

PLANNING COMMISSION MINUTES
Regular Meeting
August 16, 2012

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:**
Chair Buckner called the meeting of the Planning Commission to order at 6:32 P.M.
2. **PLEDGE OF ALLEGIANCE:** Natalie Gozini led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Aghaei, Altschul, Bernstein, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

Commissioners Absent: None.

Staff Present: Deborah Murphy, Consultant, Melissa Antol, Long Range and Mobility Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, August 16, 2012 as presented. **Moved by Commissioner Bernstein, seconded by Vice-Chair DeLuccio and unanimously carried.**
5. **APPROVAL OF MINUTES.**

A. **August 2, 2012**

ACTION: Approve the Planning Commission Minutes of Thursday, August 2, 2012 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried; noting the abstention of Commissioner Bernstein.**
6. **PUBLIC COMMENT.** None.
7. **ITEMS FROM COMMISSIONERS.**
Commissioner Aghaei thanked Commissioner Bernstein for his past year of service as Chair.

Commissioner Yeber thanked Commissioner Bernstein for his past year of service as Chair.

Commissioner Bernstein congratulated Chair Buckner and welcomed Vice-Chair DeLuccio.
8. **CONSENT CALENDAR.** None.

9. PUBLIC HEARINGS.

A. Zone Text Amendment

Sunset Specific Plan – Financial Institutions:

Deborah Murphy, Consultant, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, August 16, 2012.

She stated the purpose of these revisions is to limit the total number of banks and financial service institutions in ground-floor commercial spaces along Sunset Boulevard in West Hollywood to six, and to establish distancing and design requirements that would apply to future development.

Concerns have been raised regarding the existence of too many banks and financial institutions on the Sunset Strip that detract from the goals of the Sunset Specific Plan and the City's General Plan.

The Sunset Specific Plan promotes and encourages the development of the Sunset Strip as an international entertainment destination and any additional banks and financial institutions could detract from the existing and future nightlife and tourism-based character of the Sunset Strip.

She spoke regarding the process of evaluation which included: 1) existing character and Sunset Specific Plan objectives; 2) inventory of existing banks and financial service institutions; 3) comparison to other similar local entertainment districts; and 4) case studies of planning and zoning regulations.

She detailed the existing conditions and concerns; which included:

- seven banks and financial institutions, including one interior ATM-only facility,
- one new bank under construction, and others are considering locating along the Sunset Strip;
- total of eight banks in .6 miles (one bank every 396 feet);
- total eight banks in 1.7 miles (one bank every 1/5 mile or 1,122 feet);
- a Los Angeles Times article regarding the proliferation of banks in affluent communities; and
- stated the upper west side of New York City recently passed zoning regulations limiting street frontages for banks and financial service institutions.

She detailed case studies which included Hollywood Boulevard; Larchmont Village; Westwood Village and the upper west side of New York City.

She spoke regarding the analysis, stating limitations have been developed based on case studies, existing conditions, and pedestrian-oriented access to banks and financial service institutions; and established urban planning practice for pedestrian access.

One bank every 1,500 feet allows good pedestrian access along the length of the Sunset Strip. This standard would allow for a total of six banks or financial service institutions along the Strip; and exterior ATM's provide easy customer access, however, these frontages need to be limited to maintain a pedestrian active street.

She stated staff's recommendations are as follows:

Ground floor banks and financial service institutions; new and expansions

- Location; must be 1,500 foot radius from another bank;
- Number; limit to six along the Sunset Strip at any one time;
- Dimensions; limit frontage to twenty-five feet based on New York City case study and pedestrian-oriented uses along the Strip;
- Existing banks can remain in place, but once closed after 180 days, must meet requirements of the new Sunset Specific Plan and zoning code requirements;

Exterior ATM's

- Dimensions; limit frontage to five feet for one machine and ten feet for two machines with a maximum depth of ten feet, exceptions allowed with Director's approval.

She summarized what the action will do:

- Existing banks will be grandfathered and will be existing non-conforming;
- A maximum of six banks will be allowed at any one time with any new bank 1,500 feet from an existing bank;
- No new banks will be allowed until at least three existing banks close for 180 days;
- Require new banks to provide more pedestrian-friendly frontages on the ground floor.

She stated the action will not have any effect when a bank changes its name or ownership, and it will not have any effect on banks or financial service institutions located on upper floors or without street frontage.

She recommended the commission may recommend to the City Council to approve the zone text amendment; approve the Sunset Specific Plan amendment; and approve the Negative Declaration, or may not take any action and use the time for a study session discussion purpose only.

Commissioner Aghaei questioned if the zone text amendment would be applicable to bars, restaurants or other establishment who choose to have, or put in an ATM.

Deborah Murphy, Consultant, stated this would not apply to those establishments. If somebody would have an ATM inside their store, that would not be considered an interior bank.

Commissioner Aghaei questioned if an existing bank decides to add an area exclusively for an ATM, if that would be considered a new bank.

Deborah Murphy, Consultant, stated that would fall under the same use for that bank.

Commissioner Yeber questioned if Santa Monica Boulevard was looked at as a comparison. He stated it appears the Sunset Strip was looked at primarily for its nighttime activities rather than also incorporating the daytime activities.

Deborah Murphy, Consultant, stated Santa Monica Boulevard was looked at; however it was not included in the actual presentation.

Commissioner Yeber questioned if other land uses were looked at for contributing similar impacts.

Deborah Murphy, Consultant, stated there were some uses that were looked at, however it was decided those other uses should be looked at in the future. The concerns regarding the banks were deemed more immediate at this time.

Commissioner Yeber questioned how the long term plan regarding the Sunset Specific Plan factors in to this short term fix.

Melissa Antol, Long Range and Mobility Planning Manager, stated this is a great example of how the Sunset Specific Plan no longer necessarily reflects the character we're trying to move forward. It needs to be updated so that we can better respond to these types of situations.

Commissioner Yeber questioned if there are other alternatives, i.e. perhaps a moratorium on financial institutions instead of a zone text amendment.

Michael Jenkins, City Attorney, stated City Council has the power to adopt a moratorium on the Planning Commission's recommendation.

Commissioner Altschul questioned if it is possible if you could establish a ban that could be overridden by the adoption of a development agreement.

Michael Jenkins, City Attorney, stated the city has been using development agreements for a variety of purposes and recently discussed the possibility of using one to override a cap currently in the code for another type of use. Theoretically, yes, a property could be put into a development agreement overlay zone and a development agreement could be adopted that does that. That however, is a theoretical answer.

Commissioner Bernstein questioned if analyses has been done by capping banks on Sunset Boulevard, if that would impact Santa Monica Boulevard.

Chair Buckner questioned how this will affect current financial institutions under construction.

Deborah Murphy, Consultant, stated this will not affect financial institutions that currently have approved permits.

Commissioner Aghaei requested clarification regarding the walkability analyses.

Vice-Chair DeLuccio requested clarification regarding square-footage in the analyses zones of Larchmont Village and Westwood Village.

Commissioner Huebner requested clarification regarding the impacts to landlords and splitting the property for supposed other uses.

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

GENEVIEVE MORRILL, LOS ANGELES, CEO, West Hollywood Chamber of Commerce, had concerns regarding this item. She stated if the goal is to be pedestrian friendly and to solve problems with the least restrictions possible, the tool that we use may be to solve with design and planning criteria, rather than restricting land use. She suggested limiting the number of banks next to each other. She suggested this is a more proactive solution less than restricting a business sector within an area. By doing this, it will not negatively impact the nightlife and retail on Sunset Boulevard and would still make for a great pedestrian area.

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

Commissioner Aghaei stated you need to acknowledge the businesses the right to do business within the City of West Hollywood. There is something to be said for the continuity of retail uses and more pedestrian oriented friendly uses on Sunset Boulevard. He stated his support of the resolutions.

Commissioner Yeber stated his support of the idea that is the impetus for this, but could not support the resolutions. He specified there needs to be further analyses done. He would like to see how this would ultimately fit into a rethinking of the Sunset Specific Plan overall. He feels this is a small band aid over a much larger problem that needs to be addressed. He would like to see this item continued or consider making a recommendation for a moratorium. He could not support the zone text amendment without further study.

Vice-Chair DeLuccio, stated his support, however, he would like to know if the Sunset Specific Plan would be included in a work plan before a determination can be made with this item. He would like to see the urban design aspect studied further to make it more pedestrian friendly. He suggested staff work further with the West Hollywood Chamber of Commerce, and other stake holders in the community.

Commissioner Bernstein stated his concerns with large street frontages along the boulevard regarding financial institutions. Ideally, it would be best to address not having massive dead spaces on the Sunset Strip. He stated it should be less about the entity and more about the urban design.

Commissioner Altschul agreed with staff that commercial spaces on street level should be generative of benefit to the city. It could be an encouragement as this is refined; the banks could be located on upper floors with a little enticement on the first floor. He stated his support of the resolutions.

Commissioner Huebner stated he supports this in concept. He specified this is an urban design issue and we should worry about limiting the street frontage. There are different and creative ways to deal with this. He could not support putting a cap and limiting financial institutions on Sunset Boulevard at this time without further study.

Commissioner Bernstein questioned staff if they would be amicable to possibly bring this item back on Thursday, September 20, 2012; taking into effect to draft it more to be about limiting the size of certain street frontages.

Vice-Chair DeLuccio moved to: 1) continue this item to Thursday, September 20, 2012.

Seconded by Commissioner Bernstein.

Vice-Chair DeLuccio stated his concerns regarding the square-footage to 1,500 square-foot separation criteria. He would like that to be re-looked at. He requested staff to work with the City of West Hollywood Chamber of Commerce.

Commissioner Bernstein commented on the support for the urban design idea of keeping Sunset Strip activated. He stated there seems to be some resistance however, to the idea of being so specific in limiting one particular kind of business. He would like to see this aspect examined further.

Commissioner Yeber would like to see this approached from an urban design standpoint and not just a land use specific standpoint. He would like to see what other types of businesses could be potentially contributing to these dead zones, and would like to see better design and better frontage. He would like to see the report just as focused on daytime activity as well as nighttime activity. He reiterated how this needs to be an urban design solution.

Commissioner Altschul stated this is a land use issue and urban design is not the primary focus.

Vice-Chair DeLuccio reiterated when this is brought back, staff will be focusing on the financial institutions, but it will be a starting point for incorporating urban design and creative solutions, that could possibly be adaptable in the future to other land uses on Sunset Boulevard.

ACTION: Continue to Thursday, September 20, 2012. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Bernstein and unanimously carried.**

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.**

A. Planning Commission Subcommittee Appointments:

1. **Appointments to Design Review Subcommittee for a term through June 30, 2013:**

ACTION: Appoint: 1) Roy Huebner; 2) David Aghaei; and 3) John Altschul. **Moved by Chair Buckner and unanimously carried.**

2. **Appointments to Long Planning Projects Subcommittee for a term through June 30, 2013:**

ACTION: Appoint: 1) Donald DeLuccio; 2) Alan Bernstein; and 3) Sue Buckner. **Moved by Chair Buckner and unanimously carried.**

3. Appointments to 1343 Laurel Committee for a term through June 30, 2013:

ACTION: Appoint: 1) Marc Yeber. **Moved by Chair Buckner unanimously carried.**

4. Appointments to Business Signage Committee for a term through June 30, 2013:

ACTION: Appoint: 1) Sue Buckner; 2) Vacant; and 3) Vacant. **Moved by Chair Buckner unanimously carried.**

5. Appointments to the Deign Steering Committee for a term ending June 30, 2013:

ACTION: Deferred. **Moved by Chair Buckner and unanimously carried.**

6. Appointments to the Bicycle Task Force:

ACTION: Disbanded. **Moved by Chair Buckner and unanimously carried.**

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Planning Manager's Update.

Melissa Antol, Long Range and Mobility Planning Manager, provided an update regarding the Avenues Streetscape Master Plan. She stated the Working Group contains seventeen members that are representatives of the businesses in the Avenues District, the West Hollywood West Neighborhood and, Facilities and Transportation Commission. There is a community wide open house scheduled on Saturday, October 6, 2012 on Melrose. She encouraged participation.

14. PUBLIC COMMENT.

CATHY BLAIVAS, WEST HOLLYWOOD, congratulated incoming Chair Buckner and Vice-Chair DeLuccio. She stated her concerns regarding the upcoming Plummer Park renovation.

STEPHANIE J. HARKER, WEST HOLLYWOOD, stated her concerns regarding the upcoming Plummer Park renovation. She referenced a newspaper article which appeared in the Beverly Press.

15. ITEMS FROM COMMISSIONERS.

Commissioner Yeber commended and thanked Deborah Murphy on staff's presentation. He stated it was thorough and one of the better presentations from staff.

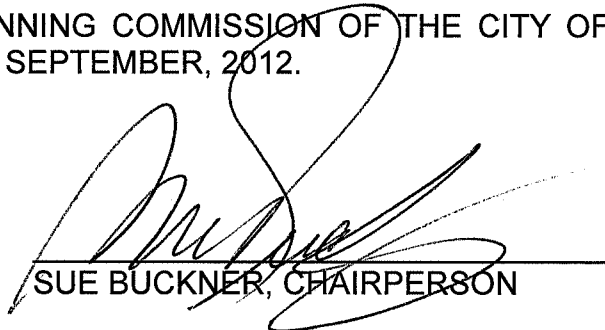
Vice-Chair DeLuccio thanked staff for tonight's presentation.

Commissioner Bernstein stated he is bitter-sweet about revolving off of the Design Review Subcommittee. It was a great experience and stated he is happy to see Commissioner Aghaei have the opportunity to serve.

Chair Buckner thanked all the commissioners for their participation on the various subcommittees. She reminded the public the Sunset Strip Music Festival is occurring this weekend and encouraged everyone to come out and enjoy it.

- 15. ADJOURNMENT:** The Planning Commission adjourned at 7:50 P.M. to the next regularly scheduled meeting which will be on Thursday, September 6, 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 OF THE CITY OF WEST HOLLYWOOD ON THIS 6TH DAY OF SEPTEMBER, 2012.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY