



PLANNING COMMISSION MINUTES
Regular Meeting
May 3, 2012

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: Stephanie Harker led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Francisco Contreras, Senior Planner, Adrian Gallo, Associate Planner, Todd Gish, Contract Urban Designer, Oscar Delgado, Director of Public Works, John Keho, Current and Historic Preservation Planning Manager, Christi Hogin, Assistant City Attorney, Holly Agrusa, Deputy City Attorney and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

Move and hear Agenda Item 9.A. (1302 N. Sweetzer Avenue (El Mirador) after Agenda Item 9.C. (8300 Santa Monica Boulevard)

ACTION: Approve the Planning Commission Agenda of Thursday, May 3, 2012 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

5. APPROVAL OF MINUTES.

Chair Bernstein notated on page 10 of 12; adding the following to the paragraph:

Chair Bernstein stated it is clear according to the General Plan; this is the direction the City Council wants this to go. *“He expressed concern regarding tiebacks to already built property to calculate FAR bonus.” ...*

A. April 19, 2012

ACTION: Approve the Planning Commission Minutes of Thursday, April 19, 2012 as amended. **Moved by Commissioner Yeber, seconded by Commissioner Huebner and unanimously carried; notating the abstention of Commissioner DeLuccio and Vice-Chair Buckner.**

6. PUBLIC COMMENT.

CATHY BLAIVAS, WEST HOLLYWOOD, stated her ongoing concerns regarding the upcoming Plummer Park renovation.

STEPHANIE HARKER, WEST HOLLYWOOD, stated her ongoing concerns regarding the upcoming Plummer Park renovation.

7. ITEMS FROM COMMISSIONERS.

Commissioner DeLuccio welcomed back Commissioner Altschul.

Vice-Chair Buckner welcomed back Commissioner Altschul.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 1302 N. Sweetzer Avenue (El Mirador).

Applicant is requesting a development agreement and rehabilitation incentive for the rehabilitation and restoration of the El Mirador building with certain waivers of developments standards and exaction fees to enable its use as condominiums or and urban inn.

ACTION: Moved to be heard after Agenda Item 9.C. (8300 Santa Monica Boulevard) as part of the amended agenda. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

B. 8711 Melrose Avenue.

Francisco Contreras, Senior Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, May 3, 2012.

He stated the applicant is requesting to construct an approximately 23,045-square-foot, two-story (with partial third story) commercial structure designed as retail and wholesale design showrooms. The project would also include a 9,677-square-foot outdoor terrace that would be designated as wholesale design showroom for outdoor furnishings and would contain seventy parking spaces located on two levels of underground parking.

The project requires a zone text amendment and zone map amendment to establish The Avenues Bonus Overlay Zoning District and include the property within the Overlay. The project also codifies The Avenues height and density bonus as established by the General Plan 2035.

Todd Gish, Contract Urban Designer, presented the design review report. He stated the project is built out to all property lines. Its architectural language is a simplified classical style, restrained by box-like massing, but articulated somewhat by detailing at window surrounds and roof cornices, and by the pattern of stone veneer materials. Both street facades are two story expanses of repetitive window bays with projecting awnings all creating a formal and visual prominent rhythm topped by a continuous roof parapet and projecting cornice.

The project's design is fitting for this architecturally eclectic neighborhood and successful in its use of attractive materials and traditional forms in creating a street oriented commercial building well suited for this site. The large windows, prominent entry's and architectural rhythm directly along the sidewalk frontage all help to further define the public realm for pedestrians and the project enriches the urban design quality.

He detailed the roof terrace stating it as a desirable amenity. He also spoke regarding the step massing.

Commissioner Yeber requested clarification and questioned the pedestrian oriented nature of the project and potential impact(s) regarding signage.

Vice-Chair Buckner had concerns and questioned the pedestrian oriented nature of the project. She would like to see something more inviting and green around the project.

Commissioner DeLuccio had concerns and requested clarification of the rooftop activities.

Commissioner Yeber requested clarification and the history of the separate curb cut and why the alley was not utilized as the entrance for the garage.

Francisco Contreras, Senior Planner, stated the alley is actually a designated fire lane; therefore it cannot be used for any type of ingress or egress, or parking.

Commissioner Huebner disclosed for the record he met with the applicant Jason Illouljian and representative, Jeffrey Seymour. They discussed matters contained solely in the staff report.

Commissioner Altschul disclosed for the record he met with the applicant Jason Illouljian and representative, Jeffrey Seymour. They discussed matters contained solely in the staff report.

Commissioner DeLuccio disclosed for the record he spoke with the applicant's representative Jeffrey Seymour. They discussed matters contained solely in the staff report.

Chair Bernstein disclosed for the record he met with the applicant Jason Illouliau representative, Jeffrey Seymour and members of the West Hollywood West Resident's Association. They discussed matters contained solely in the staff report.

Commissioner Yeber disclosed for the record he met with the applicant Jason Illouliau and representative, Jeffrey Seymour. They discussed matters contained solely in the staff report.

Commissioner Aghaei disclosed for the record he met with the applicant Jason Illouliau. They discussed matters contained solely in the staff report.

