



PLANNING COMMISSION MINUTES

September 16, 1999

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

1. CALL TO ORDER

The regular meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Smith.

A. Pledge of Allegiance

A Pledge of Allegiance was led by Joel Polacheck.

B. Roll Call

Commissioners Present:

Brad Crowe, Donald DeLuccio, Harriet Segal, Steve Smith, Bradly Torgan, John Altschul, Liz Anderson.

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Wesley Joe, Assistant Planner; Elinor Aurthur, Contract Planner; John Chase, Urban Designer; Jennifer Davis, Senior Planner; Hassan Haghani, Senior Planner; Craig Steele, Assistant City Attorney; Bruce Robertson, Staff Assistant; Tony Leyva, Acting Administrative Staff Assistant.

Others Present:

Laura Kaufman, Chris Joseph Associates; Richard Kaku, City Transportation Consultant.

C. Approval of Agenda

Action: To amend the Agenda, to continue item 6B to November 18, 1999, and to approve the agenda as amended.

Motion: Smith Second: DeLuccio

Votes: All Ayes Motion carried.

City Attorney Craig Steele noted that the applicant for Barfly has agreed and submitted in writing to extend the Permit Streamlining Act for 90 days.

D. Posting of Agenda

This agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

ITEM 3.A

Applicant: Sunset Millennium Associates
Location: 8474-8490 Sunset Boulevard, 1234-1235 La Cienega Boulevard, 8500-8544 Sunset Boulevard, 8556-8572 Sunset Boulevard, and 1209-1215 Alta Loma Road
Planner: Jennifer Davis
Recommendation: To approve the request subject to the findings and conditions in the proposed resolution.

Ms. Davis presented the staff report.

Applicants presented applicant's report
Cindy Starrett, Sam Ross, Mark Siffen

Bridge Sign Lighting

Crowe

- Questioned applicant on sign illumination.

The applicant (Ms. Starrett) agreed that the standard illumination would not exceed 90-foot candles.

Ms Starrett also added that under Condition 14.10, applicant agrees that *Images displayed on the large screen video creative sign shall not appear to be in motion, or expose its image for less than four seconds, nor may the interval between messages be less than one second.*

Torgan

- Questioned applicant on whether four-second rule applied to images as well as text (messages).

The applicant agreed and added the following excerpt from the Large Screen Creative Video Sign (green handout): *The large screen creative video sign shall not display any statements or words of an obscene, indecent or immoral character; any picture or illustration of any human figure in such detail as to offend public morals or decency; any other matter or thing of an obscene, indecent or immoral character; any material which violates existing laws; any false, misleading or deceptive advertising; or any material which denigrates the character, integrity or standing of any organization or individual.*

Shared Parking

Crowe

- Commented on survey presented by applicant being inadequate and asked for subsequent data pertinent to hotel parking.

Applicant responded that a monitoring position would be instituted and maintained past the twelve-month period recommended by the staff report. As a condition of approval, the monitoring would be enforced via (one dedicated) valet service at all times.

Amplified Sounds

DeLuccio

- Expressed amplified sound concerns.

Ms. Davis pointed out the conditions of amplified sounds to read as: *No amplified music audible to adjacent residents will be played in the east parcel's dining areas after 10pm.*

Development Agreement

Public Testimony

- Esther Baum, West Hollywood** Commented on off-site loading, against new development.
- Scott Colomby, Los Angeles** Commented on Fire Dept. on safety concerns, against project.
- Judson Green, West Hollywood** Opposed to project.

Craig Steele noted for the record that the Planning Commission is an advisory body on the Development Agreement. The final decision as to whether or not it is adopted is made by the City Council.

- Norby Walters, West Hollywood** Supports Sunset Millennium Project.
- Marlene Handler Brodsky, West Hollywood** Supports Sunset Millennium Project.
- Cynthia Baer, West Hollywood** Affirms Sunset Millennium Project.
- Everett Pena, West Hollywood** Supports project.
- John Schaefer, Los Angeles** Supports development agreement.
- Keong Ng, West Hollywood** Supports agreement.
- Arich Berghammer, Santa Monica** Supports project.
- Richard Slawson, Los Angeles** Supports project.
- Jan Dyck, West Hollywood** Supports project, adapt ACIS (traffic system).
- Jim Nelson, Los Angeles** Traffic mitigation project, ATCS System.
- Sidney Schwartz, Los Angeles** Opposes project, traffic.
- Michelle Hart, Los Angeles** Opposes project.
- G. G. Verone, Los Angeles** Opposes project.
- Carol Davis, West Hollywood** Opposed to Sunset Millennium Project.
- Maria Worms, Los Angeles** Against project, traffic, fires (safety concerns).
- Patricia Earnest, Los Angeles** Opposes project, ATCS Traffic System, bridge.
- Ina Hartman, West Hollywood** Opposes project, traffic.
- Irene Walters, West Hollywood** Asks to approve project.
- Robert Scotland, West Hollywood** Supports project.
- Miles A. White, West Hollywood** Supports project.
- Joyce Cash, West Hollywood** Supports project.

- y. **Mary Shapiro, West Hollywood** Supports project.
- z. **Joan Newman, West Hollywood** For development and cul-de-sac.
- aa. **Katherine Arion, West Hollywood** In favor of project.
- bb. **Beverly Hecht, West Hollywood** Supports project.
- cc. **Michael Tobias, West Hollywood** Supports project.
- dd. **Marty Shapiro, West Hollywood** Supports project.
- ee. **Jose Garcia, Los Angeles** In favor of project.
- ff. **Jeanne Dobrin, West Hollywood** Supports development agreement.
- gg. **Ruddy Brundo, Los Angeles** Supports project.

Rebuttal

Applicant presented rebuttal report (ATCS, Development Agreement...).

Questions

Crowe

- What happens if the developer sells?

Commissioner Smith noted that a representative from Fried Bananas has consented to continue the item 6C to October 7, 1999.

Craig Steele clarified section 4.1 of the Development Agreement stating that the agreement provides that all burdens and benefits of the Development Agreement apply to successors of interest.

Action: To close public hearing.

Motion:	Smith	Second:	DeLuccio
Votes:	All Ayes	Motion	carried.
Abstained:	Altschul		

Action: To move the Staff Report including the proposed amendments.

Motion:	Crowe	Second:	Segal
Votes:	No vote taken		

Smith

- Requested staff make a design recommendation that would substantially add to the project.

John Chase, the City's Urban Designer, recommended having a stone-based limestone veneer face along the base of the hotel.

Torgan

- Requested that the Commission be responsible for approving shared parking permits as part of this agreement.

Crowe

- Recommended that the City Council direct the preparation of amendments to the SSP and Zoning Ordinance to permit Commission review and approval of parking use permits related to the Sunset Millennium Project.

Craig Steele recommended that the amendments made be applicable to this project.

Cindy Starrett clarified the applicant's requests

- Monitoring and valet provisions of the west parcel
- Monitoring and valet provisions for the middle parcel
- Proposed language of Annual Review (4.3.1) that reads as follows:
In conjunction with filing for its annual review request, Owner shall file a report of the total number of parking spaces leased for off site uses on each Parcel. This parking report shall be reviewed by staff, which shall include any comments on the parking report as part of its staff report to the Planning Commission when such annual review is scheduled for review by the Planning Commission.

Craig Steele further clarified the shared parking administration by referring to the Reservation of Powers (section 3.4): "... when we change various rules and regulations on a City-wide basis....those changes will apply to this project whenever they happen...", and suggests if this is a city-wide problem "...we should include the Parking Administration issue in the Reservation of Powers and recommend that the City Council initiate those necessary text amendments and that those text amendments apply to this project."

Torgan

- Expressed concern with commercial traffic cutting through residential areas.
- Recommended some type of study be applied with appropriate action to be taken if necessary.

Craig Steele suggested as part of the Development Agreement and Annual Review that a report be required on the issue of commercial "cut-through" traffic and that this be added to Annual Review Revision 4.3.1.

Crowe

- Recommended adding verbiage to the "Annual Review Proposed Revisions" 4.3.1 to read: In conjunction with filing its annual review request, Owner shall file a report *certifying* the total number of parking spaces leased for off site uses on each Parcel. This parking report shall be reviewed by staff, which shall include any comments on the parking report as part of its staff report to the Planning commission when such annual review is scheduled for review by the Planning Commission.

Torgan

- Suggested the report study also be added to this Annual Review Revision.

Segal

- Expressed safety concerns regarding videotron and suggested having safety report provided.

Action: To remove video sign from project.

Motion: Segal Second: Torgan

Anderson

- Has concern with two video signs being given to one developer.

Crowe

- Commented that he would not like to see the bridge left out of the project.

Smith

- Commented that the static nature of the video sign as proposed by recent amendments will make it far better than most recent projects seen by the Commission.
- Expressed cautious preparedness to support the pedestrian bridge and feels it is key to pedestrian safety in allowing people to cross the bridge of a very busy street.

Segal

- Questioned sign content.

DeLuccio

- Desires the large screen creative video sign self-imposed covenant to be removed from the proposed revision 14.0.

Commissioner Segal restated her motion.

Action: To amend the agreement to remove the Videotron from the Art Development.

Motion:	Segal	Second:	Torgan
Roll Call	Crowe		No
	Anderson		Aye
	Smith		No
	DeLuccio		No
	Segal		Aye
	Torgan		Aye
	Altschul		Abstained

Motion not carried.

Action: To postpone further deliberation on the Development Agreement to the next Planning Coming meeting of October 21, 1999.

Motion: Torgan Second: None

Jennifer Davis read the Conditions of Approval (Development Agreement).

DeLuccio

- Opposes outdoor dining past 12am when facing residential areas.
- Suggested adding condition regarding how often static sign would change.

Action: To amend the section regarding bridge signage to make the south facing side of the sign static and to allow the static south-facing sign to change once monthly. In addition, the video sign to be defined as single sign with two sides.

Motion: Smith Second: Anderson
Votes: All Ayes Motion carried.
Abstained: Altschul

Anderson

- Safety concerns and signalized system for neighborhoods north of Sunset.
- Developer to spearhead efforts to work with the City of Los Angeles and Councilman Feuer to improve streets, and to allow for better safety access to the area.
- Requested letter stating developer's willingness to work with the City of Los Angeles on street improvements.

Conditions of Approval

- Section 20. Permit 99-03 – To be one two-sided large screen video on the pedestrian bridge.
- Condition 3.2 pg. 41 – Prior to issuance of building permits for each phase, the applicant shall pay the Public Open Space Development Fee of \$0.79 per net new square foot of gross floor area to the City, or the fee in effect at the time that building permits are issued for each phase of the project, except to the extent that in-lieu credit for areas designated as public open space and provided by the applicant has been granted for such fees.
- Condition 3.4 pg. 41 – Prior to issuance of building permits for each phase, the applicant shall pay the Transportation Facilities and Programs Fee of \$1.85 per net new square foot of gross floor area, or the fee in effect at the time that building permits are issued for each phase of the project, except to the extent that in-lieu credit for transportation improvement provided by the applicant has been granted for such fees.
- Condition 8.21 pg. 53 – The north face and northeast corner of the hotel building façade on the middle parcel shall be faced with limestone veneer up to the height of the molding course at the top of the ground floor.
- Condition 10.24 pg. 60 - Prior to issuance of the Certificate of Occupancy to the first phase, the applicant shall pay a deposit to the satisfaction of the City Engineer to fund installation of emergency vehicle preemption devices at signalized intersections within the vicinity of the project. However, if the City has previously made such installations, applicant shall reimburse the City for the costs of emergency vehicle preemption devices installed at signalized intersections within the vicinity of the project. The specific intersections will be identified by the Fire Department and City Engineer. The applicant's contribution towards the installation of emergency vehicle

preemption devices shall be deducted from the Transportation Facilities and Programs Development fee. (____ DOT&PW)

- Condition 10.44 pg. 62 - Beginning with the issuance of a certificate of occupancy for each phase, the applicant will instruct all regularly scheduled delivery services for that phase to use La Cienega Boulevard and Sunset Boulevard to access the project and not to use any north-south residential streets in the city, including Havenhurst Drive, Harper Avenue, Sweetzer Avenue, Flores Street, Kings Road, Olive Drive and Hacienda Place. (____ PW&DOT).
- Condition 13.3 pg. 64 - There shall be no amplified sound or music in the outdoor dining areas or view corridors/plazas/terraces after 10 p.m. except as approved under a Temporary Event Permit. (____ Planning)
- Condition 13.7 pg. 64 - The outdoor dining areas shall be closed between the hours of 12 midnight and 6 a.m. daily unless an Extended Hours Business License is obtained. (____ Planning, Code Compliance)
- Condition 13.16 pg. 65 - Plazas, view corridors and view terraces shall remain open to the public and signage shall identify that the plaza is available for public use and is accessible and visible to the general public directly from the Sunset Boulevard sidewalk. Prior to issuance of a building permit for each of the three parcels, the applicant shall record a covenant against the parcel ensuring that any portion of these spaces designated as public open space under Condition 3.2 remain public open space. Such open space shall be consistent with the Public Open Space guidelines contained in Resolution No. 577, Section 10.B. (____ Code Compliance and Planning)
- Condition 14.10 pg. 68 - Images displayed on the north facing side of the large screen video creative sign shall not appear to be in motion, or expose its image for less than four seconds, nor may the interval between messages be less than one second. Images displayed on the south facing side of the large screen video creative sign shall be static, changing once a month.
- Condition 14.11 pg. 68 - Images on the large screen video creative sign shall be displayed with a brightness no greater than 90-foot candles.
- Condition 15.21 pg. 70 - During the 12-month period beginning with the issuance of a certificate of occupancy for Site 5C and 4D, staff will study the actual availability of parking to off-site users after 6:00 p.m. The applicant shall use a valet service during any period that shared parking is made available to off-site users on Sites 5C and 4D.
- Section 16 pgs. 70-72 - ADDITIONAL CONDITIONS ADDED FOR SURROUNDING HOMEOWNERS' ASSOCIATIONS

16.1 The Applicant shall install a solid concrete block wall , 6 feet in height and at least 8 inches in width, wherever the East Parcel abuts residentially zoned properties. The wall shall be stuccoed on the south side (facing residential properties).

16.2 Planting within the landscaped buffer of the East Parcel shall include trees and shrubs. The trees shall be mature evergreens of at least 10 feet in height, contained in 36-inch boxes and placed at 18-foot intervals and the shrubs shall be dense and grow to a height of at least 6 feet.

16.3 The outer edge of the view terraces of the East and West Parcels shall

provide landscape buffering through a continuous serpentine planter with a minimum 6 feet in width and 42 inches in height. The planter shall be topped with a glass (or other similar material) wall, four feet in height as measured from the top of the planter.

16.4 The exterior of the parking structures facing residences to the south shall incorporate continuous planters along each level, with cascading planting. These planters shall be maintained by the Applicant.

16.5 Wherever appropriate, the surface parking terraces of the East Parcel shall be well landscaped with wide-branching 36 inch box evergreen trees.

16.6 The Applicant shall comply with the Specific Plan EIR's mitigation measure which requires that low reflectivity glass be used for exterior surfaces of the East Parcel and that, unless infeasible, nonreflective materials be used for the exterior of the building.

16.7 Parking level P4 must be lowered to P5 at elevation 353.0 feet so that it is slightly below the same elevation as the lowest level of the Fountainview Condominiums to the south which is at 357.0 feet.

16.8 There will be no venting of the East Parcel's restaurant towards residences to the south.

16.9 Entry to parking on the outdoor surface parking areas of the East Parcel is permitted only during the hours of 7:00 a.m. and 7:00 p.m.

16.10 A security attendant will be provided whenever outdoor parking is occurring on the East Parcel.

16.11 The Applicant shall install a minimum of one sign in the outdoor parking area of the East Parcel requesting that drivers turn off car alarms while vehicles are parked.

16.12 The Applicant shall install signs on the "Peterson Building" outdoor office terraces requesting that patrons be considerate of our neighbors. The Applicant must ensure that Petersen Building leases include such a requirement.

16.13 Commercial loading and unloading is prohibited on the surface parking areas of the East Parcel.

16.14 At least one security person shall be present on both the East and West Parcels at all times that each parcel is occupied. The security person's phone number must be made available to residences to the south in order to receive and respond to complaints.

16.15 A written notice will be given to residents at least 7 days prior to a special event on the East Parcel. The hours of the special event will be limited to the hours between 11:00 a.m. and 10:00 p.m. with setup permitted beginning at 10:00 a.m. and

breakdown ending by 11:00 p.m. Traffic control will be provided if necessary to permit ingress and egress to the residents' La Cienega driveways. Amplified music and special effects lighting will be directed away from the residents and no such special events will take place on the surface parking area. Clean up of the surrounding neighborhood shall be conducted immediately after the special event.

16.16 No amplified music audible to adjacent residents will be played in the East Parcel's outdoor dining areas after 10 p.m.

16.17 The Applicant shall install or fund the installation of "keep clear" markings on the street in front of the La Cienega driveways of residents adjacent to the East Parcel prior to the issuance of a building permit for the East Parcel.

16.18 During construction on the East Parcel the Applicant must ensure that construction vehicles queuing on La Cienega and Alta Loma Road will not park in front of driveways of adjacent residences to the south of the East Parcel.

16.19 During construction of the East Parcel a flagman will be provided, if necessary, to ensure ingress to and egress from the La Cienega driveways of adjacent residences to the south of the East Parcel.

16.20 During construction of the East and West Parcels, exterior construction hours will be limited to the hours between 8:00 a.m. and 7:00 p.m., Monday through Friday, with only interior construction permitted on Saturday. Construction helicopters shall adhere to these hours as well.

16.21 During construction of the East and West Parcels, a temporary screen at least 16 feet tall will be erected between the residences to the south and the site to reduce noise and dust and to ensure privacy. The screen will be constructed of plywood or other material approved by the City and will be kept clean of dust. The screen shall be removed as soon as the majority of the exterior construction on these parcels has been completed.

16.22 During construction of the East and West Parcels, no amplified music shall be audible to residents of the East and West Parcels.

16.23 During construction of the East and West Parcels, deliveries by helicopter shall be made only on weekdays, during the specified construction hours, and with 48 hours prior written notice to the managers of the residential buildings adjacent to the East and West Parcels.

16.24 During construction of the East and West Parcels, all construction vehicles will be turned off at the end of the workday.

16.25 During grading and dust-causing construction activities on the East and West Parcels, the Applicant will clean the windows of the East and West Parcels up to once a week, as necessary, to keep the windows clear of the Project's construction dust.

16.26 Construction of the Alta Loma cul-de-sac will commence as dictated by the development agreement and subject to the approval by DOT&PW and a barrier shall be placed at the cul-de-sac location to prevent the Project's construction vehicles from using the residential segment of Alta Loma Road prior to construction.

Action: All in favor of calling the question previously made by Commissioner Crowe and seconded by Commissioner Segal, including the amendment added by Chair Smith and seconded by Commissioner Anderson making the south facing side of the video bridge sign static, and to allow the static south facing sign to change once monthly. In addition, the video sign to be defined as a single sign with two sides.

Motion: Smith
Votes: Smith, Crowe, DeLuccio, Anderson Aye
Segal, Torgan No
Altschul Abstained

Motion carried.

Roll call vote on the Question:

Crowe	Aye
Anderson	Aye
Smith	Aye
DeLuccio	Aye
Segal	No
Torgan	No
Altschul	Abstained

Motion carried.

Craig Steele

- Noted for the record that the Commission's actions on all the items listed on the agenda with the exception of the text amendment and the Development Agreement are the final actions on this project that will be contingent on the City Council's considerations of the other two issues unless the Planning Commission's decision is appealed within a ten-day period.

7. PUBLIC COMMENT

8. ITEMS FROM COMMISSIONERS

9. ITEMS FROM STAFF

10. ADJOURNMENT

Action: To adjourn to a special session of the Zoning Ordinance of the Planning Commission on September 30, 1999, from 6:30 PM until completion at

