



PLANNING COMMISSION MINUTES
Regular Meeting
June 20, 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:** Ira Handelman 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, Georgia Sheridan, Assistant Planner, Bianca Siegl, Senior Planner, Roderick Burnley, Project Development Administrator, Elisabeth Savage, Director of Human Services and Rent Stabilization, Melissa Antol, Long Range and Mobility Planning Manager, 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.**
ACTION: Approve the Planning Commission Agenda of Thursday, June 20, 2013 as presented. **Moved by Commissioner Aghaei, seconded by Vice-Chair DeLuccio and unanimously carried.**
5. **APPROVAL OF MINUTES.**

A. **June 6, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, June 6, 2013 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**
6. **PUBLIC COMMENT.** None.
7. **DIRECTOR'S REPORT.**
Stephanie DeWolfe, Community Development Director reminded the commission the joint meeting with City Council and Planning Commission will take place at a specially scheduled meeting on Monday, June 24, 2013.

She spoke and detailed efforts to increase communications with the public. She stated a new newsletter called Cityscape will be launched on Friday, June 21, 2013 from the Community Development Department. This will be a quarterly publication that will be received on a subscription basis. She encouraged the general public to sign up via any of the following:

- 1) www.weho.org/cityscape , 2) email: cityscape@weho.org , or 3) text CITYSCAPE 22828. It will also be available in a hard copy format via U.S. mail.

8. ITEMS FROM COMMISSIONERS.

Vice-Chair DeLuccio congratulated Stephanie DeWolfe, Community Development Director on her appointment to the Pasadena Planning Commission.

ACTION: Cancel the regular meeting of Thursday, July 18, 2013. **Motion carried by consensus of the Commission.**

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 9001 Santa Monica Boulevard (Palm Mixed-Use Project):

Jennifer Alkire, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, June 20, 2013.

She stated the applicant is requesting to amend a development agreement to extend term and period to commence phases of construction by three (3) years.

She provided a detailed history of the project, stating currently, the site consists of a 5,484 square foot restaurant and an auto repair facility that is 8,845 square feet in size. There is also a parking lot on the site that contains 39 parking stalls for the Palm Restaurant.

The original project was approved in December of 2007, for the construction of an 83,200 square foot, five (5) story mixed use building, and rising to 62 feet in height.

The building was to be constructed with 180 parking stalls located in two levels of subterranean parking. The commercial component of the building was to be located on the first above-ground floor and consist of 9,850 square feet of retail space and 9,800 square feet of restaurant space with 250 square feet of associated outdoor dining. The residential component of the mixed-use building was to consist of thirty-four (34) market-rate residential units and eight (8) inclusionary residential units and was to be located on the second through fifth floors.

In January of 2009, a settlement was reached in a lawsuit regarding this project. The height of the building was to be reduced by seven feet, making it a maximum of 55 feet. Other changes were made to the project, including fixing defects in the legislative portion of the project approvals.

In 2011, the City of West Hollywood adopted a new General Plan. The Land Use Element of the recently adopted General Plan no longer allows for residential uses on this property or in the immediate vicinity. Because the project was approved prior to the new General Plan being adopted, the new standards would not apply to this project as long as the existing entitlements and Development Agreement remain intact.

The original timing of development set forth in the Development Agreement 2006-003 states that the Owner agrees to obtain all building permits within 24 months of the Commencement Date. Since the project was subject to legal proceedings, the Commencement Date was January 8, 2008. Therefore, the building permits for the project should have been pulled on or before January 8, 2011.

In November of 2011, the City Council adopted Ordinance 11-881 which amended the development agreement (first amendment to the development agreement) and granted the applicant an extension of the project timelines by an additional 24 months. This meant that permits would need to be pulled on or before January 8, 2014, and that substantial construction would need to commence prior to July 8, 2014.

She identified the timelines of the project and stated the applicant is asking for four (4) additional years on the term of the development agreement; two (2) additional years to pull the permits and two (2) additional years to start construction.

She clarified the year 2020 would be the end of the term of the entire development agreement. January 8, 2016 would be the date they would have to pull building permits for the entire project, and July 8, 2016 would be the date they commence substantial construction for the entire project.

Along with the extension, the applicant is also proposing to eliminate the phasing of the project. The phasing was originally proposed to keep the Palm Restaurant in business and open the entire time during construction. However, the Palm Restaurant is no longer a factor in the project; therefore the applicant would like to compress the construction schedule. This would eliminate some complicated side-funds and juggling that would have to occur to insure the affordable housing was created correctly with that phasing. This would eliminate that confusion.

Another change besides the timelines would be assignment. The property is changing hands. Since the development agreement is between the City and Owner of the property, the development agreement contains a clause stating the City has to consent to the change of ownership (assignment).

Staff recommends approval of the requested amendments and extensions to the development agreement. Staff agrees that the recent economic climate has not been favorable for development.

Commissioner Altschul stated it appears a substantial amount of the items of consideration were revolving around the Palm Restaurant. Apparently the Palm Restaurant will no longer be there. He questioned would it not be appropriate prior to granting these extensions to review the development agreement to see whether or not it is adequate, in terms of its benefits to the City.

John Keho, Planning Manager stated, he believes the applicant was indicating that while the development was constructed around the Palm Restaurant, the restaurant is out of the applicant's control, and so one of the benefits of the current revised version is that the construction period time is going to be shortened, so the impacts on the community will be reduced. That is mitigating the loss of the Palm Restaurant.

Commissioner Altschul stated neither the staff, the commission, or the deciding body of the council negotiates or reviews development agreements for sufficiency, or for its terms. He stated it might be appropriate to have whoever does the reviews of these development agreements take a look at it before another extension is granted.

John Keho, Planning Manager stated if the commission wants staff to further review the development agreement, that would be appropriate.

Commissioner Aghaei requested clarification regarding the history of the Palm Restaurant.

Michael Jenkins, City Attorney, stated this is something the City Council will consider when the matter comes before them. He stated the issues with the existence of this particular restaurant was considered significant at the time that the agreement was negotiated and executed, but it was understood at the time that the property owner did not have control over the restaurant. The other benefits, including the monetary benefits and the affordable housing benefits were also of significance to the City Council at the time. It is something that will be looked at before the agreement and amendment is approved at the Council level.

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

IRA HANDELMAN, ENCINO, applicant's representative, presented the applicant's report. He clarified the original agreement had many things other than just the Palm Restaurant. There is a million dollar fee, and affordable housing units. The city has benefitted almost the entire lease of the Palm Restaurant of the tax revenue and jobs. By getting this project built, there will be another restaurant, and by getting the construction done quicker will also be a benefit. With the other benefits available in the devilment agreement, he stated he believes this project is still a major benefit to the city and he encouraged a recommendation of support and approval.

Vice-Chair DeLuccio questioned the financial benefit to the city.

IRA HANDELMAN, ENCINO, applicant's representative, stated one million dollars and eight affordable units to be built at once.

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

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

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

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

Vice-Chair DeLuccio disclosed for the record he met with Ira Handelman, applicant's representative. They discussed matters contained solely in the staff report.

Commissioner Altschul restated so much of the consideration to the city revolved around the Palm Restaurant, that the development agreement should be examined. He suggested, perhaps some of the money could be paid in advance, prior to the granting of the extension. He suggested two or three hundred thousand dollars with the rest deferred until the end, like it was supposed to be in the beginning.

Commissioner Aghaei commented on the lease term of the Palm Restaurant. He stated the remainder of the benefits are still in the development agreement. He stated his support of staff's recommendation.

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

Seconded by Commissioner Yeber.

Commissioner Yeber commented on the significance of the Palm Restaurant, however it was not an overarching factor in this project overall. A development agreement and conditions were crafted around this establishment that will no longer exist. He is not sure what would require the applicant to make further concessions because of that.

Chair Buckner requested clarification regarding the "phases of construction."

Vice-Chair DeLuccio stated the commercial space will still be built in the project, which would have housed the Palm Restaurant. The end result will ultimately be that space will be filled. He stated his support of the motion.

Commissioner Huebner stated the time compression will certainly help, and it's not like the retail space is going away. It just won't house the Palm Restaurant as originally stated. He stated his support of the motion.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1050 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE REQUEST TO AMEND A DEVELOPMENT AGREEMENT TO ELIMINATE PROJECT CONSTRUCTION PHASING; EXTEND TERM OF THE DEVELOPEMNT AGREEMENT BY FOUR (4) YEARS; AND EXTEND TIME PERIOD TO COMMENCE CONSTRUCTION BY THREE (3) YEARS, FOR THE PROPERTY LOCATED AT 9100 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 10.A.
Moved by Commissioner Aghaei, seconded by Commissioner Yeber and passes on a Roll Call Vote:

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

NOES: Altschul.

ABSENT: None.

RECUSED: None.

11. NEW BUSINESS.

A. Pedestrian and Bicycle Mobility Plan Staff Update.

Georgia Sheridan, Assistant Planner, provided an oral and visual presentation and background information on the Pedestrian and Bicycle Mobility Plan.

She spoke and detailed the project timelines, community outreach strategy, project schedule, community workshops, project “microsite”, interactive blog, web survey, and interactive mapping.

She encouraged participation: www.walkbikeweho.com

Chair Buckner opened public comments for Item 11.A.:

KEVIN BURTON, WEST HOLLYWOOD, member of the West Hollywood Bicycle Coalition, spoke in support of this item.

Chair Buckner spoke on the workshop she recently attended and thanked staff for their work.

Vice-Chair DeLuccio spoke in support of safety enhancements and questioned additional bike lanes in the city.

Commissioner Yeber questioned and suggested bike rental (sharing) options.

B. Appointment to the Pedestrian and Bicycle Mobility Plan.

ACTION: 1) Appoint Marc Yeber as liaison to the Pedestrian and Bicycle Mobility Plan. **Motion carried by consensus of the Commission.**

C. Housing Element Update.

Bianca Siegl, Senior Planner provided an oral presentation and background information regarding the Housing Element update process.

She detailed the history of the Housing Element and spoke regarding the timelines, community outreach, including the Community Conversation Workshop and a series of five focus groups. She stated all the input received was put in a draft plan that reflects the community priorities.

The current packet includes a reference copy of the existing 2008-2013 Housing Element. The Housing Element is divided into two main sections; 1) Goals and Policies, and 2) Housing Programs.

Roderick Burnley, Project Development Administrator, spoke regarding the Housing Programs of the Housing Element. The Programs are organized into four basic categories: 1) Preservation of Existing Housing; 2) Preservation of Affordability; 3) Removal of Governmental Constraints; and 4) Equal Housing Opportunity.

He stated Housing Element law requires an annual report to be submitted to the State Department of Housing and Community Development. He detailed a few key accomplishments that have occurred during the planning period of the current Housing Element. These include: a) completion of a citywide inventory of soft story buildings or buildings with tuck-under parking; b) an examination of the barriers and constraints to rental housing rehabilitation; c) review of past and current options for incentivizing rehabilitation; and d) partnerships with various non-profit affordable housing developers to construct and rehabilitate existing buildings.

The projects incorporate many of the housing element policy objectives, such as universal design and green building practices. Some examples of the projects were the Hayworth House, the Courtyard at La Brea, and the Janet Witken Center. Other accomplishments included an analysis of the Inclusionary Housing Ordinance, three Inclusionary Housing agreements, and the adoption of an ordinance to provide a process for individuals with disabilities.

The community engagement process and the technical background report are the basis for the modifications to the Housing Element. Based upon input received from the community, the existing programs are largely consistent with the expressed desires and needs of the community. However, several programs were updated to further implement existing programs and to respond to three broad areas of increased discussion during the community engagement process. Those areas are housing development, age of housing stock and community engagement.

Examples of those modifications include: a) exploring creative housing models and development standards to encourage increased opportunities for affordable home ownership; b) designing a program to incentivize the rehabilitation of multi-family rental housing; c) studying and proposing rehabilitation incentives for the preservation of historic multi-family residential buildings; d) identifying creative methods for assisting non-profit housing providers with green building improvements and other capital improvements; and e) exploring the issues of aging in place for elderly and disabled persons.

Bianca Siegl, Senior Planner provided a detailed format for the upcoming joint study session with City Council. The study session is really a chance for the Planning Commission and City Councilmembers to speak together about the goals, policies and programs that are in the Draft Housing Element for the 2013-2021 planning period.

A particular focus of discussion will be on the integration of key themes from the community input process into the programs. The overall timeline of the study session will be kept to an hour.

After the study session, the next steps will be to further develop and refine the Housing Element as needed, based on the feedback from that discussion and then the Draft Housing Element will be submitted to the State Department of Housing and Community Development for their state mandated review. Staff plans to return before the end of 2013 to adopt the final Housing Element.

Chair Buckner opened public comments for Item 11.C.:

KEVIN BURTON, WEST HOLLYWOOD, stated he attended one of the Housing Element meetings, as well as one of the community study workshops. One of the most important aspects to housing in the City of West Hollywood are units under rent control. He stated his concerns the total amount of units covered under rent control have been declining over time. He stated he would like to see a graph showing the number of rent control units on a yearly basis, starting at the time of cityhood to the present day. He stated that would be very informative.

Commissioner Altschul stated the City of West Hollywood has historically been built on affordable housing that stemmed from rent control. Not only has the city lost rent controlled units, the city is now seeming to lose rent controlled units to the Ellis Act. He referenced the policy where the landlord is always wrong, may not be well served in this particular rental climate and in this particular economic climate. He suggested for future studies, perhaps staff can concentrate on that. He stated he believes as the economy continues to boom, there will be more conversions of buildings from rental to condominiums. If the developer would be required to hire a consultant at the beginning of the process, concurrently with the application; to study the standards that need to be brought current on some of these older buildings, then have the applicant pay for that study, to really be aware and informed of what the expense actually would be to do the conversion, it might help in averting a conversion or making the conversion more realistic. He suggested this also could be studied.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

Elizabeth Savage, Director of Human Services and Rent Stabilization, stated the Rent Stabilization and Housing Annual Report will be available in about two weeks. She suggested bringing it back with a report when it's available.

John Keho, Current and Historic Preservation Planning Manager gave an update regarding the ongoing billboard and signage application process for Sunset Boulevard. Staff has concluded, and let all applicant's know, that the city will now undertake approximately a two year process to evaluate the signage.

Commissioner Yeber requested clarification regarding any regulations or stipulations for billboards next to historic buildings. He specifically referenced the billboard next to the Plaza del Sol on Sunset Boulevard. He would like to see the study consider how this affects historical buildings.

John Keho, Current and Historic Preservation Planning Manager stated that particular billboard was part of a settlement agreement.

Chair Buckner questioned the Sunset Specific Plan update.

Melissa Antol, Long Range and Mobility Planning Manager, provided an update, and stated the Sunset Specific Plan will probably be revised during the next budget cycle. She stated SB2 – Special Needs Housing will be scheduled for City Council consideration on Monday, July 15, 2013.

The Avenues Project will be headed to City Council for approval and adoption on Monday, August 5, 2013. Initial conversations are beginning regarding the Melrose Design Study and scoping that project will begin in July 2013. The Request for Proposals (RFP) will be released sometime in the fall of 2013.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

Commissioner Altschul requested an update on the court's decision regarding the proposed garage the Temple at Crescent Heights Boulevard and Fountain Avenue.

Michael Jenkins, City Attorney stated City Council approved a conditional use permit to bring the I.A.J.C. (Iranian American Jewish Center) property into conformance and approved development permit to allow for the construction of a parking structure in the vacant surface parking lot, immediately adjoining the Temple. One of the neighbors brought a challenge to that decision and the court released its opinion, granting a Writ of Mandamus, directing the City Council to vacate its decision and to reconsider the decision based on the courts findings on a number of issues.

There were three issues the court was concerned about: 1) CEQA issues (the parking structure was approved based on a categorical exemption from CEQA), 2) allowing the parking structure to be built with a number of spaces that would still not be sufficient to satisfy code requirements (that use would leave it still in effect non-conforming); and 3) the court was concerned with the setback issue.

Staff will bring to City Council a resolution in July, 2013 vacating its decision. That would comply with the writ. Then the city will have to evaluate how to move forward from here, assuming the Temple wants to continue with the project. More than likely, the Planning Commission will be seeing this project again.

17. **ADJOURNMENT:** Notating the cancellations of the Planning Commission meetings on Thursday, July 4, 2013 and Thursday, July 18, 2013, the Planning Commission adjourned at 7:45 P.M. to the next regularly scheduled meeting which will be on Thursday, August 1, 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 1ST DAY OF AUGUST, 2013.



DONALD DELUCCIO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY