



PLANNING COMMISSION MINUTES
Regular Meeting
December 4, 2008

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 6:32 P.M.

2. PLEDGE OF ALLEGIANCE: Elyse Eisenberg led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Heather Waldstein, Senior Contract Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move Consent Calendar Item 8.B. (538-540 N. Huntley Drive) to Excluded Consent Calendar; as Item 12.A.

ACTION: Approve the Planning Commission Agenda of Thursday, December 4, 2008 as amended. **Moved by Commissioner Hamaker, seconded by Vice-Chair DeLuccio and unanimously carried.**

5. APPROVAL OF MINUTES.

A. November 13, 2008

Commissioner Hamaker stated the following paragraph on Page 3 of Page 11, should read as follows: *"Commissioner Hamaker commented on the design and color palette. She stated the design does not feel quite finished yet."*

ACTION: Approve the Planning Commission Minutes of Thursday, November 13, 2008 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Buckner.**

B. November 20, 2008

ACTION: Continue to Thursday, January 15, 2009. **Motion carried by consensus of the Commission.**

6. PUBLIC COMMENT.

BEN REZNICK, LOS ANGELES, commented on 1136-1142 N. La Cienega Boulevard, West Hollywood, California.

JEANNE DOBRIN, WEST HOLLYWOOD commented on discretionary approval and disapproval procedures.

7. ITEMS FROM COMMISSIONERS. None.

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

12. EXCLUDED CONSENT CALENDAR.

A. 538-540 N. Huntley Drive:

On Thursday, November 20, 2008, the Planning Commission directed staff to return with a resolution of approval legalizing a dwelling unit in the garage, and convert a second illegal dwelling unit into an addition.

[VERBATIM TRANSCRIPTION]

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Altschul: *At this time, we will take the one item that is pulled from the consent calendar. That is Item 9. B., the resolution on 538-540 N. Huntley. Who's going to – anybody going to speak to the staff on that?*

DeLuccio: *Don't we move that to Number 12?*

Altschul: *Ordinarily we do, but I'm going to use my discretion to take it now because we have I think the Director of Housing here and I think it would be appropriate (TALKING OVER).*

DeLuccio: *That's fine, and then I will recuse myself because I do live in a 500 foot radius.*

Altschul: *Oh, okay.*

Hamaker: *John, did you want to say something? I have a disclosure statement to make so –*

Keho: *I would just make that, just note that at your desk today we sent you a revised resolution that has a revised condition Q. That's to make it clear about when and if relocation fees would be owed to a tenant living in the unit that's going to ultimately be eliminated, so that's to help clarify that situation. And I discussed this with the Applicant before the meeting tonight and they indicated that they were okay with how that condition was reworded.*

Hamaker: *Okay, I just have a disclosure statement to make and I've written it out, so I'll read it so I don't miss anything. I have become aware that the opponents of this Huntley project believe I have a conflict of interest and I apologize because I did not disclose that I know Todd Elliott, and I used to sit on a board with him and he represented the Applicant. I discussed the issue that was raised by the opponents with the City Attorney as to a financial conflict and Mr. Jenkins has assured me that there is no financial conflict. While I can see why people have concerns about my relationship with Mr. Elliott, let the record reflect that I am employed by and work for the Executive Director of West Hollywood Community Housing, Robin Connerly. The Board has no authority over me or any other staff member. Mr. Elliott's representation of the Applicant has no bearing on my evaluation of the project. I did not discuss anything about this project with Mr. Elliott. I would like to assure you that I vote my conscience on matters that come before the Planning Commission and I believe I have approached this application fairly and impartially and am qualified to vote on it. So I hope this information puts to rest any concerns about an appearance of bias. I'd also like to make a comment about an e-mail that I received from a resident of West Hollywood West, is that appropriate? Who seemed to be under the impression that the project that we – the photographs that we looked at, which were taken – I don't believe they were taken by the City, were they John, or by someone else? The photographs that we looked at at the hearing were supposed to be what someone was going to live in and I just want to make sure that everybody understands that that is the garage as it exists and it has been vacant for many years and the only thing that was approved was the Applicant's ability to rehab the project. And Building & Safety and Code Enforcement were both here and they assured us that they would monitor the progress of the rehab of the unit so that it comes up to code. So it's probably going to take many months to do that. So I just want to be sure that everybody understands that what they saw in photographs were not what someone is going to live in and if that's what they thought we approved, I'm not surprised at all that they were upset and I hope that they now understand that more. And that's all.*

Altschul: *All right, and we have two speakers on this item. Lauren Meister?*

Meister: *Good evening, Lauren Meister, resident of West Hollywood and President of West Hollywood West Residents Association. As Commissioner Hamaker mentioned tonight, she works for the West Hollywood Community Housing Corp. as their Development and Communications Manager, which I assume has fundraising responsibilities. Todd Elliott has been and is currently on the Board of Directors, which means Mr. Elliott, along with other Directors, may have some influence regarding Commissioner Hamaker's employment or fundraising for the organization. According to the West Hollywood Community Housing Corp.'s website, the West Hollywood Community Housing Corp. builds on the accomplishments of many generous supporters, colleagues and friends. The West Hollywood Community Housing Corp., Commissioner Hamaker's employer, relies on Mr. Elliott's generosity to pursue its mission. For instance, Mr. Elliott's firm, Truman & Elliott, hosted a holiday fundraiser for the organization on December 1st, just one and a half weeks following the hearing on Mr. Elliott's project, which could be interpreted as Quid Pro Quo. It is disturbing that this information wasn't disclosed at the time of the hearing and further to prevent the appearance of impropriety that Commissioner Hamaker did not recuse herself on the item as Mr. Elliott was representing the Applicant. We realize that this may have been an unintentional oversight on the part of Commissioner Hamaker and the City however this raises questions regarding the ethics of the Commissioner's participation in this particular hearing. In addition, we are concerned that her comments about the condition of the property set the tone and may have tainted Commission discussion. She had mentioned that she had visited the property and the property seemed nicely manicured, although she admitted that she had actually not seen the illegal structures in question. We feel that if the conversation had not been led in this direction, that the vote may have gone a different way. In summary, we feel that the City has put itself at risk and the integrity of the hearing was compromised. Thank you.*

Altschul: Terry Leftgoff?

Leftgoff: Good evening. My name is Terry Leftgoff. I'm a resident of West Hollywood and a resident – Vice President of West Hollywood West and a resident of the 500 block of Huntley Drive. Due to the discussion at the previous hearing where the garage conversion at 337 Westbourne was cited as a precedent, I wanted to provide this just for the record. We believe that it is not a precedent. It is not comparable to this application at all. In the case of Westbourne, there was no after the fact illegal unit conversion. Rather, the property owner faced with a substandard sized lot and driveway width obtained permits and received a variance in advance to create a second legal unit as allowed in the R1B zone. Additionally, the property owner lives in a single family home on site, which is one of the founding principles of the second unit law. In the case of 538-540 Huntley, two units already exist on the property. It's a legal duplex. The property has a standard size lot, a standard size lot width and a standard size driveway width. Additionally, this property has functioned purely as a rental with no on-site owner. There are two existing legal units, each with two bedrooms and two bathrooms, for a total of four bedrooms and four bathrooms. The addition of the illegal units is intended to add two additional bedrooms and two bathrooms totaling six bedrooms plus a loft and six bathrooms. All of this is in excess of the zoning. Thank you.

Altschul: Thank you. There being no further public speakers on this item, are there any other comments? I have just a brief comment. I feel that it's very unfortunate that we have to sit here and discuss whether or not there is a conflict of interest between a member of this Commission and an item that has come before us. We've been told for years that not only do we have to consider whether or not there is an actual conflict of interest, but perceptions are important and perceptions count. And when Lauren Meister stands up here and connects certain dots, it is conceivable and foreseeable how people can connect those dots and hear that and come to a conclusion of a perception of something that shouldn't be. And I think that goes to the integrity and the credibility of the Commission and I don't believe that the Commission should be subject to that kind of a scrutiny of a perception that should never have occurred in the first place. So I would hope that in the future every item that involves anything to do with anybody's employment with anybody's activities other than this are looked at very, very carefully before anybody on the Commission, myself included especially, that there is a good look taken and some introspection given before that there is any possible compromise of the credibility and integrity of the Commission on anything that comes before the Commission. And if there are no further comments, do we need to take a vote to approve the resolution? Roll call, David?

Gillig: Who....

Altschul: Motion to approve the Resolution is brought back.

Gillig: No. I mean, who motioned in second?

Altschul: Is there....

Guardarramae: Second.

Altschul: It was moved and seconded.

Gillig: Chair Altschul?

Altschul: Yes?

Gillig: Commissioner Guardarrama?

Guardarrama: Yes.

Gillig: Commissioner Yeber?

Yeber: No.

Gillig: Commissioner Hamaker?

Hamaker: Aye.

Gillig: Commissioner Buckner?

Buckner: Yes.

Gillig: Commissioner Bernstein?

Bernstein: Aye.

Gillig: Vice Chair DeLuccio is recused. Motion carries. Five ayes. One no.

//wci:pg

(ITEM 8.B. [12.A]) OFFICIAL RECORDING ENDS).

8. CONSENT CALENDAR.

A. 1136-1142 N. La Cienega Boulevard.

On Thursday, November 20, 2008, the Planning Commission directed staff to return with resolutions denying without prejudice, the application request for a proposed fourteen-unit courtyard condominium project.

ACTION: 1) Adopt Resolution No. PC 08-821 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING WITHOUT PREJUDICE, DEMOLITION PERMIT 2006-038 AND DEVELOPMENT PERMIT 2006-052, FOR THE DEMOLITION OF TWO-SINGLE FAMILY STRUCTURES TO CONSTRUCT A FOUR-STORY, FOURTEEN-UNIT CONDOMINIUM PROJECT WITH SUBTERRANEAN PARKING, FOR THE PROPERTY LOCATED AT 1136-1142 N. LA CIENEGA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 2) Adopt Resolution No. PC 08-822 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING WITHOUT PREJUDICE, TENTATIVE TRACT MAP 2006-020 (MAJOR LAND DIVISION NO. 62353), FOR THE PROPERTY LOCATED AT 1136-1142 N. LA CIENEGA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Moved by Commissioner Bernstein, seconded by Commissioner Guardarrama and unanimously carried; notating the abstension of Commissioner Buckner.**

B. 538-540 N. Huntley Drive:

On Thursday, November 20, 2008, the Planning Commission directed staff to return with a resolution of approval legalizing a dwelling unit in the garage, and convert a second illegal dwelling unit into an addition.

ACTION: 1) Moved to Excluded Consent Calendar as Item 12.A. **Moved by Commissioner Hamaker, seconded by Vice-Chair DeLuccio and unanimously carried as part of the amended agenda.**

C. 1146 N. Hacienda Place:

On Thursday, November 13, 2008, the Planning Commission directed staff to return with a resolution denying without prejudice, the application request for an after-the-fact variance to allow garage encroachments into the side-yard setback, and minor architectural changes to the front façade of a newly constructed residential building.

ACTION: 1) Adopt Resolution No. PC 08-842 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING WITHOUT PREJUDICE, VARIANCE PERMIT 2008-002, REQUESTING AN AFTER-THE-FACT VARIANCE TO ALLOW GARAGE ENCROACHMENTS INTO THE SIDE-YARD AND REAR-YARD SETBACKS, AND MINOR ARCHITECTURAL CHANGES TO THE FRONT FAÇADE OF A NEWLY CONSTRUCTED RESIDENTIAL BUILDING, FOR THE PROPERTY LOCATED AT 1146 N. HACIENDA PLACE, WEST HOLLYWOOD, CALIFORNIA." **Moved by Commissioner Bernstein, seconded by Commissioner Guardarrama and unanimously carried; notating the abstension of Commissioner Buckner.**

9. PUBLIC HEARINGS.

A. 732 N. Doheny Drive.

Demolition Permit 2008-001, Development Permit 2008-004:

Applicant is requesting to demolish an existing single-family residence and construct a new four-story, 3,925 square-foot, single-family residence with a 1,357 square-foot garage.

Applicant is requesting a continuance in order to address issues pertaining to compliance with the Zoning Ordinance.

ACTION: Continue to Thursday, January 15, 2009. **Moved by Commissioner Hamaker, seconded by Vice-Chair DeLuccio and unanimously carried as part of the amended agenda.**

**B. 9040-9056 Sunset Boulevard.
Draft Environmental Impact Report.**
Continued from Thursday, November 20, 2008.

[VERBATIM TRANSCRIPTION]

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Altschul: *Item 9B, the Draft EIR, on 9040-9056 Sunset Boulevard. We will continue to take public comment, excluding those people who gave their comment at the last meeting. The planner is Heather Waldstein, hi Heather. And please go ahead with your report.*

Waldstein: *Good evening, Chair, members of the Planning Commission. Tonight's presentation will be fairly short because we gave a presentation at the last meeting. But just to summarize what happened, on November 20th at the public hearing, Staff gave a brief description and the location of the Sunset Doheny Hotel development project. We also noted that the public comment period would be extended to the end of tonight's public hearing on December 4th. We have the EIR consultant present to give a description on the process of the EIR as well as the impacts related to this specific project. We did have one speaker at the public hearing, and that was Elyse Eisenberg so she will not be speaking tonight. Just to give a quick overview of the impacts, we have three significant and unavoidable impacts for this proposed project. One is air quality related to construction and the emission of nitrous oxide PM-10 and PM-2.5. We also have a significant and unavoidable impact related to noise in the construction phase and traffic and circulation. There are three intersections and two roadway segments with significant and unavoidable impacts. The intersections are Sunset Boulevard and Hammond Street, Sunset Boulevard and San Vicente Boulevard, Santa Monica Boulevard, Melrose Avenue, and Doheny Drive. And the two roadway segments are Doheny Drive between Sunset Boulevard and Elavado Drive, as well as Cynthia Street east of Doheny Drive. And that concludes Staff's presentation tonight. I'd be happy to answer any questions that come up. But again, we're here to listen to the comments on the Draft EIR and we'll take those comments and provide our responses in the final EIR.*

Altschul: *There was a four-page comment on this Draft EIR typed that has been placed on, I think, all of our seats tonight. But it, it doesn't say who submitted it. Do you know?*

Waldstein: *I believe Jeanne submitted it, but it does not have a signature, so....*

Dobrin: *(INAUDIBLE)*

Altschul: *We can, so it can be attributed to you? Thank you. That's all. We have two speakers, and if anybody else wishes to speak on this item, please at this time turn in a speaker slip. Elyse, don't turn in a speaker slip. You already did. Daniel Clivner.*

Dobrin: *(INAUDIBLE)*

Clivner: *Good evening. My name is Daniel Clivner, and I am a resident at 9220 Robin Drive north of the proposed project. I'm on the Board of Directors of the Sunset Doheny Homes Association, which is the homeowners association for Doheny north, a mile north on, of the proposed project at Doheny and Sunset. And that homeowners association has approximately 110 homes. The...we're here to express our concerns about the impact that development of a hotel project would have at the intersection of Sunset and Doheny, in addition to the...as, as noted, the significant and unavoidable impact directly affects the routes that Fire and Police use to access not only the 110*

homes at Doheny north of Kinglet, but also nearly 1,000 homes use that Doheny Drive route north of Sunset. In other words, this is the only access point for approximately 1,000 homes. And the route that the Fire Department takes, 'cause we're right at the intersection of L.A., Beverly Hills, and West Hollywood is exactly either San Vicente or Doheny. That's just during the construction period. Following the construction period, our view is that per the SSP, the goal was to improve the environment of Sunset and that, in fact, there's no provision for a hotel or a hotel of this size in that area. We think it affects quality of life, views, height in every single respect, the project seeks to expand or get variances for what was a very carefully crafted plan back in 1996. So the homeowners express strong reservations. Thank you.

Altschul: Jane Shea-Wald.

Shay-Wald: Good evening and thank you. My name is Jane Shea-Wald. I reside at 2307 Sunset Plaza Drive, Los Angeles 90069. Like Mr. Clivner who just spoke, I am on the Board of Directors of the Sunset Doheny Homes, Homeowners Association. I will not repeat his comments. We, I, I echo them on my own behalf, and on behalf of the Homeowners Association in full. I would also like to incorporate by reference a written document that I understand was filed by Elyse Eisenberg in this matter in all particulars on my individual behalf and on behalf of the Homeowners Association. We're concerned to an extraordinary degree with the burden on traffic, and particularly safety, fire safety. We, there was a fire four doors north of me on Sunset Plaza Drive last week. The fire engines had a very difficult time coming up just because of what was there already. And after that fire was put out and there were 30 firefighters there, one of the firefighters told me that there was so much traffic congestion that, that it was, they could not save the house. And we're very concerned about what this project would do for the entire route that Mr. Clivner spoke about. In addition, we feel that Scandia should be landmarked and should not be torn down for this project. Thank you very much.

Altschul: Thank you. And Jeanne Dobrin, who will be our last speaker.

Dobrin: Jeanne Dobrin, resident of West Hollywood. I live in a 39-unit condominium, and our Board of Directors has written a letter which you have in your possession objecting very strongly to this project. First of all, the traffic analysis is extremely flawed. It says that the, it was prepared in October 2008, but the traffic counts were done in January and April of 2007. I feel that the...it does not take into account, therefore, the huge developments, entitlements, and construction starts in the intervening 21 months, which is very, very flawed. It also states in one place that the following streets are local. I won't give them all to you, but they stated, for instance, that Holloway, Melrose Avenue, Beverly Boulevard, and Robertson, San Vicente, Crescent Heights, and Cynthia Street are local streets. They are not. Some of them are major highways. Some are secondary highways. And one of them is a collector street. I think also that the people who did this are confusing Doheny Road which is partly in Beverly Hills and West Hollywood and Doheny Drive which is partly in Beverly Hills and West Hollywood. The reason I say that is because they refer to LOS, levels of service, of traffic which is A to F, and they don't even mention the intersection of Corey, Sunset Boulevard, and Doheny Road which is probably one of the worst impacted intersections in the City of West Hollywood. They haven't even mentioned Doheny Road. They don't know that it exists. Another problem is water. A Federal Court in May 2007 took the U.S. Wildlife & Fish Conservation Group to task because he said that they, it will not protect the delta smelt from Sacramento and San Joaquin. And that is going to reduce the amount of MWB water that Beverly Hills gets. Beverly Hills sells their water to the western part of West Hollywood, almost to the center of it. They use 88 percent of the water, and we use 12. They claim that the supply and demand will be accurate in this report. But if you read the figures...I haven't got time to read them to you...they are dangerously deficient and will not be accurate. This humongous project of nearly 260,000 square feet, plus all the current entitlements, is absolutely disaster for the City of West Hollywood. I also agree

with the gentleman who lives on Robin that the safety for the people who live there in Los Angeles, which we have to respect, is already terrible on Sunset Boulevard as far as emergency vehicles are concerned and the Fire Department and the Sheriff's Department. And it also states that if anybody who works on this project is found to be parking on a City street, that they will be fined.

Altschul: Thank you, Ms. Dobrin.

Dobrin: Give me a break. Where would they ever fine such a person? Thank you very much.

Altschul: And you have submitted a written document so that all of your comments are, in fact, received. I did. I said you have submitted a written document so, in fact, all of your comments have been received.

Dobrin: (INAUDIBLE).

Altschul: I'll tell you later. All right. There being no further public speakers, comments from Commissioners? Barbara, you want to start?

Hamaker: Yeah. I have just a question to be answered eventually. On Roman Numeral I, 55 page, and Roman Numeral I, 58, there are some discussions of short-term construction impacts on traffic. And I wonder if, if you can give us a sense of what short-term means in, in the case of a two-year long project. To me, short-term means one or two days. And I have a feeling one or two...short-term in this instance...this may be one or two months. So that, that I would like clarification on. And then I had asked John Keho earlier, but I'm just curious about the James Hotel project which is right down the street from this project. And they are apparently in plan check, but they're not rushing. So I was just curious as to when they were going to start their construction, although it's a much smaller project. Thanks.

Altschul: Mark, any comments?

Yeber: Yes.

Altschul: Or questions or direction?

Yeber: A couple things on the, what I saw. I'm also troubled by the traffic, traffic study, or I should say the conclusion from the traffic report. I just can't conceivably see how...well, I find that the, the, the, the traffic would be much greater than what's reported in, what would be reported in the project, what's reported in the report. The second thing is, the scale of the project, to me, would have an enormous impact, much more enormous impact, on the residents to the south. I know it's not in our purview to look at view corridors, and I can't speak to the residents to the north. But just the scale of the project just seems to be a little out of character. I know we're not voting on the item. And again, probably nothing that's not related to the specific criteria or categories of the EIR. It doesn't work very well urbanistically. And so I'm concerned about that. Thanks.

Altschul: Joe?

Guardarrama: Heather, when this comes back and, for a full Commission hearing, could you break out each intersection that has a significant unavoidable impact and describe the impact maybe in a chart or some sort of visual aid, especially for members of the public who are going to be probably concerned with traffic? All right.

Altschul: Donald, anything?

DeLuccio: Not at this time.

Altschul: Allen?

Bernstein: It's all been covered. Not at this time.

Altschul: Sue?

Buckner: Not at this time. Thank you.

Altschul: Okay. And I would just add that Jeanne is totally correct in her observation that the characterization of some of these streets were totally wrong. And I'm not sure how that can happen. But it happened. Also the fact that the Sunset Doheny, Doheny Road, Corey, Carol, whole conglomeration there at that intersection, it not having been analyzed, is certainly again inconceivable. So perhaps there should be some kind of a referral of this transportation or this traffic study to the Transportation Commission to weigh in and help evaluate it and to give further direction since the consultant got so much wrong. And the mislabeling, the mis-categorization of some of these streets as local when we all know that they're not, I think needs to be looked at and gone, gone over with the, with the consultant. Any other comments, direction?

Hamaker: I, I just thought that was a great idea. Is the Transportation Commission ever brought in on, on a Draft EIR?

Altschul: There used to be a, a requirement that projects over a certain amount of square feet have a joint meeting between the subcommittee of the Planning Commission and the subcommittee of the Transportation. That fell by the wayside a long time ago and was generally considered not such a good idea. But I think in this particular situation, having the Transportation Commission look at this report, which I think is somewhat inadequate, might be beneficial.

Keho: And we'll certainly take a look at seeing if that would be appropriate for this.

Altschul: Anything further by any Commissioners? If not, thank you very much. And we will conclude this item for this evening.

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(ITEM 9.B. OFFICIAL RECORDING ENDS).

**C. 9015 Sunset Boulevard.
Billboard Permit 2008-002:**

Appellant is requesting the Planning Commission overturn the Community Development Department's decision to void Billboard Permit 2008-002, thereby allowing the existing sign to be replaced with a larger billboard.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: *The next is Item 9C, Billboard Permit 2008-002. The applicant is Outdoor, Ace Outdoor Advertising, and Michael Barney will give the staff report.*

Keho: *Just a minute as we change Planner's....*

Barney: *Thank you, Chair, Commissioners, and good evening. Before you this evening is an Appeal of a billboard permit that was determined to be void and of no effect. On May 19, 2008, the City granted Ace Outdoor Advertising a permit to replace and reposition an existing sign above the Rainbow Bar & Grill. At the time, Staff believed that the permit request complied with the City's regulations. After the permit was approved, the applicant submitted the letter to the City requesting an amendment for additional height. Based on that letter, Staff undertook additional research and determined that not only was the sign not eligible for additional height, but it was in fact not eligible for replacement or enlargement. Also as part of this additional research, the City Attorney determined that the sign could not be enlarged. The City Attorney's letter is attached to the Staff report as Exhibit D. Consequently, on October 2nd, 2008, Staff sent a letter to the applicant voiding the permit. And the applicant subsequently filed an Appeal. The questions before the Commission tonight are: (1) Is the sign eligible for replacement pursuant to the City's regulations? And (2) if so, can the sign be enlarged? First, I will address the eligibility of replacement for the sign. The zoning ordinance states that standard billboards may be approved only within the Sunset Specific Plan zoning district at locations identified in the City's Sunset Boulevard billboard inventory for existing billboards. What became apparent is that in the initial review of the billboard permit, the Sunset billboard inventory was not used, but instead a Citywide signage inventory was used to determine eligibility for replacement. As part of the Sunset Specific Plan, a billboard inventory was created in 1996. That inventory is included as Exhibit 8. Later in 2004, a Citywide signage inventory was created. This inventory was created to catalogue all off-site advertisements in the City. This 2004 signage inventory was never meant to replace the 1996 billboard inventory as it relates to billboard replacement. The Sunset Specific Plan 1996 billboard inventory has an index that refers to billboards, their dimensions, direction, instructions for replacement, height, and the advertising company at that time, but only catalogues billboards within the Sunset Specific Plan. The document also includes a list of non-qualifying off-site advertising. The 2004 West Hollywood signage inventory only lists the addresses with a photo and a brief description of what the sign is—a billboard specialty sign, et cetera. No further information or direction as to whether it may be replaced. But it is Citywide. There are discrepancies in both inventories. The 1996 inventory incorrectly gives the wrong address for the Rainbow Bar & Grill and a different name. Regardless, it is not listed in the index as seen here. Not listed in the index. And though it has the wrong name and address, it does list as a sign under the SSP non-qualifying off-site advertising site as a small pole sign, as you can see here. The 2004 inventory lists an incorrect address twice. No dimensions and titles it specialty roof-mounted signage, not a billboard. And as noted in, and as noted earlier, the intension of the 2004 signage inventory was to catalogue what outdoor advertising existed in the City during that time, and was more of a research project than true inventory. It is the recommendation, it is the*

recommendation of Staff that the inventory which is referenced in the zoning ordinance is the 1996 inventory, as it was the inventory that existed when the zoning ordinance was adopted in 2001. And because the signage at the Rainbow Bar & Grill is not listed as a billboard in either the 1996 billboard inventory or the 2004 Citywide signage inventory, that the signage is not a billboard and not eligible for enlargement, replacement, or repositioning. Secondly, if the Commission determines that the sign is eligible for replacement, can it be enlarged? It is our recommendation that the Commission agree with the City Attorney's letter as stated in Exhibit D that if eligible, it may be replaced by a billboard that is the same height and dimension of the existing sign. We're here for any questions you may have. Thank you.

Altschul: Questions of Michael? Barbara?

Hamaker: Michael, has it ever been considered a creative sign or has it always had off-site advertising?

Barney: It, it has always had off-site advertising. It's not...it's not been considered a creative sign.

Hamaker: So its never been a Rainbow Bar & Grill sign? It's always had paid advertising on it?

Barney: That's correct.

Altschul: Anything further? Donald?

DeLuccio: Mike, I need a clarification. The City Attorney's letter refers to, if it was to be replaced, what size can it be? The same size?

Barney: Existing.

DeLuccio: Not a 14 by 48?

Barney: No. That's correct. Not the minimum required billboard size, but can be replaced as is in its existing form.

DeLuccio: Okay. Thank you.

Altschul: Anything? Any further...Don, or Joe?

Guardarrama: Michael, I understand from your report that in order to qualify for replacement, it has to be listed in the 1996 inventory. Is that correct?

Barney: That's correct.

Guardarrama: Okay.

Hamaker: I just...it's a two-sided sign. I mean, there's actually advertisement both, both sides, correct?

Barney: Yes. Here are some photos.

Hamaker: But we still call it a, one sign?

Barney: Yes.

Hamaker: Okay.

Guardarrama: I have one more question. Are we to assume that because a billboard is not listed in the 1996 listing that it was not in existence as of 1996, or was it just skipped?

Keho: That's one of the interesting...I wasn't here in 1996, so I don't have first-hand knowledge of how that, the 1996 inventory was created. I think what we presume is that this was not identified as a billboard under the criteria that was being used at the creation of the Sunset Specific Plan, and that's why there is a list of several billboards or signs at the back of the inventory. And you can move to that sign where it talks about them being non-qualifying off-site signage. So those were signs that were in existence at the time of the inventory that, for whatever reason, were considered non-qualifying, meaning that they weren't eligible for replacement. They, they were off-site signs, but they really weren't the billboards that were the intention to be replaced in that process. And so there's, that's where you see the Rainbow Room, and there's some question about that, but that's the closest we get to it. And then the applicant did provide documentation that showed that the bill, the signs were in existence in the 1970's.

Guardarrama: And my next question is for the City Attorney. Are we allowed to conclusively presume that the list was, the inventory from 1996, was methodically done by the City and we can rely on it as, as evidence of what the City believed was replaceable then?

Jenkins: Well, the, the 1996, the 1996 survey identifies what the City believed to be the billboards in existence in 1996. And indicated which of those were eligible for replacement. And it is that inventory to which the 2001 zoning ordinance refers. That inventory, as Mr. Keho has indicated, identifies what we believe to be this sign in the back as a non-qualifying off-site sign. And one, I think, can presume from the fact that it is listed as a non-qualifying sign in this listing at the end and is not included with a photograph and with the, with the words "eligible for replacement" next to it as the, as the qualifying billboards are in the front part of the inventory, that it is, was, was determined not to be a qualifying billboard eligible for replacement. Is that your question?

Guardarrama: Yeah. Thank you.

Altschul: Any other questions? Donald?

DeLuccio: How did you...in 19...how did they...I don't know if anyone was here in 1996. But how did they determine that this particular board, or this list, this addendum to the list, were non-qualifying? What criteria was used to make them non-qualifying as well as make, make the others qualifying?

Keho: What we're not showing on the screen up there, but that's Exhibit I in your packet at the top of the page that has the SSP non-qualifying as a statement. It says: Billboard shall remain an off-site sign with a minimum dimension of 12 feet by 20 feet and a maximum dimension of 20 feet by 60 feet referencing the Sunset Specific Plan. And so I, my understanding is that these signs didn't meet that size criteria. There was some sort of sign that was off-site.

DeLuccio: Didn't meet the minimum criteria?

Keho: Right.

DeLuccio: It was small. Did you say 12 by 12?

Keho: *It says minimum dimension of 12 feet by 20 feet and a maximum dimension of 20 feet by 60 feet.*

DeLuccio: *Okay. And this is less than, smaller than 20 by 20?*

Keho: *Right.*

DeLuccio: *12 by 20.*

Keho: *Right.*

DeLuccio: *Okay. Thank you.*

Altschul: *Barbara?*

Hamaker: *One more question. It's probably in the Staff report. Is, is...what parcel of the Sunset Specific Plan is this in, and is, does it, has it reached...we've reached our quota of billboards on this strip. Is that right? In other words, there can't be allowed in the....*

Barney: *This is located in the western section?*

Hamaker: *Okay.*

Barney: *Are you asking exactly which section from the SSP?*

Hamaker: *Aren't there, aren't, aren't the sections...*

Barney: *Yes.*

Hamaker: *Don't they have a certain number of billboards allowed?*

Barney: *I'll look that up for you right now.*

Keho: *There's...the, the Sunset Specific Plan does allow for new billboards be part of new construction. So I don't think there's an actual limitation that talks about where they can be, but not a limit on the number, so....*

Hamaker: *That's...*

Altschul: *Has your question been fully answered? All right. Any other questions or comments? If not, we'll open the public hearing. And we have Roger Holt and Andy Bilanzich, you both the applicants? Okay. And you will have between you ten minutes.*

Holt: *Good evening, Honorable Commissioners. My name is Roger Holt. I'm an attorney representing Ace Outdoor Advertising. With me tonight is Andrew Bilanzich who's the general manager of Ace Outdoor Advertising, the applicant in this proceeding and the party seeking a reinstatement of the billboard replacement permit for....*

Altschul: *And if you will, please, both of you, your city of residence?*

Holt: *I'm sorry. I'm a resident, I am a resident of the City of Los Angeles.*

Altschul: *Thank you.*

Bilanzich: *I am a resident of West Hollywood.*

Holt: *With your, with your permission, because there's been the grounds for denial has been something of a moving target and we only received the Staff report on Monday, which had yet again a slightly different cast to the denial, what I have done, and hopefully this will be useful, is to provide two documents which I'd like to hand to the Clerk. One is basically my presentation responding to what we understood....*

Altschul: *Stop the clock a minute. Sir, do you have copies for each one of the Commissioners?*

Holt: *Yes. Copies for each Commissioner.*

Altschul: *And do you have copies for the back table for the public?*

Holt: *I did not leave copies. There are sufficient, a few extra copies for the public.*

Altschul: *David, would you take a couple of copies and put them on the back table?*

Holt: *I also have a photograph.*

Altschul: *Start the clock. Go ahead.*

Holt: *Of the billboard, the signs at 9050 Sunset. Hopefully, review of the photograph as we discuss the points, or at least our response to the City's position, will clarify. And I, I apologize ahead of time. This is a somewhat technical discussion, and it, it, it gets confusing at times. But hopefully, it will be clear by the end. First of all, let me, let me clarify that on the left side, I've stated what the City's position is as culled from the Resolution placed before you based upon the Staff's recommendation for denial. And then we have a response. I won't reiterate their points to the left. On the right, first of all, I want to clarify that as of 1996, there were two signs at the Rainbow Bar & Grill which is located at 9050 Sunset. One sign was a 9 by 16, two-sided, roof-mounted billboard, and the other sign was a small pole marked Rainbow Bar & Grill. You can, if you look at your photograph, you can see a clear distinction between the freestanding Rainbow Bar & Grill pole sign and the roof-mounted sign. The aforementioned 1996 billboard inventory lists this latter sign, the pole sign, as non-qualifying. It makes no mention of the 9 by 16, two-sided, roof-mounted billboard. And as stated in the earlier letter, our position is that because this was not a thorough block by block, address by address inventory by the City, the City essentially relied on holders of licenses or leases to billboards, the major ones, for their input. That is why this sign, presumably, was omitted. This billboard, I should say. But it, it was a long-standing existing billboard at that location. So any reference to this roof-mounted sign as being non-qualifying is, is incorrect. There were two distinct signs there, and the 1996 inventory did not refer to it. I'm down now at Item E, 1-E on my list. The City has compiled, despite what it said, three separate billboard inventories. The first one in 1996 solely limited to the Sunset Specific Plan; the latter two in widely-issued City documents in 2004 and in 2008. And I'm not sure why Staff has not referred to the 2008 billboard inventory which listed, and it's part of your packet, the 9015 roof-mounted sign as an existing billboard within the City. A small billboard. So it has consistently, along with the correspondence in the file, the billboard at 9015 has consistently by Staff been referred to as a billboard, an existing billboard, a non-conforming billboard. And, and thus should be treated as a billboard under the Specific Plan and the Code. It also is noteworthy that nowhere, if you comb the Sunset Specific Plan, is there any policy, regulation, or other statement, express or implied, that the City intended to treat the 9015 Sunset billboard as, as a non-qualifying billboard, or addressing it either as qualifying or non-qualifying. It's interesting, too, in the...and I'm*

now at Item G...the zoning ordinance neither defines...and this was a question earlier raised...what is a non-qualifying billboard versus a qualifying, or differentiates between them as to how they are to be treated. There is nowhere in the Specific Plan or in the Code that it, it defines what is eligible for replacement and what the significance of that is. In addition, Mr. Keho referred to this as being a substandard, a smaller sign than the definition in the Specific Plan of what is a sign, which is a billboard, excuse me, either a 12 by 20 and to as large as 20 by 60. What is interesting, though, is if you look at the 1996 billboard inventory, on the face of it, there are two billboards that exceed and thus are the size of the, what is defined as a billboard. And yet, and they are...those billboards are located at 8477 Sunset and are described in the 80, in the '96 inventory as being 30 feet by 70 feet and the other is at 8727 Sunset and is described as having dimensions of 64 feet by 39.4 feet, both in, well in excess of the, of what is defined to be a billboard in the Specific Plan. Yet despite the fact that they fall outside the dimensions just as does the 9015 billboard, they are included as, and are considered as qualifying, and both are listed as eligible for replacement. Thus, we conclude that the definition of qualifying has nothing to do with dimension, and in fact, had ours been listed, it would have presumably been determined to be eligible for replacement. However, an additional reason why we believe it, the permit should be reinstated is because it is by definition, under the Specific Plan, substandard. 9 by 16 does not meet the necessary range of billboard dimensions. The only place to look to define what is an appropriate replacement billboard is the Specific Plan, which states a strong preference for a 14 by 48 as a standard billboard. And that is why the, in our view, the permit should be reinstated. Let me turn now to the second point. The City also, at least in the Staff report, makes the point that one of the reasons that the, the billboard does not qualify is that under subsection E-6 of the Specific Plan, it indicates that the billboard inventory, which catalogues all the existing billboards at the time of approval, needs to be checked each time there is a billboard application. However, they overlook the fact that that only expressly applies to new or new creative billboard structures. And you know, billboards do get added from time to time, and to take the view that everything ties back to the 1996 billboard inventory would create a, an absurdity. And I'll give you an example of why that is. In 2004, Van Wagner constructed a 14 by 48 billboard that is owned by the City at 870, 8755 Sunset within the Specific Plan area. Under Staff's interpretation, that billboard owned by the City could never be replaced because it was not listed in the 1996 inventory. So that's to tie everything back to the 1996 inventory. Had the City Council understood that that was the intent, to me it would lead to an absurdity, particularly for this City sign. The same applies to us. The inventory needs to grow and change as signs are added, and there's growth and change in the City. And therefore, the latest billboard inventory in 2008 should be the billboard that is consulted. The final point I would like to make at closing is that because of the utterly unique circumstances attending the 9015 Sunset billboard, we maintain that this, the, the grant of the, or the reinstatement of the billboard replacement permit presents absolutely no threat of creating an adverse precedent for the City that would allow other billboards to grow in size, because of the provisions of the zoning code. Frankly, this billboard was overlooked. It was, it doesn't meet the definition of the billboard required. It does meet the...we'd like it to meet the standards specified in the Specific Plan. Andy, anything to add?

Bilanzich: No.

Altschul: Thank you. Any questions of the applicant?

DeLuccio: I have a question. One question.

Altschul: Donald?

DeLuccio: Back in 1996, was there advertising on these billboards? You may not know the answer.

Bilanzich: Yes. The...clear back to 1984, I believe, which is a picture that was in our packet, there was advertising prior to the City being a City. If you look at those pictures. So, yes.

DeLuccio: Is there advertising on them today?

Bilanzich: Yes.

Altschul: Mr. Holt.

Holt: Yes.

Altschul: When, when did you present Staff with your very well-written, complex matrix here?

Holt: Well, I, I just present it tonight because, frankly, I had presented a letter at Staff's suggestion, which is in your packet, November 24th, before I knew the full range and extent of the Staff's position. If you go back to the original nullification, the original nullification is, is one paragraph and, and, and is....

Altschul: Okay. You've answered my question.

Holt: To some degree, a different grounds.

Altschul: You've answered my question.

Holt: It's been a moving target.

Altschul: You've answered my question. And you just received the Staff report when?

Holt: Monday.

Altschul: Okay. Is there a permit streamlining problem here? No, I didn't think so. All right. Are there any other further questions of the applicant?

Guardarrama: What's the reason for the application for replacement of the billboard?

Holt: The reason is that the billboard is clearly substandard, both in the view of what the City preferred as, as stated in the Specific Plan, and also doesn't meet current industry standards. The industry standard, even as of 1996, was 14 by 48. This billboard was constructed many, many years ago, has always been a rooftop-mounted billboard, and frankly, is to some degree, out of date with, with current industry standards.

Guardarrama: When you say substandard, do you refer to substandard with regard to safety or with regard to its size?

Holt: With regard to the definition of billboard that was adopted in 1996 in the Specific Plan.

Guardarrama: I'm sorry. Do you mean substandard with regard to its safety or regard to its size?

Holt: Size.

Guardarrama: Thank you.

Altschul: Are there any other questions of the applicant at this time If not....

Hamaker: John, I got....

Altschul: Yeah.

Hamaker: I guess, I guess following on Joe's remark, are you proposing that the roof that exists there now will hold a larger sign, or would you have to reinforce the existing structure?

Holt: The proposal entailed two steps. The, the proposal was to replace the supporting structure with a freestanding pole which is consistent with the direction in the Specific Plan that when you replace the structure for a sign, it be replaced by a single freestanding pole. So that's what the Plan's called for, and the, the pole would then have a, I guess a 90-degree turn, such that the, the sign itself, the bill, two billboard faces would essentially be in the same position, only with the new dimensions.

Hamaker: But the pole would not, the pole would not be coming up off of the roof? It would be in the ground.

Holt: Correct.

Hamaker: So it has to actually change its physical position on the site?

Holt: That, that was the plan, yes.

Hamaker: Okay. Thank you.

Altschul: Any other questions? We have one additional speaker. Jeanne Dobrin.

Dobrin: Jeanne Dobrin, a resident of West Hollywood. The other gentleman whose name I didn't get spoke about 1984, long before we became a City. We actually did become a City in 1984. The hearing was held before the Board of Supervisors in August, and the, locally the Formation Commission said that we should be allowed to have a plebiscite, put it on the ballot, and that's how we became a City in November. So maybe there's a couple of months difference there. I remember, as an advocate with the Regional Planning Commission and the Board of Supervisors, many, many years ago, before West Hollywood became a City, and even before that, this used to be the Villanova Restaurant. It was a fabulous Italian restaurant, far different from what is taking place on the site right now. And the, the people divorced and the wife eventually sold it to the owners of several bars or nightclubs on the Strip. I think that these two billboards and the large vertical sign that says Rainbow Bar & Grill are absolutely repulsive looking. Somebody on the Commission asked why do they want to do this sign. I don't know how much the owners of the property get for this, but I've been told that some of these signs generate about \$40,000.00 a month in revenue for the owners of the property, and the City gets practically nothing. I think something like maybe \$50.00 or whatever. And we have to put up with this. I also remember that in the days when I worked with the area, the County as part of the unincorporated area, there was a big move afoot, and it was generated to a great extent by Lyndon Johnson's wife, who felt that billboards were destroying, the look of billboards was destroying America. And there was a big move afoot in the County to get rid of billboards. Instead, we have proliferation more and more and more, and of course, we also have the tall walls, which are another disgusting thing. I think that this gentleman, Mr. Holt, has made a very, very telling report. As Mr. Altschul

said, it's very full and whatever. And I do concede that at some time, the City in its infancy, shall we say, makes mistakes and maybe something wasn't done as correctly as he said. I'm not sure of that, and of course, that's up to the Planning Commission taking advice from the City Attorney and the Staff to decide on that. But I still think, and this probably doesn't have to do with your decision...I think they're absolutely repulsive looking, and as for the crappy signs on the front of the building, which advertise other projects, which is against the law, I think that this is also disgusting. I'm not sure, but I think that the owners of the property are in the room back there and, of course, a decision on your part that would be good for Ace Advertising would be good for them, because they get a bundle of money. Thank you very much.

Altschul: Thank you. We have no more speakers at this particular time. Since the applicant's position and the applicant's written statements are brand new as of about an hour and a half ago, and we haven't had a chance to read them, and I don't think Staff has had a chance to read them, would it be appropriate to continue this item so that Staff can analyze, do an analysis of the applicant's position and effectively respond to it and, and join the issue?

Jenkins: That would be....

Altschul: Why don't we take a five-minute break, and everybody is admonished not to discuss this or any other item on the agenda with anybody in the audience. We'll take a five-minute break.

Keho: We can certainly move forward with a response to some of these items. However, if the Commission feels like they would like something in writing as part of their deliberation, then we can certainly...you can go....

Altschul: I would suggest that that is what we should do, is continue the item to a date certain provided by Staff so that....

Bernstein: Mr. Chair, we're missing a Commissioner.

Altschul: Who?

Bernstein: Commissioner Yeber.

Altschul: He's probably still talking to Dobrin. Mark? Mark?

Jenkins: I, I would, I would agree with Mr. Keho that if, if the Commission feels uncomfortable acting tonight because of the, the submittal of the material, you could certainly continue it. I want to reiterate to the Commission that we are prepared to respond to the comments and that, having reviewed them, none of them change either our opinion or our recommendation, and further make the observation that a continuance would mean that this matter would come back to you in mid-January.

Altschul: Yes. I would propose that it be continued for a written analysis of the, of the argument and the information provided by the applicant so that it becomes certainly clearer than it is now, and so that point by point, it can be addressed so that it could be decided on apples and apples instead of apples to oranges.

DeLuccio: I'll second that. I mean, I'll second it for....

Altschul: That would be a motion to continue it.

DeLuccio: *And I would second that just for, what we're asking, I guess, is just for a formal, something, you could come back with something formal, I guess, at the January, what's...January 15th meeting. I would give that courtesy to the Chair also if that's your, if you'd like to have. I'm, I'm okay with that.*

Altschul: *It has been suggested by Joe that since January 15th looks quite full, we had just talked about having a meeting on January 29th, that it be moved to January 29th, and that would be, make a motion that it be continued to January 29th.*

DeLuccio: *I'm fine with that. I'll second that.*

Altschul: *Okay. Any discussion? All those in favor say aye.*

All: *Aye.*

Altschul: *Any opposed? Okay. The item is continued until January 29th for further analysis.*

Bernstein: *Mr. Chair, can I just ask a question?*

Altschul: *And the public hearing remains open.*

DeLuccio: *Allen has a comment.*

Bernstein: *I just have a question that I would like Staff to have answered. I, I was intrigued by the comment that in the 1996 report, there were signs that were larger than the largest of signs that were allowed for replacement, but I'd be curious if there were any signs that were smaller than the minimum suggestion in that report that were recommended or allowed for replacement. I don't need an answer now, but if that could be answered before January 29th, that would be very helpful.*

Altschul: *Okay. Any other comments about this item that has now been continued to January the 29th? And the public hearing remains open. Next item is Item 9E.*

//wci:pg

(ITEM 9.C. OFFICIAL RECORDING ENDS).

**D. 1317 N. Crescent Heights Boulevard.
Conditional Use Permit 2008-005, Development Permit 2008-026,
Variance Permit 2008-004:**

Applicant is requesting to construct a parking garage and legalize an existing religious facility.

Staff is requesting a continuance in order to completely review and analyze supplemental information received from the applicant.

ACTION: Continue to Thursday, January 15, 2009. **Moved by Commissioner Hamaker, seconded by Vice-Chair DeLuccio and unanimously carried as part of the amended agenda.**

E. 1345 N. Havenhurst Drive.

Amendment Permit 2008-030:

Laurie Yelton., Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, December 4, 2008.

She provided a background history of the project and stated the applicant is requesting to amend a previously approved development permit to add a roof-top deck to the approved four-story, sixteen-unit condominium building. She detailed private open space, square-footage, privacy issues, noise, and architectural design.

Staff recommends approval.

Vice-Chair DeLuccio questioned if the approved project is currently under construction.

Commissioner Hamaker questioned if the approved project is in plan check.

Chair Altschul opened public testimony for Item 9.E:

STEPHEN KANNER, LOS ANGELES, President of Kanner Architects, presented the applicant's report. He spoke and detailed the proposed roof decks, mechanical equipment, materials, planters, height of the railings, independent stairways, and set-backs.

NICK HERTZ, LOS ANGELES, applicant, continued the applicant's report. He spoke regarding the CC&R's.

Commissioner Yeber questioned if the CC&R's address individual screening materials for the roof-top decks.

Commissioner Hamaker questioned the sight-lines into neighboring properties.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:05 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 8:10 P.M.

EBON ALABASHER, WEST HOLLYWOOD, opposes staff recommendation of approval.

MARNE CARMEAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding deck usage, hours of usage, alcohol usage, building height, and CC&R's.

NICK HERTZ, LOS ANGELES, applicant, presented the applicant's rebuttal. He spoke and detailed the building height and square-footage.

JUDI HODGE, LOS ANGELES, Kanner Architects, continued the applicant's rebuttal. She detailed the set-backs.

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

Commissioner Guardarrama moved to: 1) approve staff's recommendation.

Commissioner Guardarrama spoke regarding deck usage, sight-lines, and privacy concerns.

Commissioner Buckner questioned the square-footage.

No second to the motion.

MOTION FAILS.

Commissioner Bernstein spoke on the massing of neighboring buildings and enforcement issues.

Commissioner Bernstein moved to: 1) deny the application without prejudice.

Seconded by Vice-Chair DeLuccio.

Vice-Chair DeLuccio spoke regarding mitigation issues.

Commissioner Yeber questioned if conditions on private-open spaces effective.

Chair Altschul stated he would like to see incorporated into [possible] conditions: 1) no plumbing for jacuzzi's, 2) no swimming pool accessories and 3) no jacuzzi's.

Discussion was held regarding enforcement issues, repercussions and policy issues.

ACTION: 1) Return with a resolution denying the application without prejudice, for the property located at 1345 N. Havenhurst Drive, West Hollywood, California. **Moved by Commissioner Bernstein, seconded by Vice-Chair DeLuccio and fails on a Roll Call Vote:**

AYES: Bernstein, Vice-Chair DeLuccio.
NOES: Buckner, Guardarrama, Hamaker, Yeber, Chair Altschul.
ABSENT: None.
RECUSED: None.

Vice-Chair DeLuccio moved to: 1) continue to Thursday, January 29, 2009, and 2) bring back a resolution of approval with the following conditions addressed: a) hours, b) no plumbing for jacuzzi's, and c) reconfiguring the deck on the southern edge of the roof-top.

Seconded by Commissioner Yeber.

Chair Altschul stated this item can be acted upon and the resolution adopted tonight.

Chair Altschul amended the motion on the floor to read as follows: 1) approve the application as submitted with the following conditions: a) roof-top deck usage shall be limited up till 10:30 P.M.; b) the southern edge deck shall be moved, adjusted or eliminated to the satisfaction of staff; c) there shall be no jacuzzi's; d) there shall be no plumbing for jacuzzi's; and e) sales materials shall contain some type of language or caveat stating the roof-top decks are to be used with respect to the neighbors.

Vice-Chair DeLuccio agreed to amend the original motion as stated.

Commissioner Yeber agreed to the amendment.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 08-843 as amended; a) roof-top deck usage shall be limited up till 10:30 P.M.; b) the southern edge deck shall be moved, adjusted or eliminated to the satisfaction of staff; c) there shall be no jacuzzi's; d) there shall be no plumbing for jacuzzi's; and e) sales materials shall contain some type of language or caveat stating the roof-top decks are to be used with respect to the neighbors; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AMENDMENT PERMIT 2008-030, TO AMEND DEVELOPMENT PERMIT 2007-018, TO ADD A ROOF-TOP DECK TO A RECENTLY APPROVED SIXTEEN-UNIT CONDOMINIUM BUILDING, FOR THE PROPERTY LOCATED AT 1345 N. HAVENHURST DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 10.E. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Yeber and passes on a Roll Call Vote:**

AYES: Guardarrama, Hamaker, Yeber, Vice-Chair DeLuccio,
Chair Altschul.
NOES: Bernstein.
ABSENT: None.
RECUSED: None.

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR.

A. 538-540 N. Huntley Drive:

On Thursday, November 20, 2008, the Planning Commission directed staff to return with a resolution of approval legalizing a dwelling unit in the garage, and convert a second illegal dwelling unit into an addition.

ACTION: Moved and heard before Consent Calendar Item 8.A. **Moved by Commissioner Hamaker, seconded by Vice-Chair DeLuccio and unanimously carried as part of the amended agenda.**

13. ITEMS FROM STAFF.

A. General Plan Update.

Susan Healy Keene, Director of Community Development, stated the City of West Hollywood has contracted with Marie Rychlicki to continue with the General Plan update.

B. Director's Report.

Susan Healy Keene, Director of Community Development, thanked the commission for their work and wished everyone happy holidays.

C. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission. He wished everyone happy holidays.

14. PUBLIC COMMENT. None

15. ITEMS FROM COMMISSIONERS.

Commissioner Buckner thanked staff and wished everyone happy holidays.

Commissioner Bernstein thanked staff and wished everyone happy holidays.

Vice-Chair DeLuccio wished everyone happy holidays.

Commissioner Guardarrama wished everyone happy holidays.

Commissioner Hamaker wished everyone happy holidays.

Commissioner Yeber commented on residential signage and wished everyone happy holidays.

16. **ADJOURNMENT:** The Planning Commission adjourned 8:40 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, January 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 JANUARY 15, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR