



PLANNING COMMISSION MINUTES
Regular Meeting
October 1, 2009

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

1. CALL TO ORDER:

Chair DeLuccio called the meeting of the Planning Commission to order at 6:37 P.M.

2. PLEDGE OF ALLEGIANCE: Steve Martin led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, Bernstein, Buckner, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Laurie Yelton, Associate Planner, David DeGrazia, Senior Planner, John Keho, Planning Manager, Christi Hogin, Acting City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Continue agenda Item 9.A. (9040-9056 Sunset Boulevard) to Thursday, October 15, 2009.

ACTION: Approve the Planning Commission Agenda of Thursday, October 1, 2009 as amended. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

5. APPROVAL OF MINUTES.

A. September 17, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, September 17, 2009 as presented. **Moved by Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, commented on risqué business window dressings and spoke on the loss of eight affordable housing units on Doheny Drive in reference to the 9040-9056 Sunset Boulevard mixed-use project.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 9040-9056 Sunset Boulevard.

Administrative Permit 2006-006, Conditional Use Permit 2006-007, Demolition Permit 2006-008, Development Agreement 2006-001, Development Permit 2006-010, General Plan Amendment 2006-001, Specific Plan Amendment 2006-001, Vesting Tentative Tract Map 2006-004, Zone Map Amendment 2009-005, Zone Map Amendment 2009-008, Final Environmental Impact Report:

Continued from Thursday, May 21, 2009 and Thursday, August 6, 2009. Applicant is proposing to develop approximately 268,805 gross square feet of mixed uses including 102 hotel rooms, 46 fractional-ownership market units, 20 condominium units, and approximately 37,940 square feet of commercial uses, comprised of retail, restaurant, conference rooms and a spa. The project requires an amendment to the Sunset Specific Plan to allow for a maximum height of 128 feet for the hotel component along Sunset Boulevard (Site 7D) and a maximum height of 109.25 feet for the buildings along Harratt Street (Site 7E), as well as an increased FAR of 4.07. The allowed height for Site 7D is 45 to 100 feet and for site 7E is 35 feet. The allowable FAR is 2.75.

The Development Agreement is still under legal review.

ACTION: 1) Continue to Thursday, October 15, 2009. **Moved by Commissioner Altschul, seconded by Commissioner Buckner and unanimously carried as part of the amended agenda.**

B. 1019 N. Vista Street.

Appeal of Administrative Permit 2008-041:

Michael Barney, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, October 1, 2009.

Applicant is appealing the Director's denial on an application to legalize one illegal dwelling unit.

He provided a history of the property and stated the appeal was denied due to the fact that it did not meet the criteria for legalization as set forth in the West Hollywood Municipal Code. He detailed the illegal studio apartment and criteria for legalizations.

Staff recommends denial of the appeal and upholding the Director's denial. While the appellant's claims that he is a good property owner are noted and ensuring quality residential life is an important City value, these two claims do not suggest why the Planning Commission should overlook the cut-off date for legalization.

Staff believes that the proof of prior existence date is critical to the strength of the legalization program. The cut-off date is designed to prevent the exploitation of the amnesty program by property owners who illegally develop units with the expectation that the City will grant approval after the fact. In addition, the cut-off date limits the number of units that through legalization would be exempt from the majority of the Zoning Ordinance. Staff believes that the current case is an example of the type of illegal development that the cut-off date is designed to prevent from creating.

Chair DeLuccio opened public testimony for Item 9.B.:

MICHAEL SILVA, ENCINO, appellant (applicant) representative, presented the appellants report. He provided a detailed history of property, prior tenant use, previous tenants, unit utilities, and current rent control registration.

Commissioner Altschul questioned the current owner's record keeping, how long he has owned this current property and the rental registration process.

Vice-Chair Yeber asked for clarification regarding proof of former tenants.

Commissioner Guardarrama questioned the total number of units on file with the Los Angeles County Registrar-Recorder.

Commissioner Hamaker questioned the utility usage.

Commissioner Buckner questioned if the owner was aware his investment included only nine legal units instead of ten units. She further questioned timelines of repairs and tenant usage.

ELY DROMY, BEVERLY HILLS, owner, continued the applicants rebuttal. He clarified the history regarding the rent registration process.

JEANNE DOBRIN, WEST HOLLYWOOD, supports staff's recommendation of denial.

MICHAEL SILVA, ENCINO, appellant (applicant) representative, presented the appellants rebuttal. He spoke on the process regarding legalization and stated extra time would be needed to provide additional backup if requested.

Commissioner Bernstein questioned if the unit would be maintained as vacant if allowed extra time to prove prior residency.

MICHAEL SILVA, ENCINO, appellant (applicant) representative, stated for the record it would remain vacant.

ACTION: Close public testimony for Item 9.B: **Motion carried by consensus of the Commission.**

Vice-Chair Yeber requested clarification regarding the window on the “east side” and questioned if there was a one-hour fire rating wall between the unit and garage.

Michael Barney, Assistant Planner, stated the report should have read window on the “west side”. The Building and Safety Department inspected the unit on December 18, 2008 and stated a main disconnect for the power system and provide a GFCI outlet for the bathroom was all that was needed to bring the unit into legal conformity.

Vice-Chair Yeber had concerns and stated he would like to see if the dividing wall between the garage and adjacent unit is in fact a one-hour fire rating wall.

Commissioner Altschul moved to: 1) continue to Thursday, February 4, 2010.

Seconded by Commissioner Bernstein.

Commissioner Guardarrama stated he would like to see all the criteria met as outlined in the Zoning Ordinance.

ACTION: Continue to Thursday, February 4, 2010. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:05 P.M. AND RECONVENED AT 7:15 P.M.

C. 8457 Melrose Avenue.

Appeal of Demolition Permit 2009-003, Development Permit 2009-004, Minor Parking Use Permit 2009-006:

Laurie Yelton, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, October 1, 2009.

She provided a history of the property and stated the appellant is appealing the Director of Community Development's decision to approve a major remodel. The major remodel exceeded 50% demolition and was therefore considered a new project per West Hollywood Municipal Code Section §19.28.040(4) and §19.48.020 (D). The project requires eleven new parking spaces: one space is located on-site at the rear of the building, and ten spaces are located off-site at 624-630 N. La Cienega Boulevard.

The appellant contends that the decision to approve the project was based on inaccurate or unsupported findings.

Staff does not believe the appellant's appeal has merit based on the information provided in the appeal. The project has already been reviewed by the Transportation Division, and has been reviewed by the Planning and Building and Safety Divisions for code compliance. The project meets all code requirements for new projects.

Staff recommends denial of the appeal.

Commissioner Hamaker requested clarification regarding the use.

Chair DeLuccio opened public testimony for Item 9.C.:

ELLIA THOMPSON, Jeffer, Mangels, Butler and Marmaro, representing the appellant, presented the appellants report. She provided details of the properties and spoke regarding issuance of permits for illegal construction, illegal parking lot capacity, tenant and parking spaces, valet parking, and hours of operation. She requested a parking study and possible continuance.

CARLOS S. ROCHA, applicant, presented the applicants report. He detailed the history of the property and spoke on the building and planning process, and stated they complied with all city Ordinances and regulations. He spoke regarding additional parking spaces, "green package", and legal postings.

Commissioner Buckner requested clarification regarding the building permits and timelines for construction.

John Keho, Planning Manager clarified the appellants and applicant's perspectives. He stated the appellant is questioning the property where the parking is going (not the actual building currently under construction). He clarified the construction history of the applicant's project.

Commissioner Hamaker requested clarification regarding the parking lease agreement.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking, parking lot signage and building permits.

JACK SIMANTOB, WEST HOLLYWOOD, appellant, provided the appellants rebuttal. He spoke and detailed parking spaces, parking leases, zoning variance and square-footage. He requested a parking study.

ELLIA THOMPSON, Jeffer, Mangels, Butler and Marmaro, representing the appellant, continued the appellants rebuttal. She spoke regarding the parking. She stated they would like to see the Planning Commission send this back to the Planning Department to get a parking study completed for the area in question.

ACTION: Close public testimony for Item 9.C: **Motion carried by consensus of the Commission.**

John Keho, Planning Manager, clarified the zoning issues regarding parking spaces, valet parking operations, dedicated signage, and retail hours.

Commissioner Hamaker requested clarification regarding the parking lot.

Discussion and clarification was held regarding the parking lots (which included the triangular lot and a parking lot located within the boundaries in the City of Los Angeles).

Commissioner Altschul moved to: 1) Grant the appeal in part: a) shall be granted to the extent that the total parking spaces required shall be thirteen (13); b) parking lot in question shall have their spaces numbered and delineated (which spaces are applicable to this particular property and its off-site parking requirement); c) granted to the extent that all hours when the business that occupies this premises is open, the parking lot shall have a valet to service it; and 2) the balance of the appeal shall be denied.

Seconded by Chair DeLuccio.

Commissioner Bernstein stated his support of the motion.

Commissioner Guardarrama stated his support of the motion.

Vice-Chair Yeber commented on parking issues throughout the city.

ACTION: 1) Bring back a resolution granting the appeal in part: a) total parking spaces required shall be thirteen (13); b) parking lot in question shall have their spaces numbered and delineated (which spaces are applicable to this particular property and its off-site parking requirement); c) valet shall service the parking lot for all hours when the business which occupies this premise is open, and 2) deny the balance of the appeal, for the property located at 8457 Melrose Avenue, West Hollywood, California.
Moved by Commissioner Altschul, seconded by Chair DeLuccio and passes on a Roll Call Vote:

AYES: Altschul, Bernstein, Buckner, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.

NOES: None.

ABSENT: None.

RECUSED: None.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:05 P.M. AND RECONVENED AT 8:10 P.M.

D. Economic Hardship (Sign Standards).

Zone Text Amendment 2009-007:

David DeGrazia, Senior Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, October 1, 2009.

He stated the requested proposal addresses two items related to signage: 1) Open house off-site; and 2) Temporary sales and promotional signage.

The first is proposed as a permanent zoning change and the second as a temporary change.

Open House Off-site Signage

A change to relax current code requirements for open house off-site signage was proposed by two realtors, currently doing business in West Hollywood. Following several meetings and correspondence between the two representatives and city staff, the below changes are proposed:

1. Real estate signs may be displayed an additional day (Saturday) with extended hours from 11 a.m. to 7 p.m.;

2. The address of the property and the name of the brokerage house and/or agent may be displayed on the signs; and
3. One flag may be allowed to attract attention if it is attached to the sign.

Temporary Signs

The Zoning Ordinance regulates temporary signs, including banners. Temporary sales and promotional signs may only be displayed up to three times per year for a maximum of thirty days. Staff is recommending a temporary change to these regulations to allow temporary sales and promotional signs to be displayed up to four times per year for a maximum of forty-five days each. Temporary sales and promotional signs must be removed for a minimum of two weeks following each forty-five day display period. These changes are proposed to be temporary to provide businesses additional opportunities to advertise special promotions and sales for longer periods of time during the economic downturn and are proposed to sunset December 31, 2011. This sunset date was chosen to coincide with the sunset of the increase in special events and the flexibility in parking within the Avenues of Art and Design.

Staff recommends approval.

Chair DeLuccio opened public testimony for Item 9.D.:

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on real estate signage, flags and open house hours.

ACTION: Close public testimony for Item 9.D: **Motion carried by consensus of the Commission.**

ACTION: 1) Approve Resolution No. PC 09-886 'A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2009-007, AND TEMPORARY REGULATIONS REVISING CERTAIN PROVISIONS OF CHAPTER 19.34 (SIGN STANDARDS), LOCATED CITY-WIDE, WEST HOLLYWOOD, CALIFORNIA; and 2) Close Public Hearing Item 9.D. **Moved by Commissioner Bernstein and unanimously carried.**

10. NEW BUSINESS.

- A. **General Plan Update.** None.

B. General Plan Advisory Committee Update.

The next General Plan Advisory Meeting (GPAC) will be on Wednesday, October 7, 2009 at Plummer Park Community Center, Rooms 5 & 6 at 6:30 P.M. Discussion topic will be land use issues.

C. Planning Commission Retreat. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

He detailed the General Plan Environmental Impact Report Scoping Meeting process, which will be on the next Planning Commission agenda.

Commissioner Hamaker questioned the noticing procedure for the Scoping Meeting.

Commissioner Altschul stated the entire city should be noticed for the General Plan Environmental Impact Report Scoping Meeting.

B. Director's Report. None.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, corrected staff regarding the correct verbiage of Realtors.

15. ITEMS FROM COMMISSIONERS.

Commissioner Bernstein announced the Disabilities Advisory Board will be honoring Jeanne Dobrin at their annual awards ceremony on Wednesday, October 28, 2009 at West Hollywood Park Auditorium.

Commissioner Bernstein commented on legalizing individual units.

Commissioner Guardarrama commented on the legalization of individual units.

16. ADJOURNMENT: The Planning Commission adjourned at 8:25 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, October 15, 2009 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 15TH DAY
OF OCTOBER, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR