



PLANNING COMMISSION MINUTES
Regular Meeting
September 1, 2011

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

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE: Pat Dixon led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: Huebner.

Staff Present: Jennifer Alkire, Associate Planner, John Keho, Planning Manager, Lauren Langer, Acting Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission Agenda of Thursday, August 18, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Yeber and unanimously carried; notating the abstention of Commissioner Huebner.**

5. APPROVAL OF MINUTES.

A. August 4, 2011

ACTION: Approve the Planning Commission Minutes of Thursday, August 4, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried; notating the abstention of Commissioner Huebner.**

B. August 18, 2011

ACTION: Approve the Planning Commission Minutes of Thursday, August 18, 2011 as presented. **Moved by Commissioner Meister, seconded by Commissioner DeLuccio and unanimously carried; notating the abstention of Commissioner Huebner.**

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS.

Commissioner DeLuccio requested clarification regarding public speaking times as indicated in the Planning Commission By-Laws. He stated these are uniform by-laws, and they should to be reflected as such on the published agendas.

Discussion was held and it was noted that future published agendas will include the current by-law section referencing public speaker "times".

Chair Bernstein requested a discussion item regarding condominium conversions agendized for a future agenda.

8. CONSENT CALENDAR.

A. 8801 Sunset Boulevard (Centrum Sunset, LLC)

Planning Commission directed staff to return with a resolution making recommendations to the City Council on the proposed project, located at 8801 Sunset Boulevard, West Hollywood, California.

Chair Bernstein opened public comment for Item 8.A.:

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

ACTION: Close public comment for Item 8.A: **Motion carried by consensus of the Commission.**

Vice-Chair Buckner requested clarification regarding the billboard proposal. She stated the development agreement should be a notated as a separate item from the project approval in the resolution.

Staff clarified Resolution No. PC 11-990, Section 4, reading into the record it clearly states the billboard should be treated as a separate item.

ACTION: 1) Adopt Resolution No. PC 11-990, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO CITY COUNCIL THE COMMISSION'S SUPPORT OF THE REDEVELOPMENT OF THE SITE, HOWEVER, THE COMMISSION DID NOT SUPPORT THE PROJECT AS CURRENTLY DESIGNED, DUE TO PARKING, TRAFFIC CIRCULATION ISSUES AND THE AMOUNT OF OFF-SITE SIGNAGE FRONTING HORN AVENUE, FOR THE PROERTY LOCATED AT 8801 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Moved by Vice-Chair Buckner, seconded by Commissioner DeLuccio and unanimously carried; notating the abstention of Commissioner Huebner.**

9. PUBLIC HEARINGS.

A. 9001 Santa Monica Boulevard.

Palm Restaurant Mixed-Use Project:

Continued from Thursday, August 18, 2011. Jennifer Alkire, Associate Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, September 1, 2011.

She stated the applicant is requesting an amendment to the development agreement to extend the time period to commence phases of construction by two (2) years.

She provided a history of the project, stating the original project was approved in December of 2007, was for the construction of an 83,200 square foot, five (5) story mixed use building, rising to 62 feet in height.

The building was to be constructed with 180 parking stalls located in two levels of subterranean parking. The commercial component of the building was to be located on the first above-ground floor and consist of 9,850 square feet of retail space and 9,800 square feet of restaurant space with 250 square feet of associated outdoor dining.

The residential component of the mixed-use building was to consist of thirty-four (34) market-rate residential units and eight (8) inclusionary residential units and was to be located on the second through fifth floors.

The applicant is requesting an additional two years be added to the term of the development agreement and the time period in which building permits may be obtained for construction of an 83,200 square foot, five (5) story mixed use building.

Due to recent direction from the City Council prohibiting residential uses along Santa Monica Boulevard between Almont Drive and Larrabee Street, staff recommends that the Planning Commission recommend to City Council denial of the requested amendment.

Commissioner Yeber requested clarification regarding staff's direction and recommendation, noting this is not yet implemented policy.

Commissioner Aghaei requested clarification regarding other like developments without a development agreement.

Commissioner Meister questioned if there were any changes to the project other than timing and if there would be an impact to the settlement agreement.

Commissioner Meister disclosed for the record she received a call from the applicant's representative, Ira Handelman. They did not meet.

Commissioner DeLuccio disclosed for the record he received a call from the applicant's representative, Ira Handelman. They did not speak.

Commissioner Aghaei disclosed for the record he met with the applicant's representative, Ira Handelman. They discussed matters contained in the staff report.

Commissioner Yeber disclosed for the record he met with the applicant's representative, Ira Handelman. They discussed matters contained in the staff report.

Vice-Chair Buckner disclosed for the record she received a call from the applicant's representative, Ira Handelman. They did not meet.

Chair Bernstein disclosed for the record he met with the applicant's representative, Ira Handelman. They discussed matters contained in the staff report.

Chair Bernstein opened public testimony for Item 9.A.:

IRA HANDELMAN, WOODLAND HILLS, representing the applicant, presented the applicant's report. He spoke regarding the history of the project. He urged support of the request for an extension.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on Sunset Clauses, stating they should be added to extension agreements. She stated they should pay for the extension request.

Commissioner DeLuccio requested clarification of the extension terms and questioned if they had to pay a fee for the extension.

Jennifer Alkire, Associate Planner, stated they had to pay a fee for the amendment.

Commissioner Yeber had concerns with staff's direction with this request, and how other applicant's have been treated with the same request. He clarified that City Council has expressed interest regarding residential on specific blocks, however, it is not policy at this time.

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

Commissioner Yeber moved to: 1) deny staff's recommendation of denial; and 2) recommend approval to City Council the applicant's request for a two year extension.

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio requested the resolution recommending approval to City Council, shall be brought back as a Consent Calendar item.

Commissioner Meister supports the extension. She would like to add that the project be built in accordance with the city's current Green Building Ordinance. She stated if the developer applies for any additional extensions of Phase I, beyond this extension, that the project should be reevaluated and a possible Environmental Impact Report might need to be required and the project should be reviewed under the current General Plan and Zoning Ordinance in place at that time. She confirmed that the policies are not in place at this time and cannot be applied to this project.

Commissioner Yeber accepted the added amendments.

Staff clarified the CEQA analyses would not need to be put into the amendment, since there would be no new environmental impact report needed again.

Commissioner Yeber accepted the added amendments regarding Green Building standards only.

Lauren Langer, Acting Assistant City Attorney, clarified the motion: 1) bring back a resolution recommending City Council approval of a development agreement amendment and development permit amendment to reflect a two year extension, and require the project built in accordance with current green building standards.

Commissioner DeLuccio agreed to the amendments.

ACTION: 1) Bring back a resolution recommending City Council approve a two year extension of a development agreement amendment and development permit amendment with the following condition; a) the project shall be built in accordance with current Green Building standards.
Moved by Commissioner Yeber, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:

AYES: Aghaei, DeLuccio, Meister, Yeber, Vice-Chair Buckner, Chair Bernstein.

NOES: None.

ABSENT: Huebner.

RECUSED: None.

B. 1223 N. Larrabee Street.

The applicant submitted a request to amend Development Permit 2006-44 to reduce the number of units in the development from eight (8) to seven (7), change the number of bedrooms in three of the units from one to two and other minor changes to the design and layout of the building. Because the Development Permit specifically prohibited increasing the number of bedrooms. Planning Commission review of this amendment was required.

On August 23, 2011, the applicant requested to withdraw the portion of the proposal that required Planning Commission review. The applicant has revised the plans so that the number of bedrooms will not increase. Therefore, the amendment is now considered minor pursuant to Section §19.62.070 and can be reviewed for decision by the Director.

Chair Bernstein opened public comment for Item 9.B.:

MARK ZELLER, WEST HOLLYWOOD, opposes changes to the requested amendment.

ELYSE EISENBERG, WEST HOLLYWOOD, has concerns regarding this item. She commented on height limits, parking, and unit reconfigurations.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the number of units and parking spaces.

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

Commissioner DeLuccio requested public speakers and any interested parties shall be informed of the final action of staff regarding this project.

Commissioner Yeber requested clarification regarding significant changes to configuration.

ACTION: 1) Revert application back to staff level review; and 2) public speakers shall be informed of staff's decision(s). **Motion carried by consensus of the Commission.**

C. 1040 N. Spaulding Avenue:

Jennifer Alkire, Associate Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, September 1, 2011.

She stated the applicant is requesting to add one (1) inclusionary unit to a previously approved five-unit condominium building and requesting minor modifications to the front and side setback requirements, reduction in the required width of one parking stall, elimination of the private open space requirement for the affordable unit, and relief from the lockable storage requirement.

The original project was approved on February 7, 2008 by the Planning Commission, which was for the construction of an 8,600 square foot, four (4) story condominium building. Four of the five units are designed with three bedrooms, and one is two bedrooms. The units average 1,720 square feet.

When this project was deemed complete on September 7, 2007, the site was zoned R3C, and was allowed to have a height up to 45 feet and four stories. Since that time, the site has been down-zoned to R3B and would only permit a height of 35 feet and three stories. The proposed changes to the approved project do not involve changes to the height of the proposed structure. Therefore, the project would not be subject to the new height restrictions. Instead the code that was in place when the project was originally approved would apply.

Provisions for maximum average unit size have been created between the approval of this project and the current request. The approved project would not meet today's standards for the R3 zones of a maximum average unit size of 1500 square feet. However, since the project was originally deemed complete under the 2007 R3 standards, and the proposed changes do not increase the size of any the approved units, this code change would not apply to the project. Rather, the standards in place in 2007, which did not include an average unit size requirement, would apply.

She stated Draft Resolution No. 11-987; Condition 2.6) would be added; *"The required parking for the site would be eleven (11) spaces; ten (10) spaces for the five (5) two and three bedroom market rate units; one (1) space for the affordable studio unit; no guest spaces are required."*

Resolution No. PC 08-804; Section 8.2) shall be eliminated.

She detailed the lockable storage, private open space, amended façade, stairwells, and massing.

Staff recommends approval.

Vice-Chair Buckner requested clarification regarding guest parking.

Chair Bernstein requested clarification regarding unit sizes and questioned the financial feasibility of the project in regards to SB 1818.

Chair Bernstein opened public testimony for Item 9.C.:

ANDY ALPER, VENICE, architect, presented the applicants report. He presented a history of the project and detailed the affordable units, modifications, setbacks, height and massing.

Vice-Chair Buckner requested clarification regarding the alteration of storage and usable space.

Chair Bernstein requested clarification regarding affordable studio units and in-lieu fees.

LYNDIA LOWY, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ANDY ALPER, VENICE, architect, presented the applicants rebuttal. He notated that the project has subterranean parking and the parking stall has been reduced from 9' to 8'4".

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

Commissioner Meister could not support the requested change. She stated the four modifications together have a cumulative effect. The concessions are not listed in the zoning ordinance, the size and location of the affordable unit does not meet the standard, and she had concerns with impacts to the neighborhood, since this project now falls under the R3C, instead of R3B.

Commissioner Meister moved to: 1) deny staff's recommendation of approval.

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio had concerns regarding the modifications. He could not support the request.

Vice-Chair Buckner stated her support of the affordable housing unit, but has concerns with the concessions.

Commissioner Yeber had concerns with the concessions and reductions. He stated they must be looked at cumulatively, which changes the project significantly.

Commissioner Aghaei could not support the requested changes.

Chair Bernstein stated his support of the motion to deny. The requested changes do not seem to be consistent with the city's goals.

ACTION: 1) Bring back resolutions of denial of the requested amendment. **Moved by Commissioner Meister, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

AYES: Aghaei, DeLuccio, Meister, Yeber, Vice-Chair Buckner, Chair Bernstein.

NOES: None.

ABSENT: Huebner.

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 encouraged participation on the General Plan at the next City Council meeting on Tuesday, September 6, 2011.

14. **PUBLIC COMMENT.** None.

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

16. **ADJOURNMENT:** Notating the cancellation of the Planning Commission meeting on Thursday, September 15, 2011, the Planning Commission adjourned at 7:50 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, October 6, 2011 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 6TH DAY OF
OCTOBER, 2011.



ALAN BERNSTEIN, CHAIRPERSON

ATTEST:



DAVID K. GILIG, COMMISSION SECRETARY