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

JASON ILLOULIAN, WEST HOLLYWOOD, applicant, presented the applicant's report. He provided a history of the property site. He stated the zone map amendment and zone text amendment establishing The Avenues Bonus Overlay District will provide a blueprint for controlled growth. This project will allow new art, fashion, design and other creative businesses to locate along The Avenues and will support the economic competitiveness of the area. He addressed the roof top terrace and stated in the event the space could not be a wholesale design tenant, it would be a communal space for the building. There would be no extended hour activities on the rooftop. They would continue to work with staff to enhance the streetscape surrounding the project site.

Commissioner Yeber requested clarification regarding the bathrooms on the rooftop.

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

BENADETTE GILBY, LOS ANGELES, spoke in support of staff's recommendation of approval.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding valet parking, the General Plan and questioned the rooftop use and bathrooms.

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

JASON ILLOULIAN, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He spoke and detailed the water feature on the rooftop, stating it is a pond. He detailed the valet parking situation and stated there are no showers on the rooftop, only bathrooms.

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

Commissioner Altschul moved to: 1) approve staff's recommendation of approval to City Council.

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio had concerns with a "blanket type overlay" for the entire Melrose Avenue. He requested a separate vote on Resolution No. PC 12-1018.

Commissioner Altschul agreed to this amendment and stated for the record the motion is for recommendation of approval to City Council for Resolution Nos. PC 12-1009 and PC 12-1010.

Commissioner Aghaei requested clarification of The Avenues Bonus Overlay District.

Francisco Contreras, Senior Planner, stated the zone text amendment establishes the criteria for the bonus. In order to get the bonus, you have to apply for a zoning overlay on a particular property.

Commissioner DeLuccio stated he understands you have to establish the overlay and each individual project would come back separately for discretionary permits. He stated he philosophically has an issue going forward to City Council recommending all of Melrose Avenue to get an overlay. He does not support this.

John Keho, Planning Manager, stated for the record, the text amendment creates the language in the zoning ordinance for The Avenues Bonus. So it sets the criteria so people can then apply and zone their property as part of it. Technically, it's a two-step process; we're creating the language in the zoning ordinance for the bonus, and the individual property owners need to come in and apply and go through the zoning process to apply it to their properties. In this case, this is the only property to be zoned at this time.

Commissioner DeLuccio reiterated, philosophically it's allowing all the property on Melrose Avenue to potentially be zoned for The Avenues Bonus Overlay District. He does not support this.

Commissioner DeLuccio stated his support of Resolution No. PC 12-1009, stating the north side of Melrose Avenue could support that additional height, and his support of the project. He stated it is a quality project and well thought out. He had concerns with the rooftop activities and requested staff to clarify the wholesale use and special event permits.

Chair Bernstein stated his support of Resolution Nos. PC 12-1009 and PC 12-1010. He spoke on neighborhood compatibility and how the design does a nice job of stepping between the Library and Pacific Design Center.

Commissioner Aghaei stated, given that the ground floor is broken up, it does activate the site for pedestrian orientated traffic and it encourages people to walk. He likes how they softened the visual impact of the rooftop terrace, and stated the applicant has been attentive to the needs of the neighborhood. He stated this is a great project.

Commissioner Huebner stated his support of the project. It is appropriate for the corner and compliments the surrounding neighborhood. The attention to the roof and how it will look to the surrounding buildings is very complimentary. He had some concerns with developments to the lot lines. He encouraged that developer's ease back from the property line(s).

Commissioner Yeber stated he would have liked to see the first floor give a little more relief to the ground level. The building would not have to be pushed back, but maybe different indentations that would allow a little bit of creativity from a pedestrian activation standpoint. Overall, it is a good transition piece between the Library and rest of Melrose Avenue. He supports the project.

Vice-Chair Buckner stated her support of the project. She noted the applicant has made efforts to create a green building, even though they are not asking for any bonuses for doing so.

ACTION: 1) Recommend approval to City Council; 2) Adopt Resolution No. PC 12-1009 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONING MAP AMENDMENT TO INCLUDE THE SUBJECT PROPERTY WITHIN THE AVENUES BONUS OVERLAY ZONING DISTRICT, IN CONJUNCTION WITH THE PROPOSED ZONE TEXT AMENDMENT AND COMMERCIAL PROJECT, LOCATED AT 8711 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Adopt Resolution No. PC 12-1010 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF

THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND CONDITIONALLY APPROVE A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 23,045-SQUARE-FOOT, THREE STORY COMMERCIAL STRUCTURE (RETAIL AND WHOLESALE DESIGN SHOWROOM), FOR THE PROPERTY LOCATED AT 8711 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA". **Moved by Commissioner Altschul, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: None.

Commissioner Altschul moved to: 1) approve staff's recommendation of approval to City Council, and 2) adopt Resolution No. PC 12-1018.

Seconded by Chair Bernstein.

ACTION: 1) Recommend approval to City Council; 2) Adopt Resolution No. PC 12-1018 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT AND ESTABLISHING THE AVENUES BONUS OVERLAY DISTRICT, ADDING A SECTION 19.14.100 TO TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE, AND AMENDING SECTIONS 19.04.020 AND 19.10.050, IN CONJUNCTION WITH THE PROPOSED ZONING MAP AMENDMENT FOR THE PROPOSED DEVELOPMENT, LCOATED AT 8711 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.B. **Moved by Commissioner Altschul, seconded by Chair Bernstein and passes on a Roll Call Vote:**

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

NOES: DeLuccio.

ABSENT: None.

RECUSED: None.

- C. 8300 Santa Monica Boulevard (Automated Parking Garage Project).** Adrian Gallo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, May 3, 2012.

He stated the requested action is a Planning Commission determination of General Plan Consistency for the City Hall Automated Parking Garage Project. He reiterated the Zoning Ordinance exempts City projects from the normal permit review process. The commission is not being asked whether or not the garage should be built, or to approve a permit for the garage. Instead the commission will consider if the Automated Parking Garage is in compliance with the goals and objectives of the General Plan.

He detailed the project and stated the proposed structure is five-stories in height. The top of the parapet reach's a height of 47'-9" and the height to the top of the roof-top photovoltaic canopy is 55'-9". The footprint of the structure includes the majority of the project site and provides a 22' rear setback, and a 47' street side setback. The distance between City Hall and the proposed Automated Garage is 26'. Access to the parking structure would be available from Sweetzer Avenue via two ingress/egress points. As part of the project, the northbound approach at Sweetzer Avenue would be widened to the west to provide one exclusive left-turn lane and one shared through-and-right turn lane.

This project also provides for renovation and repair of the existing City Hall structure including roof, exterior and interior repairs and modifications, and will be designed to receive the "Certified" rating from the LEED® standardized system of green building design.

Currently, the parking lot behind city hall has the ability to accommodate only 68 cars at any one time. Additionally, service access and egress is difficult providing traffic problems. The addition of the automated parking structure will provide safe and easy access for staff and visitors while also providing an efficient and effective solution for service and delivery vehicles. The compact nature of the automated parking structure will also provide much needed community open space as well as opportunities for public art, community and civic events.

The automated parking structure will offer a clean, environmentally friendly alternative to conventional parking systems. Since the automobiles are non-operational during the parking and retrieval process as would be the case in a valet operation lot, the reduction in CO2 emissions equates to removing 92 cars from the road each year or the planting of 67,000 trees. Light pollution from the site to the adjacent residential neighbors is almost eliminated due to the solid nature of the parking warehouse and the elimination of human interaction. Additionally, the shell surrounding the warehouse will be designed to feature state of the art environmentally friendly materials such as composite wood panels made primarily from recycled plastic grocery bags. The photovoltaic panels on the roof of the structure would provide the majority of the electricity required on-site.

He provided a short video clip of the operation of the proposed automated garage.

Commissioner Altschul questioned the approximate length of time for the driver exiting the vehicle and the vehicle being put into its holding spot.

Adrian Gallo, Associate Planner, stated no more than 90 seconds in and out.

Commissioner DeLuccio questioned how many cars can be retrieved at one time.

Oscar Delgado, Director of Public Works, stated there are four bays, and provided examples of self-parking versus the automated parking garage. It can handle about 150 vehicles an hour.

Commissioner Altschul questioned the capacity of the garage.

Oscar Delgado, Director of Public Works, stated there are 200 spaces.

Adrian Gallo, Associate Planner, stated the proposed City Hall Automated Parking Garage project will resolve both on-site and off-site parking concerns in the area; increase the parking capacity from 68 parking spaces to 200 parking spaces; and space savings will net more than 7,000 square-feet of increased space to be used as a versatile civic plaza for community events and staff needs.

Staff recommends the Planning Commission determine that the proposed City Hall Automated Parking Garage project is consistent with the General Plan and adopt the attached draft resolution.

Commissioner Yeber questioned the schematics of the length of the pedestrian walkway to the vehicle bays, and questioned if any type of rooftop activities will take place.

Oscar Delgado, Director of Public Works, stated it would allow for better queuing off of Sweetzer Avenue regarding ingress and egress. No activities will take place on the rooftop.

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

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of staff's recommendation for determination of consistency with the General Plan.

DAVID FELDMAN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise, safety and financial issues.

GENEVIEVE MORRILL, LOS ANGELES, President and CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation for determination of consistency with the General Plan.

STEPHANIE HARKER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the overall financial costs, time to retrieve vehicles, traffic issues, and emergency back-up plans.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding emergency back-up alternative plans, length and width of larger vehicles, additional assistance, and hours of operation and cost of use.

Oscar Delgado, Director of Public Works, commented on some of the concerns raised. He stated no parking attendants will be needed. The labor costs in savings will allow for a 24-hour security guard, whom will act as an attendant, and if needed, assistance for the garage. City staff has staggered hours; therefore, employees usually do not arrive at the same time. He spoke and detailed the financial costs involved, noise concerns, and emergency back-up systems.

Commissioner Yeber questioned the location of the back-up generator, and requested clarification regarding the tracks and floors.

Vice-Chair Buckner requested clarification regarding the financing.

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

Commissioner DeLuccio moved to: 1) approve staff's recommendation to find the proposed Automated Parking Garage project is consistent with the General Plan.

Seconded by Chair Bernstein.

Commissioner DeLuccio congratulated staff and stated the traffic assessment report was very well done.

Chair Bernstein stated parking is really needed in this neighborhood. He commented on an extraordinary parking structure located in Florida, which is beautiful, interesting and is multi-purpose. It revolutionizes the idea of what parking structures could be. Parking structures do not have to be ugly utilitarian things, but they can add to the urban conversation, rather than just existing. He stated his support for the General Plan Consistency and the adoption of the Mitigated Negative Declaration.

Commissioner Aghaei stated his support. He stated this provides much needed parking in the area, and this project represents the creativity of design, environmental matters, and cultural issues the city prides itself on.

Commissioner Yeber congratulated staff on shepherding this project through the process. He stated his support of the communal space between the garage and city hall; he hopes that it will be a little more robust in the next iteration, so that it does become a very active civic plaza. He stated his support of compatibility and the Mitigated Negative Declaration.

Commissioner Huebner commended staff on this project. He believes this has ended up to be very forward thinking project, and it will be a very attractive and point of interest once it is built. He commented on the technology and stated his support of consistency with the General Plan.

ACTION: 1) Adopt Resolution No. PC 12-1014 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A MITIGATED NEGATIVE DECLARATION AND DETERMINING THAT THE CITY HALL AUTOMATED GARAGE PROJECT PROPOSED FOR 8300 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, IS CONSISTENT WITH THE GENERAL PLAN;" and 2) Close Public Hearing Item 9.C. **Moved by Commissioner DeLuccio, seconded by Chair Bernstein and unanimously carried.**

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:50 P.M. AND RECONVENED AT 8:05 P.M.

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

Commissioner Yeber recused himself from the meeting at this time; noting his residence is within the 500 foot radius of the project site.

A. 1302 N. Sweetzer Avenue (El Mirador).

Francisco Contreras, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, May 3, 2012.

He stated the applicant is requesting a development agreement and rehabilitation incentive for the rehabilitation and restoration of the El Mirador building with certain waivers of developments standards and exaction fees to enable its use as condominiums or and urban inn.

He provided a history of the property. He stated over the years this important and historic building has reached a state of disrepair due to age, neglect and exposure to the weather. As a result, the building is in need of costly and extensive interior and exterior renovations. Once refurbished, the structure will require ongoing maintenance to preserve its valuable historic character.

With this project, the applicant is proposing to rehabilitate and restore the building through a series of refurbishments in accordance with Secretary of Interior standards. Specific renovations will include removal of all existing windows and casings and the installation of new Marvin Clad Ultimate Casement/Awning Collection Windows to replicate the original exterior details. Each renovation requires the applicant to apply for Certificates of Appropriateness from the City's Current and Historic Preservation Planning Division. Depending on the scope of each renovation project, some will be reviewed and approved at the staff level, while some larger components may require review and approval by the Historic Preservation Commission. Upon completion of the restoration project, the applicant would elect to utilize the property for residential condominiums or an urban inn, depending on market conditions.

In addition to the request for a Rehabilitation Incentive, the project requires approval of the corresponding Development Agreement, Zoning Map Amendment, Zone Text Amendment, Conditional Use Permit, and Tentative Tract Map which will be reviewed and acted upon by the Planning Commission and City Council:

Chair Bernstein requested a more in depth history of why this project is coming forward in the way that it is.

John Keho, Planning Manager, stated there was a zone text amendment proposed a while back that would allow for adaptive reuse for historical buildings. The Historic Preservation Commission and the Planning Commission did not like that strategy, so that ordinance was dropped and did not move forward. The property owner of this particular site still wants to move forward with a different use of the building. He wants to either sell them as condominiums or do an urban inn, so he has made an application that is very specific to this property.

Chair Bernstein stated this was a rent stabilized building and questioned if the Housing Department has weighed in on this proposal.

John Keho, Planning Manager, stated the Housing Department has been involved, but stated the property has been Ellised.

Chair Bernstein questioned what the public benefit would be.

Francisco Contreras, Senior Planner stated the public benefit would be the City will be able to maintain and rehabilitate the historic property. One of the public benefits would be that the building would be able to be brought back to its former glory, bringing back all or at least some of the original detailing's that have been lost over the years.

John Keho, Planning Manager stated a private property owner of a historic property can enter into an agreement to maintain and rehabilitate the building via a Mills Act contract. They get reduced taxes. Therefore, the public benefit would be the building is maintained and rehabilitated. The benefit in this case, would be the time frame for them to do the work has been shortened from ten years to four years.

Commissioner DeLuccio requested clarification regarding the parking requirements.

Francisco Contreras, Senior Planner stated for a condominium conversion, parking requirement would be approximately sixty-three parking spaces; if this was being reviewed as a new project. There is a section in the code that would allow for a variation to that requirement if the commission we were to find that the project was in substantial conformance with the standards.

In this instance, because it is a historic property, it would be very difficult to provide that required parking without actually tearing the building apart. What the applicant is asking for, is a finding that the parking, that is there now, since it has worked for the existing units, will work for the condominium conversion. There are currently twenty-four parking spaces on site. The urban inn would require a total of sixteen parking spaces.

Commissioner DeLuccio questioned if they will be keeping the same configuration of units.

Francisco Contreras, Senior Planner stated the applicant is proposing to keep the same configuration.

Commissioner DeLuccio questioned if the city has waived certain inclusionary fees and extractions in the past.

John Keho, Planning Manager stated there may have been certain development agreements that have addressed exaction fees in various ways.

Commissioner Aghaei restated the applicant is requesting to turn this property into condominiums and/or an urban inn and the commission is being asked to approve both. He questioned staff how often does the city provide applicants with that option on the front end.

Francisco Contreras, Senior Planner stated he believes this is the first time the city has actually processed an application like this. A development agreement is needed in order to do this.

Christi Hogin, Assistant City Attorney stated whenever a property owner opens up the zoning ordinance, they have a lot of choices. Usually that's the point where the property owners will make a decision, and the city, bureaucratically out of respect for time and resources, will tell the applicant to pick something and the City will process that. If you don't like the outcome, then come back. It's usually a bureaucratic management issue. We are also the creative city. In this situation, the city faced a situation that required a little creativity. It involves a beautiful building, which is a fine architectural sample that is deteriorating daily, and getting worse, it's empty, the property owner is frustrated with the process and how it has progressed and staff has come up with a creative solution by working with the property owner, which fits this particular set of circumstances. When you're in a development agreement, you can do some trading. In this situation, we will accept the additional bureaucratic burden of having to consider these two options, to give you the benefit at the end of this of having two items to choose upon, perhaps based on the market conditions at the time, and in exchange, we won't all have to stand by and watch the building deteriorate.

Commissioner Altschul questioned if there were any other alternatives considered.

John Keho, Planning Manager stated there were different scenarios of how to address various issues with the building, but there was no in depth discussion about other uses.

Chair Bernstein brought up the recent vote by City Council; to try to lobby Sacramento to revoke the Ellis Act. He questioned if there was a different consideration of a staff recommendation after that vote.

Francisco Contreras, Senior Planner stated staff had some reservations about the proposal in general. In this instance, there are several city goals to preserve the city's historic properties, to preserve affordable housing, and to have a good healthy economic mix throughout all levels in the community. Staff wants economic development and exaction fees in order to build more affordable housing and provide great programs in the city. This is one of those projects in which some of those goals are not necessarily completely in sync with each other. Some are and some are not. As staff has gone and reviewed the process, what has been considered is that the benefits of the proposed project outweigh the negatives. In light of the alternative, with this building further deteriorating, this building being demolished, and something else that would not be beneficial to the city or to the community, staff believes that in light of all of that, the benefits outweigh the negatives.

Chair Bernstein stated there are clearly great maintenance needs for this building, and clearly a development agreement is a mechanism for treating a unique situation. He questioned is there anything inherently unique about the fact that this wonderful, historic building has significant maintenance needs.

Francisco Contreras, Senior Planner stated this particular project does have a lot of very intricate detailing. In order to restore or paint a building like this, you just can't go in with a paint brush and paint the entire building the same color; because it's got carvings, and it's got intricacies. We as a city, want property owners to maintain these properties, and we are telling developers and property owners "you must meet the" guidelines and specific standards for rehabilitation that the State has imposed. This means you have to hire consultants, you have to do your due diligence, and you just can't just sandblast the building and repaint. Because of that extra layer of regulation, it is more expensive, and it is a more unique situation.

Chair Bernstein questioned staff if they considered this property fairly unique even among the stock of historic properties.

Francisco Contreras, Senior Planner stated it is definitely one of the city's grand buildings. Surprisingly it's not on the National Register, but it is one of those that should be on the National Register of Historical Buildings.

John Keho, Planning Manager stated the development agreement also adds another layer of the city's ability to enforce the maintenance of the project. All historic buildings have to maintain their character defining features. If they don't, they have to go through the regular administrative remedy process if they fail to maintain them. That can be a long and lengthy process. In this case, if they fail to maintain the building, the penalties are spelled out in the development agreement. That is an additional layer of security to make sure the building is maintained.

Vice-Chair Buckner questioned if it is possible for the commission to approve one use over another.

Christi Hogin, Assistant City Attorney stated the commission will be making a recommendation to the City Council. If the commission chooses to do that, they can. This is actually a bargain for exchange. A negotiation was undertaken so the property owner is willing to accept the burden of the development agreement in exchange for the ability to have a choice later on when he knows what market conditions exist after putting in the kind of investment it is going to take to restore this property.

Vice-Chair Buckner stated it would seem the restoration would be directed towards one use or the other. She questioned how can it be restored without knowing what it is going to be used for. How would it be marketed.

John Keho, Planning Manager stated the principal restoration items don't have to do with the use on the inside of the building. The restoration has to do with the architectural elements outside and the key utilities of the building. So, the restoration program is aimed more at those features, rather than whether or not the rooms are designed for a temporary residence versus a permanent residence.

Commissioner Altschul questioned what happened if the four years have gone by and the applicant has done nothing. He questioned the penalties.

Holly Agrusa, Deputy City Attorney, Jenkins and Hogin, stated the city has certain remedies and rights provided in the development agreement in case of a breach.

Commissioner Altschul questioned if the city could secure performance or try to secure performance by a bond or a trust deed against the property, so that ownership to all or part of the property devolves to the city if nothing is done.

Holly Agrusa, Deputy City Attorney, Jenkins and Hogin, stated that is not contemplated by the development agreement. That would be an issue that would have to be taken back to the property owner for negotiation.

Commissioner DeLuccio had concerns about a statement made earlier regarding the possible demolition of the building. He questioned if this is plausible.

Francisco Contreras, Senior Planner stated just because a property is listed as a historic resource does not mean it cannot be demolished. It just means that it is very difficult to do so.

Christi Hogin, Assistant City Attorney, clarified the issue is one of a taking. Essentially the city can regulate and impose certain conditions, but the city cannot impose conditions that exceed the economic value of the property.

Commissioner Altschul reiterated the history of the project amongst the city and applicant. He stated the city indicated the building is rent stabilized, so therefore you can't raise the rents beyond the ordinance. Then the city indicated it is historic, so you've got these constrictions and your hands and feet are tied. Then the applicant said, he will Ellis the property; in essence questioning the city: "what's the next move?" The city, in response to the applicant's request to change out the windows, because the windows were letting in floods, the city said you can't do that, because it's historic. This is now basically a "he said, he said" scenario. He questioned staff if this is pretty much a summary of the history of the property.

Christi Hogin, Assistant City Attorney stated obviously under the rent stabilization ordinance, if a property owner needs more money to maintain it and to get a fair return, there is a process for getting rent increases. That alone [rent control] was not a problem.

Commissioner Altschul questioned if historically low rents were the problem.

Christi Hogin, Assistant City Attorney stated maybe, but she doesn't think so. There were probably other ways this story could have been written, but we are where we are. That is the most important. Nothing will put those units back as rent controlled units. We need to accept the fact that we have a vacant, deteriorating beautiful building and an opportunity to enter into an agreement that will result in millions of dollars of rehabilitation. Funds spent in exchange for which we need to give the property owner a choice of whether to make it an urban inn or condominiums.

Commissioner Aghaei questioned if the property was rent controlled when the applicant purchased it.

Francisco Contreras, Senior Planner stated yes. It was rent controlled at the time of purchase.

Commissioner Altschul questioned if the property was historic when the applicant purchased it.

Francisco Contreras, Senior Planner stated yes. It was a historical property when the applicant purchased it.

Commissioner Huebner disclosed for the record he met with Jerome Nash, property owner, and made a site visit. Matters discussed were solely contained in the staff report.

Chair Bernstein disclosed for the record he met with Jerome Nash, property owner, and made a site visit. Matters discussed were solely contained in the staff report.

Chair Bernstein opened the public hearing for Item 9.A.:

JEROME NASH, LOS ANGELES, applicant, presented the applicant's report. He stated he was here to primarily answer any questions. He stated he bought 50% interest in the building in 2002 and the remainder in approximately 2007. He stated he absolutely did not know what he was getting into when he bought the building. Just trying to maintain a rent stabilized and historical building, and being tied to so much red tape. He stated he did know what he was getting into, but he did not know who he was getting into it with, as far as what guidelines would tie him into

maintaining this building and to get it water tight. He stated he maintains two other historical buildings within West Hollywood with rent stabilized units. They have never been an issue. This is not an issue of rent stabilization or money. It is an issue with the City and the different agencies. This is more about not being able to get this building working and running in a habitable condition. He stated he was threatened with prosecution if the windows were not fixed. He thanked everyone who has worked very hard with him to come up with some proposal to make something work.

Commissioner Altschul stated Mr. Nash's statement seemed very sincere and well meaning. He questioned the changing out of the windows and indicated the applicant did not get the authority to put in the windows the applicant thought would solve the problem. He questioned if this was correct.

JEROME NASH, LOS ANGELES, applicant, stated there is a slight variation to that. There were no guidelines that the Historical Board [he was told], had to even grant him permission to replace windows, It was more of a catch 22 situation. He stated he was willing to replace the windows with the rent controlled tenants still in place. That was proposed on two occasions over five years ago.

Commissioner Altschul stated the applicant wants to convert the building into condominiums. The applicant does not have even 50% of the required parking. He questioned the applicant if it is foreseeable this would be economically viable for him.

JEROME NASH, LOS ANGELES, applicant, stated the building was being run as an apartment building all these years. It had a very high demand, except for the water intrusion issue. He stated it is not ideal. He believed it would be much better efficient use if there were more parking spaces. The building is, what it is.

Commissioner Altschul questioned if the building would be adaptable for twenty-four hour parking.

JEROME NASH, LOS ANGELES, applicant, stated it is possible, but then it would become prohibitively expensive to run and would not be feasible on a maintenance level with twenty-four hour valet service.

Commissioner Altschul stated part of the attraction of an urban inn is common areas and camaraderie. How would this translate into economically viable urban inn.

JEROME NASH, LOS ANGELES, applicant, stated the condominium was not is primary request. The urban inn was the only other viable alternative for the use of the building.

GEOFFREY SMITH, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the large neon sign atop the building and stated his concerns with the brightness of the sign.

ESTHER BAUM, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking issues.

PATRICK EARNEST, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the current vacancy of the building and questioned the financial terms of the exaction and waiver fees.

FARHAD ESTAGHPOUR, WEST HOLLYWOOD, opposes staff's recommendation of recommending approval to City Council. He spoke regarding the historical uniqueness of the El Mirador, and questioned if this is a road map for other historical properties in the city.

KEN HURST, WEST HOLLYWOOD, 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 waiving of exaction fees, ADA standards, and parking issues.

KURT GOMBATZ, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding condominium usage and parking.

LYNN RUSSELL, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding economic hardship claims,

JEROME NASH, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He reiterated he knew what he was getting into by buying a rent controlled building in the City of West Hollywood. He has three other well maintained buildings within the city. He questioned the validity of the parking requirements for condominium usage versus apartment usage.

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

John Keho, Planning Manager, clarified the windows issue. He stated the Historic Preservation Commission has not ever denied a request to change out the windows in the El Mirador. A full, detailed application with drawings of the windows was never presented to the Historic Preservation Commission, so they never had an actual item to vote on. It stopped before it ever got to that point because drawings weren't available for the commission.

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

Commissioner Altschul questioned the applicant why drawings were not made available.

JEROME NASH, WEST HOLLYWOOD, applicant, stated Ed Levin [Historic Preservation Commissioner] said there was never any guidelines that staff ever prepared for them to be able to approve any windows. He [Jerome Nash] did propose a full package. He brought in the actual window company on two occasions to the Historic Preservation Commission. He stated there is some distortion because staff actually had an issue with the Historic Preservation Commission. They told him they had no guidelines to approve windows, or what those guidelines would be. He questioned why he would prepare shop drawings on a whole building of this magnitude when they don't even have guidelines to approve.

Commissioner Altschul questioned the applicant, who told him there were no guidelines, and was this done in a formally noticed city meeting.

Discussion was bantered back and forth regarding the semantics of when and where this information was received.

JEROME NASH, WEST HOLLYWOOD, applicant, stated Ed Levin, way after the Historic Preservation Commission meetings [maybe years after] had made that comment. The windows that were actually applied for, five years ago, was actually approved by staff to put in one window. Ed Levin, staff, Anne McIntosh, Mr. Keho, and several people had visited the building, but that was unfortunately after.

Commissioner Altschul questioned if the applicant ever showed drawings, or ever had a discussion with staff that would lead him to believe that it would not be economically beneficial to him to provide drawings.

JEROME NASH, WEST HOLLYWOOD, applicant, stated absolutely discussions were made. He had several meetings that went up to the City Manager's office. The point is, it never had to do with money.

Commissioner Altschul requested of the applicant a brief and to the point history of the project.

JEROME NASH, WEST HOLLYWOOD, applicant, presented a history of the property. He spoke regarding leaking windows, and other remedies. He stated the city would criminally prosecute him if action was not taken on these windows.

Commissioner Altschul stated the contention was the applicant did not submit the drawings that would complete the staff's ability to say yes or no.

JEROME NASH, WEST HOLLYWOOD, applicant, stated that is not true.

Discussion, questioning and debate was held regarding the semantics regarding the drawings and application process for the installation of the windows.

John Keho, Planning Manager reiterated plans were submitted, but were not drawn to the satisfaction of what the Historic Preservation Commission was expecting and what they asked for. So the item did not move forward. Eventually a test window was approved and installed.

A history was presented by staff regarding the windows and application process, which included the Historic Preservation Commission.

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:20 P.M. AND RECONVENED AT 9:30 P.M.

Commissioner Altschul stated this is obviously a dilemma. The operative and key clue to equity is when the city attorney stated when you regulate somebody out of economic viability, or when the process is such that there are no easy answers. He stated he thinks Mr. Nash equitably, both economically and in fairness deserves a chance to do something with his property. He stated in his opinion condominiums would not be economically viable. He does not know who would buy a condominium that is under parked; unless, there is competent and useful valet parking services. With respect to an urban inn, it does not fit the definition of an urban inn. It doesn't look like an urban inn, urban inns have lots and adequate common area, so as there is comadarie and socialization. He stated his first reaction was you need to go back to the drawing board because none of this is going to be viable. This would be the best thing to do. He believes there is an answer for this property that hasn't been investigated. Even if it's to go back to the window situation and solve it, rather than muck it up. He suggested this item be remanded back to staff and if it does go forward to the Historic Preservation Commission that it be done with specific direction.

Chair Bernstein stated he agreed with almost everything Commissioner Altschul stated. He is torn. There is a part of him that would like to send it on to City Council, to let them decide what they think is best. What he does think is this doesn't work as a one-off. These are not sufficiently unique problems, and the way to address this, is to have a conversation about aging housing, and in particular our aging housing stock. He stated he is a property manager and owner, and knows it can be challenging to work with staff [in another city]. He would rather move this forward to let City Council weigh in, but at the same time he would not be supportive of something that wasn't holistic. He stated this is scary in the sense that every owner would execute their legal rights to Ellis their building, if this is how we processed it.

Commissioner DeLuccio stated we either need to make a decision tonight if it is going to move forward to city council. We can't just say let the council decide what they want to do. The commission needs to be affirmative what we are going to move on to council. He understands Commissioner Altschul's concerns to remand it back to city staff. He agreed with Chair Bernstein, in regards to having this set a precedent for property owners of historic buildings that want to go through the same easy process.

Commissioner DeLuccio stated his alarm that the city would be exchanging rehabilitation of the building; by agreeing to waive inclusionary fees and other extraction fees. He believes the city would be giving up a lot of dollars, dollars that belong to the citizens of West Hollywood. He could not support the condominium aspect since it does not have the required parking. He does not support an urban inn, because it does not meet the characteristics of an inn; the tallness of the building, and the lack of open space. He stated he is supportive of remanding it back to staff to work this issue out further with the applicant, and maybe with the Historic Preservation Commission, or to make a recommendation to council not to grant these entitlements.

Vice-Chair Buckner stated she is very concerned with the precedent this would set. She does not see how it could be a condominium, due to the parking situation. They'd have to come back at some point and want to make it into a condominium, at which point they would have to be issued a variance so that they wouldn't have the parking. This would set a bad precedent. It does not fit the concept of an urban inn. She stated there must be another alternative. She would like to see the building restored, but there must be other uses or other ways this building could be economically viable for this owner. She agrees this needs to either move forward to city council or remand it back to staff.

Christi Hogin, Assistant City Attorney, notated the role the planning commission has in the development agreement is somewhat different than you would have in a normal planning application; because it is a legislative act, it's actually done by ordinance and subject to referendum. Under the code, your options are to adopt a resolution making a recommendation whether to deny, approve or conditionally approve. It must then go forward to city council.

Commissioner Aghaei stated this does not work as a condominium; because it is not parked. It does not work as an urban inn, because it is not an urban inn based on Commissioner Altschul' s statement. The risk is setting an unofficial dangerous precedent whereby other applicants would go about the same process that the applicant has used to get to where he is at today.

Commissioner Aghaei moved to: 1) recommend to City Council denial of all three Resolution Nos. PC 12-1015; 12-1016; and 12-1017.

Seconded by Chair Bernstein.

Commissioner Huebner had concerns with the urban inn concept. He truly believes something more comprehensive is needed [guidelines] in approving items like this. It would not work as condominiums; it is horribly under parked and would not be marketable. The city really needs a more comprehensive ordinance and there is a better solution than the one that has been presented tonight.

ACTION: 1) Bring back draft resolutions recommending denial to City Council regarding the property located at 1302 N. Sweetzer Avenue, West Hollywood, California; and 2) Close Public Hearing Item 9.A. **Moved by Commissioner Aghaei, seconded by Chair Bernstein and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: Yeber.

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.**

A. Planning Commission Subcommittees.

The Planning Commission will review the following standing subcommittees for re-appointments: 1) Business Signage Subcommittee; and 2) Design Steering Committee (Automated Parking Garage Project).

ACTION: Continue to Thursday, May 17, 2012: **Motion carried by consensus of the Commission.**

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

John Keho, Current and Historic Preservation Planning Manager, notated there are currently no tentative items for the July 5, 2012 meeting.

ACTION: Cancel the regularly scheduled Planning Commission meeting of Thursday, July 5, 2012: **Motion carried by consensus of the Commission.**

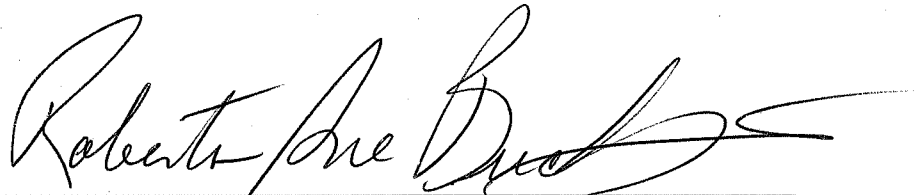
15. **PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, encouraged the commission to keep up the good work.

16. **ITEMS FROM COMMISSIONERS.** None.

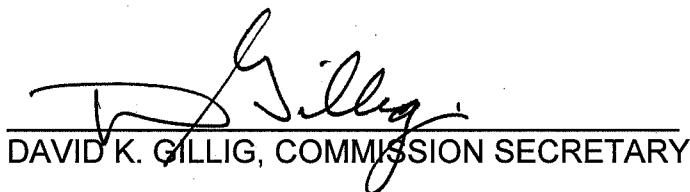
17. **ADJOURNMENT:** The Planning Commission adjourned at 9:35 P.M. to the next regularly scheduled meeting which will be on Thursday, May 17, 2012 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 17TH DAY OF MAY, 2012.



ROBERTA SUE BUCKNER, ACTING CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY