



PLANNING COMMISSION MINUTES
Regular Meeting
September 19, 2013

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

1. **CALL TO ORDER:** Chair DeLuccio called the meeting of the Planning Commission to order at 6:30 P.M.
2. **PLEDGE OF ALLEGIANCE:** Jeffrey Prang led the Pledge of Allegiance.
3. **SPECIAL ORDER OF BUSINESS:**
 - A. **OATH OF OFFICE.**

The Oath of Office was administered to Heidi Shink, by Councilmember Jeffrey Prang, for a term ending May 31, 2015.

Commissioner Shink thanked City Council and Councilmember Jeffrey Prang for giving her this opportunity to serve the city.
4. **ROLL CALL:**

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

Commissioners Absent: Yeber.

Staff Present: Antonio Castillo, Associate Planner, Jennifer Alkire, Associate Planner, John Keho, Current and Historic Preservation Planning Manager, Stephanie Reich, Urban Designer, Lauren B. Langer, Acting City Attorney, and David Gillig, Commission Secretary.
5. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, September 19, 2013 as presented. **Moved by Commissioner Buckner, seconded by Commissioner Aghaei and unanimously carried; notating Commissioner Yeber as absent.**
6. **APPROVAL OF MINUTES.**
 - A. **August 15, 2013**

ACTION: Approve the Planning Commission Minutes of Thursday, August 15, 2013 as presented. **Moved by Commissioner Aghaei, seconded by Commissioner Buckner and passes; notating Commissioner Shink abstaining and Commissioner Yeber as absent.**

7. **PUBLIC COMMENT.** None.

8. **DIRECTOR'S REPORT.** None

9. **ITEMS FROM COMMISSIONERS.**

Commissioner Buckner welcomed Commissioner Shink and stated she is looking forward to serving with her on the commission.

Commissioner Aghaei welcomed Commissioner Shink and stated he is looking forward to working with her on the commission.

Commissioner Altschul welcomed Commissioner Shink and stated he is looking forward to serving with her on the commission.

Vice-Chair Huebner welcomed Commissioner Shink and stated he is looking forward to serving with her on the commission.

Chair DeLuccio welcomed Commissioner Shink and stated he is looking forward to serving with her on the commission.

ACTION: Officially cancel the Planning Commission meeting of Thursday, October 17, 2013. **Moved by Chair DeLuccio and unanimously carried; notating Commissioner Yeber as absent.**

10. **CONSENT CALENDAR.** None.

11. **PUBLIC HEARINGS.**

A. 851 N. San Vicente Boulevard:

Antonio Castillo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, September 19, 2013.

He detailed the history of the property and stated the applicant is requesting approval to install a fully screened unmanned wireless telecommunications facility for AT&T within a proposed cupola structure above the multi-family building's elevator shaft. The facility consists of three sectors, including twelve, eight-foot vertical antennas and related equipment. The equipment will be located within an area in the parking garage, fully screened from the public right-of-way and secured by a fence. Additionally, the request includes a variance to install the antennas at 59 feet in height in lieu of the required 80-foot height minimum for antennas within the R4 zone.

He clarified a misstatement in the staff report, which indicated the equipment would be on the rooftop. He stated that is no longer the case, and the remaining staff report and the revised set of plans reflect that change.

He stated the cupola will raise the height of the square shaped elevator shaft by eight feet for a total height of sixty-three feet. It is staff's assessment that creating an architectural projection at the corner emphasizes and enhances the buildings architecture.

The applicant has demonstrated the need for the requested antennas at this location in order to address coverage deficiencies. Through process of elimination, the applicant determined the subject property offers the best solution for balancing AT&T's technical needs.

Under the Federal Telecommunications Act, cities may exercise zoning authority over wireless facilities, so long as the regulations do not actually or effectively prohibit the carrier from providing the wireless service.

Staff is supportive of the request and has worked with the applicant to ensure the screening of the antennas is architecturally sensitive.

Staff recommends approval.

Commissioner Shink questioned if the proposed structure creates a shadow or any shade onto the street, which would impact the neighborhood and questioned the aesthetic qualities to the building.

Antonio Castillo, Associate Planner stated it would create a small shadow. The eight feet is not a significant increase. Along Cynthia Street, which is a tree lined street, much of the shadow would not necessarily impact the residents.

Stephanie Reich, Urban Designer clarified, with the antennas, staff tries to place them in a location where they actually make sense with the architecture.

Chair DeLuccio opened the public hearing for Item 11.A.:

JERRY AMBROSE, SANTA BARBARA, representing AT&T, presented the applicant's report. He stated they have nothing to add to staff's presentation. They have read and concur with the conditions. He is available for questions.

DANA WILHARD, WEST HOLLYWOOD, opposes staff's recommendation of approval. She had concerns regarding health issues.

Commissioner Buckner requested clarification regarding health concerns.

Lauren B. Langer, Acting City Attorney, stated for the record federal law tends to control most of the regulation for wireless facilities. Federal law stipulates we cannot regulate based on speculation of health effects.

Commissioner Altschul questioned if it needs approval of the homeowners association, and if it would not be more appropriate to wait and see if that approval is granted.

Antonio Castillo, Associate Planner stated the application has the authorization of the Homeowners Association to authorize the applicant to submit.

Commissioner Altschul stated this item should be continued until the Homeowners Association has approved the request.

NINA HICKOX, WEST HOLLYWOOD, opposes staff's recommendation of approval. She had concerns regarding the aesthetics of the addition of the tower and health issues.

Commissioner Altschul questioned if there is a resolution of the Homeowners Association approving this request.

Antonio Castillo, Associate Planner stated there is a letter of authorization signed by Christopher Oden, Vice-President of the Desmond Homeowners Association to the applicant.

Commissioner Aghaei questioned the legalities of tabling this item until the Homeowners Association has heard and voted on this item.

John Keho, Planning Manager, stated this needs to be acted upon in a timely manner, based on federal law. He suggested the item could be continued to Thursday, October 3, 2013.

Commissioner Shink requested clarification regarding the voting body of the Desmond's Homeowner Association.

John Keho, Planning Manager, stated staff only asks for authorization from the property owner. Staff does not verify how the association may have voted.

JERRY AMBROSE. SANTA BARBARA, representing AT&T, presented the applicant's rebuttal. He stated most of their projects begin the permitting process with the property owner. They begin the permitting process with a letter of authorization, and that allows them to go all the way through the permitting process. If they do get the entitlement, they cannot do anything, unless they get a lease or license agreement with the property owners. He clarified the city only requires a letter of authorization. They did attend a board meeting and the board voted to allow them to proceed with the permitting process. He clarified they are meeting with the homeowners association next week.

Commissioner Altschul stated there appears to be some homeowner resistant and there appears to be a scheduled vote of the homeowners association. This should be contingent on the homeowners association of approval.

Commissioner Altschul moved to: 1) continued the public hearing to Thursday, October 3, 2013.

Seconded by Chair DeLuccio.

ACTION: 1) Continue to Thursday, October 3, 2012. Moved by Commissioner Altschul, seconded by Chair DeLuccio, and unanimously carried; notating Commissioner Yeber as absent.

B. 1128 N. Ogden Drive:

Jennifer Alkire, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, September 19, 2013.

She provided a history of the site and stated the applicant is requesting to demolish a single-family residence and construct a three-story, five-unit condominium building that is approximately 7,000 square feet in size. The applicant also proposes to include green building features earning over 90 points.

She stated the building to the north of the subject property is three stories and is similar in height to the proposed structure, and the building to the south is a one-story, single-family dwelling. She spoke on massing, the at-grade parking, stating each individual unit would have an individual private garage; with side-by-side standard parking spaces, and architectural style.

She confirmed the applicant is asking for no variances or modifications, however, there is one incentive. The applicant proposes to achieve 92 points in the Green Building Program. They are requesting to divide the required common open space among the private open space areas. This would result in more usable private open space areas. Each of the roof top terraces is larger than the required private open space.

Vice-Chair Huebner presented the Design Review Subcommittee report. He stated the subcommittee was generally supportive of the project. They asked for a little more layering in the landscaping on the front porch, and were asked to move the front plane and try to articulate the front façade a little more. The subcommittee also asked for a change in the color of the materials. He stated it used to be more monolithic and white on the front, and the architect has articulated that. The applicant has responded to the subcommittee's comments. Overall the building is generally liked; it's a modern interpretation of buildings that are currently here.

Commissioner Aghaei continued the Design Review Subcommittee report. He stated the design was generally pleasing when it was first presented. However, he had concerns with the color and monolithic façade. It appears the applicant has taken the subcommittee recommendations. He stated his support of the design.

Stephanie Reich, Urban Designer, stated the subcommittee members asked that staff take care to review the details of the project. She assured the commission this will continue. Staff also maintains that there could be additional landscaping and soft-scraping on the site.

Jennifer Alkire, Associate Planner stated for the record there have been no community comments received and the neighborhood meeting was held. There were no community members of the public present at the meeting.

Staff recommends approval.

Commissioner Shink questioned why the house was excluded from the historic resources survey, and asked how this project impacts the single-family house next door.

John Keho, Planning Manager stated it was not excluded. The building was analyzed and the consultants felt that it did not meet the criteria for a historic building.

Jennifer Alkire, Associate Planner, stated there is relief where the project is situated along that side, with articulation in the façade. There is also a driveway on the side of the single-family property, which allows them additional room. Also, the code requires side yard setbacks.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:05 P.M. TO VIEW THE MODEL AND RECONVENED AT 7:10 P.M.

Commissioner Buckner disclosed for the record she spoke with Todd Elliott, applicant's representative. They discussed matters contained in the staff report.

Chair DeLuccio opened the public hearing for Item 11.B.:

TODD ELLIOTT, LOS ANGELES, applicant's representative, presented the applicant's report. He spoke regarding the context of the neighborhood, and stated the developers chose to create a modern building evocative of a modernist work. He detailed the design, green points, construction impacts, parking, landscaping, massing, façade, lighting separations, color and material palettes, public and private open space, and pedestrian friendliness.

He stated they are happy to accept the conditions of approval; substituting the front hedge as a *medina domestica*. However, he noted that this is not a native plant, but will work with staff. He noted for the record, draft Resolution No. PC 13-1056 needs to be reflective as a vesting tentative tract map, not a tentative tract map.

Commissioner Altschul requested clarification between a vesting tentative tract map and a tentative tract map.

TODD ELLIOTT, LOS ANGELES, applicant's representative, stated a vesting tentative tract map is a tract map, which upon completion vests the rights, laws and ordinances that are in effect at the time of vesting. This translates, to which the applicant has a right to proceed, unless the city or county determines that there is a public safety risk.

Chair DeLuccio requested legal counsel to clarify a vesting tentative tract map.

Lauren B. Langer, Acting City Attorney, stated a vesting tentative tract map locks in place the laws that are in effect today. If the city changes the laws in the future, the applicant will get to develop as the laws are in effect today.

Commissioner Buckner requested clarification regarding the recreation room.

ACTION: Close public hearing for Item 11.B: **Motion carried by consensus of the Commission.**

Commissioner Altschul had concerns regarding the vesting tentative tract map. **He requested the wording in the conditions of approval state the vesting tentative tract map shall expire at the same time the entitlements expire.**

Commissioner Aghaei stated how the applicant took the recommendations made by the design review subcommittee and incorporated them into the final product. He spoke regarding the green points and stated the project is in scale with the neighboring properties and projects within the surrounding area. He spoke regarding the interesting element of the project being parked on the ground floor. He would like to see this feature in future projects. He stated his support of the project.

Commissioner Altschul moved to: 1) approve staff's recommendation of approval; with the additional language regarding the vesting tentative tract map.

Seconded by Chair DeLuccio.

Vice-Chair Huebner stated how the applicant took the recommendations and concerns by the design review subcommittee and incorporated them into the final product. He noted the at-grade parking will certainly mitigate the disruption during construction without having excavation issues. He stated this is a great, kind of modern interpretation of buildings that currently exist here. He stated his support of the green building points.

He suggested, if the applicant was amicable, to **add a condition for a Hollywood drive; which is alternating concrete and grass strips for the driveway on the exterior.** He believes this would add a really nice element to the building.

Commissioner Altschul agreed to this added condition to the original motion.

Seconded by Chair DeLuccio.

Commissioner Buckner stated the design is very clean, very simple, and she liked the flow of the units. It appears to be a very workable and livable space. She is glad to see there are two full size parking spaces per unit and she finds the individual open spaces on the rooftop for each unit is a good element. She stated her support.

Commissioner Shink had concerns that there are only three single-family homes left on that side of the street adjacent to Santa Monica Boulevard. She stated by demolishing this one, we could be on a course to change that character, by eradicating that mix; leaving only large, multi-family buildings left. This seems to detract from the integrity and character of the neighborhood. She stated her support of the design of the building, and how the developer was thoughtful to the green building points. However, by demolishing one of the three remaining single-family homes, she is not convinced that what we are getting adequately makes up for what we are losing. She has issues with the compatibility of the building, and how it will affect the mix of land use on the block. She could not support the motion.

Chair DeLuccio stated his support of the design and commended staff, the design review subcommittee and staff all working together to make this a better project. He stated his support.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 13-1055 as amended: adding Condition 8.8 under Design: *“the project shall be designed to use a Hollywood driveway leading into the site from the street at the entrance of the project,”* “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEMOLITION PERMIT AND DEVELOPMENT PERMIT FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A THREE-STORY, FIVE-UNIT CONDOMINIUM BUILDING LOCATED AT 1128 N. OGDEN DRIVE, WEST HOLLYWOOD, CALIFORNIA;”

2) Adopt Resolution No. PC 1056 as amended: *a) the vesting tentative tract map shall expire at the same time the entitlements expire*, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 72427), FOR THE PROPERTY LOCATED AT 1128 N. OGDEN DRIVE, WEST HOLLYWOOD, CALIFORNIA; 3) Close Public Hearing Item 11.B. **Moved by Commissioner Altschul, seconded by Chair DeLuccio and passes; noting Commissioner Shink voting NO, and Commissioner Yeber as absent.**

12. NEW BUSINESS.

A. Planning Commission Appointment:

The Planning Commission will appoint two (2) members to the Development of Incentives for Designated Multi-Family Properties Task Force.

John Keho, Planning Manager stated the City Council directed staff to investigate the possibility of additional incentives for designating multi-family historic properties. One of the concerns some owners of historic properties have is that they believe it is more expensive to maintain a historic building than a non-historic building. The City recently completed an RFP (Request for Proposals) to select a consultant to help us identify where the city could improve its historic preservation program to address the concerns of preserving multi-family buildings.

Staff wants to create a working task force with members of the Historic Preservation Commission, Planning Commission and the Rent Stabilization Commission, to work with staff as a technical advisory body; which are expected to meet four or five times over the next twelve months. Emily Stadnicki, Senior Planner will be the project manager and the first meeting should happen in October.

ACTION: Appoint: 1) Sue Buckner; and 2) Marc Yeber, to the Development of Incentives for Designated Multi-Family Properties Task Force, for a term through June 30, 2014. **Moved by Chair DeLuccio and unanimously carried.**

ACTION: Appoint: 1) Commissioner Shink in an acting capacity as an alternate for current standing subcommittees, for a term through June 30, 2014. **Moved by Chair DeLuccio and unanimously carried.**

13. UNFINISHED BUSINESS. None.

14. EXCLUDED CONSENT CALENDAR. None.

15. ITEMS FROM STAFF.

A. Planning Manager's Update.

John Keho, Planning Manager, stated the Community Development Department has contracted to implement a permitting system called TrakIt. It should be completed by August, 2014.

He provided a demolition update on the Sunset / La Cienega Project (formerly Sunset Millennium Mixed-Use Project).

He clarified the mixed-use project at the corner of Crescent Heights Boulevard and Sunset Boulevard. The project is supposed to have approximately 113,000 square feet of commercial space, 249 residential units; each nine and sixteen stories. This falls within the Los Angeles City limits. A public scoping meeting for the environmental work has been scheduled for Wednesday, October 2, 2013; 5:30 p.m. to 7:30 p.m. at the Durant Brach Library at 7140 Sunset Boulevard, Los Angeles, California.

16. PUBLIC COMMENT. None.

17. ITEMS FROM COMMISSIONERS.

Commissioner Shink thanked everyone for their support and her wife Caitlin Stansbury of eighteen years.


18. ADJOURNMENT: The Planning Commission adjourned at 7:40 P.M. to the next regularly scheduled meeting which will be on Thursday, October 3, 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 3RD DAY OF OCTOBER, 2013.



DONALD DELUCCIO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY