



PLANNING COMMISSION MINUTES

May 6, 2004

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:38 P.M.

2. PLEDGE OF ALLEGIANCE: Gene Smith led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker and Thompson.

Commissioners Absent: None.

Staff Present: John Chase, Urban Designer, C.J. Amstrup, Senior Planner, Christi Hogin, Assistant City Attorney; Anne Browning McIntosh, Interim Community Development Director, Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, May 6, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, April 15, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Thompson and unanimously carried.**

6. PUBLIC COMMENT:

G.G. VERONE, LOS ANGELES, commented on the square footage of the outdoor dining area at Norman's and The Central and questioned how the calculation compared with the development agreement. She also noted her observations on the current bar located in the Sunset Marquis Hotel (Whiskey Bar).

SHANEL STASZ, WEST HOLLYWOOD, resident and president of the Homeowner's Association of The Park Wellington, commented on the [implied] excessive noise from the bar inside the Sunset Marquis Hotel (Whiskey Bar).

SUZANNE BADAWI, WEST HOLLYWOOD, commented on the [implied] excessive noise from the bar inside the Sunset Marquis Hotel (Whiskey Bar) and the [supposed] violation of their Conditional Use Permit.

JEAN MATHISON, WEST HOLLYWOOD, spoke regarding the Sunset Marquis Hotel and the [supposed] violation of their Conditional Use Permit.

7. ITEMS FROM COMMISSIONERS:

Commissioner DeLuccio requested copies of (amendments) to the West Hollywood General Plan. He suggested staff look into the allegation(s) regarding the Sunset Marquis Hotel and clarify the outdoor square footage of The Central.

Commissioner Thompson questioned the status of the Robertson Boulevard Subcommittee and requested the incorporation of the business owners and residents into the proceedings.

Chair Altschul requested the Robertson Boulevard Subcommittee proceedings move forward as soon as possible. He stated for the record Commissioner's Altschul, D'Amico and Thompson are currently on the Design Review Subcommittee.

Chair Altschul requested staff look into the [implied] allegations at the Sunset Marquis Hotel and report back if there are any reportable actions and/or if hearings are required.

He spoke regarding Norman's outdoor dining and stated the City Attorney is currently is looking into this matter. He requested staff to report back with an update on this item.

Chair Altschul requested staff return with a General Plan and Zone Text Amendment to modify requirements for setbacks of new buildings from earthquake faults. These are to be consistent with the State of California requirements.

8. CONSENT CALENDAR. None.

9. COMMISSION CONSIDERATION. None.

10. PUBLIC HEARINGS.

**A. 7718 Santa Monica Boulevard:
General Plan Consistency 004-002.**

C.J. Amstrup, Senior Planner presented the staff report. He stated the request to adopt a Negative Declaration and to determine the General Plan Consistency for a replacement billboard at a City owned parking lot located at 7718 Santa Monica Boulevard, West Hollywood, California.

Vice-Chair Hamaker questioned the resurfacing and landscaping of the lot.

Commissioner DeLuccio affirmed the dimensions of the replacement billboard.

Chair Altschul opened the Public Hearing:

BEAU PALLOY, WEST HOLLYWOOD, has concerns regarding this item. He stated the staff report is in direct opposition to the West Hollywood Municipal Code and gave various examples.

JOHN D. PEREIRA, CAMERON PARK, representing Orion Outdoor Advertising, has concerns regarding this item. He stated the staff report is in direct opposition to the West Hollywood Municipal Code. He believes the City of West Hollywood is exempting itself from requirements that the general public would not be entitled to utilize.

ACTION: Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio questioned the change of use of billboards in redevelopment zone(s).

Susan Healy Keene, Planning Manager, confirmed the City of West Hollywood is exempt from requirements of the Zoning Ordinance (not just billboards, but all development standards) and detailed the amendment of replacement billboards in redevelopment zones under certain circumstances.

Commissioner Bartolo questioned the Assistant City Attorney for a detailed description on the consistency of the General Plan.

Vice-Chair Hamaker questioned if other local government agencies utilize billboards for a revenue stream.

Commissioner Bartolo questioned if there is any prohibition against using the revenue generation to apply additional acquisition costs.

ACTION: 1) Adopt the Negative Declaration; 2) deem replacement billboard as consistent with the General Plan; and 3) adopt Resolution No. PC 04-530 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT A REPLACEMENT BILLBOARD LOCATED AT 7718 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA IS CONSISTENT WITH THE GENERAL PLAN". **Motion by Commissioner Bartolo, seconded by Commissioner Thompson and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Thompson, Vice-Chair Hamaker and Chair Altschul.

NOES: None.

Chair Altschul recused himself from the dais at this time.

**B. 8755-8775 Sunset Boulevard:
General Plan Consistency 004-003.**

C.J. Amstrup, Senior Planner presented the staff report. He clarified the new two-sided billboard would measure exactly 14 feet by 48 feet and the new billboard height would be lower than the existing Tower Records signage. He stated the request to adopt a Negative Declaration and to determine the General Plan Consistency for a new billboard located at 8755-8775 Sunset Boulevard, West Hollywood, California.

Commissioner D'Amico questioned the location of the billboard in relation to the sidewalk.

Commissioner DeLuccio indicated the Resolution that is approved needs to include specifics outlining the Sunset Specific Plan and Area Six.

Vice-Chair Hamaker questioned the procedure for the Request for Proposals and if the neighborhood will be involved in the process of the installation of the new billboard.

Vice-Chair Hamaker opened the Public Hearing:

JOHN D. PEREIRA, CAMERON PARK, representing Orion Outdoor Advertising, has concerns regarding this item. He stated the staff report is in direct opposition to the West Hollywood Municipal Code. He believes the City of West Hollywood is exempting itself from uses the general public would not be entitled to utilize.

BEAU PALLOY, WEST HOLLYWOOD, has concerns regarding this item. He stated the staff report is in direct opposition to the West Hollywood Municipal Code.

ACTION: Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio received clarification from Assistant City Attorney Hogin regarding the Sunset Specific Plan and stated for the record he is fine with the current Resolution as it was presented (written).

Commissioner Thompson questioned the objections (preference) to the City of West Hollywood and the analogies being drawn between the City and private property owner(s).

ACTION: 1) Adopt the Negative Declaration; 2) deem new billboard as consistent with the General Plan; and 3) adopt Resolution No. PC 04-529 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT A NEW BILLBOARD LOCATED ON A CITY-OWNED PUBLIC, SURFACE PARKING LOT AT 8755-8775 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA IS CONSISTENT WITH THE GENERAL PLAN". **Motion by Commissioner DeLuccio, seconded by Commissioner D'Amico and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Thompson, Vice-Chair Hamaker and Chair Altschul.

NOES: None.

ABSTAIN: Chair Altschul.

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

Chair Altschul returned to the dais at this time.

11. NEW BUSINESS.

A. Sunset Specific Plan Study Session

John Chase, Urban Designer, presented the staff report in two parts; which included discussion of tall walls and residential use on Sunset Boulevard.

1. TALL WALLS.

Susan Healy Keene, Planning Manager, conveyed questions the Commission might want to consider: 1) should tall walls drive development; [that is] how should the City view proposals that feature walls that would be available for just tall walls; 2) do we have enough tall walls on Sunset Boulevard; 3) how many [tall walls] is too many for Sunset Boulevard; 4) should we have more tall walls; 5) are there sites that could be designated as future tall wall sites and 6) should the city prohibit future tall walls?

John Chase, Urban Designer, presented the original vision and goals of the Sunset Specific Plan. He spoke briefly about the Sunset Strip as icon and place with local and international identities and detailed the history of the tall walls on Sunset Boulevard.

Anne Browning McIntosh, Interim Community Development Director, recollected the history of the first tall wall, which started the current "trend", which is prevalent on the Sunset Strip and throughout Southern California today.

Commissioner Bartolo questioned if there are currently any tall walls classified as “illegal” within the city boundaries.

Susan Healy Keene, Planning Manager, indicated there is currently one (1) tall wall on Beverly Boulevard, which is considered illegal.

Discussion was held regarding the permit application process and how it is applied to tall walls.

Chair Altschul opened this sub-section to Public Speakers:

STEVEN AFRIAT, LOS ANGELES, has concerns regarding this item. He commented on the Sunset Specific Plan and the relation of projects in regards to this document. He suggested the City of West Hollywood consider requiring a development agreement on new projects that incorporate a tall wall in their development(s).

ACTION: Close this sub-section to Public Speakers. **Motion carried by consensus of the Commission.**

Vice-Chair Hamaker indicated she does not agree with buildings being driven (developed) by how much money the finished product can make by having a tall wall. She questioned staff about this possible future application.

Commissioner DeLuccio is not opposed to more tall walls on Sunset Boulevard, but indicated it is more of a compatibility question, in regards to a design issue with developers. He further acknowledged that views are not protected, but [sometimes] tall walls can be an impact on a neighborhood; in terms of light, glare and/or position. He stated he is in agreement the City of West Hollywood should be getting [some] revenue from future tall walls.

Commissioner Bartolo commented that technology and design is changing so quickly, that ordinances drafted just a year ago (in Los Angeles) do not include any of the new “cutting edge” design styles, are now out of date. She supports city revenue sharing and questioned if any thought has been given to tall walls being used to induce other desirable behavior in the City of West Hollywood.

Commissioner Guardarrama stated he is not opposed to tall walls and believes the City of West Hollywood should get something out of them for public benefit. He indicated the Commission should not be apprehensive by proposing to the City Council to put consideration of a full tax for tall walls to the voters.

Chair Altschul questioned the Assistant City Attorney about [the possibility] of increasing the Business License Tax (perhaps with the voters) on outdoor advertising.

Christi Hogin, Assistant City Attorney, indicated that option is problematic. She pointed out that singling out a First Amendment activity of any kind of expression for special and/or an increase in taxes would be complex, challenging and extremely difficult.

Chair Altschul questioned if there is any method to tax outdoor advertising.

Christi Hogin, Assistant City Attorney indicated only to the extent that you are taxing all businesses the same; so that it would be a shared burden. She stated that [a City could} impose a development agreement in overlay zones.

Commissioner Thompson stated he does not support a proliferation of tall walls (Tokyo, Japan being depicted as an example of proliferation). He supports the concept of the development agreement, regarding economic growth. He does not believe the tall wall should drive the development and stated a more detailed and specific set of standards to address this issue.

Chair Altschul agreed with the general concept that tall walls should not drive development, however, he is not sure how to quantify and/or enforce that aspect. He does believe some type of city benefit should be included. He stated blank walls should be used for tall walls and windows should not be allowed to be scrimmed. He indicated there should not be a prohibition on new tall walls, however new tall walls need to be considered on a case by case basis in relation to the planned development.

Commissioner DeLuccio questioned the percentage of windows that are allowed to be covered (scrimmed).

Chair Altschul raised the question if existing and/or future tall walls would have any "rights to view" protection.

It was disclosed for the record that tall walls currently do not have "rights to view" (view of the tall walls) and it was made clear that they should not in the future. The only exception may be a private agreement between property owners.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:40 PM AND RECONVENED AT 8:50 P.M.

2. RESIDENTIAL.

John Chase, Urban Designer, presented the staff report on residential use on Sunset Boulevard, as defined in the Sunset Specific Plan. He indicated residential is encouraged on certain sites and prohibited on ground floors. He also indicated conflict between residential and entertainment uses. He ended by putting forth the question should Sunset Boulevard have residential as a key component as its identity.

Commissioner Bartolo questioned if the City of West Hollywood is willing to look at the City of Los Angeles' Adaptive Reuse Ordinance for potential suitability or adaptability to encourage appropriate conversion of office buildings or other commercial uses to residential.

John Chase, Urban Designer, stated the City will look into that matter further.

Chair Altschul opened this sub-section to Public Speakers:

STEVEN AFRIAT, LOS ANGELES, has concerns regarding this item. He stated he believes the City Council hasn't considered Sunset Boulevard for legitimate housing and/or having the housing going vertical. He commented on the advances made by noise reduction for windows and on mixed use projects that include hotels and condominiums.

IRA HANDLEMAN, WOODLAND HILLS, has concerns regarding this item. He recommended the Commission take a tour of downtown Los Angeles and see what they currently have in housing versus what Sunset Boulevard is lacking. He commented on noise, which should not become a factor.

ACTION: Close this sub-section to Public Speakers. **Motion carried by consensus of the Commission.**

Chair Altschul suggested a recommendation to the City Council that any proposed project having no more potential of forty (40%) residential and either a mix of sixty (60%) retail and/or office that would provide continuing revenue. He doesn't believe that any business with a residential component of forty (40%), should have a tall wall. He suggested considering a prohibition against partial residential buildings having tall walls. He would like to allow for a bonus and/or an increment of that if the affordable is on site.

Commissioner Thompson agrees with the residential and business percentage. He is also in agreement with certain areas being targeted and insisted affordable housing must be incorporated.

Commissioner D'Amico raised concerns about buildings not being used as 100% residential.

Commissioner Bartolo commented on rent control issues and small businesses. She indicated increased height and density, on a targeted basis, you can create an opportunity to increase the city's shared property tax revenue. She is in favor of a mixed approach; which would include residential and commercial uses together.

Chair Altschul reiterated that ground floor space must remain commercial.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

Susan Healy Keene, Planning Manager, announced the Christopher Street West parade will be on Sunday, June 21, 2004 beginning at Crescent Heights Boulevard at 11:00 A.M. She informed Commission member's that staff will contact them later in the week to confirm their attendance.

She congratulated Chair Altschul for his ongoing work in the city and for being honored by the Senior Advisory Commission.

She presented an updated calendar of upcoming Planning Commission meetings and brought to the attention the tentative date to review the Environmental Impact Report for Sunset Millennium, which is scheduled for Thursday, July 1, 2004.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS:

Chair Altschul confirmed staff is to return with a draft of a Text Amendment on the Sunset Specific Plan and General Plan confirming the seismic requirements are following State Code(s). He also suggested the following items 1) removal of arcades; 2) removal of medians are done as "clean-up" items in addition to the Target Sites on the June 3rd, 2004 Planning Commission meeting.

Chair Altschul requested staff to mail or e-mail the tentative items for the upcoming meeting of Thursday, June 17, 2004.

Chair Altschul requested staff to check the by-laws to add to the appropriate agenda the election of Chair and Vice-Chair.

17. ADJOURNMENT: The Planning Commission adjourned at 9:35 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 20, 2004 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 20TH DAY
OF MAY, 2004.


CHAIRPERSON

ATTEST:


Community Development Director