



PLANNING COMMISSION MINUTES
Regular Meeting
June 2, 2011

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

1. CALL TO ORDER:

Chair Yeber called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Elyse Eisenberg led the Pledge of Allegiance.

3. SPECIAL ORDER OF BUSINESS:

A. OATH OF OFFICE.

Mayor John Duran administered the Oath of Office to his direct appointee Roy Huebner, for a term ending May 31, 2013.

4. ROLL CALL:

Commissioners Present: Altschul, Buckner, DeLuccio, Huebner, Meister, Vice-Chair Bernstein, Chair Yeber.

Commissioners Absent: None.

Staff Present: David DeGrazia, Senior Planner, Adrian Gallo, Associate Planner, Jennifer Alkire, Associate Planner, Antonio Castillo, Associate Planner, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

Move and hear agenda Item 10.C. (8535 Sunset Boulevard) before agenda Item 10.B. (8462 Sunset Boulevard – The Grafton Hotel).

ACTION: Approve the Planning Commission Agenda of Thursday, May 19, 2011 as amended. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Bernstein and unanimously carried.**

5. APPROVAL OF MINUTES.

Commissioner Meister requested the following paragraph amended as follows on page 5 of 7; 1) *“Commissioner Meister stated she was not comfortable with the ordinance at this time. She stated it seemed like a reaction to a code compliance issue, and creating an ordinance to allow for banquet facilities in any residential neighborhood would affect the integrity of residential zones city-wide. She would like to see these on a case by case basis, rather than to have a city-wide ordinance that makes banquet facilities in residential zones acceptable.”*

A. May 19, 2011

ACTION: Approve the Planning Commission Minutes of Thursday, May 19, 2011 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Meister and unanimously carried; notating the abstentions of Commissioner Buckner and Commissioner Huebner.**

6. PUBLIC COMMENT.

ELYSE EISENBERG, WEST HOLLYWOOD, commented on billboard proposals, increased heights of billboards and development agreements. She suggested the funds received from the billboard development agreements be directed back into the community.

7. ITEMS FROM COMMISSIONERS.

Commissioner Meister welcomed Commissioner Huebner.

Commissioner Buckner welcomed Commissioner Huebner.

Commissioner DeLuccio welcomed Commissioner Huebner.

Vice-Chair Bernstein Commissioner welcomed Commissioner Huebner.

Chair Yeber welcomed Commissioner Huebner.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 8335 Sunset Boulevard:

John Keho, Planning Manager clarified City Council's policy guidance on billboards. He stated the City Council declined to create a Task Force and indicated each billboard application should be reviewed on the individual circumstances and characteristics of that application. Some council members indicated the City should be flexible while reviewing signage requests.

Commissioner Buckner questioned the value and revenue amounts of the billboard development agreements and overall signage maintenance and repairs.

Commissioner DeLuccio requested clarification regarding the value and revenue amounts of the billboard development agreements and questioned City Council directives regarding new billboards and development agreements.

Commissioner Altschul requested clarification of Development Agreement Section 3.6 (Occupancy Requirements).

Commissioner Meister requested clarification of Development Agreement Section 4.2.1. (Minor Changes) and the formula regarding the number of years the agreements would be in effect.

Chair Yeber questioned who determined 14' x 48' as the industry standard for billboards.

PATRICK O'BRIAN, Premier, consultant, detailed the various billboard sizes, heights and pricing used throughout the industry.

David DeGrazia, Senior Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, June 2, 2011.

He stated the proposal is a request to replace and raise a roof mounted double-sided 10' x 30' billboard with a pole mounted, v-shaped double-sided 14' x 48' billboard and raise the height by ten feet for a maximum height of 70 feet.

He spoke and detailed land use permits, existing billboard standards, Sunset Specific Plan design standards for billboards, and the development agreement analyses.

He stated the proposed Development Agreement will provide a substantial and on-going public benefit to the City, and as conditioned in the Development Agreement will not negatively impact nearby properties.

The Development Agreement also furthers the goals of the Sunset Specific Plan by encouraging the construction and operation of billboards as a "major urban design feature" along Sunset Boulevard and as a "significant part of the street's visual character".

Consequently, staff concludes that the proposed project is consistent with the Goals, Objectives and Policies of the General Plan and Sunset Specific Plan.

Commissioner Meister questioned if an environmental study was done and requested clarification regarding height limits.

Commissioner Altschul questioned the current standards regarding degree rotation and stated his concerns regarding the lack of neighborhood meetings.

Chair Yeber opened public testimony for Item 10.A.:

VICTOR DE LA CRUZ, LOS ANGELES, applicant's representative, presented the applicant's report. He detailed the history of the billboard and spoke regarding the proposed billboard size, height, design features and standards, views, location, rotation, financial conditions, development agreement, and neighborhood impacts.

Commissioner DeLuccio questioned the requested increased height and degree rotation.

Commissioner Altschul asked for clarification regarding the parameters of what triggers a development agreement.

Commissioner Meister questioned the heights of signs in the general vicinity.

Chair Yeber disclosed for the record he made a site visit.

JACK WISHARD, LOS ANGELES, spoke in opposition of staff's recommendation of approval to City Council. He had concerns regarding the additional height of the requested sign.

PAMELA WISHARD, LOS ANGELES, spoke in opposition of staff's recommendation of approval to City Council. She had concerns regarding the additional height of the requested sign.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the development agreement and urban blight.

VICTOR DE LA CRUZ, LOS ANGELES, applicant's representative, presented the applicant's rebuttal. He spoke regarding off-site signage in the Los Angeles area, neighborhood compatibility and the requested additional height. He stated his client is flexible in working with the neighbors regarding size, rotation and light issues, however the height is non-negotiable.

Vice-Chair Bernstein requested clarification regarding the lighting of the sign.

ACTION: Close public testimony for Item 10.A: **Motion carried by consensus of the Commission.**

Vice-Chair Bernstein spoke regarding the significant financial impacts to the city, replacement signage, and the impacts seem to have been mitigated. He is in support of recommending to City Council approval of staff's recommendation with some minor amendments.

Commissioner DeLuccio stated his concerns with the requested height of 70 feet for the requested sign. He stated it appears there are impacts that cannot be mitigated at this time, unless the applicant was willing to amend the height limit. He could not support the recommendation to City Council at the current 70 foot height limit.

Commissioner Altschul stated his concerns with the requested height and lighting of the requested sign. He commented on the willingness of the neighbors to mitigate the issues which were brought forward. He could not support the recommendation to City Council at this time.

Commissioner Meister affirmed her concerns with the requested height of 70 feet for the sign. She stated decisions should not be based on monetary value. She spoke regarding the Sunset Specific Plan, current zoning laws and neighborhood compatibility. She could not support recommending this item to City Council.

Commissioner Huebner stated billboards are an integral part of the Sunset Strip and spoke on the design guidelines currently in place and monetary values of the development agreement. He affirmed his concerns with the requested height.

Chair Yeber stated his concerns with the requested height of 70 feet for the requested sign. He could not support a recommendation to City Council.

Commissioner DeLuccio moved to: 1) recommend to City Council denial of the development agreement and entitlements; based on: a) the 70 foot height limit; b) impacts which cannot be mitigated; and c) it would be preferred that it be kept at the 60 foot height limit.

Seconded by Commissioner Altschul.

Vice-Chair Bernstein requested clarification regarding the 70 foot height limit impacts.

ACTION: 1) Recommend to City Council denial of the application request and development agreement; 2) Adopt Resolution No. PC 11-969 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL DENY THE ADOPTION OF A ZONING MAP AMENDMENT, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT, FOR THE PROPERTY LOCATED AT 8335 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 11-970 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD,

RECOMMENDING THE CITY COUNCIL DENY APPROVAL OF A TWO-SIDED 14 FOOT HIGH BY 48 FOOT WIDE BILLBOARD ATOP A SINGLE-POLE STRUCTURE, LOCATED AT 8335 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; 4) Adopt Resolution No. PC 11-971 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL DENY APPROVAL OF A BILLBOARD PERMIT, TO REPLACE AN EXISTING DOUBLE-SIDED 10 FOOT HIGH BY 30 FOOT WIDE BILLBOARD WITH A DOUBLE-SIDED 14 FOOT HIGH BY 48 FOOT WIDE BILLBOARD AND RAISE THE HEIGHT BY 10 FEET TO A MAXIMUM HEIGHT OF 70 FEET, FOR THE PROPERTY LOCATED AT 8335 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 5) Close Public Hearing Item 10.A. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

AYES: Altschul, Buckner, DeLuccio, Huebner, Meister, Chair Yeber.

NOES: Vice-Chair Bernstein.

ABSENT: None.

RECUSED: None.

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

The following item was heard out of order as part of the amended agenda:

C. 8535 Sunset Boulevard:

Adrian Gallo, Associate Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, June 2, 2011.

He stated the proposal is a request to replace a two-sided 16' x 25' billboard atop a single-pole structure with a two-sided 14' x 48' billboard and raise the height by fourteen feet for a maximum height of 68'.

He stated the proposed development agreement will provide a substantial and on-going public benefit to the City, and as conditioned will not negatively impact nearby properties.

The Development Agreement also furthers the goals of the Sunset Specific Plan by encouraging the construction and operation of billboards as a "major urban design feature" along Sunset Boulevard and as a "significant part of the street's visual character".

Staff recommends approval.

Chair Yeber requested clarification regarding the Development Agreement Overlay Zone.

Chair Yeber opened public testimony for Item 10.C.:

STEVEN AFRIAT, representing Ace Outdoor Advertising, presented the applicants report. He spoke and detailed the current site and recommended v-shaped billboard, visual impacts, recommended size, regulated lighting, rotation, city benefits and payment amounts. He suggested the payment section of the development agreement be changed to reflect 12 payments of \$11,375.00 each (annual amount does not change), and an additional option for an additional 20 years; or have the original entitlement revert back. He requested approval.

Commissioner DeLuccio requested clarification on the degree of rotation.

Chair Yeber requested clarification on the proposed and current length.

Commissioner Altschul requested clarification regarding current building occupancy and questioned the applicant if he would be amicable to a change to the development agreement stating if occupancy falls below a certain amount, the development agreement would cease.

STEVEN AFRIAT, representing Ace Outdoor Advertising, could not confirm a definitive answer at this time.

Commissioner Meister disclosed for the record she received a phone call from the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Commissioner Altschul disclosed for the record he met with the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Vice-Chair Bernstein disclosed for the record he received a phone call from the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Commissioner Huebner disclosed for the record he received a phone call from the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Commissioner Buckner disclosed for the record he received a phone call from the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Commissioner DeLuccio disclosed for the record he received a phone call from the applicant's representative Steven Afriat and discussed matters contained solely in the staff report.

Chari Yeber disclosed for record he made a site visit.

GENEVIEVE MORRILL, LOS ANGELES, President/CEO, West Hollywood Chamber of Commerce. She spoke in support of staff's recommendation of approval to City Council.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She stated her opposition to development agreements. She spoke regarding the Sunset Specific Plan and building occupancy.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding billboards and developments agreements.

STEVEN AFRIAT, representing Ace Outdoor Advertising, presented the applicants rebuttal. He stated the building is currently 100% occupied. He urged recommendation of approval to City Council with the requested amendments.

ACTION: Close public testimony for Item 10.C: **Motion carried by consensus of the Commission.**

Vice-Chair Bernstein stated his support for this billboard. He was amicable to the amendments the applicant requested.

Commissioner DeLuccio stated he would like to see a neighborhood meeting take place before it goes forward to City Council. He had no issue with the payment amendment, but he would like to see the requested expiration amendment stay as-is. He stated his support of the height, indicating it works for this location on the Sunset Strip.

Commissioner Altschul would like to add a condition to the development agreement: *"If the property owner is in default on the payments for nine (9) months and/or if the property does not qualify to take advantage of the sign for nine (9) months or more because of sub-standard occupancy, he City may at it's unilateral option declare the development agreement invalid or terminated."*

Commissioner Buckner stated her support of recommending approval to City Council with the amendments.

Commissioner Huebner stated his support of recommending approval to City Council with the amendments.

Commissioner Meister stated her concerns with the height. She spoke regarding the benefits to the community regarding views.

Chair Yeber stated his support of the location for this billboard and could recommend approval to City Council with the amendments.

Vice-Chair Bernstein moved to: 1) approve staff's recommendation to City Council for approval with the following conditions: a) *"If the property owner is in default on the payments for nine (9) months and/or if the property does not qualify to take advantage of the sign for nine (9) months or more because of sub-standard occupancy, the City may at it's unilateral option declare the development agreement invalid or terminated."*; b) a neighborhood meeting shall take place before the City Council hearing date; and c) as long as the payments annualizes to the same amount, it can be paid in either monthly or four week installments.

Seconded by Commissioner DeLuccio.

Christi Hogin, Assistant City Attorney, read into the record: 1) Recommend to City Council approval of the application and development agreement with the following conditions: a) a neighborhood meeting shall take place before the City Council hearing; b) there shall be twelve monthly equal payments; and c) if the other party defaults on the payments for nine (9) months, or the building is not occupied to the percentage that is required under the development agreement (50%) for more than nine (9) months, at the City's sole discretion the development agreement may be declared terminated.

Commissioner DeLuccio stated his concerns with the occupancy amendment.

Commissioner Meister stated if any concerns from the neighborhood meeting are brought forward, they issues should be included in the staff report to City Council.

ACTION: 1) Recommend to City Council approval of the application request and development agreement with the following conditions: a) a neighborhood meeting shall take place before the City Council hearing date; b) there shall be twelve monthly equal payments; and c) if the other party defaults on the payments for nine (9) months, or the building is not occupied to the percentage that is required under the development agreement (50%) for more than nine (9) months, at the City's sole discretion the development agreement may be declared terminated; 2) Adopt Resolution No. PC 11-958 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A

ZONING MAP AMENDMENT, IN CONJUNCTION WITH THE PROPOSED DEVELOPMENT AGREEMENT, FOR THE PROPERTY LOCATED AT 8535 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” 3) Adopt Resolution No. PC 11-959 as amended: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT ASSOCIATED WITH A TWO-SIDED 14 FOOT HIGH BY 48 FOOT WIDE BILLBOARD ATOP A SINGLE-POLE STRUCTURE, LOCATED AT 8535 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; 4) Adopt Resolution No. PC 11-960 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A BILLBOARD PERMIT, TO REPLACE AN EXISTING TWO-SIDED 16 FOOT HIGH BY 25 FOOT WIDE BILLBOARD WITH A TWO-SIDED 14 FOOT HIGH BY 38 FOOT WIDE BILLBOARD AND RAISE THE HEIGHT BY 14 FEET TO A MAXIMUM HEIGHT OF 68 FEET, FOR THE PROPERTY LOCATED AT 8535 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; and 5) Close Public Hearing Item 10.C. **Moved by Vice-Chair Bernstein, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:05 P.M. AND RECONVENED AT 9:15 P.M.

B. 8462 Sunset Boulevard (Grafton Hotel):

Jennifer Alkire, Associate Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, June 2, 2011.

She stated the proposal is a request to install a new v-shaped billboard to be located above the roof of an existing hotel.

She detailed the location, placement, optional horizontal and vertical sizing, and additional correspondence that were received.

Staff recommends the proposed project with the condition that the billboards be horizontally oriented, sized at an industry standard 14 feet high by 48 feet wide and limited to a maximum of 56 feet above sidewalk grade.

Staff recommends approval.

Commissioner Meister disclosed for the record she spoke with Brian Lewis of Marathon Communications and discussed matters contained solely in the staff report.

Commissioner Altschul disclosed for the record he spoke with Mr. John Duponce and discussed matters contained solely in the staff report.

Commissioner DeLuccio disclosed for the record he received written correspondence from Brian Lewis and Nicki Carlson. He had no conversation with either party.

Chair Yeber disclosed for the record he received written correspondence from Brian Lewis and Nicki Carlson. He had no conversation with either party.

Vice-Chair Bernstein disclosed for the record he received written correspondence from Brian Lewis and Nicki Carlson. He had no conversation with either party.

Chair Yeber opened public testimony for Item 10.B.:

VICTOR DE LA CRUZ, LOS ANGELES, applicant's representative, presented the applicant's report. He provided a history of the Grafton Hotel and spoke regarding the horizontal and vertical signage, size, location, and neighborhood compatibility.

Commissioner Altschul requested clarification regarding commercial impacts from the applicant.

GENEVIEVE MORRILL, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval to City Council.

JOHN RUCCI, LOS ANGELES, spoke in opposition to staff's recommendation of approval to City Council.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke in support of the horizontal signage.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He stated the vertical sign may be more appropriate, although it could use more study. He stated the sign does not enhance the architectural integrity of the property.

JOHN DOUPONCE, WEST HOLLYWOOD, General Manager, La Parc Suite Hotel, presented the applicant's rebuttal. He spoke on recent hotel renovations.

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

Commissioner Meister questioned if any economic studies have been done to determine if the value of existing billboards will change because of new ones that will be put in. She further questioned if any marketing studies have been done to see how many billboards are too many.

John Keho, Planning Manager stated none of those studies have been done specific to this application.

Chair Yeber stated his concerns with adding additional billboards to the Sunset Strip indiscriminately just because it's a new revenue stream. He stated there needs to be more research and studies in the future. He had concerns with the rationale granting this just because other hotels have billboards.

Commissioner Buckner stated her support of the horizontal billboard. She commented it appears to be less obtrusive than the vertical billboard and would like to see some additional studies performed.

Vice-Chair Bernstein moved to: 1) approve staff's recommendation of approval to City Council, without a specific preference on the orientation of the sign.

Seconded by Commissioner DeLuccio.

Commissioner Altschul stated his support for a horizontal sign. He suggested a recommendation should be forwarded to City Council regarding the billboards orientation and urged a straw vote.

Straw vote:

Commissioner Meister: *None of the above.*

Commissioner Altschul: *Horizontal billboard.*

Vice-Chair Bernstein: *Vertical billboard.*

Commissioner Huebner: *Horizontal billboard.*

Commissioner Buckner: *Horizontal billboard.*

Commissioner DeLuccio: **Vertical billboard.**

Chair Yeber: **None of the above.**

Christi Hogin, Assistant City Attorney, recommended the motion stands and staff will forward to City Council, indicating each member's vote on the orientation of the billboard.

Commissioner Meister requested an amendment recommending further studies with professionals studying market and economics.

Vice-Chair Bernstein did not agree to this amendment. He stated he believes that would be a general discussion question.

Discussion was held regarding additional studies.

Commissioner Meister stated this would be a general item.

Commissioner DeLuccio could support this amendment if it was a general item and not specific to this project.

Vice-Chair Bernstein stated his support of the amendment if it was a general item; not specific to this project.

Commissioner Altschul suggested the Target Areas should be included in the study.

ACTION: 1) Recommend to City Council approval of the application request and development agreement with the following conditions: a) individual straw votes of commissioners shall be forwarded to City Council regarding the orientation of the billboard; and b) preference for a comprehensive study on all sites before any new individual billboards. 2) Adopt Resolution No. PC 11-965 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO CITY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION AND A ZONING MAP AMENDMENT IN CONJUNCTION WITH A PROPOSED DEVELOPMENT AGREEMENT FOR THE PROPERTY LOCATED AT 8462 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 11-968 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT ASSOCIATED WITH A NEW V-SHAPED BILLBOARD LOCATED ABOVE THE ROOF OF THE EXISTING HOTEL (THE GRAFTON HOTEL), LOCATED AT 8462 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" 4) Adopt Resolution No. PC 11-967 as

presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A BILLBOARD PERMIT TO INSTALL A NEW 48 FOOT WIDE BY 14 FOOT TALL V-SHAPED BILLBOARD STRUCTURE ABOVE THE ROOF OF AN EXISTING HOTEL BUILDING (THE GRAFTON HOTEL), LOCATED AT 8462 SUNSET BOULEVAR, WEST HOLLYWOOD, CALIFORNIA;" and 5) Close Public Hearing Item 10.B. **Moved by Vice-Chair Bernstein, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

AYES: Altschul, Buckner, DeLuccio, Huebner, Vice-Chair Bernstein.

NOES: Meister, Chair Yeber.

ABSENT: None.

RECUSED: None.

D. 9039 Sunset Boulevard (Key Club):

Antonio Castillo, Associate Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, June 2, 2011.

He stated the proposal is a request to install a new 48' X 14' tall, two-sided billboard with an overall height of 70 feet atop of an existing commercial building.

He detailed the placement of the billboards, business identification signs, and digital board.

Staff recommends approval to City Council.

Commissioner Meister disclosed for the record she had a phone conversation with Jeffrey Seymour and received an e-mail from Richard Rothenberg. She discussed matters contained solely in the staff report.

Commissioner Altschul disclosed for the record he had a phone conversation with Jeffrey Seymour and discussed matters contained solely in the staff report.

Commissioner Buckner disclosed for the record she had a phone conversation with Jeffrey Seymour and discussed matters contained solely in the staff report.

Vice-Chair Bernstein disclosed for the record he had a phone conversation with Jeffrey Seymour and discussed matters contained solely in the staff report.

Commissioner DeLuccio disclosed for the record he had a phone conversation with Jeffrey Seymour and discussed matters contained solely in the staff report.

Chair Yeber opened public testimony for Item 10.D:

JEFFREY SEYMOUR, applicant's representative, presented the applicant's report. He detailed the history of the project, and spoke regarding the design of the billboard, neighborhood compatibility, shade and shadow impacts, height, lighting and wattage,

GENEVIEVE MORRILL, LOS ANGELES, President/CEO, West Hollywood Chamber of Commerce. She spoke in support of staff's recommendation of approval to City Council.

ELYSE EISENBERG, WEST HOLLYWOOD, She spoke in support of staff's recommendation of approval to City Council.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the design of the sign.

MARK STERES, LOS ANGELES, applicant's representative, provided the applicant's rebuttal. He reiterated and spoke on the design. He requested approval.

Commissioner Altschul questioned and asked for clarification if there are any non-compliance and any ongoing issues with the City and the tenant in question.

ACTION: Close public testimony for Item 10.D: **Motion carried by consensus of the Commission.**

Commissioner DeLuccio commented on the unique design of the billboard and stated his support for a recommendation of approval to City Council.

Chair Yeber could not support a recommendation for approval to City Council, based on the same reasoning as stated in Item 10.B. (8462 Sunset Boulevard).

Commissioner Meister could not support a recommendation for approval to City Council, based on the same reasoning as stated in Item 10.B. (8462 Sunset Boulevard).

Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval to City Council; with the following additions: a) preference for a comprehensive study on all sites before any new individual billboards.

Seconded by Commissioner Altschul.

Commissioner Altschul amended the motion to include the following: a) occupancy default should read as 100%; if the other party defaults on the payments for nine (9) months, or the building is not occupied to the percentage that is required under the development agreement (100%) for more than nine (9) months, at the City's sole discretion the development agreement may be declared terminated; c) there shall be no outstanding issues with respect to Code Enforcement or financial issues with the City; and d) prior to the City Council hearing, a neighborhood meeting shall be held.

Commissioner DeLuccio agreed to these amendments.

Commissioner Buckner stated her support of the motion.

ACTION: 1) Recommend to City Council approval of the application request and development agreement with the following conditions: a) occupancy default should read as 100%; thereby, if the other party defaults on the payments for nine (9) months, or the building is not occupied to the percentage that is required under the development agreement (100%) for more than nine (9) months, at the City's sole discretion the development agreement may be declared terminated; b) there shall be no outstanding issues with respect to Code Enforcement or financial issues with the City; and c) prior to the City Council hearing, a neighborhood meeting shall be held. 2) Adopt Resolution No. PC 11-962 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A NEGATIVE DECLARATION AND OF A ZONING MAP AMENDMENT IN CONJUNCTION WITH A PROPOSED DEVELOPMENT AGREEMENT, FOR THE PROPERTY LOCATED AT 9039 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 11-963 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT, ASSOCIATED WITH A NEW TWO-SIDED 48 FOOT WIDE BY 14 FOOT TALL BILLBOARD ATOP OF THE EXISTING COMMERCIAL BUILDING, LOCATED AT 9039 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; 4) Adopt Resolution No. PC 11-964 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD,

RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A BILLBOARD PERMIT TO INSTALL A NEW 48 FOOT WIDE BY 14 FOOT TALL, TWO-SIDED BILLBOARD ATOP OF AN EXISTING COMMERCIAL BUILDING, LOCATED AT 9039 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 5) Close Public Hearing Item 10.D. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

AYES: Altschul, Buckner, DeLuccio, Huebner, Vice-Chair Bernstein.

NOES: Meister, Chair Yeber.

ABSENT: None.

RECUSED: None.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

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

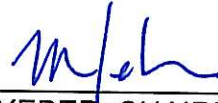
He wished David Gillig Happy Birthday.

14. **PUBLIC COMMENT.** None.

15. **ITEMS FROM COMMISSIONERS.** None.

16. **ADJOURNMENT:** The Planning Commission adjourned at 10:45 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, June 16, 2010 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 16TH DAY
OF JUNE, 2011.



MARC YEBER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY