

SUBJECT: ZONE TEXT AMENDMENT REQUIRING ART ON  
CONSTRUCTION FENCING

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Bianca Siegl, Long Range & Mobility Planning Manager)  
(Garen Srapyan, Associate Planner)

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### STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to re-consider an amendment to the Zoning Ordinance to introduce new standards that require art to be installed on construction fencing for certain commercial development projects.

### RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and adopt the following:

- 1) Draft Resolution No. PC 17-1196: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO REQUIRE ART TO BE INSTALLED ON CONSTRUCTION FENCING FOR CERTAIN COMMERCIAL PROJECTS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA” (EXHIBIT A)**

### OVERVIEW OF PROPOSED AMENDMENT

At present, the City of West Hollywood allows all development projects to install art on construction fencing. The proposed zone text amendment introduces new standards requiring specific commercial development projects to install art on construction fencing.

The Planning Commission reviewed this proposed zone text amendment during the public hearing on April 6, 2017. During the public hearing, each Commissioner expressed multiple and varying reasons for why he or she would individually vote to recommend approval or denial of the proposed ordinance to the City Council. The decision to recommend denial was 4:2, (Commissioner Altschul and former Commissioner Lightfoot voting no). During that meeting, the Commission expressed interest in developing a voluntary art on construction fence program and allowing for “artistic branding” on the construction fencing.

Staff brought back a resolution of denial to the Planning Commission on June 1, 2017. The Commission collectively voted to take no action on the resolution for denial at that meeting and requested staff to re-notice a new public hearing at a future date to consider the proposed text amendment further.

## **BACKGROUND**

In October 2015, the City Council directed staff to (1) propose a timeline for drafting a zone text amendment requiring temporary art installations on construction fencing for commercial development sites and (2) collaborate with the Arts Division to develop an approval process for the artwork in the program. In January 2016, staff (1) returned to the City Council with a timeline and (2) a proposed art on construction fence approval process. While the Planning Commission maintains purview over changes to the Zoning Ordinance, the art approval process – which is not codified in this amendment – does not require Planning Commission review and approval. With the Planning Commission's recommendation, the City Council will review this proposed amendment along with the Art on Construction Fence approval process established by the Arts Division.

There are two aspects to this proposal:

**(A)** Planning Commission purview - whether to change the zoning ordinance to require temporary art installations on construction fencing for commercial development sites.

**(B)** Arts and Cultural Affairs Commission purview - how the art will be selected or approved (Exhibit B).

The Planning Commission must provide a recommendation to the City Council on whether or not to approve (A). The other consideration, (B), is not a zoning ordinance amendment and has been prepared and recommended by the Arts Division. This process is in line with the City's overall art approval process that has been established by the Arts Division and reviewed and approved by the Arts and Cultural Affairs Commission. With the Planning Commission's recommendation on whether to change the zoning ordinance, the City Council will review this proposed text amendment along with the proposed Art on Construction Fence approval process established by the Arts Division, attached as Exhibit B for reference.

The Arts Division has proposed a streamlined approval process (Exhibit B) to facilitate the placement of this art. Other development projects in the City (not covered by this ordinance) may also elect to participate in this art program.

In order to express the unique creative culture of the City and transform construction fences from merely safety barriers into publically visible community art assets, the proposed amendment will require temporary art on construction fencing for certain large commercial development projects. Staff conducted a survey of how other cities are addressing art on construction fencing, finding that West Hollywood will be one of the first to establish such a requirement. This proposed amendment, along with the construction fence art approval process, will reinforce the City's reputation for progressive values and reflect the City's commitment to artists and the many benefits of – and community's need for – public art. Please see Exhibit C for an overview of how certain other cities are addressing art on construction fencing and examples of art on construction fencing in various cities.

### Proposed Standards

Below is an explanation of the ordinance and some additional information to respond to some of the Commissioners' questions and concerns about the proposal.

Under existing regulations, installation of non-commercial art on construction fencing is voluntary. A developer that wishes to install art on their projects' construction fence must submit a Temporary Art Application to the Arts Division, which is reviewed and approved by the Arts & Cultural Affairs Commission. While the current process allows for art to be installed on construction fencing, the proposed amendment would require larger commercial projects to install art on construction fencing and helps establish a more direct and streamlined process to encourage art on construction fencing for all types of projects.

The proposed amendment will require specific commercial development projects to install art on the project's construction fencing which faces a commercial right-of-way. The recommended amendment addresses the following:

**Applicable development projects:** The following types of commercial development projects would be *required* to install art on the project's construction fencing along the frontage facing the commercial corridor.

- Commercial projects with **ten thousand square feet or more** of building area. Projects of this threshold also require Planning Commission approval.

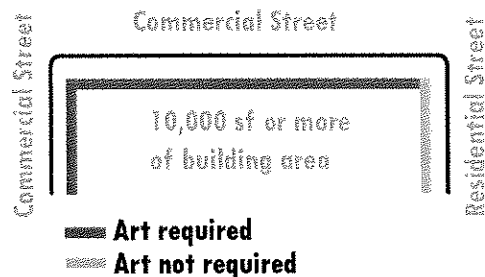


Figure 1 - Art on Construction Fence Requirement

The previous iteration of this amendment also required any commercial project with a demolition permit to install art on construction fencing. Based on the input from the Planning Commission, that threshold has been removed. This will ensure that only larger commercial development projects are affected by the proposed amendment.

The threshold above will apply to construction fencing for large commercial development projects and only apply to the commercial-facing frontage of the construction fence. In order to make it less burdensome to property owners, art is only required on commercial-facing frontages. Please see Figure 1 for a diagram illustrating this requirement. For such projects, the applicant will be notified of the requirement for art on construction fencing during Planning Entitlements and will be included as a condition of approval prior to the issuance of any building permits. The following language will be added into the conditions of approval for applicable commercial projects:

*Prior to issuance of Building Permits, the applicant shall submit an Art on Construction Fence Application for review and approval by the Arts Division. The approved Art on Construction fence shall be maintained in accordance with Section 19.20.240 (\_\_\_\_ AD)*

By requiring developers of certain larger commercial projects to install art on their construction fencing, the art will function as a valuable outlet for artists to share their talents with the community and allow opportunities for convivial engagement – contributing to the dynamic and creative vitality of the City.

**Standards for constructions fencing:** Under existing rules, construction fencing is required to comply with the construction fencing requirements established by the City of West Hollywood Building Code and the project's Construction Mitigation Plan. This will not change under the proposed amendment.

**Advertisements on construction fencing:** Future occupancy signs, project renderings, names of architects, contractors, designers, financing institutions, and/or information on the project are allowed and shall comply with the standards in Section 19.34.050 (F) - Temporary Signs. Advertising on construction fencing is to remain prohibited. Any signage must comply with the City's sign standards as per Chapter 19.34 - Sign Standards. Off-site billboard type signage is not allowed.

**Installation of artwork:** All applicable projects will be required to install art on the construction fence within five business days of the construction fence assembly. Upon the completed installation of the artwork on the construction fence, the applicant will be required to submit photographic documentation to the Arts Division within fourteen business days.

**Maintenance of artwork:** Due to the exposed and public nature of commercial construction fencing, the applicant will be required to maintain the integrity of the artwork on the construction fence and be required to refabricate and reinstall if any deterioration occurs such as major image fading and tearing.

#### *Estimated Cost*

The estimated cost for installing art on construction fencing depends on a wide-variety of factors such as materials used, artist fees, printing fees, etc. For example, the City installed a vinyl art print on the construction fencing at 8120 Santa Monica Boulevard. The cost for fabrication and installation was \$11,424 (\$2.55 per square foot) for 640 linear feet of fencing. The artist design fee for the project was \$21 per square foot. The City installed the artwork on all sides of the site, which would not be a requirement with this proposed amendment. The average length of a commercial facing frontage ranges from 200-400 linear feet. The proposed art on construction fence requirement for commercial projects over ten thousand square feet or more would be nominal in comparison to the budget for the entire project.

### *Advertising on the Construction Fencing*

During the hearing on April 6, 2017, the Commission expressed interest in allowing for creative branding on the construction fence. At present, the City's regulations on Creative Signage in Section 19.34.060 – Creative Signs would **not** allow for advertising and/or branding on a construction fence because creative signs are only allowed for on-site advertising. Any type of advertising of a future business outside of what is allowed under Section 19.34.050 (F) - Temporary Signs would be considered off-site advertising because the business in question has not yet occupied the space. Off-site advertising is currently prohibited in the City. The City currently has a comprehensive sign ordinance governing off-site signs. Staff does not recommend lifting the off-site advertising prohibition for the construction fences as stand-alone item, as these types of decision should be reviewed holistically in light of the city's entire sign regulation ordinance.

Moreover, allowing for any type of advertising or creative branding on a construction fence would require the development of new standards in the Zoning Ordinance that would address specific requirements, review authority, purpose, etc. Staff does not recommend this because this process would inhibit the City Council's original intent and goals for requiring art on construction fencing on larger commercial construction projects.

### *Approval Process for Art on Construction Fencing*

Over the past year, the Arts Division has carefully worked with the City Attorney to modify the art 'Review and Evaluation Criteria' in order to ensure compliance with the First Amendment. The Arts Division has carefully developed the Art on Construction Fence approval process so as to not pose undue burden on developers and/or inject delay into projects. Upon the Arts Division approval of an application for art on construction fencing, the applicant will be required to file a zone clearance permit with the Planning Division and pay the zone clearance permit fee in the amount of \$117.00 (fee subject to change).

The zone clearance application process will happen during concurrent plan check and will allow ample time for the applicant to select an artist from the City's WEHO Muralist Roster and submit an application to Arts Division for review. Even if the applicant's chosen artist is not currently on the Muralist Roster, applicants may submit an artist application for the WEHO Muralist Roster to be reviewed in tandem with the Art on Construction Fence Program application. Artists who are qualified and meet the minimum selection criteria will be approved for the Roster. Please see Exhibit B for more information on the proposed art on construction fence program.

### *Potential Development Projects Affected*

If the proposed thresholds delineated above were in effect today, there would be an opportunity to engage roughly twelve commercial development projects currently under construction. Requiring art on construction fencing could alleviate the visual impact of heightened construction along the City's commercial corridors (e.g. Santa Monica Blvd., Sunset Blvd., and Melrose Ave.) while also functioning as a community art asset for West Hollywood residents, visitors, and regional commuters alike.

With this additional information, the Planning Commission can hold a second public hearing to consider the proposal and make a recommendation to the City Council.

#### Public Notice

The City published a legal notice in the Beverly Press and West Hollywood Independent on July 7, 2016. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups by July 7, 2016.

#### California Environmental Quality Act (CEQA)

The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possibility exists that the proposed zone text amendment would have a significant effect on the environment because the zone text amendment would reduce the negative aesthetic impact of construction fencing.

#### Planning Commission Long-Range Planning Subcommittee

The Long-Range Planning Subcommittee discussed the proposed zone text amendments on February 18, 2016 and March 17, 2016. During the February 18, 2016 meeting, the subcommittee highlighted some concerns and questions on the art approval process. Staff returned to the subcommittee on March 17, 2016 with an updated approval process and proposed amendment to the Zoning Ordinance. The Commissioners were supportive of the amendment and requested staff to clarify the types of commercial projects that will be required to install art on construction fencing.

#### Public Comment & Correspondence

Staff presented the proposed amendment to the West Hollywood Chamber of Commerce Government Affairs Committee on March 8, 2016.

### **EXHIBITS**

- A. Draft Resolution 17-1196
- B. Proposed Art on Construction Fence Program
- C. Art on Construction Fence Case Studies
- D. Original City Council Staff Report
- E. April 6, 2017 PC Minutes

**RESOLUTION NO. PC 17-1196**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2016-0002 TO REQUIRE ART TO BE INSTALLED ON CONSTRUCTION FENCING FOR CERTAIN COMMERCIAL PROJECTS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.**

The Planning Commission for the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated an amendment to the Zoning Ordinance, Article 19 of the Municipal Code to require art to be installed on construction fencing of certain commercial projects.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of March 23, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on March 23, 2017, required state and local agencies, the City website and by announcement on City Channel 6 by March 23, 2017.

A second public hearing was duly noticed for the Planning Commission meeting of July 20, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on July 7, 2017, required state and local agencies, the City website and by announcement on City Channel 6 by July 7, 2017.

SECTION 3. This zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possibility exists that the proposed zone text amendment would have a significant effect on the environment because the zone text amendment would reduce the negative aesthetic impact of construction fencing.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2016-0002 is consistent with the Goals and Policies of the General Plan, specifically Policy LU-1, which states that the City should, "maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future" and Policy HS-2, which states that the City should "support and encourage arts and culture in West Hollywood." These proposed zone text amendment will help meet this goal by providing a publicly visible community art asset and contributing to the creative and dynamic vitality of the City and does not impede on the City's ability to meet other General Plan goals.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment 2016-0002, which is attached hereto as Attachment A.

DRAFT

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 20<sup>th</sup> day of July, 2017 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

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DAVID AGHAEI, CHAIRPERSON

ATTEST:

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BIANCA SIEGL, PLANNING MANAGER  
LONG RANGE AND MOBILITY PLANNING

*Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.*

# Attachment A

## ZONE TEXT AMENDMENT 2016-0002 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underlining, deleted text with strikethrough.)

**Section 1:** A new Section 19.20.240, Art on Construction Fencing in Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is added to read as follows:

### Section 19.20.240 Art on Construction Fencing

#### A. Applicability.

1. Required. Commercial properties under construction shall install temporary art along the perimeter construction fence of the property adjacent to the commercial facing public right of way if the construction is for a development project of 10,000 square feet or more.

The construction fence shall meet the requirements of the Building Code of the City of West Hollywood and the project's construction mitigation plan and the temporary art shall comply with the provisions of this Section.

2. Allowed. All other commercial properties under construction may install temporary art onto the property's construction fence, provided that the fence complies with the Building Code of the City of West Hollywood and the project's construction mitigation plan, and that the art complies with the provisions in the Section.

B. Review Authority. Prior to the issuance of any building permits for a project where art is required under Subsection A above, an Art on Construction Fence application shall be submitted to the Arts Division for review and approval. Applications shall be reviewed by the Division in accordance with the Art on Construction Fence Program approved by the Arts and Cultural Affairs Commission.

C. Advertisements. Use of advertisements on construction fence artwork shall not be permitted as set forth in Section 19.34.090 - Prohibited and Restricted Signs. Names of architects, contractors, designers, financing institutions, future occupancy signs, rendering s, and/or information on the project are permitted and shall comply with the standards in Section 19.34.050 (F) - Temporary Signs.

D. Installation. The applicant shall install the artwork on the construction fence within five (5) business days of the assembly of the construction fence. Additionally, the applicant shall submit photographic documentation of the completed installation of the artwork on the construction fence to the Arts and Economic Development staff within fourteen (14) business days.

E. Maintenance of Artwork. The applicant shall maintain the integrity of the artwork on the construction fence and may be required to repair or reinstall if significant deterioration occurs.

## ART ON CONSTRUCTION FENCE PROGRAM PROCESS AND GUIDELINES

### Arts Division

The Art on Construction Fence Program is operated under the City's Mural Program, which is administered by the Arts and Cultural Affairs Commission as part of the Art on the Outside Program. The Art on Construction Fence Program enriches the existing Mural Program but follows an independent, expedited review process with Arts Division staff. The Art on Construction Fence Program transforms the function of a construction fence as a safety barrier into a canvas for art. The art will function as a valuable outlet for artists to share their talents with the community and allow opportunities for convivial engagement – contributing to the dynamic and creative vitality of the City.

### APPLICATION REVIEW PROCESS

1. Applicants should notify the Public Art Coordinator of their intention of submitting an application as soon as possible.
2. For all projects where art is required under the WHMC, art is required to be installed on the construction fence within five (5) business days of the construction fence assembly. This means that the application shall be submitted no later than 25 days before the fence is to be assembled.
3. Applicant shall review the WEHO Muralist Roster, provided by the City, and select an artist from the Roster to implement the Art on Construction Fence project prior to submitting an online application for the project. <http://weho.org/residents/arts-and-culture/visual-arts/mural-program/weho-muralist-roster>
  - a. WEHO Muralist Roster: Any business or commercial development interested in placing a mural on a wall, building, construction site or other location in West Hollywood, must use an artist approved by the City. Approved artists will be placed on the WEHO Muralist Roster as a resource for anyone seeking an artist for a mural project. The intent of the roster is to provide users with a range of artistic styles from which to select an artist that fits the need of a particular project.
  - b. Applicants for the Art on Construction Fence Program may submit an artist application to be included on the WEHO Muralist Roster to be reviewed in tandem with the Art on Construction Fence Program application. Artists who are qualified and meet the minimum selection criteria will be approved for the Roster.
  - c. All WEHO Muralist Roster applications are considered using the following criteria:

- i. Proven artistic merit and strong professional qualifications as demonstrated through previous public art experience or gallery and/or museum exhibitions.
  - ii. Ability to execute a high quality artwork as demonstrated in the images of past mural work and/or public exhibitions.
4. Applicant shall complete the Art on Construction Fence application online and must receive approval from Arts Division staff prior to assembly of the construction fence.
  - a. Incomplete applications will not be accepted.
  - b. If artwork is installed on the construction fence without the approval of the Arts Division Staff, the owner hosting the artwork may be subject to a citation and fine by the City's Code Compliance Division.
  - c. Future occupancy signs, project renderings, names of architects, contractors, designers, financing institutions, and/or information on the project are allowed and shall comply with the standards in Section 19.34.050 (F) - Temporary Signs of the WHMC. Advertising on construction fencing is to remain prohibited. Any signage must comply with the City's sign standards as per Chapter 19.34 - Sign Standards of the WHMC. Off-site billboard type signage is not allowed.
5. Applications will be reviewed based on the Art on the Outside 'Review and Evaluation Criteria' adopted by the Arts and Cultural Affairs Commission, as may be amended from time to time. <http://weho.org/home/showdocument?id=31726>
6. Staff will notify applicants of approval or request for changes within ten (10) business days of receiving the Art on Construction Fence Application.
7. Once an Art on Construction Fence Application is approved by the Arts Division Staff, the applicant is required to file a zone clearance permit with the Planning Division and pay the zone clearance permit fee.
  - a. Applicant shall retrieve building permits and pay required fees.
8. Applicant shall install the Art on Construction Fence project within five (5) business days of setting up the construction fence.
9. Applicant shall submit photographic documentation of the completed project to Arts Division Staff within fourteen (14) business days of the installation.

10. Staff will provide monthly updates to the Art on the Outside Subcommittee and Arts and Cultural Affairs Commission on any approved applications and/or installed Art on Construction Fence projects.

#### PROGRAM GUIDELINES

1. For the purposes of the Construction Fence Art Program, the art created for these fences will fall under the larger category of mural. A mural is defined as a large-scale artwork, painting or mosaic, applied to or mounted directly to an exterior surface of a building, construction fence or other structure and that is visible from the public right-of-way. Its primary intent is to be artistic in nature, rather than purely information, creative signage or commercial signage.
2. All applicants must submit a West Hollywood Art on Construction Fence Application and receive approval from the City prior to installation.
3. An Art on Construction Fence artwork shall be on exhibition as long as the site is under construction and requires the use of construction fencing.
4. The artwork must not impede or have an adverse effect on the safe and efficient movement of vehicular or pedestrian traffic.
5. An artwork placed on a private structure becomes the physical property of the building/property owner/developer. As such, the building/property owner/developer is responsible for periodically monitoring the condition of the artwork and facilitating its care and maintenance, assuming any costs associated with its maintenance, repair and/or removal.
6. The City of West Hollywood does not take responsibility for maintenance and preservation of murals unless placed upon City property. Murals not maintained properly may be subject to Code Compliance penalties and removal.
7. The proposed artwork shall be an original work of art. The artwork shall be designed and constructed under the supervision of a qualified artist/muralist who has sufficient knowledge and experience in the design and execution of such projects, as well as with the application of the selected medium.
8. Artwork design approval does not constitute acceptance into the City's Civic or Urban Art Collection, unless specifically commissioned by or acquired by the Urban Art Subcommittee for the City of West Hollywood (or approved as part of an Urban Art project in conjunction with the City's Urban Art Ordinance, which would then be reviewed under a separate process).
9. Once the Arts Division Staff has approved the proposed artwork design, the artist may not make "alterations" to the design without returning to City staff for approval of the

changes prior to implementation of the mural. "Alteration" includes any change to a permitted mural, including but not limited to any change to the image(s), materials, color, or size of the permitted artwork. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time.

	<b>IMPLEMENTATION</b>	<b>GOVERNING AGENCIES</b>
<b>Los Angeles, CA</b>	The South Park's Business Improvement District (SPBID) developed a Public Art Plan that addresses the use of long-term development projects as temporary sites for public art. SPBID partnered with non-profits and local artists to implement SPBID's vision on construction fencing.	<ul style="list-style-type: none"> <li>○ DoArt (Local Non-profit)</li> <li>○ Local Artists</li> <li>○ SPBID</li> </ul>
<b>San Francisco, CA</b>	The San Francisco Arts Commission manages RFP's and RFQ's related to public art installations. A partnership between the San Francisco Art Commission and with the city's Public Works Department assists in generating a pool of local artists through the City's StreetSmArts program.	<ul style="list-style-type: none"> <li>○ StreetSmArts Program</li> <li>○ San Francisco Arts Commission</li> <li>○ San Francisco Public Works</li> </ul>
<b>New York, NY</b>	New York City regulates the construction and design of fencing through plan examination. Art proposals are directed by non-profits, developers, and City initiated programs.	<ul style="list-style-type: none"> <li>○ NYC DOT Art</li> <li>○ NYC Department of Transportation &amp; Community Organization Partnership</li> <li>○ Art-Bridge (Local Non-profit)</li> <li>○ Developers</li> </ul>
<b>Seattle, WA</b>	The City of Seattle's Arts & Culture Department administers a call for artist proposals. Proposals are related to a specific construction projects based on the City's choosing.	<ul style="list-style-type: none"> <li>○ The City of Seattle</li> <li>○ Arts &amp; Culture Department's CFP Program</li> </ul>
<b>Boulder, CO</b>	Developers independently initiate and manage construction fence art for their construction projects. Some developers have undertaken contests to select contextually sensitive submissions.	<ul style="list-style-type: none"> <li>○ Developers</li> </ul>

Examples of Art on Construction Fencing



West Hollywood, California



West Hollywood, California



New York, New York



Seattle, Washington



Seoul, Korea



Staten Island, New York

SUBJECT: CONSTRUCTION FENCE ART PROGRAM

INITIATED BY: MAYOR PRO TEMPORE LAUREN MEISTER

PREPARED BY: Andi Lovano, Acting Senior Management Analyst *AL*

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STATEMENT ON THE SUBJECT

The City Council will consider directing the Community Development Department to work with the Arts & Economic Development Division to develop a Construction Fence Art Program in West Hollywood.

RECOMMENDATION

1. Direct the Community Development Department to return to City Council within 90 days with an implementation plan for the Construction Fence Art Program that includes a proposed timeline for:
  - a. Drafting a Zone Text Amendment to require temporary art installations on construction fencing on commercial development sites.
  - b. Collaborating with the Arts & Economic Development Division to develop an approval process for the artwork in the program.

BACKGROUND ANALYSIS

The City Council originally received this report at its meeting on September 21, 2015. The item was pulled from the Consent Calendar and is being brought to the meeting of October 5, 2015 for further discussion.

The West Hollywood Municipal Code requires construction fences to be erected on properties that are vacant, abandoned, or undeveloped for more than 90 days. The fence must be at least six feet tall and the location, type, and method of installation is subject to approval of the Director of Community Development before installation. A fence can only be chain-link if the property is actively being developed pursuant to a current and valid building permit.

Construction fences can be seen as eyesores, but they can also be seen as blank slates, representing wonderful opportunities to reduce the impacts of a construction site through temporary art installations. This item would direct the Community Development Department (CDD) to develop a Construction Fence Art Program that would require construction fences on commercial development sites to feature temporary art installations. This item would also direct CDD to work with the Arts & Economic Development Division to develop a process to approve artists and artwork for the

installations. CDD will return to the City Council within 90 days with an implementation plan for the new program.

Other cities, such as Seattle and New York, have developed programs to encourage construction fences and scaffolding to be turned into artwork. The Seattle program focused on a specific city block that was under construction. It included the work of eight artists who developed temporary, large-scale, colorful panels for the construction fencing. The New York program is managed by a nonprofit organization called ArtBridge, which aims to transform urban spaces by covering the estimated 192 miles of street-level construction scaffolding in New York into canvas for emerging artists.

West Hollywood, as the Creative City, has a robust public art program that is unique and innovative. The Art on the Outside program provides temporary arts exhibits in City Parks and street medians. The Urban Art Program, initiated in 1987, requires developers of certain projects to contribute one percent of the project cost to public art. Developers have the option of placing artwork on-site or contributing funds to the City's Public Art and Beautification Fund. The Art on the Outside Program and the Urban Art Program promote interest in the arts and add vibrancy to the City's urban fabric. The Construction Fence Art Program would expand on these existing City initiatives. It would also encourage creative uses of public spaces, which is one of the recommendations of the recently released 2015 Innovations Annual Report.

**CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN**

This item is consistent with the Ongoing Strategic Program of **Enhance the Cultural and Creative Life of the Community**. In addition, this item is also consistent with the following General Plan goals:

*LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.*

*HS-2: Support and encourage arts and culture in West Hollywood.*

**EVALUATION**

N/A

**ENVIRONMENTAL SUSTAINABILITY AND HEALTH IMPACTS**

N/A

**OFFICE OF PRIMARY RESPONSIBILITY**

Community Development Department

FISCAL IMPACT

None at this time. Staff will incorporate activities related to this resolution into currently budgeted work plans.

Previous Council Staff Report

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**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**April 6, 2017**

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

*THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT [www.weho.org/weho-tv/other-city-meetings](http://www.weho.org/weho-tv/other-city-meetings)*

1. **CALL TO ORDER:** Chair Aghaei called the meeting of the Planning Commission to order at 6:35 P.M.

2. **PLEDGE OF ALLEGIANCE:** Rogerio Carvalheiro led the Pledge of Allegiance.

3. **ROLL CALL:**

Commissioners Present: Altschul, DeLuccio, Jones, Lightfoot, Vice-Chair Buckner, Chair Aghaei.

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, Rachel Dimond, Acting Current and Historic Preservation Planning Manager, Tara Worden, Assistant Planner, Garen Srapyan, Associate Planner, Bob Cheung, Senior Transportation Planner, Bianca Siegl, Long Rang & Mobility Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Move Item 10.B. (Zone Text Amendment – Art on Commercial Construction Fencing) and Item 10.C. (Zone Text Amendment – Covered Commercial Parking) to be heard before Item 10.A. (8711-8713 Beverly Boulevard and 321-327 Sherbourne Drive)

**ACTION:** Approve the Planning Commission Agenda of Thursday, April 6, 2017 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Lightfoot and unanimously passes.**

5. **APPROVAL OF MINUTES.**

A. **March 16, 2017**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, March 16, 2017 as presented. **Moved by Commissioner Jones, seconded by Commissioner Lightfoot and unanimously passes.**

**ITEM 11.D. EXHIBIT E**

**6. PUBLIC COMMENT.**

GENEVIEVE MORRIL, WEST HOLLYWOOD, President, CEO, West Hollywood Chamber of Commerce, encouraged participation in an orientation for the Leadership Academy – We Lead. Which will be held on Saturday, March 18, 2017 at The Chapel at The Abbey, 9:30 a.m. – 11:00 a.m.

**7. DIRECTOR'S REPORT.**

John Keho, Assistant Director, Community Development Department, introduced newly appointed Planning Commissioner Rogerio Carvalheiro, appointed by Councilmember Duran. He will be officially sworn in on May 4, 2017.

Rogerio Carvalheiro introduced himself, stating he is currently a member of the Arts and Cultural Affairs Commission. He looks forward to working with the commission.

**8. ITEMS FROM COMMISSIONERS.**

The commission welcomed newly appointed commissioner Carvalheiro.

**9. CONSENT CALENDAR.** None.

**10. PUBLIC HEARINGS.**

**A. 8711-8713 Beverly Boulevard and 321-327 Sherbourne Drive:**

Request to demolish an existing one-story nightclub/restaurant and construct a new five-story, approximately 41,200 square-foot mixed-use building with 9,700 square-feet of commercial space, 30 apartment units with five affordable units, and two levels of subterranean parking.

**ACTION:** 1) This item was moved and heard after Public Hearing Item 10.C. – Zone Text Amendment, Covered Commercial Parking as part of the amended agenda. **Moved by Commissioner DeLuccio, seconded by Commissioner Lightfoot and unanimously passes.**

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

**B. Zone Text Amendment**

**Art on Commercial Construction Fencing:**

Garen Srappyan, Associate Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, April 6, 2017.

The proposed zone text amendment introduces new standards requiring specific commercial development projects to install art on construction fencing.

He presented a history of the request directed by City Council. He detailed and clarified the proposed requirements, review authority, prohibitive advertisements, installation time frame, and maintenance of artwork, the art approval process, and draft language.

The commission questioned if any projects have voluntarily decided to do this and what the costs are.

Garen Srapyan, Associate Planner stated the City of West Hollywood currently has an art project wrapped around the project site located at Crescent Heights Boulevard and Santa Monica Boulevard. Cost was approximately \$18,000 (\$25 per linear foot). Artist costs are not incorporated into this cost.

The commission requested clarification regarding prohibiting corporate sponsorship and identification signage, commercial facing frontage requirements, and on-site advertising.

Bianca Siegl, Long Range & Mobility Planning Manager stated there is a limited provision for business identification signage, but advertising signage on construction fencing would be prohibited.

Garen Srapyan, Associate Planner stated the intent of the requirement regarding commercial facing requirements on one side, was to make it less costly and burdensome. The other facing frontages would have the regulatory green mesh requirement.

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

SCOTT SCHMIDT, WEST HOLLYWOOD supports staff's recommendation to require art to be installed on construction fencing for certain commercial projects.

GRACIELA IPARRAGUIRRE, WEST HOLLYWOOD opposes staff's recommendation to require art to be installed on construction fencing for certain commercial projects.

GENEVIEVE MORRIL, WEST HOLLYWOOD, President, CEO, West Hollywood Chamber of Commerce, has concerns regarding this item. She spoke regarding signage requirements, costs, incentivized options, and corporate logos and signage.

EDWARD LEVIN, WEST HOLLYWOOD opposes staff's recommendation to require art to be installed on construction fencing for certain commercial projects.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORTS STAFF'S RECOMMENDATION TO REQUIRE ART TO BE INSTALLED ON CONSTRUCTION FENCING FOR CERTAIN COMMERCIAL PROJECTS, WEST HOLLYWOOD, CALIFORNIA: 1) JOHN CONCANNIN, WEST HOLLYWOOD.**

Lauren Langer, Acting Assistant City Attorney, clarified the guidelines and the art policy.

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

The commission had concerns and discussed the cost burdens, square footage requirements, on-site advertising, current arts programs, mandating art, branding, and the demolition permitting process.

Commissioner Lightfoot moved to: 1) approve staff's recommendation to City Council, with the following addition: a) artistic branding shall be considered in the review process.

Seconded by Commissioner Altschul.

**SUBSTITUTE MOTION**

Commissioner DeLuccio moved to: 1) make art on construction fencing voluntary, and 2) allow for artistic branding.

**ACTION:** 1) Bring back a draft resolution of denial recommending to the City Council to direct staff to develop a zone text amendment to: a) voluntarily allowing for art on construction fencing, and b) allowing for creative branding on construction fencing. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones and passes, noting Commissioner Altschul and Commissioner Lightfoot voting NO.**

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:30 P.M. AND RECONVENED AT 7:40 P.M.**

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

**C. Zone Text Amendment**

**Covered Commercial Parking:**

Tara Worden, Assistant Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, April 6, 2017.

She stated the commission will consider an amendment to the West Hollywood Zoning Ordinance to introduce new standards that allow projections into the rear and interior setback for covered driveways accessing subterranean parking on commercially zoned properties when adjacent to residentially zoned properties.

She presented a history of the request, stating the City of West Hollywood received concerns from the residents about the impacts of light and noise from an uncovered driveway ramp accessing subterranean parking on a commercially zoned property adjacent to a residential neighborhood.

The goal is to provide a mechanism to buffer commercial activities from adjacent residential zones to maintain the City's unique urban balance and protect residential neighborhood livability.

She spoke and detailed the current regulatory scenario, strategy and guidelines, and proposed regulatory scenario.

Clarification was requested regarding the use of the rooftop of the enclosed driveway, maintenance related uses, mechanical equipment, and noticing.

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

BRIAN ROSKAM, LOS ANGELES has concerns regarding this item. He spoke regarding landscaping, and rooftop uses.

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the impact of residential properties, noise, acoustical attenuation, and setbacks.

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

The commission had concerns and discussed setbacks, adequate landscaping, and prohibited rooftop activity.

**Commissioner DeLuccio moved to: 1) approve staff's recommendation to the City Council for approval.**

**Seconded by Commissioner Buckner.**

**Chair Aghaei added to the motion: a) there shall be adequate landscaping on a portion of the structure that is adjacent to the property.**

**ACTION:** 1) Adopt Resolution No. PC 17-1195 as amended: a) Add language as follows: *"There shall be adequate landscaping on a portion of the structure that is adjacent to residential properties;"* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO PERMIT ENCLOSED DRIVEWAY RAMPS TO PROJECT INTO THE INTERIOR SIDE OR REAR SETBACK ON COMMERCIAL ZONED PROPERTY WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTY, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA;" and 2) Close the Public Hearing for Item 10.C. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Buckner and unanimously passes.**

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

- A. 8711-8713 Beverly Boulevard and 321-327 Sherbourne Drive:**  
Laurie Yelton, Associate Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, April 6, 2017.

She stated the request is to demolish an existing one-story nightclub/restaurant building (formerly Hooray Henry's) on a lot adjacent to two consecutive surface parking lots that consist of approximately 15,586-square-feet, to construct a new, five-story, approximately 40,720 -square-foot mixed use building, of which 9,400 square feet is commercial space, and 30 apartment units, of which five are affordable units, and two levels of subterranean parking.

The proposed project utilizes density/FAR bonuses based on providing affordable housing on-site and for providing a mixed use project.

The proposal also requires adoption of the Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program pursuant to CEQA Guidelines.

She provided an accounting of the project site, and spoke regarding current zoning, surrounding neighborhood site specifications, the proposed building locations, building mass, additional height, affordable housing, commercial space, common open space, community garden, private open space,

There were some minor last minute changes in square footage to the overall building from 41,200 square-feet to 40,720 square-feet, and the commercial area being 9,400 square-feet, opposed to 9,770 square-feet - where the retail component is 5,475 square-feet and office is 3,415 square-feet.

The parking requirement went from requiring 65 parking spaces to requiring 64 parking spaces, however the project still maintains a total of 65 parking spaces. Vehicular access for all onsite parking spaces would be off Sherbourne Drive at the north-east corner of the proposed building.

The rooftop equipment area, including solar and mechanical equipment does not exceed 15% of the overall roof area. It is approximately 13% of the overall roof area, which is approximately 9,779 sf total.

She stated there is 24 hour residential permit parking in all of the residential areas surrounding the proposed project, so patrons would not be able to park on the nearby residential streets. She detailed parking enforcement on the residential streets, construction vehicles, and the Construction Period Mitigation Plan.

The applicant is providing 3 very low income units and 2 moderate income units, which allows a 35% density bonus. The project allows a base floor area ratio of 1.5 within the CC1 zone. A mixed use bonus allows an additional 0.5 FAR, for a total of 2.0. The affordable housing bonus allows for an additional 35% of 2.0, which is 0.7 FAR, for a total maximum project FAR of 2.7. The project is only utilizing 2.61 FAR.

Acting Assistant Attorney Lauren Langer spoke and detailed the State Density Bonus Law.

Laurie Yelton, Associate Planner stated the applicant is requesting 2 concessions and 1 waiver:

The 1<sup>st</sup> concession requested is a deviation from the zoning code requirement per W.H.M.C. Section §19.10.050 (A) (1) (a), which states that the first 25' of the structure located closest to the residential zoning district shall be limited to 35' in height. Second, a deviation from the zoning code requirement per W.H.M.C. Section §19.22.030 (D) (1) which would allow the applicant to designate the affordable housing units in locations throughout the project most suitable for affordable tenants.

The second concession is to allow the developer to designate the affordable housing units throughout the project. The code section otherwise requires that inclusionary units be reasonably dispersed throughout the project, shall contain on average the same number of bedrooms as the non-inclusionary units in the project, and shall be comparable with the non-inclusionary units in terms of appearance, finished quality, and materials as approved by the review authority. The applicant has agreed that the inclusionary units will contain everything just mentioned, however, they would like to choose the units. Staff does not know which units will be inclusionary at this time.

In accordance with State law, the City must grant the requested concessions unless the City makes a finding based on substantial evidence that:

1. The concession does not result in identifiable and actual cost reductions to provide for the affordable housing;
2. The concession would create an adverse impact to health, safety, the physical environment or historic resources for which there is no feasible mitigation; or
3. The concession is contrary to federal or state law.

The applicant requests a waiver or reduction of a development standard that "would have the effect of physically precluding the construction of the project at the densities or with the incentives permitted under the statute.

The applicant requests an additional story of height for the project in order to physically construct the affordable housing units. This waiver allows the project an additional (fifth) story in order to construct the affordable residential units.

Staff consulted with an architect consultant to determine whether or not this project could fit within a four-story envelope and comply with all of the required development standards. It was determined that the project most likely would not be able to fit within a four-story envelope and that the design, as proposed, was fairly compact and well-designed given the irregular lot constraints.

In accordance with State law, the City must grant the requested waiver unless the City makes a finding based on substantial evidence that:

1. The waiver would create an adverse impact to health, safety, the physical environment or historic resources for which there is no feasible mitigation; or
2. The waiver is contrary to federal or state law.

The project incorporates 90 green building points; however, they are providing common open space on the ground floor, so they are not utilizing any green building incentives.

A subdivision is required for this project as the proposed building spans 3 separate properties, and a building cannot span a property line that is not tied together. This subdivision will tie and merge these three adjacent lots together.

She stated a voluntary traffic study was prepared along with a Mitigated Negative Declaration. The Initial Study and Mitigated Negative Declaration (IS-MND) includes 2 measures to address potential impacts related to geology and soils that are included as the Mitigation Monitoring and Reporting Program.

The traffic study determined the daily trips, A.M. peak trips, and P.M. peak trips were well below the City adopted thresholds at approximately 303 daily trips, 24 A.M. peak trips, and 42 P.M. peak trips from the proposed project.

She noted various concerns received from neighboring residents.

Staff would like to make the following changes:

- Draft Resolution No. PC 17-1193, staff requests the removal of Condition 1.10 with regard to billboards.
- Due to the recent and minor project changes in square footages, staff would like to modify Condition 2.1 to reflect the revised square footages for the overall project size of 40,720 square-feet, and 9400 square-feet of commercial.
- Condition 3.1 – The FAR should indicate 2.61.
- The applicant has requested the word bamboo be removed in Condition 8.11 to allow for a 6' high privacy hedge of their choice to be installed between the subject property and the adjacent residential property.
- Condition 11.15 would change a few numbers based on the minor square footage, to indicate 5,475 sf of retail/commercial, which would require 19 parking spaces instead of 20, 3,415 square feet of office area, and a required 64 parking spaces, with 65 parking spaces provided onsite.
- Staff would like to add condition 9.20 to the resolution to state that 100 cubic feet of storage area per unit shall be located OUTSIDE the required 120 sf of private open space per unit.

The commission requested clarification regarding square-footage of storage space, designating affordable housing units, green building standards and incentives, commercial parking spaces, valet operations plan, rooftop private open space, concessions, affordable housing fund, and defining historic resources.

The following commissioners disclosed they spoke with the applicant's representatives and discussed matters contained in the staff report: Commissioner Jones, DeLuccio, Altschul, Vice-Chair Buckner, and Chair Aghaei.

The following commissioner had no official disclosures: Commissioner Lightfoot.

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

TODD ELLIOTT, LOS ANGELES, Truman & Elliott, representing the applicant, presented the applicant's report. He provided a history of the project. He spoke and detailed the subterranean parking, potential roof top noise, mitigated negative declaration, various concessions, mixed-use overly zone, building height, housing accountability act, valet operations plan, vesting tentative tract map, and ageing in place.

The commission questioned the applicant regarding the placement of the affordable housing units, and if there would be any jacuzzis or water features on the roof-top.

LORCAN O'HERLIHY, LOS ANGELES, Principal, Lorcan O'Herlihy Architects, continued the applicant's report. He spoke and detailed the project site, context and scale of the neighboring buildings, site plans, massing, color palette, street view, balconies, project concept, paseo and outdoor spaces, landscaping, residential roof deck, retail parking, and façade materials.

RICHARD SOLOMON, ENCINO, has concerns regarding this item. He spoke regarding parking, and property access.

RICAHRD WOLFF, WESTLAKE VILLAGE, has concerns regarding this item. He spoke regarding the requested concessions, massing, affordable housing units, noise, subdivision, and neighborhood compatibility.

JOHN ALLENDORFER, WEST HOLLYWOOD supports staff's recommendation of approval.

JAVIER MULERO, WEST HOLLYWOOD supports staff's recommendation of approval.

MIKE DOLAN, WEST HOLLYWOOD supports staff's recommendation of approval.

SAM BORELLI, WEST HOLLYWOOD supports staff's recommendation of approval.

JONATHON ANDERSON, WEST HOLLYWOOD supports staff's recommendation of approval.

ALBERT MC CAIN, WEST HOLLYWOOD opposes staff's recommendation of approval.

DANIEL COLLINS, WEST HOLLYWOOD supports staff's recommendation of approval.

RYAN WELCH, WEST HOLLYWOOD supports staff's recommendation of approval.

BRIAN ROSKAM, LOS ANGELES has concerns regarding this item. He spoke regarding traffic, parking, side landscaping, roof decks, and massing and height.

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding driveway coverage, acoustical attenuation, massing and height, housing bonuses, roof decks, and noise.

CYNTHIA BLATT, WEST HOLLYWOOD opposes staff's recommendation of approval.

HOWARD MELTZER, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the traffic study, business hours, tandem parking, and massing.

GREG KARNS, WEST HOLLYWOOD opposes staff's recommendation of approval.

TOBE KARNS, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding massing, height, water table, density, and neighborhood compatibility.

JONATHAN WEISS, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the loss of outdoor dining area on Beverly Boulevard, construction noise and dust, and the water table.

ADAM GREEN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding traffic mitigation, noise, and neighborhood compatibility.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION OF APPROVAL FOR THE MIXED-USE PROJECT LOCATED AT 8711-8713 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA AND 321-327 SHERBOURNE DRIVE, WEST HOLLYWOOD, CALIFORNIA: 1) HELANE WILBOURNE, WEST HOLLYWOOD.**

TODD ELLIOTT, LOS ANGELES, Truman & Elliott, representing the applicant, presented the applicant's rebuttal. He spoke regarding conformity with the General Plan, designation of affordable housing units, ageing in place, environmental analyses, construction mitigation plan, and traffic mitigation. After conferring with the owner, he stated they would be willing to work with staff to determine the best methodology for a sound buffer on the top of the building. He stated they are willing to waive the concession regarding the designation of affordable housing units to be determined by city staff.

The commission requested clarification regarding the square-footage, proposed roof top activities, seven foot tall wall of glass on the top of the building, designating affordable housing units, and concessions.

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:35 P.M. AND RECONVENED AT 9:45 P.M.**

The commission requested clarification regarding the building mass envelope and step backs.

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

Discussion was held regarding the Mixed-Use Incentive Overlay Zone, concessions, step backs, and incentives for additional height.

Acting Assistant City Attorney Lauren Langer commented on and provided additional information and details regarding the concessions and waivers in relation to State law.

Additional discussion and clarification was held regarding the setbacks and step backs to the project. Concerns were raised regarding the requested findings for the concessions, height, and neighborhood compatibility. The commission was in favor of the design and architecture.

**ACTION:** Re-open the public hearing for Item 10.A. **Motion carried by consensus of the Commission.**

The commission questioned the applicant if they would be amicable to hear the vote tonight, or take the project back to the drawing board and have it re-heard in sixty days.

TODD ELLIOTT, LOS ANGELES, Truman & Elliott, representing the applicant, stated they were in favor of a vote on the project tonight.

**ACTION:** Re-close the public hearing for Item 10.A. **Motion carried by consensus of the Commission.**

**Commissioner Lightfoot moved to: 1) deny the proposed project without prejudice.**

**Seconded by Commissioner Altschul.**

**ACTION:** 1) Bring back a resolution of denial without prejudice with findings. **Moved by Commissioner Lightfoot, seconded by Commissioner Altschul.**

**MOTION FAILS.**

**Commissioners DeLuccio, Jones, Vice-Chair Buckner, and Chair Aghaei voting NO.**

Additional concerns were raised regarding the requested additional height, small units, and neighborhood compatibility.

**Commissioner Altschul moved to: 1) Deny the proposed project based on the finding that it is not compatible with the neighborhood.**

**Seconded by Vice-Chair Buckner.**

**ACTION:** 1) Bring back a resolution of denial without prejudice, based on the findings of the arguments, and that it is not compatible with the neighborhood. **Moved by Commissioner Altschul, seconded by Vice-Chair Buckner and unanimously passes.**

**11. NEW BUSINESS. None.**

**12. UNFINISHED BUSINESS.**

**A. West Hollywood Pedestrian and Bicycle Master Plan Update.**

Bob Cheung, Senior Transportation Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, April 6, 2017.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORTS STAFF'S UPDATE REGARDING THE PEDESTRIAN AND BICYCLE MASTER PLAN, WEST HOLLYWOOD, CALIFORNIA: 1) BEN CREED, LOS ANGELES, WEST HOLLYWOOD BICYCLE COALITION.**

**ACTION:** 1) Receive and file. **Motion carried by consensus of the Commission.**

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

14. **ITEMS FROM STAFF.**

A. **Planning Manager's Update.** None.

15. **PUBLIC COMMENT.** None.

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

17. **ADJOURNMENT:** Noting the cancellation of the Planning Commission meeting on Thursday, April 20, 2017, the Planning Commission adjourned at 10:25 P.M. to a regularly scheduled meeting on Thursday, May 4, 2017 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.**

PREVIOUS PC MINUTES

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 4<sup>th</sup> day of May, 2017 by the following vote:

AYES: Commissioner: Altschul, DeLuccio, Jones, Vice-Chair Buckner,  
Chair Aghaei.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Carvalheiro, Hoopingarner.



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DAVID AGHAEI, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY

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