



PLANNING COMMISSION MINUTES
Regular Meeting
December 2, 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 6:36 P.M.

2. PLEDGE OF ALLEGIANCE: Rob Bernstein 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, Francie Stefan, Associate Planner, Debby Linn, Contract Planner, Jeff Skorneck, Housing Manager, Allyne Winderman, Director of Rent Stabilization and Housing, Christi Hogin, Assistant City Attorney, John Keho, Acting Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Chair Altschul noted the applicant (concurrent with staff) have requested Agenda Item No. 9.A. (7511 Santa Monica Boulevard: Administrative Permit 2004-057, Conditional Use Permit 2004-008); 1) continued to the next regularly scheduled Planning Commission meeting on Thursday, January 6, 2005.

ACTION: Approve the Planning Commission Agenda of Thursday, December 2, 2004 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. October 28, 2004

Commissioner D'Amico noted Item No. 9.B. (8759 Santa Monica Boulevard: Mitigated Negative Declaration, Demolition Permit 2003-012, Development Permit 2003-010, Tentative Tract Map 2004-009, Variance Permit 2004-010); the final motion should also reflect: 1) all conditions shall be settled prior to issuance of Building Permits.

B. November 4, 2004

C. November 18, 2004.

Commissioner DeLuccio noted Item No. 9.B. (7511 Santa Monica Boulevard: Administrative Permit 2004-057, Conditional Use Permit 2004-008, Parking Use Permit 2004-004); Page 4, his comments should reflect: 1) he also spoke to Jeanne Dobrin and Yola Dore.

ACTION: Approve the Planning Commission Minutes of 1) Thursday, October 28, 2004 as amended; 2) Thursday, November 4, 2004 as presented; and 3) Thursday, November 18, 2004 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

ROSLYN KRAUSE, WEST HOLLYWOOD, commented on the number of development(s) currently taking place in the city.

HEAVENLY WILSON, WEST HOLLYWOOD, commented on the historic preservation.

YOLA DORE, WEST HOLLYWOOD, commented on judicial powers of the Planning Commission.

SHANEL STASZ, WEST HOLLYWOOD, commented on the [implied] continuing noise issues at the Sunset Marquis Hotel.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the Sunset Marquis Hotel, the (proposed bar) at 7511 Santa Monica Boulevard and Planning Commission etiquette.

MATT GOLDSMITH, LOS ANGELES, commented on historic preservation, demolition and housing construction.

7. ITEMS FROM COMMISSIONERS.

Commissioner DeLuccio requested a report on the Sunset Marquis Hotel presented at the next regularly scheduled meeting of the Planning Commission on Thursday, January 6, 2005. He also suggested height averaging be looked at in the future and commented on the [proposed] location of the smoking patio at 7511 Santa Monica Boulevard, West Hollywood, California.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 7511 Santa Monica Boulevard.

Administrative Permit 2004-057, Conditional Use Permit 2004-008, Parking Use Permit 2004-004.

Continued from Thursday, November 18, 2004. Applicant is requesting to allow sales, service and consumption of alcoholic beverages at a new bar, with outdoor smoking patio and exterior alterations, changing the architectural character of the building, for the property located at 7509-7511 Santa Monica Boulevard, West Hollywood, California. (Barella Bar)

ACTION: 1) Continue this item to the next regularly scheduled Planning Commission meeting of Thursday, January 6, 2005. **Motion carried by consensus of the Commission.**

B. 1248 North Laurel Avenue.

Demolition Permit 2004-002, Development Permit 2004-001.

Debby Linn, Contract Planner, presented the staff report. She stated the applicant is requesting to allow the demolition of an existing ten (10)-unit building located at 1248-1252 North Laurel Avenue and the development of a new sixteen (16)-unit apartment building with subterranean parking located at 1248 North Laurel Avenue.

She noted for the record; on page 5 of the staff report, it is inadvertently listed as a four story stuccoed "condominium building, while it should be listed as a four story stuccoed "apartment" building.

She spoke on the history of the project, the Design Review Subcommittee meeting, neighborhood meeting, open space, landscaping, parking, affordable housing requirements, urban design analysis and construction hours.

She stated for the record, staff recommends approval of Demolition Permit 2004-02 and Development Permit 2004-01,

Commissioner Guardarrama disclosed for the record, in April, 2004, he briefly met with one of the owners at a cocktail party.

Commissioner DeLuccio disclosed for the record he had driven by the site.

Commissioner D'Amico presented the Design Review Subcommittee meeting report. He detailed the design changes and suggested the applicant address the issues the Design Review Subcommittee had brought forward.

John Chase, Urban Designer, stated the project could benefit from additional attention to the design and recommended that it should come back before the Design Review Subcommittee or the Planning Commission.

Commissioner Bartolo questioned the existing square footage of the building, the amount of current parking on the site and queried the [lack of] distinguished architectural features.

Todd Elliot, representing Khan Consulting, Inc., stated the existing square footage was a total of 10,534.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MODEL FOR AGENDA ITEM NO. 9.B. AT 7:10 P.M. AND RECONVENED AT 7:15 P.M.

Chair Altschul opened Public Hearing Item 9.B.:

TODD ELLIOT, LOS ANGELES, representing Khan Consulting, Inc., presented the applicant's report. He commented on the architectural style and urban design. He stated they currently meet all the requirements of the West Hollywood Municipal Code. He urged the Commission to uphold the staff report and approve the proposed project.

ED BUCK, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the mass of the building, architectural design, disrepair of the property and the additional "third" room.

HEAVENLY WILSON, WEST HOLLYWOOD, opposes staff recommendation. She read into the record a letter submitted on behalf of the Los Angeles Conservancy.

PAT DIXON, WEST HOLLYWOOD, opposes staff recommendation. She spoke on the mass of the building and the architectural design.

MATT GOLDSMITH, LOS ANGELES, opposes staff recommendation. He spoke on height averaging, architectural design and character of the neighborhood.

WILLIAM NEICH, WEST HOLLYWOOD, opposes staff recommendation. He commented on historic preservation, architectural design and the California Environmental Quality Act.

ED GARREN, WEST HOLLYWOOD, opposes staff recommendation. He commented on historic preservation, height restrictions, mass of the building and quality and integrity of the neighborhood.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the architectural design of this building and the Ellis Act.

GREG KARNS, WEST HOLLYWOOD, spoke in support of staff recommendation.

STEVE SMITH, WEST HOLLYWOOD, has concerns regarding this item. He commented on architectural design and open green space. He suggested a continuance of this item, to go back before the Design Review Subcommittee and Urban Designer.

JEFF SAMUDIO, LOS ANGELES, spoke in support of staff recommendation. He spoke on historic preservation and indicated this building would not qualify as a historic property.

LOVELY BRYDON, WEST HOLLYWOOD, spoke in support of staff recommendation.

TODD ELLIOT, LOS ANGELES, representing Khan Consulting, Inc., presented the applicant's rebuttal. He spoke regarding historic designation, open space, height and mass, the demographics of the neighborhood and architectural design. He stated the applicant is willing to work with the Design Review Subcommittee and staff for future requested modifications and design issues.

Chair Altshul questioned the applicant if an Ellis Notice was ever recorded for the property.

Todd Elliott, Los Angeles, stated this property is Ellised and is currently in the process of being Ellised.

Chair Altschul asked if a letter ever went to the tenants with respect to conversion to condominiums.

Todd Elliott, Los Angeles, stated for the record; no.

ACTION: Close Public Hearing Item 9.B. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio requested clarification on the Ellis Act.

Allyne Winderman, Director of Rent Stabilization and Housing, explained how the Ellis Act would affect this property.

Chair Altschul questioned if appropriate fees and paperwork were processed regarding low income tenants.

Commissioner Guardarrama requested the Assistant City Attorney to clarify "going out of the rental housing business" in regards to the land and/or building.

Commissioner Bartolo questioned staff the criterion for "apartment to condominium" conversion in the City of West Hollywood.

Chair Altschul requested clarification from staff regarding the California Environmental Quality Act and historical designation.

He also stated for the record, a letter by Pacific Icon Management, dated April 15, 2004, addressed to the tenants of 1248-1252 North Laurel Avenue, indicates: "...it is the new owners intent to develop this property as a condominium project..."

Christi Hogin, Assistant City Attorney, explained in detail, building conversions and the project issues they need to focus on.

Commissioner Guardarrama expressed his disapproval and stated the focus should be on the design and (front) massing. **He motioned this item return to the Design Review Subcommittee, then return to the Planning Commission at a future unknown date.**

Seconded by Commissioner DeLuccio.

Commissioner D'Amico commented on the design and massing.

Commissioner Bartolo stated her dissatisfaction at the lack of authority to take a position on the historic status of a building that has never been designated. She urged City Council members to reassess this issue.

Commissioner DeLuccio requested material boards in the future.

Chair Altschul assured everyone, they will be notified of the Design Review Subcommittee meeting, if they turn in their name and address to staff.

Christi Hogin, Assistant City Attorney, stated for the record, she has conferred with counsel for the applicant; **1) they have agreed to a ninety (90) day extension to the Permit Streamlining Act, which will be prepared in writing.**

Christi Hogin, Assistant City Attorney, reiterated this request to Todd Elliott, representing Khan Consulting, Inc. for the record.

Todd Elliott, Los Angeles, representing Khan Consulting, Inc., agreed to the extension of the Permit Streamlining Act.

Rodney Khan, Glendale, applicant, agreed to the extension of the Permit Streamlining Act.

ACTION: 1) Extend the Permit Streamlining Act by ninety (90) days; and 2) continue this item to a date uncertain. **Motion by Commissioner Guardarrama, seconded by Commissioner DeLuccio and carried on a Roll Call Vote:**

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

NOES: None.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:20 PM AND RECONVENED AT 8:35 P.M.

**C. 8225 Sunset Boulevard.
Creative Billboard Permit 2004-003.**

John Chase, Urban Designer, presented the staff report. He gave a brief history of the billboard and quoted the Sunset Specific Plan regarding a "landmark structure". He stated the sign is proposed to remain in place for two (2) years. He explained, the applicant may change the face of the board, but any change or addition to the specific bottle shape in any dimension will require additional review and approval by the City.

Commissioner Guardarrama questioned the approval timeline(s) for extensions.

Disclosures were unanimous; every Planning Commissioner has driven by this billboard.\

Chair Altschul opened Public Hearing Item 9.C.:

TIM FOX, LOS ANGELES, representing Viacom, presented the applicant's report.

ACTION: Close Public Hearing Item 9.C. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio motioned for approval. Seconded by Commissioner Hamaker.

Commissioner DeLuccio noted the correction from forty-five (45) days to thirty (30) days of: **1) Section 6., Sub-section 2.: "Extension applications for this creative billboard must be submitted thirty (30) days in advance..." and 2) have it return to staff for approval.**

Commissioner Hamaker agreed to the corrections and additions.

ACTION: 1) Adopt Resolution No. PC 04-567 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING CREATIVE BILLBOARD PERMIT 2004-003 FOR THE PROERTY LOCATED AT 8225 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

**D. 1420 North Laurel Avenue (1225 Genesee Avenue).
Development Permit 2000-067**

Jeff Skorneck, Housing Manager, presented the staff report. He presented a detailed history of the project and stated the property owner at both 1420 North Laurel Avenue and 1225 Genesee Avenue, proposes an amendment to the Development Permit for 1420 North Laurel Avenue, a new nineteen (19)-unit condominium development.

He informed this amendment would allow the developer to meet its obligation for affordable housing through ten (10) existing, at-risk apartment units at 1225 Genesee Avenue, in place of three (3) inclusionary units on site at 1420 North Laurel Avenue. The property owner would convey title to the 1225 Genesee Avenue building to the Los Angeles Housing Partnership (LAHP), a non-profit housing developer, which would rehabilitate the Genesee property and maintain it as low- and moderate-income housing in perpetuity.

He confirmed this requested action would require an amendment of the Development Permit for 1420 North Laurel Avenue, originally approved by the Planning Commission on October 1, 2001.

Commissioner Hamaker questioned if this project will encounter the same type of financial and financing problems, as a similar project did in the past with the Housing Corporation.

Jeff Skorneck, Housing Manager, assured the Commission this project would not encounter those problems.

Commissioner DeLuccio questioned the current time-line of the project.

Chair Altschul questioned if the property at 1225 Genesee Avenue currently has a mortgage and the total amount. He also inquired if a study has been prepared, either by the City of West Hollywood or the Los Angeles Housing Partnership, if the financial figures work related to the debt service.

Jeff Skorneck, Housing Manager, confirmed that analyses had been done.

ROSS GENTRY, SANTA MONICA, applicant, stated the property was purchased for approximately \$1.4 million; placed a \$775,00.00 debt on the property, and currently has (approximately) \$630,000.00 cash (equity); not including closing costs.

MAURICE RAMIREZ, LOS ANGELES, representing the Los Angeles Housing Partnership, assured the Commission the income is equal to or greater than the debt service; after the building is acquired.

Discussion and explanation was held regarding the finances of the properties.

Chair Altschul had concerns and questioned the applicant; when this property is turned over to the Los Angeles Housing Partnership, "they will be left with no more than a \$550,000.00 mortgage".

Ross Gentry, Santa Monica, applicant, stated the answer is; yes.

Chair Altschul questioned the finances regarding "putting the property into working condition".

Ross Gentry, Santa Monica, applicant, detailed the history of the budget and assured the Commission, a total, up to \$110,00.00 will be budgeted.

This dollar amount was accepted by Jeff Skorneck, Housing Manager and Maurice Ramirez, representing the Los Angeles Housing Partnership.

Chair Altschul opened Public Hearing Item 9.D.:

MARK HEINEMANN, WEST HOLLYWOOD, has concerns regarding this item. He commented on the plumbing and electrical conditions.

ROB BERGSTEIN, WEST HOLLYWOOD, spoke in support of staff recommendation.

MICHAEL SIDLER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the plumbing and electrical conditions and spoke in support of affordable housing.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff recommendation.

STEVE SMITH, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the future of affordable housing.

Commissioner D'Amico disclosed for the record, he is a former employee of the Los Angeles Housing and he also received a phone message from Ira Handleman and Maurice Ramirez.

Commissioner Guardarrama disclosed for the record he was contacted by Ira Handleman.

ACTION: Close Public Hearing Item 9.D. **Motion carried by consensus of the Commission.**

Christi Hogin, Assistant City Attorney, reiterated, the item before them is to make certain this item meets the affordable housing requirements and some of the finer points of the contract.

Motion by Commissioner DeLuccio, Seconded by Commissioner Hamaker.

Chair Altschul questioned staff of the verification of the actual purchase price of \$1.4 million dollars.

Jeff Skorneck, Housing Manager, indicated he did not verify the actual purchase price, but made use of a service called "Data Quick" for his findings.

Chair Altschul questioned if a physical inspection of the property was done by a qualified inspector and if a written report was compiled.

Jeff Skorneck, Housing Manager, verified an inspection was done, however, there was not a written report submitted.

Discussion and debate was held concerning the financials; in regards to the plumbing and electrical systems, and bringing the building up to code.

Chair Altschul; brought to the attention of staff, a previous development, and the tribulations the City encountered.

Allyne Winderman, Director of Rent Stabilization and Housing, assured the Commission, this project should not be compared, and will not face the same predicament.

Chair Altschul suggested in the future, independent inspection report(s) are included from a qualified inspector.

Chair Altschul amended the motion to approve, with the conditions: 1) an inspection by a licensed, qualified inspector (to be selected by staff); 2) his recommendations report contains no more than \$110,000.00 worth of potential, necessary repairs; and 3) if it is more, it shall come back before the Planning Commission.

Commissioner DeLuccio agreed to this amendment; adding: 1) a progress report shall be returned in sixty (60) days.

Commissioner Hamaker agreed to both.

ACTION: 1) Adopt Resolution No. PC 04-568 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT PERMIT 2004-045 AND DEVELOPMENT PERMIT 2004-046 AMENDING RESOLUTION NO. PC 01-389 (DEVELOPMENT PERMIT 2000-067) FOR THE PROERTY LOCATED AT 1420 NORTH LAUREL AVENUE AND 1225 GENESEE AVENUE, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:20 PM AND RECONVENED AT 9:30 P.M.

10. NEW BUSINESS.

**A. 1150-1152 North Gardner Street.
Administrative Permit 2004-041**

Francie Stefan, Associate Planner, presented the staff report. She stated the applicant is requesting to legalize a dwelling unit in the rear accessory structure. She confirmed the applicant requested, in writing, an interpretation from the Director of Community Development whether written testimony, in the form of a declaration from an adjacent property owner, and previous owner of the property, satisfied the requirement for proof of prior existence described in Section 19.36.270. Pursuant to Section 19.44.030, the Director has referred the issue to the Planning Commission.

Chair Altschul opened New Business Item 10.A. to public speakers:

TODD ELLIOT, LOS ANGELES, applicant, presented the applicant's report. He gave a detailed history of the property and spoke on facts brought forward regarding previous ownership.

Chair Altschul questioned Mr. Chambers absence, and suggested a notarized copy of his statements regarding this property.

Todd Elliott, applicant, agreed to provide; 1) a notarized statement; and 2) copy of the Grant Deed.

MICHAEL SIDLER, WEST HOLLYWOOD, opposes staff recommendation. She spoke on proof of ownership regarding properties.

LAUREN MUGGLEBEE, WEST HOLLYWOOD, opposes staff recommendation. She spoke on the history, proof of ownership and urged the Commission to provide her rental unit a legal status.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff recommendation.

TODD ELLIOT, LOS ANGELES, applicant, presented the applicant's rebuttal.

ACTION: Close New Business Item 10.A. to public speakers. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio motioned to approve; adding a condition: 1) applicant to provide a notarized statement; noting Mr. Chamber's was in fact an adjacent neighbor at the critical time.

Seconded by Commissioner Guardarrama.

Chair Altshcul reiterated the motion: **1) approve to legalize the conversion, and 2) applicant to provide a notarized statement; noting Mr. Chamber's was in fact an adjacent neighbor at the critical time.**

ACTION: 1) Adopt Resolution No. PC 04-558 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING ADMINISTRATIVE PERMIT 2004-041, AN APPLICATION TO LEGALIZE ONE (1) DWELLING UNIT IN THE REAR ACCESSORY STRUCTURE FOR THE PROERTY LOCATED AT 1150-1152 GARDNER STREET, WEST HOLLYWOOD, CALIFORNIA".
Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and carried on a Roll Call Vote:

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

NOES: None.

11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.
13. **ITEMS FROM STAFF.** None.
14. **PUBLIC COMMENT.** None.
15. **ITEMS FROM COMMISSIONERS:** None.
16. **ADJOURNMENT:** Noting the cancellation of the regularly scheduled Planning Commission meeting on Thursday, December 16, 2004, the Planning Commission adjourned at 9:50 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, January 6, 2005 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 6TH DAY OF
JANUARY, 2005.



CHAIRPERSON

ATTEST:



Community Development Director