



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**December 1, 2011**

West Hollywood Park Public Meeting Room – Council Chambers  
625 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:** Cathy Blaivas led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Elias Valencia, Planning Intern, Jennifer Alkire, Associate Planner, Todd Gish, Contract Urban Designer, John Keho, Current and Historic Preservation Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA.**

Move Agenda Item 9.A. (8969 Santa Monica Boulevard) to the Consent Calendar as Item 8.B.

Christi Hogin, Assistant City Attorney stated for the record this public hearing item was officially opened and closed; noting there were no public speakers for this item.

**ACTION:** Approve the Planning Commission Agenda of Thursday, December 1, 2011 as amended. **Moved by Vice-Chair Buckner, seconded by Commissioner DeLuccio and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. November 17, 2011**

**ACTION:** Approve the Planning Commission Minutes of Thursday, November 17, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

**6. PUBLIC COMMENT.**

CATHY BLAIVAS, WEST HOLLYWOOD, commented and stated concerns regarding the upcoming Plummer Park renovation.

STEPHANIE HARKER, WEST HOLLYWOOD, commented and stated concerns regarding the upcoming Plummer Park renovation.

ALLEGRA ALLISON, WEST HOLLYWOOD, commented and stated concerns regarding the upcoming Plummer Park renovation.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Yeber stated today, Thursday, December 1, 2011 is World AIDS Day.

**8. CONSENT CALENDAR.**

**A. 8301 Sunset Boulevard (Cabo Cantina Restaurant):**

Required six-month operational review of the establishment as required by Condition 3.12 of Resolution No. PC 10-949.

At the June 16, 2011 Planning Commission meeting, staff reported that there were no issues with Cabo Cantina restaurant. The Planning Commission reviewed the report and requested another six-month review of the minor conditional use permit.

There have been no reported issues with the amendment to Cabo Cantina's minor conditional use permit since its approval in December 2010 or the 6-month review in June 2011. Any issues that have arisen have not necessitated Code Compliance or Sheriff's Department action.

**ACTION:** 1) Receive and file. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

*The following item was moved to the Consent Calendar as part of the amended agenda.*

**B. 8969 Santa Monica Boulevard (Pavilions):**

Request to subdivide an existing 147,027 square-foot commercial parcel into two commercial parcels of 95,222 square feet and 51,805 square feet.

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

Commissioner DeLuccio disclosed for the record he spoke with the applicant's representative, Ira Handelman, and discussed matters contained solely in the staff report.

Commissioner Huebner disclosed for the record he spoke with the applicant's representative, Ira Handelman, and discussed matters contained solely in the staff report.

Commissioner Meister disclosed for the record she spoke with the applicant's representative, Ira Handelman, and discussed matters contained solely in the staff report.

**ACTION:** 1) Adopt Resolution No. PC 11-995: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A TENTATIVE PARCEL MAP (MAJOR LAND DIVISION NO. 71528) TO SUBDIVIDE AN EXISTING PARCEL CONSISTING OF 147,027 SQUARE FEET OF COMMERCIAL SPACE INTO TWO COMMERCIAL PARCELS OF 95,222 SQUARE FEET AND 51,805 SQUARE FEET, FOR THE PROPERTY LOCATED AT 8969 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

## 9. PUBLIC HEARINGS.

### A. 8969 Santa Monica Boulevard (Pavilions):

Request to subdivide an existing 147,027 square-foot commercial parcel into two commercial parcels of 95,222 square feet and 51,805 square feet.

**ACTION:** 1) Move to the Consent Calendar as Item 8.B. as part of the amended agenda. **Moved by Vice-Chair Buckner, seconded by Commissioner DeLuccio and unanimously carried.**

### B. 611 N. Orlando Avenue:

John Keho, Planning Manager, provided an oral presentation and background information as presented in the staff report dated Thursday, December 1, 2011.

He stated the applicant is requesting an amendment to the development agreement and tentative tract map to add one inclusionary unit and one market rate unit to a previously approved four-unit condominium building. Although the proposed project utilizes density bonuses based on its contribution of affordable housing, it is not requesting any variances or concessions from the City's development standards.

The original project, which was approved on June 7, 2007 by the Planning Commission, was for the construction of a four-unit, 11,837 square foot, four-story condominium building. Each floor contained one unit and each unit was designed with three bedrooms. The proposed units ranged in size from 2,374 to 2,610 square feet.

He detailed the Design Review Subcommittee's concerns, which included the design of the project involving the articulation of the front and side facades and open space on the roof.

Staff recommends that the Planning Commission conditionally approve the amendment to the original plan, allowing for the creation of one on-site inclusionary housing unit and one market rate unit.

Commissioner Meister requested clarification regarding the massing and façade of the new design.

Todd Gish, Contract Urban Design, clarified height, façade issues, private open space and materials.

Commissioner DeLuccio questioned when the current permits expire.

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

DAN MICLEA, LOS ANGELES, architect, presented the applicant's report. He spoke and clarified the financial concerns and they have complied with the zoning code. They are not requesting any variances for parking, open space or height. He detailed height, architectural style, façade, open space, and landscaping.

Commissioner Meister questioned the tree heights at maturity and the total square footage of the project.

Commissioner Yeber requested clarification regarding the landscaping and type of trees.

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

Commissioner DeLuccio stated he is not supportive of this amendment. He spoke regarding the past zoning and the current zoning now in place. He had concerns with the massing and activity that was pushed onto the roof level. He stated this project is not compatible with the neighborhood.

Vice-Chair Buckner stated her support of the design and the inclusionary housing unit. She spoke on the economy and issues surrounding selling larger units. She had concerns with the bulk on top of the building.

Commissioner Aghaei stated his support of the addition of an affordable housing unit and another market rate unit. He had some concerns with the façade, but supports the requested changes.

Commissioner Yeber spoke on the urban design quality. He had concerns with the projections on top and the landscaping plan. He stated his support of the amendment.

Commissioner Meister spoke regarding the change in density. She had concerns regarding the roof projection and landscaping plan. She stated this is not compatible with the neighborhood. She could not support this amendment.

Commissioner Huebner stated his support of the amendment, the design, and the addition of the affordable unit. He had concerns with the roof projections, but the project is well intended.

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

**Seconded by Vice-Chair Buckner.**

**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 11-997 as presented: "A RESOLUTION OF THE PLANNING COMMISISON OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AN AMENDMENT TO A DEVELOPMENT PERMIT, TO ADD TWO UNITS TO A FOUR-UNIT BUILDING, FOR THE PROPERTY LOCATED AT 611 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA; 3) Adopt Resolution No. PC 11-998 as presented: "A RESOLUTION OF THE PLANNING COMMISISON OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AN AMENDMENT TO A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 67792), FOR THE PROPERTY LOCATED AT 611 N. ORLANDO AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.B.  
**Moved by Commissioner Huebner, seconded by Vice-Chair Buckner and passes on a Roll Call Vote:**

**AYES:** Aghaei, Huebner, Yeber, Vice-Chair Buckner, Chair Bernstein.

**NOES:** DeLuccio, Meister.

**ABSENT:** None.

**RECUSED:** None.

**C. 9015 Sunset Boulevard:**

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

She stated the applicant is requesting to replace an existing 9' x 16' billboard with a new 14' x 48' creative billboard. The new creative billboard would utilize energy efficient LED lighting fixtures and incorporate a West Hollywood logo. This replacement would be for a period of two years.

She provided a detailed history, stating the West Hollywood Zoning Ordinance allows for these creative billboards to temporarily replace existing standard billboards in order to create a more dynamic and interesting streetscape along the iconic Sunset Strip. The idea behind these signs is for them to be visually different from standard billboards in order to draw additional interest along the Strip. Sometimes, an increase in size is temporarily allowed to accommodate specific creative aspects of the sign.

The proposed sign does not provide clear direction as to how this goal would be achieved. From the materials that were submitted, the sign appears to be a standard 14' by 48' billboard sign, with a West Hollywood logo integrated into the support structure and energy efficient lighting. However, visually, to passersby on Sunset Boulevard, the proposed sign would not appear to be creative in the way that the code intends.

She stated the applicant has provided staff with a number of possible creative elements that could be incorporated to future signs in this location. The applicant has also suggested that the project be conditioned to require at least one of the creative elements be included each time the sign is changed out. The applicant would then need to obtain Planning Division approval each time the sign was changed out.

As proposed, this sign would be approved as a blank template onto which various creative elements could be introduced. The benefit of this would be that the processing time for each specific creative billboard request could be greatly reduced. This would allow the billboard company to better serve their advertising clients.

The drawback for the City would be some loss of control over what sort of creative elements would constitute an appropriate creative billboard. Staff finds that the loss of control over how the creative elements of the sign are applied, especially on a larger sign of standard billboard dimensions, would outweigh the benefits of greater flexibility for the applicant.

Additionally, without any permanent creative aspects to the sign being proposed as part of this application, it does not seem to meet the spirit or intent of a creative billboard.

Staff is recommending that the requested creative billboard application be denied on the grounds that it does not satisfy the criteria set forth in the municipal code for creative billboards.

Commissioner Huebner disclosed for the record he spoke with the applicant's representative and discussed matters contained solely in the staff report.

Commissioner Meister disclosed for the record she spoke with the applicant's representative and discussed matters contained solely in the staff report.

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

Chair Bernstein disclosed for the record he met with the applicant's representative and discussed matters contained solely in the staff report.

Vice-Chair Buckner disclosed for the record she spoke with the applicant's representative and discussed matters contained solely in the staff report.

Commissioner Yeber disclosed for the record he spoke with the applicant's representative and discussed matters contained solely in the staff report.

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

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

STEVE AFRIAT, BURBANK, applicant's representative, presented the applicant's report. He detailed the history of the signage, and spoke on market advertising, creative elements, allowable height, creative lighting elements, recyclable materials, and energy consumption. He amended the requested "West Hollywood" logo requirement and stated the applicant would be amicable to follow staff's review and direction.

Commissioner Yeber requested clarification how LED energy efficient lighting could be construed as creative in and of itself.

ALLEGRA ALLISON, WEST HOLLYWOOD, opposes staff's recommendation of denial.

ROBERT GOOKIN, LOS ANGELES, spoke in support of staff's recommendation of denial.

ELYSE EISENBERG, WEST HOLLYWOOD, opposes staff's recommendation of denial.

VICTOR DE LA CRUZ, LOS ANGELES, spoke in support of staff's recommendation of denial.

STEPHANIE HARKER, WEST HOLLYWOOD, opposes staff's recommendation of denial.

CATHY BLAIVAS, WEST HOLLYWOOD, opposes staff's recommendation of denial.

STEVE AFRIAT, BURBANK, applicant's representative, presented the applicant's rebuttal. He spoke regarding creative billboards and zoning code regulations. He stated there is nothing in the code that precludes the applicant from applying in this way and creating a creative billboard and billboard structure and making it creative. He reiterated this is a creative sign and billboard. He urged approval.

Jennifer Alkire, Associate Planner, clarified for the record, staff is willing to work with the applicant in support regarding the flexibility and quicker turnaround times approving creative billboards on existing billboards. Staff is willing to support creative procedural ways on an existing billboard, however, this proposed billboard does not necessarily meet the spirit of the code, in terms of not having all the elements to be creative, but it does not appear to be the existing billboard.

John Keho, Planning Manager clarified from the code: *"The creative billboard shall alter an existing billboard without changing its location."*

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

Commissioner Huebner questioned if the city has ever approved an existing smaller billboard to a larger (maximum size) billboard to conform to the Sunset Specific Plan.

Commissioner Meister questioned if the city has ever approved a creative billboard that is two-sided.

Commissioner DeLuccio requested clarification regarding the "template" of the creative sign.

Commissioner Yeber questioned what staff's intent was when they did not want a creative sign to be relocated.

Discussion was held regarding creative signage, billboards, relocations, existing structures, LED technology, and zoning code regulations.



Christi Hogin, Assistant City Attorney stated the City Council has already determined the encouragement and creativity on existing billboards for aesthetic purposes, however, the city does have a process, that is currently on-going for creating new billboards. She stated the general intent was to encourage creativity on existing billboards for aesthetic purposes. She reiterated the applicant is asking you to be more creative in the reading of the code, where they are suggesting it could accomplish the ordinances goals.

Commissioner Meister concurred with staff that this does not meet the letter or the spirit of the creative billboard requirements based on the municipal code. She stated her support of staff's recommendation of denial.

Commissioner Yeber stated too many aspects of this application go well beyond the envelope of what is considered to be a creative sign. He is not comfortable with this application, and stated his concerns with the impacts. He stated his support of staff's recommendation of denial.

Commissioner DeLuccio stated his concerns with the structure. He believes the applicant has gone out of their way for a very compelling argument. They are trying to create a template, and within that template, it shows they are using creative elements.

Commissioner Aghaei stated his concerns with the ability to make a very liberal reading of the municipal code in order to have this creative sign go up.

Vice-Chair Buckner stated her concerns with the location. She would like to see more creativity on that end of Sunset Boulevard.

Chair Bernstein stated he would like to find a way to get a result that has demonstrated a desire for, which is better signage.

Commissioner Huebner stated his support of billboards, however he had concerns with the location. He is uncomfortable with a very liberal interpretation of the existing code, and how it could set a precedent. He stated his support of staff's recommendation of denial.

**Commissioner DeLuccio moved to: 1) applicant shall work with staff on a template for the creative sign; 2) staff shall come back with a resolution of approval with a two year expiration date (see if we can feasibly put something in the resolution that after two years they would have to take it down); and 3) applicant would need to take each new advertiser to staff to make sure (not the content), but that the creative sign conforms to that template.**

Christi Hogin, Assistant City Attorney stated her concerns with the wording of the motion and the legalities it may pose.

**Seconded by Chair Bernstein.**

**ACTION:** 1) Approve the application; 2) bring back a resolution of approval with the following conditions: a) applicant shall work with staff on a template for the creative sign; b) there shall be a two year expiration date (with the feasibility if after two years they would have to take it down); c) applicant shall take each new advertiser to staff to confirm the creative sign (not content) conforms to the template; and 3) close Public Hearing Item 9.C. **Moved by Commissioner DeLuccio, seconded by Chair Bernstein and fails on a Roll Call Vote:**

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

**MOTION FAILS.**

**Commissioner Yeber moved to: 1) approved staff's recommendation of denial.**

**Seconded by Commissioner Meister.**

**ACTION:** 1) Deny the application; 2) Adopt Resolution No. PC 11-996 as presented: "A RESOLUTION OF THE PLANNING COMMISSISON OF THE CITY OF WEST HOLLYWOOD, DENYING A CREATIVE BILLBOARD PERMIT TO REPLACE AN EXISTING 9' BY 16' STANDARD BILLBOARD WITH A NEW 14' BY 48' CREATIVE BILLBOARD UTILIZING LED LIGHTING FIXTURES AND INCORPORATING THE WEST HOLLYWOOD LOGO, LOCATED AT 9015 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA'; and 3) Close Public Hearing Item 9.C. **Moved by Commissioner Yeber, seconded by Commissioner Meister and passes on a Roll Call Vote:**

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

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:10 P.M. AND RECONVENED AT 8:15 P.M.**

**10. NEW BUSINESS.**

**A. Planning Commission Meeting Dates 2012:**

Officially cancel Planning Commission dates for the calendar year 2012.

**ACTION:** 1) Cancel Thursday, January 5, 2012. **Moved by Commissioner Aghaei and unanimously carried.**

**11. UNFINISHED BUSINESS.** None.

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

**13. ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

John Keho, Current and Historic Preservation Planning Manager, wished everyone Happy Holidays.

**14. PUBLIC COMMENT.** None.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Aghaei wished every one a Happy New Year.

Yeber wished everyone a fun and safe holiday.

Vice-Chair Buckner wished everyone a Happy New Year.

Commissioner Meister reminded staff to look at the creative billboard process and to see if the Long Range Planning Projects Subcommittee would be the place for further discussion. She wished everyone Happy Holidays and Happy New Year.

Commissioner Huebner wished everyone a healthy and happy holiday.

Chair Bernstein wished everyone a healthy happy and safe holiday.

**16. ADJOURNMENT:** Notating the cancellation of the Planning Commission meetings on Thursday, December 15, 2011 and Thursday, January 5, 2012, the Planning Commission adjourned at 8:30 P.M. to the next regularly scheduled meeting which will be on Thursday, January 19, 2012 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 19<sup>TH</sup> DAY  
OF JANUARY, 2012.

  
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ALAN BERNSTEIN, CHAIRPERSON

ATTEST:

  
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DAVID K. GILLIG, COMMISSION SECRETARY