



PLANNING COMMISSION MINUTES
Regular Meeting
March 3, 2005

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 6:50 P.M.

2. PLEDGE OF ALLEGIANCE: Jeanne Dobrin led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: D'Amico, DeLuccio, Guardarrama, Hamaker, Vice-Chair Thompson, Chair Altschul.

Commissioners Absent: Bartolo.

Staff Present: John Chase, Urban Designer, Rachel Heiligman, Assistant Planner, John Keho, Senior Planner, Francie Stefan, Senior Planner, C.J. Amstrup, Acting Planning Manager, Susan Healy Keene, Community Development Director, Christi Hogin, Assistant City Attorney and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Public Hearing Item 9.B.: 9016-9034 Sunset Boulevard; was officially withdrawn by the applicant.

ACTION: Approve the Planning Commission Agenda of Thursday, March 3, 2005 as amended. **Motion by Commissioner DeLuccio seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. January 20, 2005

ACTION: Approve the Planning Commission Minutes of Thursday, January 20, 2005 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

B. February 17, 2005

ACTION: Approve the Planning Commission Minutes of Thursday, February 17, 2005 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

6. PUBLIC COMMENT.

SUZANNE BADOWI, WEST HOLLYWOOD, commented on the ongoing noise issues at the Sunset Marquis Hotel Whiskey Bar.

TOM DEMILLE, WEST HOLLYWOOD, commented on quality of life issues and the upcoming West Hollywood Elections.

ED GARREN, WEST HOLLYWOOD, commented on Consent Calendar Item 8.B., regarding West Hollywood's Green Building. He also mentioned the Sunset Millennium Project; specifically regarding the earthquake fault.

FRED GAINES, CALABASAS, representing the Grafton Hotel, commented on Consent Calendar Item 8.A., regarding the Sunset Millennium Project. He remarked on the parking, floor area ratio (FAR), statement of overriding consideration, affordable housing and construction issues.

SHANEL STASZ, WEST HOLLYWOOD, commented on the ongoing noise issues at the Sunset Marquis Hotel; Whiskey Bar. She submitted a VHS tape reflecting the noise and parking issues.

GEORGE CREDLE, WEST HOLLYWOOD, commented on Consent Calendar Item 8.A., regarding the Sunset Millennium Project. He remarked on the earthquake fault and the statement of overriding consideration.

LIZA AMTMANIS, LOS ANGELES, commented on Consent Calendar Item 8.A., regarding the Sunset Millennium Project. She remarked on the parking and traffic issues.

JOYCE HEFTEL, WEST HOLLYWOOD, commented on Consent Calendar Item 8.A., regarding the Sunset Millennium Project. She urged for an independent testing of the earthquake fault and remarked on increased traffic.

MARVIN PORTON, WEST HOLLYWOOD, commented on Consent Calendar Item 8.A., regarding the Sunset Millennium Project. he urged for an independent testing of the earthquake fault.

7. ITEMS FROM COMMISSIONERS.

Chair Altschul informed the public of a memo from the City Attorney's office, responding to a letter from S.O.S. (Save Our Sunset Strip). He also stated and reiterated the recommendations (including the earthquake testing) which would be made to the City Council.

Commissioner Hamaker questioned the soil testing and the earthquake fault; concerning the Sunset Millennium Project.

Susan Healy Keene, Community Development Director, stated there will be two other representatives accompanying Ed Sabins, (one from S.O.S. and one from the developer); regarding the soil testing in regards to the Sunset Millennium Project.

Commissioner DeLuccio stated for the record, there are over 38,000 residents and 23,000 registered voters and encouraged everyone get out and vote on Tuesday, March 8, 2005.

8. CONSENT CALENDAR.

This item was originally pulled and moved to the Excluded Consent Calendar.

Commissioner Hamaker pulled Item 12.A. from the Excluded Consent Calendar and returned it to the Consent Calendar.

A. Sunset Millennium Project.

Continued from a regular Planning Commission meeting on Thursday, February 17, 2005. The Commission directed staff to modify the draft resolution with the amended corrections, in regards to the development of two hotels with ground floor retail and restaurant space, on Sunset Specific Plan Site 4-C, and two residential towers with ground floor retail and restaurant space, at Sunset Specific Plan Site 4-D.

ACTION: 1) Adopt Resolution No. PC 05-579 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (EIR) , ADOPT A MITIGATION MONITORING PROGRAM AND ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVE THE FOLLOWING PERMITS: DEVELOPMENT PERMIT 003-023, DEMOLITION PERMIT 003-030, DEVELOPMENT AGREEMENT 003-004, ZONING MAP AMENDMENT 004-001, TALL WALL CONDITIONAL USE PERMITS 002-006, 002-007, 002-008, AND 002-009, CONDITIONAL USE PERMITS 004-016 AND 004-017, COMPREHENSIVE SIGN PROGRAM 004-003 (SSP AREA 4-C), AND DEVELOPMENT PERMIT 003-022, DEVELOPMENT AGREEMENT 003-004, ZONING MAP AMENDMENT 004-001, DEMOLITION PERMIT 003-029, TALL WALL CONDITIONAL USE PERMIT 002-005, BILLBOARD PERMITS 003-003, 003-004, 004-004 AND 004-005, TENTATIVE TRACT MAP 004-024, COMPREHENSIVE SIGN PERMIT 004-004 (SSP AREA 4-D); FOR THE PROPERTY LOCATED AT 8474, 8480 AND 8490 SUNSET BOULEVARD, AND 1234 LA CIENEGA BOULEVARD (SSP SITE 4C) AND 8500, 8516, 8524 AND 8544 SUNSET BOULEVARD, AND 1235 LA CIENEGA BOULEVARD (SSP SITE 4-D), WEST HOLLYWOOD, CALIFORNIA"; 2) close Consent Calendar Item 8.A. **Motion by Commissioner Guardarrama, seconded by Commissioner Hamaker and unanimously carried. Commissioner Bartolo was notated as ABSENT.**

B. Green Building Program.

Staff began research on the potential for a Green Building program for the City of West Hollywood. The staff report provided an update to the Planning Commission on the ongoing research and consideration, including the complete history of research provided to the City Council.

ACTION: 1) Moved to Excluded Consent Calendar. **Motion carried by consensus of the Commission.**

9. PUBLIC HEARINGS.

**A. Sunset/Olive Mixed Use Program.
Environmental Impact Report.**

This item was originally heard by the Planning Commission on Thursday, November 4, 2004. C.J. Amstrup, Acting Planning Manager, presented the staff report. He presented a history of the project, which included the proposal's height, massing, and the viability of the commercial building fronting Sunset Boulevard.

He stated the Planning Commission continued this item for sixty (60) days, so the applicant could work with staff and the Planning Commission Design Review Subcommittee on revised plans.

To date, the applicant has not contacted the Planning Department to discuss the redesign of the project. On February 22, 2005, the applicant's attorney submitted correspondence that the applicant was working to redesign the project in accordance with the Commission's direction, however, due to bankruptcy and corporate reorganization, the applicant has not completed any redesign of the project.

BEN RESNIK, LOS ANGELES, representing the applicant, commented on the staff report and requested a ninety (90) day continuance, to a date certain.

Chair Altschul questioned if the corporation went through an involuntary bankruptcy and the cause. He also questioned the \$43,000.00 that is owed to the City of West Hollywood, regarding reimbursements of the Environmental Impact Report.

Ben Resnik, stated it is currently a pending, involuntary bankruptcy. Due to issues and disputes for the reimbursements, it will be taken care of and handled through the process.

Commissioner DeLuccio questioned if the applicant has had any recent communication with the City regarding the project in question.

Commissioner Hamaker had concerns regarding excessive staff time spent on this project and questioned the applicant if they anticipate additional time with staff regarding this project.

Ben Resnik, stated they anticipate staff being fully involved and detailed the new massing of the project.

Chair Altschul stated his concerns with the length of this project and the desire of the applicant to work with staff. **He suggested the request for a continuance be denied.**

Commissioner Guardarrama objected to the denial of the continuance.

Commissioner Hamaker objected to the denial of the continuance.

Grant a continuance for sixty (60) days, to the Planning Commission meeting of Thursday, May 6, 2005. Motion by Commissioner Hamaker, seconded by Commissioner Guardarrama and fails on a Roll Call Vote:

AYES: Commissioner DeLuccio, Guardarrama, Hamaker.
NOES: Commissioners D'Amico, Vice-Chair Thompson, Chair Altschul.
ABSENT: Bartolo.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:45 PM AND RECONVENED AT 7:50 P.M.

C.J. Amstrup, Acting Planning Manager, continued with the staff report. He detailed the massing of the project, proposed zoning changes and the urban design aspects.

In the absence of revised plans, staff continues to recommend denial of the application for the reasons contained and stated in the November 4, 2004 staff report.

Chair Altschul re-opened and continued the public testimony for Item 9.A.:

DAVID DANIELS, LOS ANGELES, representing the applicant, opposes staff's recommendation. He stated his concerns with the denial of the continuance.

JEFFREY HABER, LOS ANGELES, of Latham & Watkins; representing the House of Blues, spoke in support of staff's recommendation

LISA PENDLETON, LOS ANGELES, architect, opposes staff's recommendation. She detailed the revised massing and presented graphics of the project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

WILLIAM S. HUTTON, WEST HOLLYWOOD, spoke in support of staff's recommendation.

CHRISTINA ROGERS, WEST HOLLYWOOD, spoke in support of staff's recommendation.

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

Commissioner DeLuccio stated he would vote no on this project, but encouraged the applicant to go back and re-work the project plans. **He motioned to deny without prejudice.**

Motion fails due to no second.

Chair Altschul motioned to deny with prejudice.

Motion fails due to no second.

Christi Hogin, Assistant City Attorney, detailed "with" and "without" prejudice and the ramifications of either approving or denying this project in relations to legislative actions involved.

Commissioner DeLuccio motioned to approve staff's recommendation. Seconded by Vice-Chair Thompson.

ACTION: 1) Deny the request; 2) Adopt Resolution No. PC 04-559 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING DEVELOPMENT PERMIT 001-001, DEMOLITION PERMIT 001-001, CONDITIONAL USE PERMIT 001-001, GENERAL PLAN AMENDMENT 001-003, SUNSET SPECIFIC PLAN AMENDMENT 001-001, AND ZONING MAP AMENDMENT 001-001. DENIAL OF A 35,000 SQUARE FOOT COMMERCIAL BUILDING, A 138-UNIT APARTMENT BUILDING, AND 687 STALL PARKING STRUCTURE, AT A SITE LOCATED AT 8430 SUNSET BOULEVARD, 1326 OLIVE DRIVE, AND 8477/8481 DE LONGPRE AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Adopt Resolution No. PC 04-560 as presented "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD, DENYING DEVELOPMENT PERMIT 001-001, DEMOLITION PERMIT 001-001, CONDITIONALY USE PERMIT 001-001, GENERAL PLAN AMENDMENT 001-003, SUNSET SPECIFIC PLAN AMENDMENT 001-001 AND TENTATIVE TRACT MAP 004-019. DENIAL OF A 35,000 SQUARE FOOT COMMERCIAL PARKING STRUCTURE AT A SITE LOCATED AT 8430 SUNSET BOULEVARD, 1326 OLIVE DRIVE, AND 8477/8481 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Public Hearing Item 9.A. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Thompson and passes on a Roll Call Vote:**

AYES: Commissioner D'Amico, DeLuccio, Vice-Chair
Thompson, Chair Altschul.
NOES: Commissioners Hamaker, Guardarrama.
ABSENT: Bartolo.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:20 PM AND RECONVENED AT 8:30 P.M.

**B. 9016-9034 Sunset Boulevard.
Demolition Permit 2004-025, Development Permit 2004-033, Tentative Tract Map 2004-018.**

On Thursday, March 3, 2005, the applicant officially withdrew his application on this project.

ACTION: 1) Withdrawn. Motion carried by consensus of the Commission.

**C. 612-616 N. Croft Avenue.
Demolition Permit 2004-016, Development Permit 2004-018,
Modification Permit 2004-005, Variance 2004-009, Tentative Tract Map 2004-015.**

This item was originally heard by the Planning Commission on Thursday, February 22, 2005. John Keho, Senior Planner, presented the staff report. He stated the requested permits are to allow for the demolition of two single-family homes and construction of an 11-unit, 19,011 square foot condominium building using the courtyard incentives and design standards with twenty-five subterranean parking spaces.

The applicant is requesting five incentives related to front yard and rear yard projections, semi-subterranean parking, increased driveway slope, and compact parking stalls. In addition, the applicant is requesting a variance to reduce the front yard setback from twenty-one feet to nine feet on the 2nd – 4th stories of the building, and a modification to increase the overall height of the project by ten percent.

Staff recommends approval of this project.

Commissioner D'Amico, presented the Planning Commission Design Review Subcommittee report. He commented on the size of the project and how it would affect the neighborhood.

John Chase, Urban Designer, stated the lot is sufficiently large and didn't meet the justification for the requested variance.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MODEL FOR AGENDA ITEM NO. 9.C. AT 8:35 P.M. AND RECONVENED AT 8:40 P.M.

Chair Altschul re-opened and continued the public testimony for Item 9.C.:

MICHAEL B. LEHRER, LOS ANGELES, of Lehrer Architects, updated and detailed the revised plans for the project, including the floor area ratio (FAR), massing and landscaping.

ED GARREN, WEST HOLLYWOOD, has concerns regarding this item. He commented on the height and variance.

STEVE ROISMAN, WEST HOLLYWOOD, opposes staff's recommendation.

MICHAEL B. LEHRER, LOS ANGELES, of Lehrer Architects, presented the applicant's rebuttal. He detailed the height and mass of the building.

Commissioner DeLuccio questioned the revised height of the building and square footage.

Commissioner D'Amico questioned the landscaping and driveway entrance.

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

Commissioner Guardarrama motioned to approve staff's recommendation.

Motion fails due to no second.

Commissioner Hamaker motioned to deny the applicant's request. Seconded by Chair Altschul.

Commissioner Hamaker stated her concerns with the size of the project and how it would affect the surrounding neighborhood.

Chair Altschul praised the architecture, however, the massing and intrusion in the neighborhood is not appropriate.

Commissioner DeLuccio questioned the development potential of the property with the single-family house. He also questioned the landscaping buffer.

ACTION: 1) Deny the request; 2) direct staff to prepare a Resolution with written findings for denial for adoption at a future meeting. **Motion by Commissioner Hamaker, seconded by Chair Altschul and passes on a Roll Call Vote:**

AYES: Commissioners DeLuccio, Hamaker, Vice-Chair Thompson, Chair Altschul.
NOES: Commissioners D'Amico, Guardarrama.
ABSENT: Bartolo.

D. Substitution of Non-Commercial Copy and Neighborhood Meetings. Zone Text Amendment 2005-001, Zone Text Amendment 2005-002.

Francie Stefan, Senior Planner, presented the staff report. She stated this hearing is to consider an amendment of the City of West Hollywood's Zoning Ordinance sign regulations to allow non-commercial copy to be substituted for commercial copy on any permitted sign, and an amendment to regulations regarding mandatory neighborhood meetings to remove the requirement that they be held prior to an application being deemed complete, but require that they be held no more than sixty (60) days after the application date.

Commissioner Hamaker asked for clarification of Zone Text Amendment 2005-001, regarding non-commercial signage.

Commissioner DeLuccio asked for clarification of Zone Text Amendment 2005-002, regarding neighborhood meetings.

Chair Altschul opened the public testimony for Item 9.D.:

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on non-commercial signage.

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

ACTION: 1) Adopt Resolution No. PC 05-588 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2005-001 RELATING TO SUBSTITUTION OF NON-COMERCIAL COPY ON PERMITTED SIGNS"; and 2) Adopt Resolution No. PC 05-590 "A RESOLUTUION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2005-002 RELATING TO MANDATORY NEIGHBORHOOD MEETINGS"; and 3) close Public Hearing Item 9.D. **Motion by Commissioner Hamaker, seconded by Commissioner DeLuccio and unanimously carries. Commissioner Bartolo was notated as ABSENT.**

**E. 8720 Sunset Boulevard.
Creative Billboard 2004-004.**

John Chase, Urban Designer, presented the staff report. He stated Regency Outdoor Advertising on December 17, 2004, filed an application to extend, for two (2) additional years, the permission for the Yahoo! Creative Billboard. The billboard was originally approved by the Planning Commission as Creative Billboard 0002-048 for a time period of two (2) years on December 5, 2002. The application was found to be complete on January 17, 2005.

Chair Altschul opened the public testimony for Item 9.E.:

RICHARD MAUERHAN, WEST HOLLYWOOD, opposes staff recommendation. He commented on the current lighting of the billboard and urged the Commission to deny the request.

JEAN ALLEN, WEST HOLLYWOOD, opposes staff recommendation. She commented on the current lighting of the billboard.

DAVID SEYDE, CALABASAS, representing Regency Outdoor Advertising, spoke in support of staff's recommendation.

Commissioner DeLuccio questioned the applicant if they are willing to work with staff to address the concerns brought forward in regards to the lighting of the billboard.

DAVID SEYDE, CALABASAS, stated they are willing to work with staff and the community.

Chair Altschul recommended this item continued for thirty (30) days, with a thorough investigation of the lighting situation.

ACTION: 1) Continue to Thursday, April 7, 2005. **Motion carried by consensus of the Commission.**

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR.

A. Sunset Millennium Project.

Continued from a regular Planning Commission meeting on Thursday, February 17, 2005. The Commission directed staff to modify the draft resolution with the amended corrections, in regards to the development of two hotels with ground floor retail and restaurant space, on Sunset Specific Plan Site 4-C, and two residential towers with ground floor retail and restaurant space, at Sunset Specific Plan Site 4-D.

ACTION: 1) Moved to Consent Calendar. **Motion carried by consensus of the Commission.**

B. Green Building Program.

Francie Stefan, Senior Planner, presented a brief staff report regarding the potential for a Green Building program for the City of West Hollywood. The staff report provided an update to the Planning Commission on the ongoing research and consideration, including the complete history of research provided to the City Council.

Vice-Chair Thompson stated his request for this program and requested the Green Building Program also include the following: 1) public buildings also include public projects; that include public funding, such as potential joint mixed-use development; 2) commercial buildings of a certain size be mandated to be at least certified; 3) develop a list of all current requirements that are green building related; 4) single-family residences or duplexes should be voluntary compliance; and 5) larger residential should have to conform; should be mandatory.

Commissioner Hamaker stated the need to educate the public regarding environmentally friendly buildings. She would also like to see older building rehabilitation included.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

13. ITEMS FROM STAFF.

A. Sunset Marquise Hotel Update.

David DeGrazia, Associate Planner, presented the staff update. He gave a history of the property and complaints regarding violations at the Sunset Marquis Hotel.

He stated after the public hearings in August, 2004, the Sunset Marquis Hotel installed the sound mitigation measures outlined in the consultants report. Staff performed a site visit on February 16, 2005 to examine the new sound mitigation measures and determined that they are consistent with the consultant's recommendation.

Code Compliance is continuing to work with the Sunset Marquis Hotel to notify them of any incoming complaints. Staff recommends Code Compliance continue monitoring the operations to ensure the Sunset Marquis Hotel remains in compliance with the City's Municipal Code and the conditions of their existing approvals.

Commissioner DeLuccio questioned staff if there have been in fact any complaints.

Staff responded that there have in fact been no further complaints.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

B. Tower Records Update.

Susan Healy Keene, Community Development Director, presented the staff update. She stated the City of West Hollywood is aware of the issues at Tower Records and has been in contact with them regarding the sign issues.

She pointed out, at this time specifics cannot be given, since this item may come forward to the Commission at a future date, which might require some type of determination on their behalf.

She also stated, the League of California Cities will be holding a Planner's Retreat in Pasadena, California on Wednesday, April 13, 2005 - Friday, April 15, 2005 and encouraged the Commissioner's to take advantage of this course.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the Sheriff's Department and "tag numbers".

G.G. VERONE, WEST HOLLYWOOD, commented on the Sunset Millennium Project; specifically regarding the Environmental Impact Report and earthquake fault testing.

JEFF JACOBBERGER, LOS ANGELES, reminded the Commission to remember the neighbors and the [possible] impacts their decisions might have on the neighbors located in the City of Los Angeles.

15. ITEMS FROM COMMISSIONERS:

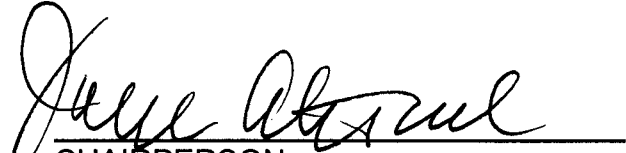
Commissioner D'Amico thanked staff for their hard work and requested a copy of the Staff Roster.

Commissioner Hamaker thanked staff for their hard work.

Chair Altschul thanked staff for all their work.

16. ADJOURNMENT: The Planning Commission adjourned at 9:40 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, March 17, 2005 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 17TH DAY
OF MARCH, 2005.



CHAIRPERSON

ATTEST:



Community Development Director