



PLANNING COMMISSION MINUTES
Regular Meeting
June 6, 2013

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 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE:** David Behr led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Aghaei, Altschul, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

Commissioners Absent: None.

Staff Present: Jennifer Alkire, Associate Planner, Adrian Gallo, Associate Planner, John Keho, Current and Historic Preservation Planning Manager, Stephanie DeWolfe, Community Development Director, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
Move agenda Item 10.C. (8100-8120 Santa Monica Boulevard – SMB20) to be heard after agenda Item 10.A. (523-531 N. La Cienega Boulevard).

ACTION: Approve the Planning Commission Agenda of Thursday, June 6, 2013 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Huebner and unanimously carried.**
5. **APPROVAL OF MINUTES.**

A. **May 16, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, May 16, 2013 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**
6. **PUBLIC COMMENT.**
SIBYL ZADEN, WEST HOLLYWOOD, commented on the lack of parking and directional signage due to street closures. Due to a low public turnout, she suggested all public hearings continued.

7. DIRECTOR'S REPORT.

Stephanie DeWolfe, Community Development Director provided an update of another customer service technology tool, called WeHo Direct. It is an interactive customer service tool which will allow customers to go on-line, or through an on-line phone app. Any issues or concerns can be forwarded to the city twenty-four hours a day. The system is available using your current GPS system for location services. This service will be implemented on Monday, June 17, 2013.

She stated on Monday, June 3, 2013, the City Council did approve the Fee Schedule in the city budget for the year ending 2014. One of the items included in the approved budget was a new position for Assistant Community Development Director. This position was specifically created to handle broad scope projects that span divisions and departments.

The next City Council meeting will be on Monday, June 24, 2013. That meeting will be a Joint Study Session with the Planning Commission to discuss the Housing Element. Additional briefing information will be provided at the next Planning Commission meeting.

Prior to the Joint Study Session on Monday, June 24, 2013, City Council will be considering approval of the Design District Streetscape Master Plan (formerly known as The Avenues Streetscape Plan).

8. ITEMS FROM COMMISSIONERS.

Chair Buckner asked for a volunteer for the Pedestrian and Bicycle Mobility Plan on Saturday, June 15, 2013 at West Hollywood Library Community Meeting Room.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 523-531 N. La Cienega Boulevard:

Continued from Thursday, April 4, 2013. Request is for a lot line adjustment between two 5,500 square-foot parcels that will result in the creation of one 6,858 square-foot standard parcel and one 4,142 square-foot substandard parcel.

Applicant is reconsidering the initial proposal and has requested another continuance.

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

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

C. 8100-8120 Santa Monica Boulevard (SMB20):

Continued from Thursday, May 16, 2013. Jennifer Alkire, Associate Planner provided an oral presentation and background information as presented in the staff report dated Thursday, June 6, 2013.

She stated the applicant is requesting the subdivision of one mixed-use project into six (6) separate air-space parcels for parking, commercial spaces and apartment units. The item was originally continued, advising the applicant to revise the proposed tentative tract map to include parking areas in the parcels with which they are associated.

She detailed the conversation from the last planning commission meeting, stating the concerns with how the property would be handled when the subdivision was enacted. She stated questions were raised if different owners were to purchase the airspace lots that were created, how that would affect the maintenance of the building, and how would that affect the availability of the parking for the various uses on the site.

The commission requested the applicant return with a revised map, linking the parking with the respective uses. Rather than making those requested changes, the applicant opted to address the concerns by trying to tighten up the conditions and make sure it is very clear in the governing documents and in the conditions of approval that the parking is allocated to various uses, and that it is not something that can be changed in the future.

For the record: Condition 6.1 was changed to include language saying that the required parking spaces shall be permanently available to tenants and patrons as required by Conditions 11.1 of City Council Resolution No. 12-4300.

Condition 4.6 was added to incorporate explicitly a section of the code requiring a governing document for the subdivision, similar to CC&Rs.

The applicant has proposed additional language to Condition 6.1. The original condition reads as follows: "Approval of this subdivision is contingent upon all required parking spaces being permanently available to patrons and tenants for all parcels. Owner shall record a shared parking and access covenant against all air-space parcels that runs with each parcel, in a form approved by the West Hollywood City Attorney, putting all future owners on notice that all required parking spaces shall be permanently available to tenants and patrons as required by condition 11.1 of City Council Resolution No. 12-4300." Adding: *"shared parking and access covenant that specifies that for the residential units, one parking space per bedroom will be included free of charge as part of the rental of the unit."*

Commissioner Altschul questioned if the words “in perpetuity” would be appropriate.

Jennifer Alkire, Associate Planner, stated this request will be added to Condition 6.1.

Vice-Chair DeLuccio disclosed for the record he had a conversation with the applicant’s representative Todd Elliott. They discussed matters contained solely in the revised staff report.

Commissioner Altschul disclosed for the record he had a conversation with the applicant’s representative Todd Elliott. They discussed matters contained solely in the revised staff report.

Chair Buckner disclosed for the record she had a conversation with the applicant’s representative Todd Elliott. They discussed matters contained solely in the revised staff report.

Commissioner Aghaei disclosed for the record he had a conversation with the applicant’s representative Todd Elliott. They discussed matters contained solely in the revised staff report.

Commissioner Yeber disclosed for the record he had a conversation with the applicant’s representative Todd Elliott. They discussed matters contained solely in the revised staff report.

Commissioner Huebner had no disclosures.

Chair Buckner opened the public hearing for Item 10.C.:

TODD ELLIOTT, LOS ANGELES, applicant’s representative, presented the applicants report. He reiterated this is an air space division, which is similar, but a little different from a condominium. This is a financing tool that the developer can place the parking; Walgreens, the market, residential, retail, and the affordable housing on separate lots. At the previous commission meeting, there was a question about whether there’s precedent and whether this has occurred before. He introduced a copy of the Fountain and La Brea Avenue airspace division, which is exactly the same, although they put all of their affordable housing on many different lots. It does show the parking is on a separate lot. He discussed West Hollywood Zoning Code Section 19.36.100, stating an airspace division must have appropriate rights-of-way and easements for ingress and egress. That is typically handled through a reciprocal easement agreement. He referenced Pavilions reciprocal easement agreement. He reiterated the concerns have been met regarding the residential tenants were satisfied and an added condition which the developers have proposed indicating that parking would be free for all of the residential tenants. He stated for the record the applicant will add the requested language “in perpetuity” to the conditions.

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

Commissioner Altschul moved to: 1) approve staff's recommendation of approval as amended.

Seconded by Vice-Chair DeLuccio.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1047 as amended: a) adding to Condition 6.1. *“shared parking and access covenant that specifies that for the residential units, one parking space per bedroom will be included free of charge as part of the rental of the unit in perpetuity”*; **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A TENTATIVE TRACT MAP (PARCEL MAP NO. 71320) TO SUBDIVIDE A 51,600 SQUARE-FOOT MIXED-USE DEVELOPMENT INTO SIX (6) SEPARATE AIR-SPACE PARCELS FOR PARKING, COMMERCIAL SPACES, AND APRTMENT UNITS, FOR THE PROPERTY LOCATED AT 8100-8120 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.”** and 3) Close Public Hearing Item 10.C. **Moved by Commissioner Altschul, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: None.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 6:50 P.M. AND RECONVENED AT 6:55 P.M.

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

B. 1211 N. Horn Avenue:

Continued from Thursday, May 2, 2013. Adrian Gallo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, June 6, 2013.

He stated the applicant is requesting to convert an existing four-story, sixteen-unit rental housing building into a fifteen-unit common interest (condominium) development.

He provided a history of the property, and spoke on square-footage of units, private and common open space, laundry facilities, storage areas, parking spaces, and design standards.

He stated, since this building was constructed over forty-nine years ago under the regulations of the County of Los Angeles, the building does not comply with some of the standards established by the City of West Hollywood Zoning Ordinance. The Planning Commission may impose conditions to ensure the project is as nearly in compliance with these provisions as feasible.

Michael Jenkins, City Attorney, clarified the City of West Hollywood processes the power to regulate condominium conversions. The ordinance allows for condominium conversions from rental buildings. Under certain circumstances the conversion of buildings that do not necessarily, completely comply with the City of West Hollywood's standards.

He stated what the commission has to find in order to allow the conversion, is that the structure is found by the commission to substantially comply with the city's standards. If the building substantially complies, then the commission may approve to conversion. If the commission finds, based on the evidence presented, that there is not substantial compliance, then the commission has two choices; 1) impose conditions in order to achieve compliance (the code says the commission may impose conditions to ensure that the project is as nearly in compliance as is feasible; or 2) if the commission does not believe conditions can be imposed to bring the building substantially into compliance, then the commission may deny the conversion. If the commission denies the conversion, then the applicant may continue to use the building as a rental building. However, the City of West Hollywood may not (under the Ellis law) compel the building owner to remain in the rental business. Ultimately, the owner has the right to make some beneficial use of the property.

Adrian Gallo, Associate Planner, stated the development is deficient in the configuration requirements for common open space, and the absence of a private entrance into the front façade. The applicant is proposing to meet the requirements for common open space by converting Unit 102 into a recreation room. The Zoning Code requires that common open space be unroofed. Because of the design of the building, it would not be feasible to remodel the building to provide additional common open space without significantly altering the character of the building.

He clarified an error in the staff report regarding private open space. The existing building had balconies for all units. At one point, four of the units at the rear of the property had their balconies enclosed.

Through the condominium conversion request, the applicant is proposing to expand the existing balconies into the unit, so each of the units would have 120 square-feet of private open space and meet the configuration requirements.

The applicant has agreed to modify this rental building to comply with all the feasible design requirements currently required for multi-family projects. The building is as nearly in compliance with the common open space and front façade requirements as is practical, without substantial modification to the building and site. The deviation from having a roofed common open space, or a main entrance off the side of the building would not be detrimental to the public welfare, and would not adversely affect the purpose and intent of the provisions of the zoning ordinance.

Although the proposal for the common conversion is as nearly in compliance with the design standards, the commission can: 1) continue the item, which will allow the applicant time to make additional efforts to bring the building into compliance with the standards to the extent feasible; 2) deny the request because the commission finds with evidence that the conversion does not substantially comply with the provisions; or 3) approve the request with additional conditions that make the building more in compliance.

Vice-Chair DeLuccio disclosed for the record he made a site visit, and spoke with Sibyl Zaden. They discussed matters contained in the staff report.

Commissioner Yeber disclosed for the record he drove by the building.

Commissioner Aghaei disclosed for the record he drove by the building and spoke with Sibyl Zaden. They discussed matters contained in the staff report.

Chair Buckner disclosed for the record she spoke with Sibyl Zaden. They discussed matters contained in the staff report.

Commissioner Huebner disclosed for the record he received a voice mail from Sibyl Zaden.

Vice-Chair DeLuccio stated a couple years ago, the zoning code was changed on this site. You could only build thirty-five feet high and nine units. He questioned would this not be physically or feasible for them to reduce the building to three stories, or nine units.

Michael Jenkins, City Attorney, stated it is considered a legal non-conforming building, and in that regard, it complies because it is legally permitted as it is today.

Commissioner Aghaei questioned if the structure would be legally permitted today as it stands. He requested clarification on what would be permitted if something were to be developed according to today's standards on the site.

Chair Buckner opened the public hearing for Item 10.B.:

HAYK MARTIROSIAN, GLENDALE, applicant, presented the applicant's report. He provided a history of the property, and detailed the site location, unit sizes, existing structure, parking spaces, open spaces, balconies, laundry room, and storage areas. He stated they have worked diligently with planning staff to have this building in compliance, substantially with today's codes and permits. Based on the requirements to provide private open spaces, he stated they decided to move back existing areas (balconies) to provide 120 square-feet of private open space. He detailed the common open space, possible roof top area, and unit conversion into a community open space.

He stated for the record they did a tenant notification and had a meeting with tenants in 2012 indicating the plans for the conversion. It was a big challenge to come up with this solution for the requirements. He stated they are willing to provide inclusionary units based on the city's requirements to have three affordable units assigned to this building. The owners are willing to work with the tenants to provide them with all types of assistance to purchase their own units. He believes they are consistent with all the requirements of condominium conversion.

Commissioner Aghaei requested clarification regarding balcony sizes.

Vice-Chair DeLuccio requested clarification regarding the private open space. He questioned if they have discussed opening up a unit on the fourth floor.

HAYK MARTIROSIAN, GLENDALE, applicant's representative, stated it was looked into, but the feasibility and structural components would need to be researched further.

DAVID GRANBERT, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ELYSE EISENBERG, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding construction and noise issues between units. She encouraged the CC&Rs should be structured to alleviate these concerns.

TRISH GORDON, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ALIKI PAPADEAS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding balconies, private and common open space, and encouraged legal conversion practices.

SIBYL ZADEN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

PATRICIA SPOSATO, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the awnings, the strength of the sun and a neighboring building under construction.

JULIUS SPOSATO, WEST HOLLYWOOD, has concerns regarding this item. He stated whatever decision is made he hopes they are able stay.

DAVID WEISSFELD, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding Sibyl Zaden's neighborhood participation, traffic, noise and public safety concerns. He encouraged facilitation for the current tenants into the transition of ownership or a new rental unit.

HAYK MARTIROSIAN, GLENDALE, applicant's representative, presented the applicant's rebuttal. He stated he sympathizes with the tenants, and spoke regarding home ownership, sound proofing, CC&Rs, unit renovation, materials and awnings. He clarified for the record existing plans from Los Angeles County Registrar Recorder shows there were balconies for all units. At some point the balconies were removed on four units and closed in. The current proposal will push the balconies back to their original locations. The owners are willing to assist the existing tenants. They are not trying to evict them. Tenants will be given the first right of refusal, as well as a lower market value to their unit(s) so as they can purchase their own units.

Chair Buckner questioned why the applicant does not find it feasible to make the open space available on the top floor.

HAYK MARTIROSIAN, GLENDALE, applicant's representative, stated they have concerns with water drainage from the roof top open spaces. The design has to be worked around the existing building.

Commissioner Yeber questioned the average square-footage for the one and two bedrooms, and requested clarification regarding the plans.

HAYK MARTIROSIAN, GLENDALE, applicant's representative, stated the plans came from Los Angeles County microfiche archives, and stated they calculated the new square-footage off of the plans by adding 120 square-feet to each unit.

Vice-Chair DeLuccio questioned the units that do not currently have balconies, and requested clarification that the new balconies will be added by being recessed into the building.

HAYK MARTIROSIAN, GLENDALE, applicant's representative, stated that is correct, and that it will be considered private open space.

Chair Buckner requested clarification regarding the living space when the balconies are recessed.

Vice-Chair DeLuccio requested clarification from staff regarding private and common open space.

John Keho, Planning Manager, stated balconies have always been considered private open space, in which they have roofs on top. Common open space would be open to the sky.

Discussion regarding the balcony elements were discussed and reviewed.

Vice-Chair DeLuccio questioned the efficacy of the plans and procedure for this request and stated perhaps it should have gone before the Design Review Subcommittee. He cited it is unusual not to have any plans or renderings for the request.

John Keho, Planning Manager, stated it was not sent to the Design Review Subcommittee because it is not considered new construction. The design changes they are making are fairly minor. The plans are the original plan, which they have modified, which does show where they are going to place new exterior walls. The plans are old, and they chose not to do new plans. Planning staff has reviewed the plans.

Commissioner Huebner stated the current sets of plans are difficult to read. It would have been nice to have a cleaner set of plans.

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

Commissioner Aghaei stated it appears they have not met the standards of review. The public space does not meet the definition of public spaces required by the code. It appears the applicant did not look to see if it was feasible to make it open. It appears to be is a convenient solution to put it on the first floor. It would be more feasible to put it somewhere on the top floor, and rectify the drainage issues. In terms of the private space, he stated he has no issues with the front facing units setting back the balconies; however, it appears to be cutting into the units. He had concerns with the old plans with sketches on them. He is not comfortable moving forward at this time.

Commissioner Yeber stated he would like to accommodate the needs of any property owner, but he indicated he is not willing to throw out the regulations to make that accommodation without the proper documentation.

Commissioner Yeber stated it appears the open space can be accomplished on the top floor, however, it will take some reengineering of the roof, not only for drainage, but to make sure the building is as secure as it needs to be for seismic reasons. He stated he would like to see this continued for better analysis on the part of the applicant, just to see what all the different options are, so that it is as close to compliance as possible. The plans are difficult to read and it appears the applicant did not look at enough options to really make this a viable building.

Commissioner Yeber moved to: 1) continue the item.

Seconded by Vice-Chair DeLuccio.

Vice-Chair DeLuccio suggested the applicant explore real common open space on the fourth floor. He is not comfortable with the private open space; particularly with the four balconies that are not currently balconies and turning those into private open space. He would like to see the applicant explore further options to comply with the ordinance with private open space.

Commissioner Huebner stated his support of the continuation. He would have liked a better set of plans to really understand what was going on with the size of the units when they punch in the balconies. He is not comfortable supporting this item until they look a little bit more at the feasibility of possibility of opening the fourth floor.

Chair Buckner stated she could not find at this time the building substantially complies with the statute and perhaps the applicant will have an opportunity to come back with other options that might help the commission to make the findings that are required.

John Keho, Planning Manager, stated they need to meet the Permit Streamlining Act.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:05 P.M. TO CONFIRM THE APPLICANT'S RIGHT TO WAIVE THE PERMIT STREAMLINING ACT AND RECONVENED AT 8:10 P.M.

John Keho, Planning Manager confirmed for the record, the applicant agreed to waive the Permit Streamlining Act in order to continue the item.

Vice-Chair DeLuccio confirmed it should be continued to a date uncertain.

Commissioner Yeber agreed to this and encouraged the applicant to find the right consultants, do the study, and analyses that are needed to present the right materials.

ACTION: 1) Continue to a date uncertain; and 2) Close Public Hearing Item 10.B. **Moved by Commissioner Yeber, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

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

C. 8100-8120 Santa Monica Boulevard (SMB20):

Continued from Thursday, May 16, 2013. Applicant is requesting the subdivision of one mixed-use project into six (6) separate air-space parcels for parking, commercial spaces and apartment units.

The item was originally continued, advising the applicant to revise the proposed tentative tract map to include parking areas in the parcels with which they are associated.

ACTION: 1) This item was moved and heard after agenda Item 10.A. (523-531 N. La Cienega Boulevard) as part of the amended agenda. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Huebner and unanimously carried.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

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

14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

John Keho, Current and Historic Preservation Planning Manager stated the Domain Mixed-Use Project at 7141-7155 Santa Monica Boulevard, which was approved by the Planning Commission on Thursday, May 16, 2013 had no recordable appeals. The Planning Commission action is final.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.**

Chair Buckner announced the upcoming Pride Weekend and encouraged participation in the Sunset Strip Farmer's Market.


17. **ADJOURNMENT:** The Planning Commission adjourned at 8:10 P.M. to the next regularly scheduled meeting which will be on Thursday, June 20, 2013 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 20TH DAY OF JUNE, 2013.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY