



PLANNING COMMISSION MINUTES
Regular Meeting
October 20, 2005

West Hollywood Park Auditorium
647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Vice-Chair D'Amico called the meeting of the Planning Commission to order at 6:31 P.M.

2. PLEDGE OF ALLEGIANCE: Donald DeLuccio led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: Chair Thompson.

Staff Present: Rachel Heiligman, Assistant Planner, Melodie Bounds-Frisby, Associate Planner, David DeGrazia, Senior Planner, John Chase, Urban Designer, Terri Slimmer, Transportation Manager; John Keho, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Withdraw item 9.A. (Development Permit 2003-032, Modification Permit 2003-011, Tentative Tract Map 2005-011), for the property located at 920 N. Fairfax Avenue, West Hollywood, California. **Motion carried by consensus of the Commission.**

ACTION: Continue Item 10.A. (Sunset Specific Plan Interpretation) to a date uncertain. **Motion carried by consensus of the Commission.**

ACTION: Approve the Planning Commission Agenda of Thursday, October 20, 2005 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. October 6, 2005

ACTION: Approve the Planning Commission Minutes of Thursday, October 6, 2005 as presented. **Motion by Commissioner Hamaker, seconded by Commissioner DeLuccio and unanimously carried.**

6. PUBLIC COMMENT.

TOM DEMILLE, WEST HOLLYWOOD, commented on excessive development and lack of public noticing.

TOPHER STRAUS, WEST HOLLYWOOD, commented on a potential condominium development project to be located at 1019 N. San Vicente Boulevard, West Hollywood, California.

BRIAN WINTERS, WEST HOLLYWOOD, commented on a potential condominium development project to be located at 1019 N. San Vicente Boulevard, West Hollywood, California.

7. ITEMS FROM COMMISSIONERS.

Commissioner DeLuccio requested staff to alert the speakers from this evening regarding the proposed project at 1019 N. San Vicente Boulevard to be apprised of any development(s). He questioned the two meeting dates and projects to be heard in the month of December, 2005.

Commissioner Altschul questioned the upcoming dates of the Planning Commission's Design Review Subcommittee.

Commissioner Guardarrama stated his availability for the Planning Commission's Design Review Subcommittee meeting.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 920 N. Fairfax Avenue.

Development Permit 2003-032, Modification Permit 2003-011, Tentative Tract Map 2005-011:

Request for a mixed-use building with five condominium units and ground floor retail space; with a modification for a reduction of common open space.

ACTION: 1) Receive and file request for withdrawal of application.
Motion carried by consensus of the Commission.

B. 8730 Sunset Boulevard.

Conditional Use Permit (Tall Wall) 2005-001.

Rachel Heiligman, Assistant Planner, presented the staff report. She detailed the history of the project and stated the Conditional Use Permit is a request to allow the use of the east facing wall of the subject site as a Tall Wall sign.

She stated, according to a survey of the East facing elevation, the proposed image area includes the use of three separate planes which total 8,010 square feet.

However, an existing billboard (Yahoo!) stands three feet to the east of the proposed wall with an area of 841 square feet, and a one story restaurant (Le Dome) covers 1,065 square feet at the base of the east facing elevation, reducing the potential image area visible from Sunset Boulevard to 6,113 square feet.

Issues were stated regarding lighting and illumination.

Staff recommends denying Conditional Use Permit (Tall Wall) 2005-001 for the east facing wall of the building as a Tall Wall advertising sign because the proposed use is not compatible with the existing land uses in the vicinity of the subject property, and the establishment of a tall wall sign would constitute a menace to the public convenience, health, interest, safety, and general welfare of persons residing or working in the vicinity of the proposed tall wall.

Commissioner DeLuccio questioned the lighting illumination into the surrounding neighborhood.

Vice-Chair D'Amico opened public testimony for Item 9.B.:

LAYNE LAWSON, LOS ANGELES, Clear Channel Outdoor, presented the applicant's report. He opposes staff recommendation of denial. He questioned staff's recommendation and detailed the history of tall walls along Sunset Boulevard. He spoke on visibility, lighting concerns and clutter. He requested reversal of staff's recommendation.

LYNN DAVIS, LOS ANGELES, representing the property owner of 8730 Sunset Boulevard, West Hollywood, California. He opposes staff's recommendation of denial.

NICHOLAS KLEIN, LOS ANGELES, representing Regency Outdoor Advertising, spoke in support of staff's recommendation.

TOM DEMILLE, WEST HOLLYWOOD, spoke in support of staff's recommendation.

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

Commissioner Altschul motioned: 1) approve staff's recommendation.

Seconded by Commissioner Hamaker.

Commissioner DeLuccio stated his concerns regarding the impact of illumination on residential areas.

Commissioner Guardarrama stated his disapproval of staff's recommendation of denial. He indicated it currently meets all Zoning Code requirements and spoke on illumination.

Commissioner Bartolo had concerns regarding the cluttering effect along Sunset Boulevard and commented on a feasible way for the City of West Hollywood to benefit from billboards and signs.

Commissioner Hamaker stated her disapproval of tall walls.

ACTION: 1) Deny the application; and 2) Adopt Resolution No. PC 05-612 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING CONDITIONAL USE PERMIT (TALL WALL) 2005-001 TO PERMIT A TALL WALL SIGN ON THE EAST FACING WALL OF THE BUILDING LOCATED AT 8730 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA", and 3) close Public Hearing Item 9.B. **Motion by Commissioner Altschul, seconded by Commissioner Hamaker and fails on a Roll Call Vote:**

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

MOTION DOES NOT PASS.

Commissioner Guardarrama motioned: 1) reject staff's recommendation; and 2) return with a Resolution approving the tall wall.

Seconded by Commissioner Bartolo.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 05-612 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING CONDITIONAL USE PERMIT (TALL WALL) 2005-001 TO PERMIT A TALL WALL SIGN ON THE EAST FACING WALL OF THE BUILDING LOCATED AT 8730 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA", and 3) close Public Hearing Item 9.B. **Motion by Commissioner Guardarrama, seconded by Commissioner Bartolo and fails on a Roll Call Vote:**

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

MOTION DOES NOT PASS.

Commissioner DeLuccio motioned: 1) table the item until a full Commission of seven is present.

ACTION: 1) Continue to Thursday, November 3, 2005. **Motion carried by consensus of the Commission.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:20 P.M. AND RECONVENED AT 7:30 P.M.

**C. 923, 927, and 933 Palm Avenue.
Demolition Permit 2005-004, Development Permit 2005-009, Tentative Tract Map 2005-003.**

Melodie Bounds-Frisby, Associate Planner, presented the staff report. She detailed the history and background of the property and project.

The developers are proposing to demolish all existing structures on the three parcels and construct a 51,893 square-foot, twenty-unit condominium building. There are four, three-bedroom units and sixteen, two-bedroom units proposed. Ten of the units have mezzanine levels. Twelve of the units have dens in addition to the bedrooms. The units range in size from 1,838 square feet to 2,761 square feet. Each unit has access to private open space either from the bedroom or mezzanine level to the roof. Laundry facilities are proposed in all units and at least 10 cubic feet of storage is provided for each unit in the subterranean garage. The common open space is provided on ground level as a courtyard and on the rooftop. The applicant is proposing to provide 1,222 square feet of common space where only 1,000 square feet of common open space is required.

Melodei Bounds-Frisby, Associate Planner, notated a correction to the staff report: 1) Page 6 – Parking; the project will actually provided forty (40) tenant parking spaces as well as five (5) guest parking spaces, and six (6) additional (not required) parking spaces in the subterranean garage.

She also detailed urban design, light and shadow, and the landscaping plan.

Staff recommends approval.

Commissioner Altschul questioned the parking plan.

John Chase, Urban Designer, presented the Design Review Subcommittee report. He commented on the concerns regarding more vegetation, bringing the project in scale with the surrounding neighborhood, and having the entrances directly into the front patios, so there would be a stronger relationship to the front of the street.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MASSING MODEL AT 7:40 P.M. AND RECONVENED AT 7:45 P.M.

Commissioner Guardarrama disclosed for the record he drove and walked by the site.

Commissioner Hamaker disclosed for the record she drove and walked by the site.

Commissioner Bartolo disclosed for the record she drove and walked by the site.

Vice-Chair D'Amico opened public testimony for Item 9.C.:

MILAN LOJDL, BEVERLY HILLS, architect, presented the applicant's report. He detailed the project and spoke regarding the landscaping, floor plans of units, common open space, setbacks and scaling to the surrounding neighborhood.

Commissioner Bartolo questioned the architectural styling and landscaping plan.

GLENN GULBRANDSEN, WEST HOLLYWOOD, has concerns regarding this issue. He has concerns regarding landscaping, security and commented on the sewer system.

MICHAEL ETZIONI, WEST HOLLYWOOD, has concerns regarding this item. He commented on construction noise.

RUTH MURPHY, WEST HOLLYWOOD, opposes staff recommendation for approval.

CRAIG TAYLOR, WEST HOLLYWOOD, opposes staff recommendation for approval.

TIM SARRE, WEST HOLLYWOOD, has concerns regarding this item. He commented on landscaping and fencing.

TOM DEMILLE, WEST HOLLYWOOD, opposes staff recommendation for approval.

RICHARD EVANS, WEST HOLLYWOOD, opposes staff recommendation for approval. He stated they moved in June 1, 2005 and received no notification this property was slated for demolition. Also, his hedges were ripped up to put up the public notice(s) for this meeting.

OREN LANE, WEST HOLLYWOOD, opposes staff recommendation for approval.

GIL MORENO, WEST HOLLYWOOD, has concerns regarding this item. He commented on construction noise and safety.

Commissioner Altschul questioned the architect and owner of the property concerning demolition permits filed with the City of West Hollywood prior to June 1, 2005. He raised concerns current tenants were not legally notified of the impending demolition by the applicant and/or property owner.

DR. VAYNER, WEST HOLLYWOOD, property owner, stated the tenants did not deal with him personally, but dealt with his business partner regarding notification of the impending demolition and development.

Commissioner DeLuccio questioned why only four (4) of the eight (8) rental units have been registered with the Rent Stabilization Department.

Staff indicated the remaining four (4) rental units need to go through the registration process with the City of West Hollywood's Rent Stabilization Department and all rental units still need to go through the Ellis Act process.

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

Commissioner Bartolo questioned the Ellis Subdivision Map Act and the legal requirements for noticing of rental units.

Commissioner Altschul commented on urban mass and construction. He stated this project is too massive and dense. He suggested the mezzanine level should be eliminated. He suggested a redesign of the project.

Commissioner Guardarra stated his approval of the architectural design of the project. He raised major concerns with a land owner that may be in violation of the City of West Hollywood's Rent Stabilization laws. He could not support this item until city staff determines all provisions of West Hollywood regulations (specifically regarding renter's rights) are fulfilled.

Commissioner DeLuccio motioned: 1) continue this item to a date uncertain; 2) item is not to return to the Planning Commission until all rental units have been legalized through the City of West Hollywood's Rent Stabilization Department; 3) redesign with removal of the mezzanine level; and 4) add additional buffering along Betty Way (possibly bamboo).

Chair Altschul would like added to the motion: 1) redesign should include eliminating one (1) floor.

Seconded by Commissioner Bartolo.

Commissioner DeLuccio and Commissioner Bartolo agreed to this amendment.

Vice-Chair D'Amico amended the motion to include: 1) additional traffic concerns shall be looked at; and 2) the sewer system shall be looked at.

Commissioner Altschul strongly recommended to the developer the hedge should be replaced in front of the couples' residence and refund as much of the four-thousand (\$4,000.00) dollar deposit that is in excess of the last month's rent.

Commissioner Hamaker commented on the mass of the project. She was in agreement with scaling back the project, setting back the upper floors or removing one floor.

ACTION: 1) Continue this item to a date uncertain; 2) item shall not return until all rental units have been legalized through the City of West Hollywood's Rent Stabilization Department; 3) redesign with removal of the mezzanine level (reducing the height and the massing); 4) add additional buffering along Betty Way (possible bamboo buffering); 5) additional traffic concerns and the sewer system shall be looked at by staff, for the property located at 923, 927, and 933 Palm Avenue, West Hollywood, California"; and 3) close Public Hearing Item 9.C. **Motion by Commissioner DeLuccio, seconded by Commissioner Bartolo and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Bartolo, DeLuccio, Guardarrama, Hamaker, Vice-Chair D'Amico.
NOES: None.
ABSENT: Chair Thompson.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:33 P.M. AND RECONVENED AT 8:43 P.M.

10. NEW BUSINESS.

A. Sunset Specific Plan Interpretation.

Request an interpretation of the Sunset Specific Plan regarding the application of development bonuses for individual lots within a “target site” or a “consolidated development site”.

ACTION: 1) Continue this item to a date uncertain. **Motion carried by consensus of the Commission.**

B. Mixed-Use Overlay Zone Draft Mitigated Negative Declaration.

David DeGrazia, Senior Planner, presented the staff report. He detailed the history of the project and stated this item is to receive public comment on the Negative Declaration only.

The Mixed-Use Overlay Zone encompasses commercially zoned properties in the City of West Hollywood, except for those in the Sunset Specific Plan and Pacific Design Center Specific Plan Areas, Public Facilities Zones, and other properties subject to specific plans and development agreements. The area most prominently featured is the Santa Monica Boulevard corridor from Doheny Drive to La Brea Avenue. Other commercial corridors within the City include La Brea Avenue, Fairfax Avenue, La Cienega Boulevard, Melrose Avenue, Robertson Boulevard, and Beverly Boulevard.

Terry Slimmer, Transportation Manager, presented the transportation analyses report. She spoke and detailed comparative analyses, traffic analyses, surveying morning and afternoon peaks, and Friday and Saturday peaks and spoke in depth how analyses was accomplished with no specific projects in current development.

David DeGrazia, Senior Planner, stated as of this date, no public comments have been received. However, the deadline to receive public comments is Tuesday, October 25, 2005.

He introduced the project team: 1) Deborah Murphy, Urban Design Consultant; 2) Madonna Marcelo, of Terry Hayes and Associates; 3) Michael Bates, of The Mobility Group (absent); 4) Terri Slimmer, Transportation Manager, City of West Hollywood; 5) Francie Stefan, Senior Planner, City of West Hollywood; and 6) John Chase, Urban Designer, City of West Hollywood.

Commissioner Altschul had concerns regarding the noticing process. He suggested a city-wide noticing should take place, (which could) include the quarterly bulletin (from the City Manager's office). He commented on the fine attendance of the recent Scoping Meeting's and the (lack-of) attendance at tonight's Planning Commission meeting. He also suggested changing the format of future discussion's into three sections: 1) La Brea Avenue to Fairfax Avenue; 2) Fairfax Avenue to La Cienega Boulevard; and 3) La Cienega Boulevard to Doheny Drive.

Vice-Chair D'Amico opened public comment for New Business Item 10.B.:

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of this item. He stated this is an incredible opportunity for the City of West Hollywood and a way to increase the housing stock.

EDWARD LEVIN, WEST HOLLYWOOD, spoke in support of this item.

ACTION: Close public comment for New Business Item 10.B. **Motion carried by consensus of the Commission.**

Commissioner Bartolo questioned the traffic impact analyses regarding residential versus commercial.

Commissioner DeLuccio commented on the lack of public participation.

Commissioner Hamaker questioned the feasibility of enlarging streets.

Commissioner Guardarra expressed his approval of this document and moving it forward to City Council.

Vice-Chair D'Amico suggested having architectural sections through Santa Monica Boulevard, Melrose Avenue, Robertson Boulevard, and Fairfax Avenue which shows at least both sides of the street as well as the residential neighbors beyond. In addition shade and shadow studies of streets that are not north / south should be prepared.

Deborah Murphy, Urban Design Consultant to the City of West Hollywood, elaborated on the Mixed-Use Overlay Zone Project. She spoke on housing, building height, residential zones, setbacks of rear and side properties and how Vision 20/20 of the City of West Hollywood fits in with this project.

Vice-Chair D'Amico restated recommendations to staff: 1) extending the public comment period; 2) expanded noticing; and 3) break-up the project into three sections for review: a) Eastside; b) Central; and c) Westside.

John Keho, Planning Manager, confirmed: 1) continue the public comment hearing on the Negative Declaration; 2) re-notice for comments on the Environmental Report; and 3) have another public hearing on the text of the Ordinance on a subsequent date.

Commissioner DeLuccio suggested the Ordinance come forward with the Mitigated Negative Declaration, and have it noticed it city-wide.

Discussion was held regarding attendance, noticing, and timelines.

Commissioner Altschul suggested this item shall be brought back to a meeting date staff deems appropriate, based on the various timelines that are in question.

ACTION: 1) Receive public comments and 2) continue to a date to be determined by staff. **Motion carried by consensus of the Commission.**

11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.
13. **ITEMS FROM STAFF.** None.
14. **PUBLIC COMMENT.** None.
15. **ITEMS FROM COMMISSIONERS.**
Commissioner Hamaker wished everyone a "Happy Halloween".
16. **ADJOURNMENT:** The Planning Commission adjourned at 9:26 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 3, 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 3RD DAY OF NOVEMBER, 2005.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR