



PLANNING COMMISSION MINUTES
Regular Meeting
October 20, 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: Virginia Gileck led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: Huebner, Yeber.

Staff Present: Francisco Contreras, Senior Planner, David DeGrazia, Senior Planner, Bianca Siegl, Senior Planner, John Keho, Current and Historic Planning Manager, Melissa Antol, Long Range and Mobility Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission Agenda of Thursday, October 20, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Meister and unanimously carried; notating the abstentions of Commissioner Huebner and Commissioner Yeber.**

5. APPROVAL OF MINUTES.

A. October 6, 2011

ACTION: Approve the Planning Commission Minutes of Thursday, October 6, 2011 as presented. **Moved by Vice-Chair Buckner, seconded by Commissioner Aghaei and unanimously carried; notating the abstentions of Commissioner Huebner and Commissioner Yeber.**

6. PUBLIC COMMENT.

RUDOLF MARTIN, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

SOFIYA TURIN, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

YAELE SHAPHIR, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

JULIA GOLDBERG, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

BRIAN RUBENSTEIN, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

GEOFFREY BUCK, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

SHERRY ROUTA, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

STEPHANIE J. HARKLER, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

LAURA BOCCALETTI, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

CATHY BLAIVAS, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

STEVE MARTIN, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park, and the issues surrounding the closed captioning of the Planning Commission meeting.

SOFIA RATCOUICH, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

LYNN RUSSELL, WEST HOLLYWOOD, commented on upcoming construction concerns regarding Plummer Park.

7. ITEMS FROM COMMISSIONERS.

Chair Bernstein expressed his concerns regarding the issues surrounding the closed captioning and assisted listening devices for the Planning Commission meeting. He requested staff to look into the matter.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 8950 Sunset Boulevard (James Hotel):

Francisco Contreras, Senior Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, October 20, 2011.

He stated the applicant is requesting a two-year extension for the James Hotel Project. This will be the 6th extension request.

He provided an extensive history of the project, stating the two-year extension will provide the applicant additional time to acquire the necessary financing, secure a hotel operator, submit plans for Building and Safety plan check review, and start construction of the project.

Conditions of approval have been incorporated into approval of the extension to make the site more attractive and to encourage the activation of the site with short-term community-serving special functions.

Staff supports the extension request.

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

JIM ARNONE, MALIBU, applicant representative, presented the applicant's report. He detailed the history of the project and spoke regarding entitlements, hotel investments, construction, plan check, the encroachment permit, and pre-payment of city fees.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

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

TODD STEADMAN, LOS ANGELES, Executive Director, Sunset Strip Business Association, spoke in support of staff's recommendation of approval.

Commissioner Aghaei requested clarification regarding fees and the encroachment permit.

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

Commissioner Meister disclosed for the record she met with the applicant's representatives, Jim Arnone and Steven Afriat. They discussed matters contained solely in the staff report.

Commissioner DeLuccio disclosed for the record he spoke with Steven Afriat. They and discussed matters contained solely in the staff report.

Chair Bernstein disclosed for the record he met with the applicant's representatives, Jim Arnone and Steven Afriat. They discussed matters contained solely in the staff report.

Vice-Chair Buckner disclosed for the record she spoke with Victor Martin and Steven Afriat. They discussed matters contained solely in the staff report.

Commissioner Aghaei disclosed for the record he met with the applicant's representatives, Jim Arnone and Steven Afriat. They discussed matters contained solely in the staff report.

Commissioner Meister had concerns that there have been so many extensions of this permit in the past. However, there were other concerns if this project was to be denied, there could be another project that could come in and have more negative impacts on the city. She spoke of the waste of private space for the last twelve years, and stated it could have been used for public space during that time. She would like to see an additional condition to use the space for special events; as well as for a park space, that it be temporary park space. She would also like to see the project comply with the City's Green Building Ordinance.

Christi Hogin, Assistant City Attorney, stated the property owner could make the property available to the city, but the city cannot condition private property to be used for public space and/or use without paying for compensation. She clarified that what is before the commission for consideration is strictly an extension of the permit only.

Commissioner DeLuccio stated his support of the extension and would like to see completion of the project. He clarified some additional conditions the applicant has put forth, i.e. fencing around the property, improving the hard-scape of the property to be used for special events, and keeping the property in a clean and safe condition.

Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval.

Seconded by Chair Bernstein.

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

Chair Bernstein questioned the applicant if they are amicable to an added condition for the project to comply with the City's current Green Building Ordinance.

John Keho, Current and Historic Planning Manager, clarified they must comply with the building codes and the State of California requirements regarding Green Building Codes. However, the City of West Hollywood's Zoning Ordinance requirements would not apply to this project because the City's Green Building requirements were not part of the original approval.

Vice-Chair Buckner voiced her displeasure of a sixth extension, but stated the current economy warrant's another two year extension. She stated her support of the extension.

Commissioner Aghaei stated he believes the applicant is a little more incentivized to actually go through with the project, due to the financial fees which could be forfeited. He commented this is the sixth extension, and by looking at the history of the project, it really needs to start to progress at this point.

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

ACTION: 1) Approve the application; 2) Approve Resolution No. PC 11-979 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A TWO YEAR EXTENSION TO THE JAMES HOTEL PROJECT, FOR THE PROPERTY LOCATED AT 8950 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.A. **Moved by Commissioner DeLuccio, seconded by Chair Bernstein and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: Huebner, Yeber.

RECUSED: None.

B. Zone Text Amendment (Parking Credits Program):

David DeGrazia, Senior Planner, provided an oral presentation and background information as presented in the staff report dated Thursday, October 20, 2011.

He stated this is an amendment to the Zoning Ordinance to enable a Parking Credits Program and eliminate the in-lieu parking fee city-wide.

He provided a history of the program and detailed the Joint Study session with the Transportation Commission and Planning Commission, stating the Transportation Commission voted unanimously to approve the Parking Credits Program.

The following two changes were made to the Parking Credits Program, based on the Joint Study session:

The original Zone Text Amendment allowed new buildings 10,000 square feet or larger to utilize the Parking Credits Program to satisfy up to 100% or the required parking for the first 10,000 square-feet, with additional square-footage being parked on-site.

The revised Zone Text language *does not allow* the new construction of 10,000 square-feet or more to utilize the Parking Credits Program.

This change will ensure that large new projects continue to provide all required parking on-site.

The Zone Text Amendment has also been revised regarding Parking Use Permits. The previous amendment eliminated the use of parking use permits in Parking Credit Districts.

The revised Zone Text language continues to allow Parking Use Permits in Parking Credit Districts.

This modification will allow businesses such as restaurants to continue to have dedicated off-site parking spaces for patrons and valet uses.

Staff recommends the Planning Commission recommends to City Council the adoption of the proposed Zone Text Amendment.

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

STAN BOCHNIAK, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval to City Council.

DONALD ELMBLAD, WEST HOLLYWOOD, has concerns regarding this item. He would like to see a comparison regarding the revenue generated by the current plan and the new plan.

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

TODD STEADMAN, LOS ANGELES, Executive Director, Sunset Strip Business Association, spoke in support of staff's recommendation of approval to City Council.

ED BUCK, WEST HOLLYWOOD, has concerns regarding this item. He spoke how the current Parking Use Permit system city-wide is broken and needs to be fixed. He spoke in support of this program.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval to City Council.

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

David DeGrazia, Senior Planner, stated for the record, the Parking Credits Program shall not be used to satisfy residential parking requirements for mixed-use projects.

Commissioner Meister questioned, since this is a pilot program, when it would come back to the Transportation and Planning Commission for evaluation. She would like to see a time frame when this item would come back. She would like to see a discussion at some point regarding disincentives for a net loss of spaces when new construction or businesses remodel. She commented on the lack of resident outreach regarding this program. She would like to see more community outreach for the follow-up of this pilot program. She stated she was informed by Oscar Delgado, Director of Public Works, when the parking structure was built at the West Hollywood Park Library, the distribution of "C" Permits would be looked at. That is something that may be able to be decreased and re-visited at this time.

Commissioner Aghaei stated his support of the proposal. He stated this new program will help manage parking inventory in the area, allows us to understand demand better, encourages more pedestrian oriented development and traffic, and will help us move away from the current Parking Use Permit system. He believes this provides more equitable alternatives for new businesses. It a good step forward.

Vice-Chair Buckner stated her support of the proposal. She stated it is business friendly. She would like to see a date set when this item would come back for evaluation and review, before it moves on to the second phase. She is in support of the revised text language. She thanked staff for the hard work.

Commissioner DeLuccio thanked staff for the implementation of this program.

Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval to City Council, with the following condition: a) after the Parking Credits Program is implemented, it shall be brought back in six months for an update.

Seconded by Commissioner Aghaei.

Chair Bernstein stated his support of the program and is excited to see it move forward to City Council.

ACTION: 1) Adopt Resolution No. PC 11-984 as amended: *a) after the Parking Credits Program is implemented, it shall be brought back in six months for an update;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT RELATING TO PARKING CREDITS AND THE ELIMINATION OF THE IN-LIEU PARKING FEE CITYWIDE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Close Public Hearing Item 9.B. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: Huebner, Yeber.

RECUSED: None.

Commissioner Aghaei left the dais and meeting at this time due to a pre-planned religious holiday activity.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:00 P.M. AND RECONVENED AT 8:05 P.M.

10. NEW BUSINESS.

A. Condominium Conversion Policy.

Chair Bernstein provided a history of a recent discussion regarding a proposed Condominium Conversion Ordinance that would have affected a small number of historic properties. He stated within that conversation, there seemed to be a great deal of interest from the general public and commissioners about the idea of condominium conversions.

He stated the perceived negative reaction to what was being proposed, seemed based on the perception that the Ordinance (Zone Text Amendment) is very landlord friendly and there was an opportunity to look for a Condominium Conversion Ordinance that is tenant respectful, tenant friendly, and could be appealing to a majority of tenants in rent stabilized housing. It could only be triggered by a landlord electing to do it and therefore, it would not be forced upon anyone.

The idea he wanted to discuss was an ordinance of several years ago in The City of Santa Monica called TORCA, which allowed condominium conversions. He stated TORCA (Tenant Ownership Rights Charter Amendment) had some merits and suggested it could be improved.

He stated tenants need to feel a sense of opportunity and sense of protection, if something like this was to happen in West Hollywood.

He stated that he believes it would be legal to have a condominium conversion, such that had an opportunity to be afforded and insider price, and there was a requirement that some minority percentage of the tenants accepted that. It would give tenants who desire to become owners an opportunity at ownership, and then it would be critical for tenants who wished to remain tenants, who enjoyed being rent stabilized tenants in West Hollywood, would be afforded that opportunity.

He believed TORCA fell apart somewhat on not being sufficiently protective of tenants who wished to remain tenants and any change to the West Hollywood Ordinance would need to emphasize tenant protections. If we (the City) were to offer a condominium conversion, we could also require that any landlord who elected to go into that program could also agree to heightened disincentives. So, effectively, a tenant who wished to remain a tenant could remain a tenant in a building that converted and would have heightened protections over what currently exists for tenants in rent stabilized buildings.

He stated this would offer us a mechanism for getting improvements done in historic properties, which is a concern. There are some other properties where it would also tend to raise the property's value and maintenance.

He stated that the City's current policy requires buildings to conform to parking and other standards, which he believes tends to shut out existing buildings.

His thought for discussion and consideration is an idea that we could create a policy. It would protect tenants, it would give tenants who wished to be owners and opportunity to become owners at an advantageous rate, it would keep others under the RSO (Rent Stabilization Ordinance), with heightened protections, and it would create an additional stock of buildings that are unlikely to be removed.

He expressed encouragement to continue the discussion to see if something is there.

Chair Bernstein opened public comment for Item 10.A.:

SIBYL SADEN, WEST HOLLYWOOD, commented on the continual protection of all renters. She urged the Planning Commission to adhere to the strictest standards required for conversions and protect the residents.

ED BUCK, WEST HOLLYWOOD, commented on economic market changes, and stated it is time to discuss the possibilities for renters to escape the landlords of rent stabilized apartments.

DONALD ELMBLAD, WEST HOLLYWOOD, stated his support as a landlord for condominium conversions. He raised concerns regarding the economy and urged sub-metering for water usage.

STEVE MARTIN, WEST HOLLYWOOD, commented on the responsibilities of water usage and utility use. He stated it does not appear to be a large population of people living in buildings built in the 1950's, 1960's and 1970's that would want them to be converted to condominiums. He suggested a working group with the Historic Preservation Commission, Rent Stabilization Commission and the Planning Commission.

TRISH GORDON, WEST HOLLYWOOD, commented on her building, which is currently in the process of being converted to condominium units and the rights of tenants, which are non-existent. She urged for more renter's rights and protections.

JEANNE DOBRIN, WEST HOLLYWOOD, is opposed to condominium conversions and commented on the obstacles facing condominium ownership and conversions.

LYNN RUSSELL, WEST HOLLYWOOD, commented on the obstacles and issues for historical properties. She suggested the Historic Preservation Commission and Rent Stabilization Commission should be included in this discussion.

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

Commissioner DeLuccio stated his support of the idea, but requested additional information and would like to see the City of Santa Monica's Ordinance pertaining to this discussion. He requested clarification from Chair Bernstein if this is a "hybrid" approach; renters living in a condominium building with owners.

Chair Bernstein stated yes. It would require a certain number of tenants wanting to become owners, and would permit people who wanted to remain tenants to remain as renters. We (the City) would maintain their protections and look for opportunities to strengthen them.

Commissioner DeLuccio cautioned this would be a policy issue that would go before City Council, and questioned if this is something the Council would want the Planning Commission to pursue. If this was to go forward, he suggested some type of working groups to be included, such as Rent Stabilization and Historic Preservation Commissions.

Vice-Chair Buckner stated the need for more discussion, study and information. She questioned the legalities and stated generally rental units in a condominium property tend to bring down the values of those properties. She agreed to a joint study group with Rent Stabilization and Historic Preservation Commissions.

Commissioner DeLuccio questioned the City Attorney regarding the legalities and protocol for recommendations to City Council.

Christi Hogin, Assistant City Attorney, suggested an Ad-Hoc Committee.

Commissioner Meister agreed to the need for more discussion, study and information. She agreed Rent Stabilization and Historic Preservation Commissions need to be involved. She would like more information presented on the City of Santa Monica's Ordinance (TORCA).

Chair Bernstein stated there does seem to be an interest in learning more.

Vice-Chair Buckner moved to: 1) agendize this as a discussion item for the upcoming Planning Commission Long Range Planning Projects Subcommittee on Thursday, November 3, 2011.

Seconded by Commissioner Meister.

ACTION: Agendize Condominium Conversion Policy as a discussion item on the Planning Projects Long Range Planning Projects Subcommittee meeting on Thursday, November 3, 2011 at 6:30 p.m., City Hall location.
Motion carried by consensus of the Commission; notating the abstentions of Commissioner Aghaei, Commissioner Huebner and Commissioner Yeber.

Melissa Antol, Long Range and Mobility Planning Manager, requested clarification regarding what exactly the subcommittee members need from staff for the Planning Projects Long Range Planning Projects Subcommittee meeting.

Chair Bernstein stated he would like to see information regarding the City of Santa Monica's Ordinance (TORCA); [if there is time for research] what worked and didn't work for this ordinance, can condominium conversion be done in West Hollywood, and the possible greening of condominium conversions.

B. Planning Commission Update Training.

Brown Act and fundamentals of land use law and planning/zoning issues, Long Range and Mobility Planning work program and current project review process.

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

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Planning Manager's Update.

John Keho, Current and Historic Planning Manager, stated the City of West Hollywood is listening to the issues raised regarding the upcoming Plummer Park construction.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on and questioned the absences of Commissioner Huebner.

STEPHANIE HARPER, WEST HOLLYWOOD, commented on the disconnect regarding a [supposed] update from Anne McIntosh, City Manager/Community Development Director, regarding the Plummer Park Master Plan and construction schedule.

15. ITEMS FROM COMMISSIONERS.

Commissioner Meister requested the Planning Commission Long Range Planning Projects Subcommittee discuss height averaging at some point.

Chair Bernstein thanked the Plummer Park contingency for staying to the end of the meeting and urged them to make their issues and concerns known to City Council. He requested staff look into the ADA Compliance issues and requested these issues are fixed before the next meeting, and requested staff to more fully reflect the conversations in the official minutes.

16. ADJOURNMENT: Notating the cancellation of the Planning Commission meeting on Thursday, November 3, 2011, the Planning Commission adjourned at 9:50 P.M. to the next regularly scheduled meeting which will be on Thursday, November 17, 2011 beginning at 6:30 P.M. until completion 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 NOVEMBER, 2011.



ALAN BERNSTEIN, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY