re-nomination Process. The Applicant is the City of West Hollywood and Genene Lehotsky is a Senior Contract Planner and will give us the staff report. Thank you.*

Keho: *Yes, I just wanted to welcome Genene to the West Hollywood Planning Commission. She's a Contract Planner working for us now.*

Lehotsky: *Good evening Chair and Commissioners. The item before you is a Zone Text Amendment revising procedures that apply to the Cultural Heritage Preservation Ordinance. I'd like to direct your attention to the three items that were submitted following publication of the agenda packet. The first one are draft minutes from the April 27th, 2009 Historic Preservation Commission. The second item....*

Altschul: *Could you please lift up the microphone and maybe try to get your voice a little bit more amplified?*

Lehotsky: *Certainly. The second item is an opposition letter from the National Trust for Historic Preservation and the third item is opposition letter from the State Office of Historic Preservation. At the City Council meeting of April 6th, 2009, the late Sal Guarriello brought forward an item regarding the re-nomination of properties pursuant to the Cultural Heritage Preservation Ordinance. The proposal is an amendment to the Zoning Ordinance initiated by the City and applicable citywide. The staff report prepared by Council Member Guarriello's office stated that if the property owner attempts to counter argue the historical significance of their property during the nomination process, it is time consuming and financially burdensome to the property owner because they must hire*

attorneys, architects and consultants. As such, the Council determined that five years was not a sufficient amount of time for a property owner to recoup their loss. To alleviate this burden and increase property owner security and control over their properties without discouraging the public from participating in the nomination process, the Zone Text Amendment will (A) clarify that the City Council and Historic Preservation Commission can initiate designation proceedings when the application is filed either by the property owner or are initiated by City Council, (B) lengthen the period of time required to pass before the property may be brought forth by a member of the public for re-nomination for historic preservation from the current five years to 10 years and the last one is to ensure that all properties that were previously denied status of historic preservation more than five years ago but less than 10 years ago will not be eligible for re-nomination until 10 years have lapsed from the date of the City's decision. Now this direction from the Coun...or this directive is proposed as a Zone Text interpretation and not necessarily a revision to the Zoning Ordinance Text. As a result of this interpretation, 43 properties will be affected as this will require properties received...that received a non-designation decision from the City more than five years ago but less than 10 years ago to not be eligible for re-nomination until 10 years has lapsed since the City's decision unless new material is presented or discovered. The Historic Preservation Commission reviewed the proposed text amendment on April 27th, 2009, and provided advisory input. Commissioners were not supportive of the amendment because the amendment limits the Historical Preservation Commission's role and a reconsideration of past City decisions or non-designation decisions. Also, they felt that there were no substantive reasons to increase the waiting time for re-nomination from five to 10 years, that the criteria requirements are so stringent anyway for reconsideration of City's past designations or non-designation decisions that the reconsideration is not a typical or usual request and that there is no real evidence to suggest the existing Ordinance requires revisions. Additionally, the L. A. Conservancy was present and they had prepared a written response in opposition to the proposed amendments. And just a note that the item is categorically exempt from SEQUA. Thank you. Staff is available for questions.

Altschul: Thank you. Any questions? Barbara?

Hamaker: Can you give me an example of, it could even be hypothetical, of someone wanting to bring forward a property for reconsideration, what kinds of issues...what kind of new information would want, someone want to bring something historic?

Chase: For example, there might not have been a record of the architect and then through some means the architect was discovered or it may be that an important person or event, an important person had had an association with it that was not known and there was some kind of research that resulted in that or of simile an event. Those kind of sort of pieces of information can come to light in various ways because it's very common not to have a complete set of information for a site particularly if some heavy duty research hasn't been done.

Hamaker: Than it usually does not have to do with anything structural having to do with the property itself that was overlooked, 'cause that's pretty easily....

Chase: Yeah, generally in West Hollywood that would not be the case.

Hamaker: Okay, thanks.

Bernstein: John?

Altschul: Alan? Yeah.

Bernstein: *Geneene welcome to West Hollywood and I have a question either for you or John. You said that part of the purpose of this was because five years doesn't seem like sufficient time for an owner to recoup their costs. Could you sort of categorize what those are and if possible quantify what the costs involved are for an owner?*

Keho: *The costs involved would be if a property owner chose to hire someone to do their own research on why their property wasn't a potential Cultural Resource, so that's an elective cost that they would have to counter the argument and sometimes some people spend quite a bit of money hiring a consultant to do analysis of their property and then present that to the Historic Preservation Commission and Council, so it can go into the thousands of dollars.*

Yeber: *John?*

Altschul: *Yes, Marc?*

Yeber: *Two questions. What was the impetus? I know you guys aren't counsel, but what was the impetus for this even coming forward if you have any knowledge of that? Was there an application about to be submitted on a property that had previously been denied for designation?*

Keho: *I don't believe...I'm unaware of any nominations are about to submitted. I do know that there were a series of properties on Kings Road that were denied designation right about five years ago and so those are all coming up right about now.*

Yeber: *So was...so you don't...you're not aware that that was...that there were applications about to be....*

Keho: *Yeah, I'm unaware of applications about to be applied again.*

Yeber: *And then we...the L. A. Conservancy had about...around the same time five years ago had done a grade report on historic preservation throughout the entire County and we were one of six or eight cities that received an A. And have we looked at...had this been considered, this kind of amendment been considered in any of those other cities that are considered to be leaders in historic preservation and how does this fit with our neighbors when it comes to historic preservation? I noticed in the minutes here that we just got tonight that there were some questions regarding setting a precedent, which indicates to me that we may be going way beyond what is normally required. So I just want to know, have we looked at other cities carefully and found out if this discussion took place in those cities?*

Keho: *I guess we don't know if any...if this type of discussion took place in other cities. It is longer than most other cities. Some cities don't have it. West Hollywood doesn't do things that other cities do as well, so I mean each city tailors their ordinance to the uniqueness of their community.*

Chase: *Yes, either way I just wanted to say that the L. A. Conservancy gave us another A quite recently when they ranked the cities again.*

Yeber: *So, but you just implied there just a minute ago that there might be other cities that also have something similar in place. Are we the only...would we be the only city?*

Keho: *I'm unaware of any other city having one of 10 years. There might be other cities that have other time limitations, but I'm not aware of 10 years.*

Chase: *There are other cities that have other time limitations, but I know that the representative of the State...of the National Trust said he wasn't aware of any cities that have used the...were currently using the 10 year limit.*

Yeber: *Okay and why 10? How did you arrive at 10?*

Keho: *Ten was the term of the Council direction.*

Yeber: *And how did they arrive at it?*

Keho: *It was a Council direction item and I'm not sure exactly how the Council office derived that.*

Yeber: *' Cause it seems a bit arbitrary then, so that's why I'm asking these questions. Thank you.*

Altschul: *Donald?*

DeLuccio: *So, it's like three things before us this evening. Was that all direction from the Council? And what I'm referring to besides the extending it to 10 years instead of five, it would also take the Commission out of the loop between that five and 10 years. Was that direction from Council?*

Keho: *Correct, and all came at the City Council Hearing where the direction was given to staff.*

DeLuccio: *Thank you.*

Altschul: *Joe?*

Guardarrama: *No.*

Altschul: *Oh, sorry. Any...if there are no further questions, we'll open the public hearing and the first speaker will be Brian Curran.*

Curran: *Commissioners, hello my name is Brian Curran. I'm a resident of the City of Los Angeles. I am representing Hollywood Heritage. Hollywood Heritage has been working to preserve the historic and cultural heritage of the Hollywood, of Hollywood communities, all of the Hollywood communities for the last 25 years and we were very concerned as in many of our members are your constituents and asked us to become involved in this. The first thing I want to do is to read the quote that came out of the Historic Cultural, the Historic Preservation Commission, which is, this proposal unreasonably and without cause denigrates the effectiveness of our Historic Preservation Ordinance. It is inconsistent with the progressive spirit and reputation of the city. It is inconsistent with the General Plan and our status as a CLG and our A scorecard from the Conservancy and it is bad policy. So that is number one and Hollywood Heritage agrees with that as does the National Trust, the L. A. Conservancy, your own Historic Preservation experts, so we would urge the Planning Commission to consider that when weighing your decision. This...the Ordinance proposed is from our knowledge due to one disgruntled property owner and there are no...there...as we have learned, there's been probably one reapplication with regards to after a denial of the designation. So this is an occurrence that happens very rarely, so the time limit...I mean, doesn't happen, I mean doesn't take into account the reality of the actual need for such a time limit in terms of extending it to 10 years. So the 10 year limit itself is arbitrary and capricious. It is a deterrent to remove the public from the process because if they can't speak out during that time and only the*

owner or the City Council can actually do it, they are not encouraged to participate in the process in the protection of their own cultural heritage. These changes rather...so and also during the creation of this proposed change, there was no consultation with the preservation community. The proposed changes if enacted will create bizarre scenarios where you can have a nationally designated building in the City of West Hollywood which is ineligible for local designation. You will also incur scenarios where you will have property owners who will preemptively apply for designation with either incomplete or poor designations to start the 10 year clock. So these are the things that were not considered and also further removing the Historic Preservation Committee from the process moves it away from qualified professionals towards a politically motivated realm, which will only further damage West Hollywood's historic resources. Thank you.

Altschul: Bruce Kaye?

Kaye: Good evening Commissioners, Bruce Kaye, City of West Hollywood. I'm also the acting chair of the Historic Preservation Commission, though tonight I represent only myself. I'm here tonight to express my opposition to this historic preservation specific zone text amendment. You have received letters of opposition from the L. A. Conservancy, the National Trust for the preservation of historic places, and the California State Office of Historic Preservation and if that weren't enough, this City's Historic Preservation Commissioners have unanimously expressed their opposition to this proposed amendment. At the outset, we must ask whether the current five year prohibition on re-nominations is either arbitrary or inadequate and objective analysis reveals it is neither. Overwhelmingly, California cities set a mark of only one year on re-nominations while many California cities set no time period at all. At the outer limit is a five year mark set by cities such as West Hollywood. Diligent research has failed to reveal a single California jurisdiction with a 10 year period. A 10 year prohibition on re-nominations would be inconsistent with the State Cultural Resource laws, as explained in the letters from the Conservancy, the National Trust and Shippo. I am also deeply troubled by the way this amendment damages the effectiveness of our Historic Preservation Ordinance by eliminating the HPC's consultive role to reconsider designations. To justify any change to our current law, you must believe that the carefully calibrated balance between the benefits and burdens enjoyed and sustained by the public and property owners is in dire need of being reset. There should be one re-nomination, one reapplication and one re-submittal procedure for all land use and entitlement issues without making an extraordinary exception for historic preservation. During the past 25 years, this City has proposed and passed a great deal of distinguished legislation. Occasionally, mistakes are made. This is one of those moments. I urge you to reject the staff report without qualification. Thank you.

Altschul: Janie Collett?

Collett: My name is Janie Colletti. I grew up in what is now West Hollywood and I'm one of the many property owners affected by this amendment. First I'd like to thank staff for recommending the adoption of this amendment. It was Sal Guarriello's last initiative. Throughout his time on the City Council, he fought passionately for the rights of all West Hollywood citizens including those of us who lead our lives privately and quietly. We are suffering right now through the worst economic crisis since the Great Depression. It is unconscionable that we would further burden citizens who've already spent thousands defending their property with even more expense should their property be re-nominated. Those in certain quarters vitriolic in their written and verbal attacks would have the Planning Commission and the City Council believe that somehow this amendment represents the likes of medieval land barons. If that were the case, then how do you explain the many people who've had chance after chance to develop in some cases over a period of 60 years but never have done so? We're the longtime residents. We're little guys and gals that Sal was fighting for. We fought for the right of others and

we have to have the right to live in peace. You hear people drone on and on about what other cities do with the nomination process. Excuse me, that has no bearing here. As a much smaller city, what is potentially historic in West Hollywood is very well known. This is precisely why the same properties come up over and over again. No matter what other cities do, West Hollywood has always taken the lead when it comes to compassion for citizens. Until it was abolished, a City Ordinance in Montgomery, Alabama wanted Rosa Parks to sit in the back of the bus. Should other cities emulate that? In the last few days, President Obama has spoken of empathy. Sal's last amendment is very clear. It stems from empathy for people, living, breathing human beings, some of us are a bit older now. Many of us have lived here long before West Hollywood came into existence. This amendment protects many, many people, people who've already been through the exhaustive and expensive process of defending the sanctity of their homes from capricious nominations. Please adopt Sal's last amendment. It protects good citizens of this great city. Thank you very much.

Altschul: *Jeanne Dobrin?*

Dobrin: *Jeanne Dobrin, resident of West Hollywood. Ms. Collett just gave a speech that I suspect was written with the help of an attorney or an architect or whatever. Maybe not, but that's possible, because the main reason for people who claim that they've always lived in West Hollywood and want to live in peace in their homes sometimes is true and sometimes is not because they want to sell their property to a developer or they want to develop themselves and if it has historical nomination and succeeds, they cannot do that. You all have heard of one party favorable legislation. In other words, legislation passed for the benefit of a party. We do know that most people who are property owners do not want their property to be declared historical and the reason, for the reasons I just cited. I believe that this particular...I've been given to understand by my contacts in West Hollywood that this is a property that is owned by a woman and who wants to sell the property or develop it herself and her architect is the one who has importuned the City Council to put this on the record. I believe that that is true. And if she succeeds in this, despite the fact I do empathize with people who have to spend thousands of dollars for lawyers to defend something. As you probably know, I spent about \$35,000.00 to win a case against the City of West Hollywood and a developer. But I've collected the money from people and I gave it back to them, which they said was very nice. I feel that this is a big mistake. Our Historical Commission is against this. What is bad about it is that they've extended, are trying to extend the period to re-nominate it by an outside person and in the future no outside person is going to be allowed to re-nominate a property. Supposedly, only the owner of the property how...will...can nominate it for historical designation. How many owners do you think are going to go to the City and ask for historical designation? There is one slight benefit that they get and I can't remember what it is, is it the Mozak or something, which gives them a break on taxes but that doesn't make up for this. I urge you to not go along with this at all and to leave the situation the way it is. I think this is a concerted effort to try to trick the City into something that will benefit primarily at this point by two activists, a property owner and her architect who are trying to shove this through. Thank you. And it's retroactive I heard too.*

Altschul: *Peter Gershwin?*

Gershwin: *My name is Peter Gershwin. I grew up in West Hollywood. I went to Rosewood Avenue Elementary School. After that I received degrees in Human Sciences from Oxford. Later on I was a Fellow at Yale writing on social issues, particularly on the points of social justice and some of you may...if you recognize my name, it is not because I'm a great composer, it's because you may have heard my work on NPR or in various newspapers. But you needn't be an Oxford graduate or a Yale Fellow to know that this is a necessary amendment. It provides essential protection. There's a clear history in this City of abusive, self-serving filings against the property of others solely for the benefit of the Applicant. It may diverge from my written words for a moment to say that things are a*

little upside down here because when I speak of...if you speak about disgruntled people, many people who have lived here for 40, 50, 60 years have lived their lives quietly and then their homes are brought up for historic designation. Forty-three properties are affected by this, so it's a little topsy-turvy here. I'm stunned that the Historic Preservation's Committee best argument against Sal's amendment is that it's unsubstantiated. The evidence to support it is overwhelming, but first let me dispel the fiction. One, contrary to what the L. A. Conservancy would have you believe this amendment but does not severely limit the ability to re-nominate a property for local landmark status. It's a compromise. If new information emerges, all the Conservancy need do is bring it before the City Council. All this amendment does is put in checks and balances. Let me repeat. Checks and balances. A neutral party for review. An application can take place any time during the period. It's not five or 10 years like they're having you believe, you can do it at the sixth or seventh year. All the L. A. Conservancy has to do is bring it to the City Council for review. What this does, it...all Sal's amendment does is extend a little time to people who've already been through the exhaustive nomination process. It protects the little guy or gal. Not Exxon Mobil, not landlords and developers from being...it protects people from being abused by anybody who wants to...with \$60.00 in their pocket who can file the fee. Two, some whine that L. A. does this and San Diego does that, that's irrelevant. West Hollywood is a much, much smaller city. That's part of the reason nominated properties undergo such a grueling review. The precedent West Hollywood must continue is leadership in core values and compassion for all its citizens. Three, it does not, quote on quote, not my words, castrate the HPC. The HPC can certainly give input. What Sal's initiative does beautifully is extend the time that a West Hollywood citizen cannot be harassed by self-serving parties. Two more minutes. I have written extensive....

Altschul: No, no, time's up. Thank you.

Gershwin: Thank you.

Altschul: Gladys Monaster?

Monaster: My name is Gladys Monaster and I have lived in West Hollywood for over 55 years. I want to thank the staff and the Planning Commission for their efforts. I have been through the nomination process and I can tell you that what is stated in Sal Guarriello's amendment is true. The cost to the homeowner is enormous and asking them to repeat the process every five years is astonishingly unfair. When my house was nominated, I had to hire a lawyer and an architect to help me establish what seemed to be evident to everyone who examined the house. It was clearly not historic. After investing nine months of my time and much money, my house was declared non-historic. It was one of the most stressful times of my life. And I gained nothing because I'm here today because I know that I can be re-nominated again at any moment, so I live in fear. I see my house as a target for any random passerby who might say, "Hey, that's a nice house. Let's preserve it." I'm a senior citizen with a limited income and I don't have the resources to fight another nomination, but there's absolutely nothing I can do to stop it. If you're looking for a reason to amend the Ordinance, look at the 42 other homeowners in the same situation as I am, dreading the day it will all begin again. Please, please remember, the amendment places no limitations on historic preservation. It affects only properties that have already been declared non-historic. Preservation will continue without interruption, but the homeowners of West Hollywood will be protected as well. Thank you.

Altschul: Thank you Mrs. Monaster. And our next speaker is Susan Monaster.

Monaster: *My name is Susan Monaster. I presently live in Marina Del Rey. I grew up in West Hollywood in my mother's house and I am here to support her. I have some things that I had written to say, but I have to say that I'm astonished and offended by some of the things that have been said. I believe it is my mother, I believe it is my mother who has been referred to as a disgruntled homeowner. That is offensive, sad and unfair. It has been stated I believe that her architect importuned the City Council? That's absolutely untrue. The late Sal Guarriello's proposal stated that although cultural, culture and heritage are among the many pillars that have upheld the health and well being of the City, the secured rest. The code must balance the public interest in preserving the history and culture of West Hollywood at the rights of property owners over their properties. I believe that the cultural and historic and the beautiful, the beauty of structures in the City are truly important to the soul of people, but the structures are made of stone and wood and tile and cement and inside these structures are people. You take off the roofs, there are people living their lives. My mother has lived here for 56 years. She....*

Altschul: *Ms. Monaster, please excuse me.*

Monaster: *Yes.*

Altschul: *Jeanne?*

Monaster: *Sorry?*

Altschul: *Don't talk while this lady is speaking. Thank you, continue, I'm sorry. Would you give her the extra time?*

Monaster: *Thank you. Since before West Hollywood was West Hollywood, she fought against development. All the houses around her were developed. My father and she never wanted to do it. They preserved their house. To see her going through this at this time in her life, to see what she went through five years ago and may have to go through again is sad. The house is no longer her sanctuary as it should be. It is not her sanctuary. She's been frightened about it since she was nominated. What else do we have to say? And I have to say the voices that have been...have spoken against this, the bodies that...the bodies, the preservation bodies, the Conservancy, the National Trust, they all have a purpose in mind that I believe in, but this is an example of the forces that can be arrayed against a single person trying to preserve her home. I think that's about all that I have to say. There has been talk of a survey that was taken of other cities but we don't know what the procedures of the other cities, how they might include the rights of the homeowner. A precedent is not necessarily a bad thing. There have been many laws that we could state that have been very good laws that are precedence. Thank you.*

Altschul: *Thank you. And our last speaker will be Catherine Hahn.*

Hahn: *Good evening. Catherine Hahn, resident of Beverly Hills. I'm also a Commissioner on the Historic Preservation Commission, but tonight I'm not speaking as a Commissioner, I'm here speaking only as a resident and concern for this item. I am against this item. I've stated that in the notation and I feel I'm in good company, the National Trust for Historic Preservation, the State California Historic Preservation and the L. A. County Conservancy. That's pretty good company to be in. They certainly hear the...the State has said that this is not consistent with best practices in the field, in the historic preservation field and that extending this time more than five years, that there's no local government in California and you have those facts. We did receive an A and we've received this A a second year, but with this change, certainly West Hollywood who loves our awards, no doubt we will be an F next year. But I want to talk more about the item as it was brought and why and the rationale is it's time consuming and financially*

burdensome. That is the choice of the homeowner to hire an attorney. I have been on the other side where I have nominated someone and it certainly was defeated by the Council because the person whose house we were nominating did not hire an attorney. Council does not approve designations unless the homeowner agrees. Fifteen years in the City, not one has ever change...has been approved without consent from the homeowner. Thank you.

Altschul: *Thank you and that concludes the public testimony portion of the public hearing. Discussion? Joe?*

Guardarrama: *I have a question for Marc. You were on the Historic Preservation Commission. I just wanted to know what your thoughts were before anybody else spoke.*

Yeber: *Well, I sort of feel like I understand the background of this and I certainly understand the side of the property owner. It is a very arduous process to be all of a sudden thrust into by a neighbor or someone who lives on your block simply because they want to preserve, you know, either a view or a pretty front yard or a nice looking house. In this particular case, Mrs. Monaster's house was one of six houses that were before us on Kings Road in response to the proposed development next to the Schindler house. And it was a very long process and so I certainly understand from that standpoint. I'm concerned that...and the whole reason for this was to eliminate capricious nominations. I totally get that. A lot of nominations, I shouldn't say a lot, but frequently nominations are made not for the purpose of historic preservation but for the purposes of stopping development and it takes a lot of staff time and a lot of homeowners' resources to sort of defend that. But I'm not sure this Ordinance addresses it. I'm really troubled by the Ordinance because (A) it takes the issue out of the hands of the Commission and the Commission is there because they have knowledge on historic preservation issues and to squarely place that in the Council I think is problematic. Ten years, how did we come up with that? I mean, there's so many problems with this Ordinance. So at this point, and I'm waiting to hear discussion from everyone else, I don't know if I can support this.*

Altschul: *Donald?*

DeLuccio: *I think Marc said it well. I...my two concerns are that the Commission is taken out of the loop and it doesn't...and I don't know about...in 10 years, I don't know where the 10 years came from and other cities, I mean just from what I've heard this evening, a lot of other cities have less than five years or if they even have a restriction on the time when you can, you know, reapply for a nomination. So I mean I think the intent is in this Ordinance, I understand how it came about and I think there's good intention in this, but I think if we recommend this to Council, even though I realize they sent it to us to go through the process and then it goes back to the Council, I just think it could create more problems in the future if this was enforced.*

Altschul: *Barbara?*

Hamaker: *A couple of things. Oddly enough about...I don't know if it was 10 or 12 years ago, I don't know if John Chase was here, but one of our Planners had a task force who was actually writing the Ordinances involving historic preservation in the City and I as an eastsider sat in on those. I didn't particularly participate. It was in the main EOC Conference Room and there were...every...it seems like every week they had a meeting or once a month for quite a long time and being a renter, it was new material for me and I just really sat and listened and I was amazed at the number of property owners in the City who happened to own historic properties and who were burdened by the cost of owning it. They loved the property, but at the same time everything had to be original. Window things and everything, it was so expensive to maintain historic properties. There was a lot of discussion about that. So I'm saying that by way of, of having a lot of empathy for what*

goes on in an area that I really don't know anything about. So, I am distressed by the thought of capricious nominations, so I'm going to just ask a couple of questions. How can prop...agreeing with what has been said on both sides, how can property owners who have their properties nominated be protected from capricious nominations, number one. And could not the cost burden of defending themselves be placed on the person who is bringing forth the nomination itself? Or is there some other way that that cost burden in defending their property be borne by someone else? So those are just suggestions and questions I'm throwing out.

Keho: I can try to address the capricious question. Obviously it's difficult to know the intent of someone who submits an application, so we don't know what the intent is. A nomination that comes before us has to meet...there's an application form with a lot of information that they have to submit for a nomination. It has to be deemed complete before we can process it. So, it's hard, we can't...we don't know what the intention is so if someone is submitting something that's capricious or just they don't want something to happen on the neighbor's property, they still have to go through all the effort as someone else who has historic preservation in mind as far as filling out an application form, doing research on the property and providing all that information to us and making their case. So, you know, we're not going to be able to tell two applications, which one is based on historic preservation and which is based on trying to stop a project because they have to submit the same information to us. We haven't taken a look at the other issues about spreading the costs of defending that property around. I'm not sure if we could make it the cost of the person who submitted the nomination in the first place.

Hamaker: John, at what point does...is the property owner of a potential historic property notified that their property is being nominated or re-nominated, right at the beginning?

Keho: Right, it's very early in the process.

Hamaker: Okay and about how long, or is it arbitrary, the process that it takes once someone brings...?

Keho: It can range a considerable amount of time because, you know, like some development cases, it takes a long time for people to submit a complete application then frequently property owners submit their own information and so staff has to review both sets of information and then reach a conclusion to make a recommendation to the Historic Preservation Commission...

Hamaker: So does the....

Keho: ...so it can take several months.

Hamaker: Does the property owner begin the defense phase after the nomi...this lengthy process of research has been done and they submit their nomination or their...?

Keho: They can submit their...typically what happens is the property owner submits their rebuttal, if you want to call it that, and each PC reviews both at the very same time.

Hamaker: Okay. Got it, thank you.

Yeber: John, a quick question to follow up on what Barbara, when you said that the applicant has to submit an application and do the research, that research isn't necessarily coming from any professional source, it could be research they did on their own, right?

Keho: Correct, it's whatever....

Yeber: You don't require....

Keho: We don't require....

Yeber: A professional....

Keho: No, we don't.

Yeber: I mean, is there a way to better address the issue of capricious nominations? Isn't a better strategy to request that an applicant hire maybe from a list of approved City contractors, some basic research to deem an application correct? I mean, that would help take some of the burden off staff and the homeowner in terms of understanding what this application is about, if it has any validity before they get into this entrenched process. Is that a possibility?

Keho: I'm trying to understand, so you're saying as part of that application, whoever submits a nomination would have to hire someone to prepare the application?

Yeber: To do the necessary research that you staff are looking for to further advance the process.

Keho: I suppose we can make that a condition of one of criteria for submitting a nomination. We do that a little bit in some of the historic preservation issues when it comes to the Mills Act. We require people to provide information from a Certified Historic Preservationist, but not for a normal nomination.

Yeber: Okay, well, I just...I guess I'm going to go out on a limb here and I'd like to make a motion to deny staff's recommendation on this and maybe come back with a different kind of Ordinance that helps alleviate some of the problems regarding the nominations that are not for the sake of true historic preservation, 'cause I don't think....

Altschul: Perhaps Marc, would it...would you consider making a motion to continue the item with a direction to staff to come back?

Yeber: I'm open to that. I am certainly open to that. I, I just...I'm not comfortable with the language right now and I'm certainly not comfortable taking this out of the hands of HPC. That's why they're in place and I think we need to keep that in place and the 10 years seems a little...seems arbitrary and I think we can achieve the same objective with a different means.

Hamaker: I would second that motion.

Altschul: Joe? All right, Joe?

Guardarrama: Just as a point of clarification. Your motion is to remove the time limitation and put in something that actually would work to prevent capricious nomination or...?

Yeber: That's my objective. I'm not making that motion. If someone would like...if you think that's a possible direction....

Guardarrama: 'Cause what I do have objection to is the time, the time frame not actually remedying the problem, so that's...I just wanted to make sure that was part of your motion.

Yeber: Right.

Guardarrama: And with all due respect to Sal. I mean, I understand what he was trying to do, but I'm just not sure that the remedy is working.

Altschul: Well, I understand what Sal was trying to do and I thoroughly agree with it. I with horror remember watching the designation attempt process of the Kings Road house that the Monasters own, I guess five years ago now and it seems like two months ago and thinking this process is not fair and I think Mr. Gershwin put the whole thing in wonderful perspective. I think the staff's recommendation is only directed at individuals. No single individual can under this piece of legislation would be allowed more than once every 10 years to start this process. That doesn't mean that the body politic and the City couldn't start the process. It doesn't mean that the Conservancy organizations couldn't start the process. And I believe there's also language in this Ordinance that says unless there is a showing of substantial change of circumstances. Now what in the world would impede a legitimate historical conservancy organization from bringing something before us or before the City if they could show substantial change in circumstances? And if they couldn't, what in the world is the purpose of maintaining the status quo? In a small city, I don't think 10 years is too long and the one individual who said, well, why pass something just for one individual? In a democratic society especially in a progressive democratic society such as West Hollywood is, one individual is...one individual matters. And if this...I don't think this legislation benefits just one individual. I think it benefits a great deal of people. So I'm thoroughly comfortable with it. Might consider perhaps inserting the HPC a little bit stronger into it and putting them on a par perhaps with the Conservancy organizations, but I know Catherine and I lived in a neighborhood together for a long time where there was an individual that ran around trying to designate things in advance of development just so as to stick a roadblock in the way and this is so capricious and this is so onerous. Another thing, when you're looking at these things, perhaps we could require a bond of any individual who brings an action for historic designation. A substantial bond, something like \$50,000.00, so that in the event that the designation is denied, the \$50,000.00 is remitted to the owner who had to defend. If the designation is granted, the bond is returned to the applicant. So, you know, I think there are ways to prevent capriciousness that are solid business practices, but I don't think that any individual...what in the...why, why in the world would Mrs. Monaster's property on Kings Road five years from last time, like today, be any more historic than it was five years ago? You know, I don't suppose she's had the Queen of England sleeping there for the last three weeks, have you?

Yeber: But, John, if I may, I mean that's the whole point is she would have to go through that process again. Sure there may not be any significant, but she still has to go through that process.

Altschul: And that's what I want to prevent.

Buckner: Well, John?

Altschul: Yes?

Buckner: I was thinking along the same lines of putting into the Ordinance something where...which would require the applicant to either pay a fee with...along with the application or the bond is probably a good idea. And also that they have to do more than just submit an application, they have to really do some research. I do think that it's more than just...they got to do more than just submit an application without some more being done than apparently has been done in the past.

Altschul: Right, I like Marc's idea about submitting an authoritative document that the applicant has paid for and I don't believe we can charge fees that are not commensurate with services rendered, but I think it's...it would certainly be possible to require a bond to be held in trust for the benefit of the home...of the property owner should it be deemed not historic. Donald?

DeLuccio: Yeah, I think everybody has great suggestions and one thing which we used to do and I see sometimes, it'd be very helpful to me. I actually watched the meeting that evening, the Council meeting and Sal's...the staff recommendation that Sal made as Deputy Donna made, this is not exactly what evolved out of it. Direction is different than the original staff report I believe that was presented. It'd be helpful in the future, which I see sometimes, to have the staff report as an exhibit and also the Council minutes as well 'cause I think that'd be very helpful to have that information 'cause that would have definitely helped me this evening, but I did watch that meeting and I know there's not...this direction is different than was originally in the staff report presented by Sal Guarriello and was Deputy Donna, so....

Altschul: Is there any further direction or thoughts that we want to communicate to the staff in the pursuit of the revision of this draft ordinance?

Yeber: Just to reinsert the role of HPC. That's why they're there. I think it should come before them. Let them look at the documentation. They understand the documentation and let them give their recommendation before it goes on to Council, you know. So that's...I'm really emphatic about that one.

Altschul: And the City has sort of plugged up one of the holes that was misused in that there were people that used to go around filing designations the minute an application for development was filed. Well, the City sometime ago said you can't do that. If you're going to file an application for designation, it has to be before a development application was filed. So, you know, there have been protections that the City has granted to individuals in order to protect their peace and their quality of life and I think this is what we should...have foremost in our mind.

Yeber: Was it...if I'm not mistaken, the five year rule actually is a recent implementation as a result of the 26 properties that were nominated back in 2000, 2001, I think it was called the Thematic Courtyard just a grouping that there was even...originally we didn't have a time period in which you couldn't...you could re-nominate something, so I think that even the five years is a recent development. So, I just want to make sure that we are changing the Ordinances, you know, for the right reasons using the correct means to do so and I'm not sure this does it right now so I'm hoping that we can continue this item and allow staff to go back and relook at this.

Altschul: Anything further, further direction?

Bernstein: Is your direction though...looking to close loopholes on capricious nominations makes a lot of sense to me, but are you also objecting to the 10 year window in your motion? I'm a little....

Yeber: I'm not, I'm just not so sure that...I don't...the reasoning for the 10 years isn't really clear to me and the third thing is HPC's removal from their role is bothersome.

Bernstein: Yeah, I really appreciate your comments on the capricious nominations and on making sure that HPC has an appropriate role. It does seem the way that staff drafted it, there is a clear mechanism if truly special information becomes available within the 10 year window to move forward and I am struck at the tremendous cost and stress and inconvenience that owners go through for lesser nominations. I have to say that I'm not fundamentally put off by the idea of us being a trailblazer. We in our community have

not been afraid of being trailblazers for other things and since there does seem to be a well crafted window for what to do in the 10 year window if something extraordinary comes up, personally I'm not bothered by the 10 year window.

Altschul: Donald?

DeLuccio: *Can I say one more thing? Yeah, but I'm taking this as being the given direction now and staff is going to come back and are we going to do this to a date...I would like to do it if we can to a date certain just so we can resolve this....*

Altschul: *I think it would be more beneficial to, if we can, to do it at a date that it is convenient because there's so much confronting staff right now, the agenda's are so full that I don't think that this is a particularly, you know, this is particularly imperative. I'd like to get it done as soon as possible, but I know that you're reasonable in your approach to these things.*

DeLuccio: *Well, they all have to be re-noticed and trying to just make sure the people that came out this evening will know about it. That's fine.*

Altschul: *Any further comments or direction? Not. Thank you very much. That'll conclude the hearing on this matter tonight and it will be....*

Gillig: *John, there's...I think there's a motion on the table.*

Altschul: *Oh, I'm sorry, **there's a motion to continue it to a date uncertain to a date to be determined to...for the staff to do some research and redraft the Draft Ordinance based on the direction given.** Who made the motion?*

Yeber: *I did.*

Altschul: *Marc did.*

Hamaker: *I second it.*

Altschul: *And Barbara seconded it. Roll call please?*

Gillig: **Commissioner Yeber?**

Yeber: **Yeah.**

Gillig: **Commissioner Hamaker?**

Hamaker: **Aye.**

Gillig: **Commissioner Guardarrama?**

Guardarrama: **Yes.**

Gillig: **Commissioner Buckner?**

Buckner: **Yes.**

Gillig: **Commissioner Bernstein?**

Bernstein: **Aye.**

Gillig: **Vice Chair DeLuccio?**

DeLuccio: **Yes.**

Gillig: **Chair Altschul?**

Altschul: **Yes.**

Gillig: **Motion carries unanimous.**

Altschul: *Thank you very much and we'll take a five minute break.*
//wci:rg

(ITEM 9.C. OFFICIAL RECORDING ENDS).

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:35 P.M. AND RECONVENED AT 8:45 P.M.

**D. Zone Text Amendment 2009-003.
(Economic Hardship Package):**

The proposal is an amendment to the Zoning Ordinance initiated by the City and applicable City-wide. Pursuant to Section §19.78.040 (Commission Action on Amendments), the Commission shall make a written recommendation whether to approve, modify, or deny the proposed amendments based on findings as outlined in Section §19.78.060 (Findings). Required findings are based on consistency of the amendments with the General Plan.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Lehotsky: *(BEGINNING CUT OUT) package and direct the staff to return to Council on April 6th with an update on implementation procedures. At the April 6th, 2009 Council meeting, Council directed staff to initiate a Zone Text Amendment. As such, the proposal is to increase the number of special events, I'm sorry, increase the number of special event permits from four to 12 with the additional eight permits limited to Class C events, allow flexibility and parking for art galleries and hotel design showrooms within the Avenues of Art and Design, clarify that this decision should not lose an allocated special event permit for City sponsored events on their property and eliminate swap meets from the list of permissible events. These revisions will be accomplished by two vehicles, one a temporary Ordinance and the other Zone Text Amendments to the Zoning Ordinance. Both are city initiated and will apply citywide. The Zone Text Amendment will revise Chapter 19.54 to eliminate swap meets from the list of permissible special events because since the city's incorporation, an application for a swap meet has never been submitted. Additionally, the amendment will clarify that businesses will not lose an allocated special event permit when hosting a city sponsored event that occurs at their location. In addition to the amendment, an Ordinance is proposed to temporarily suspend existing regulations to increase the number of special events allowed per business per calendar year from the currently allowed four to 12 and to temporarily allow flexibility and parking requirements within a specific area of the city being the Avenues of Art and*

Design when converting from existing non-conforming general retail to art gallery or hotel design showroom and then back again to non-conforming retail uses. These temporary changes are proposed to become effective from Council adoption of the Amendment and Ordinance through December 31st, 2011. On January 1st, 2012, the existing special event and parking standards will again be applicable. Pursuant to the City's current special event process, event applications are separated into three different categories, Class A, B or C. Class A events are the largest and which may close off streets and would potentially have the greatest impacts on the community. An example includes the Elton John Oscar Party and might entail large tents code and parking enforcement and code officers in attendance. Class B events are smaller than Class A events and generally include amplified music, tents, stages, etc. An example is Justin Timberlake at the Villa. And Class C events are the smallest type of event and generally include grand openings, sidewalk sales, extended hours, etc. An example would be Stella McCartney with a step and repeat on the sidewalk. And I could go further into the process for special events if you like. No? Okay. The other part of the temporary ordinance is flexibility in the parking requirements within a specific area of the City, the Avenues of Art and Design. Current parking regulations stipulate that when a change in use requires more off street parking than the previous use, additional spaces shall be provided equivalent to the difference between the number of spaces required for the immediately previous use and the total number of spaces required by the new use. The Zone Text Amendment will temporarily allow a change in use from non-conforming general retail to art gallery or hotel design showroom and back to non-conforming general retail without changing required amount of parking for the use. This allowance in no way constitutes a loss in actual parking spaces, but demand for those parking spaces would be reduced while the art gallery or hotel design showroom use is occupying the tenant space. The flexibility is only proposed within a specific area of the City, again the Avenues of Art and Design. If these changes are not allowed to occur, local businesses will continue to struggle through the economic downturn. The Amendments provide additional flexibility and the opportunity for businesses to adjust to the changing economy. The City has analyzed the project and determined that the project will not have a significant effect on the environment. Any changes to traffic, parking, noise or lighting due to the increase in special events would be temporary and would cease upon completion of the event. Additionally, the temporary flexibility in the parking requirements would not result in the actual loss of parking spaces and based on these findings, the City has prepared a negative declaration. Staff recommends that the Planning Commission recommend approval of the Zone Text Amendment to the City Council. Thank you. Staff is available for questions.

Altschul: *Any questions or comments of staff at this time? If not, we will open the public hearing and the first speaker will be Bruce Robertson.*

Robertson: *Good evening Chair Altschul and members of the Planning Commission. The reason I'm here tonight is...well, at least speaking, is I was walking down the streets of Westwood the other day and I typically am against A-frame signs on the public right of way. I think they are unsightly generally and they often times obstruct passage for our disabled and senior communities. And I think the City historically has been hesitant to want A-frame signs on the public right of ways. Well, however, I remember during the Santa Monica Boulevard reconstruction, the City Council and Code Compliance specifically allowed A-frame signs to try to bring business to our local businesses and I believe that the tax revenues for that the City was provided or received from businesses during that time did not significantly decrease. Anyway, as I was walking down Westwood the other day, I saw the most amazing A-frame sign. It was in a place that did not obstruct the public right of way and it was beautifully done, the content of the sign was professional, the sign was not too large and it actually made me want to go into that business. I mean, it was a thing of soup or something, but it was really, really nice and I thought, you know, maybe there is a way the City of West Hollywood, and although this isn't a part of the staff report tonight, but it is kind of a part of a system in helping our*

businesses with during these economic times. Maybe we could have a way that we could just as we permit signs for businesses and we tell them how big they can be and what the content should be and, you know, so that it's esthetically pleasing to the community, maybe we could do that with A-frames, make them the correct size, make them so that they would only be allowed in places of the City where it would not obstruct the public right of way and we would maybe be able to actually permit the content so that it would be professional and pleasing to the community and it would maybe help our businesses. So anyway, just an idea, I know it's not specifically on the staff report, but just an idea. Thanks.

Altschul: Thank you, Tony Rivers?

Riviera: Good evening everyone, my name is Tony Riviera. I'm the CEO owner of Primo Hospitality Group. I own several restaurants in the City of West Hollywood including Café Primo, Primo Bistro on Santa Monica Boulevard and Tony's Steakhouse on Sunset Boulevard as well as the Cristoni Pizzeria chain. The reason that I'm here tonight is to ask the Commission to suggest or suggest to the Commission that they might be able to suggest to the Planning staff that the possibility of maybe adding more entertainers in some of the restaurants that have, you know, live entertainment or have a CUP for two or three entertainers such as myself that caters to, you know, that 35 year old plus demographic. You know, we've passed an Ordinance where ambient music could now convert to disc jockeys and, you know, and that's fine and dandy for young Hollywood and that's great and, you know, we're excited. It's very easy for me to convert, you know, my steakhouse to a clubby scene, but that's certainly not the demographic that I have and it's certainly not what I'm looking to do. So I'm hoping that, you know, with this economic hardship package that we could take a look at, you know, the piano bars and, you know, some of the businesses that are opening up that are trying to do piano bars and maybe add, you know, that trio or the quartet, you know, so that we could offer light jazz, which will definitely, you know, stimulate business, you know, for us because it'll certainly be a draw that really isn't in West Hollywood right now. There really isn't any jazz clubs or any place for the 35 plus year old clientele to just sit and relax. You know, it's either, you know, hard core rock or, you know, a big night at Villa or you know, sit at Café Primo and listen to, you know, music from the 70's and drink a glass of coffee. So I just think that it's something that's been overlooked and it is certainly been left out and it would, you know, really help a couple of the restaurants that are trying to bring and keep the 35 plus, you know, clientele in the City and I hope that you'll suggest that the Planning Commission will add that as part of their economic hardship package because, you know, we're certainly feeling it. I wouldn't have signed the leases and committed to millions of dollars had I known the economy was going to take the turn as it has and, you know, so I've spent millions of dollars on a new steakhouse and, you know, I see 20, 25 people on the weekends. It's very busy, but during the week it's not and I think that, you know, it would really help me pay my bills if I could draw a little bit more by, you know, having a trio. Thank you.

Altschul: Thank you, Jeanne Dobrin?

Dobrin: Jeanne Dobrin, resident of West Hollywood. I was trying to write this in such a way that it makes sense. I was trying to speak extemporaneously. I'm opposed to this whole change here for the simple reason, for the change in the increased number of events, hours, uses and both in residential and commercial areas for the simple reason that I say to you as I've said many times, I speak about our Code Compliance Division which is overburdened, understaffed and underfunded and I think if you'll question Dan who's here tonight he might give you some information on that. He's one of our more assiduous Code Compliance Officers and always very responsive. In general, I think it's a good idea to loosen some of these restrictions especially about the economic crisis, which even though I know was not going to last forever under our wonderful President

Obama. But I am in favor of some loosening, but I think this goes far, far, too far and I will agree that maybe it should take place the way it's been offered if there will be a big, big increase in the budget of the Code Compliance Officers and more officers will be able to respond more favorably and in a more timely basis when they can. Many times complaints that are made about something have to be put off for 10 days or so before they can even look at it. Thank you.

Altschul: Sharon Sandow?

Sandow: Good evening, Sharon Sandow, City of Los Angeles, representing the West Hollywood Chamber of Commerce. We are very supportive of the economic hardship package as a whole and certainly the items that are specifically in question tonight. Special events bring in visitors from all around the city and West Hollywood really needs some vibrancy and really needs to enliven the business community. We are suffering as a business community and because social services are paid for by the business community, it's important to enhance and enrich our businesses and to provide them opportunities to support themselves with more special events and more opportunities to gain business and stay in business. So I urge you to take this under consideration and to approve this this evening. Thank you.

Altschul: Thank you, Joseph Clapsaddle?

Clapsaddle: Joseph Clapsaddle, City of West Hollywood. I'll be very brief. All you have to do is walk down Santa Monica Boulevard, Sunset Boulevard, even our esteemed shopping area where Tony has his businesses to know that we are in a desperate, desperate situation. So I would be very brief in saying that I think the staff report should be accepted and I would urge the Commission to accept it. I would also like to speak off the record about two items. One is the gentleman who spoke about the signage. I would like to have some more thought gone into that and would urge you to have some consideration in terms of making signage a part of this economic stimulus because it is a way for us to allow our smaller businesses and our large businesses to attract customers. And lastly, last night was such a historic moment in our city and I just want to take this opportunity to thank Joe Guardarrama and John Altschul and Don DeLuccio and Sue Buckner for placing themselves in nomination for the City Council position. You provide tremendous service in your present capacity and I must say selfishly I'm glad that none of you got it. So you're here when we need you. Thank you very much.

Altschul: Perhaps you might consider as a business stimulate if you gave away one of your Jaguars (TALKING OVER)...

Clapsaddle: I would love to do that, John. Business is bad.

Altschul: ...in a different business. Thank you.

Clapsaddle: Thank you.

Altschul: Bill Hynes?

Hynes: Good evening Commissioners, Bill Hynes, resident of Los Angeles, on behalf of the West Hollywood Marketing & Visitors Bureau. Special events are key and crucial to the City of West Hollywood especially for the hotels. The TOT tax is the largest revenue source for the City of West Hollywood. In addition to that TOT tax, those same guests that are staying in the hotels are spending sales tax dollars and parking revenue. In February alone TOT was down 16% this year from '08. That's a drastic and it's not just because the economic development that's...or crisis that we're in right now, it's also increased competition from around, Hollywood and Downtown. We've new hotels coming on board in November at the W Hollywood and 1,000 rooms downtown next January. I

really encourage you to pass this provision. We have to be competitive and right now we're not competitive. Not allowing the hotels to have just four permits a year is not acceptable. Salespeople can't sell if they don't know what they can sell and if they can attain a permit or not. It's really crucial that we do this to provide and continue the social services of West Hollywood. Thank you.

Altschul: And Jan Henningsen?

Henningsen: *Good evening, my name is Jan Henningsen, I'm a resident of Los Angeles and also the General Manager of the Standard on Sunset. We currently have four permits per year we can issue, you know, or request from the City to our special events. Two of them are basically already committed when we start the year. We always have to have a New Year's Eve Party, which most hotels do. We also want to do something on Halloween and that leaves us basically two events we can request for the year. And the increase of eight additional Class C permits, you know, would bring us to 12. Twelve permits for a year that has 365 days, I don't really consider that a really high impact. The Class C, just what Class C means is no amplified music, you know, that means no street closures or no impact on the community around us, so I really don't see a reason why we would be denied. And all of these permits always need City approval, so we cannot just go and say this is our permit, we fill it out ourselves. No, we go to the City and they evaluate the situation, make sure that, you know, what we're requesting is appropriate, so I think that's still plenty of controls over the process. So I really hope you can support this. You know, like the previous speaker said, you know, it's a tough year and I think it will continue to be tough with the emergence of Hollywood and Downtown and those events bring guests to Hollywood, they bring guests to our hotels and they bring people to stay in our hotels that allows us to give hours to our staff and that's what we're trying to do right now. Thank you for your support.*

Altschul: Thank you and that is our last public speaker. That will close the public hearing. Is there any discussion?

Bernstein: I have a quick, a quick question and then....

Altschul: That will not close the public hearing. You want a question of staff or question....

Bernstein: Of staff.

Altschul: That will close the public hearing. Ask your question.

Bernstein: Ms. Dobrin made a comment that had been a little unclear to me in the staff report. I just wanted to confirm this. I...my understanding is that this is not an increase in special permits in residential neighborhoods, but can you confirm that?

Lehotsky: Yes, that's correct. Special event permits are not allowed to be issued within a residential area, only commercial areas.

Bernstein: Okay.

Altschul: Well, now just a second, what about hotels in residential neighborhoods and I understand that this does extend to the...something like the London.

Keho: It extends to hotels in commercial zones and hotels are in sometimes a Specific Plan and a lot of hotels, there are some, a few hotels that are in residential zones. They have CUPs so they can comply with their own issues, but the special event permits we don't allow them in residential zones.

Altschul: Thank you. Any other questions?

Hamaker: Yeah, I have a couple comments. The gentleman that saw the sandwich boards, did you take photographs of them? Go back and take photographs of them. I like the idea of adding...I didn't know people liked piano bars or jazz quartets anymore. I thought I was really older than, you know, so I would love to have jazz quartets and piano bars. What...Susan or John, what kind of permits would have to be changed? What kind of Ordinances would have to be changed in order to permit that?

Keho: I think...what they're intending is we allow two entertainers in a restaurant and that's just considered normal operating procedure, so to make it the same thing but expand it, we would need to change the definition of a restaurant to include let's say up to three entertainers.

Hamaker: And it couldn't be folded into this in any way?

Keho: It didn't advertise a change to a definition section. Let me check with the City Attorney to see...chat with him real quickly to see if that had to have been advertised.

Hamaker: Okay.

Altschul: Motion? Alan?

Bernstein: Yeah, I would hope that as part of our General Plan rewrite we revisit some of our definitions of nightclubs. I think that's a really worthy conversation, but for right now the hour's moving along and this motion seems to me simple and sensible and the impact seems quite minimal and I don't want to shut down conversation, we can have that, but **I would like to move the staff's recommendation.**

DeLuccio: I'll second that.

Altschul: All right, any further discussion?

Guardarrama: What was the answer from the City Attorney?

Keho: No, since we did not advertise a change to that section, we can't have...change that part.

Guardarrama: All right, I'm in support of the motion.

Altschul: If there's no further comment or discussion, all those in favor of the motion say aye.

All: Aye.

Altschul: Opposed? Passes unanimously.
//wci:rg

(ITEM 9.D. OFFICIAL RECORDING ENDS).

10. **NEW BUSINESS.** None.
11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.

13. ITEMS FROM STAFF.

A. General Plan Update.

Susan Healy Keene, Director of Community Development, stated staff has interviewed consultants to assist with moving the General Plan forward.

B. Director's Report.

Susan Healy Keene, Director of Community Development, stated the Historic Preservation Commission will review on Monday, May 11, 2009, the proposed project located at 8600 Sunset Boulevard (Sunset Plaza Project), and on Tuesday, May 12, 2009, the Community Development Director will hear an extended hours request for 8937 Santa Monica Boulevard (Greenwich Village Pizza).

C. Planning Manager's Update.

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

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the City Council appointment process and praised Susan Healy Keene for her service.

15. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker questioned the process in order to bring forward a discussion regarding piano bars and jazz quartets.

John Keho, Planning Manager, stated there are currently several items that will be coming forward in the near future and staff will try to incorporate that request.

Commissioner Yeber requested a comprehensive study and/or report regarding the proliferation of rental signage.

16. ADJOURNMENT: The Planning Commission adjourned at 9:20 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 21, 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 4TH DAY OF
JUNE, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR