



PLANNING COMMISSION MINUTES
Regular Meeting
March 2, 2006

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

1. CALL TO ORDER:

Chair Guardarrama called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Tom DeMille led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, DeLuccio, Hamaker, Acting Vice-Chair Bartolo, Acting Chair Guardarrama.

Commissioners Absent: D'Amico, Thompson.

Staff Present: Jennifer Noel, Associate Contract Planner, Debby Linn, Senior Contract Planner, David DeGrazia, Senior Planner, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Request to continue: 1) Agenda Item No. 9.A. (1257 N. Detroit Street) to Thursday, March 16, 2006; and 2) Agenda Item No. 9.D. (7719 Norton Avenue) to Thursday, May 4, 2006.

Commissioner DeLuccio requested the public hearing for 7719 Norton Avenue re-noticed for Thursday, May 4, 2006.

ACTION: Approve the Planning Commission Agenda of Thursday, March 2, 2006 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. January 5, 2006 (verbatim transcript)

ACTION: Approve the Planning Commission Minutes of Thursday, January 5, 2006 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; noting the abstention of Commissioner Altschul.**

B. February 16, 2006

ACTION: Approve the Planning Commission Minutes of Thursday, February 16, 2006 as presented. **Motion by Commissioner Hamaker, seconded by Commissioner DeLuccio and unanimously carried; noting the abstention of Commissioner Altschul.**

6. PUBLIC COMMENT.

TOM DEMILLE, WEST HOLLYWOOD, commented on Paul Koretz, State Assemblyman's agenda.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 1257 N. Detroit Street.

Development Permit 2005-018, Tentative Tract Map 2006-005:

Applicant is requesting a continuation of this item to Thursday, March 16, 2006, to allow sufficient opportunity to respond to comments made by the Design Review Subcommittee of the Planning Commission on the proposed project.

ACTION: 1) Continue to Thursday, March 16, 2006. **Approved as part of the amended agenda. Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

B. 1261-1265 N. Fairfax Avenue.

Larchmont Charter Elementary School Update:

Jennifer Noel, Associate Contract Planner, presented the staff report. She provided the background history and an update regarding the ongoing operations of Larchmont Charter Elementary School approved by the City Council on August 15, 2005.

She stated staff is requesting clarification to Condition 10.3 of City Council Resolution No. 05-3291 stating: "recess and lunch play areas for students attending the school shall be located toward Fairfax Avenue to the east of the trees between the classroom building and the auditorium building" (such that it does not apply to curricular activities); and receive and file the staff update.

Commissioner Hamaker questioned the class times.

Commissioner DeLuccio questioned the tricycle and bicycle use.

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

CHAVA DANIELSON, LOS ANGELES, spoke in support of staff's recommendation.

ANNA VRESCHER, LOS ANGELES, has concerns regarding this item. She distributed photos of the school site and commented on noise issues.

TERESA DARTEZ, WEST HOLLYWOOD, spoke in support of staff's recommendation.

HEATHER BOYLSTON, LOS ANGELES, spoke in support of staff's recommendation.

ALICE HOROWITZ, LOS ANGELES, principal of Larchmont Charter Elementary School, spoke in support of staff's recommendation.

ZHANNA, WEST HOLLYWOOD, has concerns regarding this item. She commented on noise issues.

ALEX RATHER, WEST HOLLYWOOD, has concerns regarding this item. He commented on noise issues.

JOANNA BEACOM, LOS ANGELES, spoke in support of staff's recommendation.

RON NEW, LOS ANGELES, opposes staff's recommendation.

ZION KALI, LOS ANGELES, has concerns regarding this item. He commented on noise issues.

SAVANNAH BOUCHER, WEST HOLLYWOOD, has concerns regarding this item. She commented on noise issues.

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

Commissioner Altschul commented on the length of time this school has been in the community. He applauded the school for working with the neighbors and the progress that has been accomplished. He noted a fourteen-foot high wall would not be feasible (and not permitted) under the current Zoning Ordinance, and suggested the school and neighbors work collectively. He suggested some type of buffer, perhaps bamboo.

Vice-Chair Bartolo commented on sound mitigation, co-existence and the efforts that have been put forth by the school. She suggested [possible] individual window air conditioners in apartments to alleviate the school ground noise and the continuation of mutual collaboration of school and neighbors.

Commissioner Hamaker questioned if the parking lot is actually used as a "parking lot" during times outside of school hours. She suggested sound mitigation involving [the possibility] of fences and encouraged mutual collaboration between the neighbors and school.

Commissioner DeLuccio recommended the neighbors and school continue to have an open dialogue. **He motioned to: 1) clarify the language of Section 10.3 of City Council Resolution No. 05-3291, supervised activity shall be permitted outside the designated area; and 2) receive and file.**

Seconded by Commissioner Altschul.

Discussion was held regarding supervision and the definition of recess, lunch and physical education.

Commissioner DeLuccio amended his motion to include: 1) physical education shall be a class of no more than twenty supervised students at a time.

Commissioner Altschul agreed to this amendment.

Commissioner Hamaker suggested a redwood fence with vines, with creative student interaction.

Vice-Chair Bartolo suggested the possibility of replacing glass windows.

ACTION: 1) Amend Section 10.3 of City Council Resolution No. 05-3291; and 2) receive and file. **Motion by Commissioner DeLuccio, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Hamaker, DeLuccio, Vice-Chair Bartolo, Chair Guardarrama.

NOES: None.

ABSENT: D'Amico and Thompson.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:55 P.M.

C. 625 N. Flores Street.

Development Permit 2005-031:

Debby Linn, Senior Contract Planner presented the staff report. She provided the background history of the property. The applicant is requesting approval of a development permit to allow conversion of an existing twenty-one (21) unit multi-family condominium residential building being partially utilized as rental property.

She stated, in order to approve the permit, the Planning Commission must make the finding that the project complies or substantially complies with current multi-family standards.

The existing building does not comply with multi-family regulations with regard to common open space, private open space, parking, storage area, and solid waste recycling, but has been conditioned in the draft resolution to facilitate compliance to the maximum extent feasible.

She stated for the record, Section 1.6 shall be amended as follows: *“the applicant shall defend, indemnify, hold harmless the City and its agents, employees and officers from any claim, action or proceeding brought by a third party against the City, its agents, employees or officers, and the applicant to attack, set aside, or void any this resolution or any permit authorized hereby for the project, including (without limitation) reimbursing the City its actual attorneys fees and costs in defense of the Litigation.”*

Due to the history of the building, and the existence of an approved and recorded tract map with the County of Los Angeles, prior to incorporation of the City of West Hollywood, and the previous sale of thirteen (13) units in the building, staff recommends approval to ensure maximum feasible compliance with current standards.

Commissioner Altschul questioned the current litigation regarding this property.

Christi Hogin, Assistant City Attorney, stated the current litigation is concerning conditions imposed regarding another address, which is owned by the same party.

Commissioner Altschul questioned the history of Unit No. 301C (regarding a recreation room that was converted to habitation).

Commissioner DeLuccio questioned the Housing Fund payment(s) procedure.

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

STEPHEN JONES, LA CANADA, representing the applicant, presented the applicants report. He stated for the record, the litigation in question was a Rent Control litigation issue, not litigation regarding the right to sell units. He provided an in-depth history of the Court of Appeals decision regarding this litigation.

Commissioner Altschul requested the applicant to point out and enumerate those conditions that constitute interference with the sale of the existing units.

STEPHEN JONES, LA CANADA, presented and stated his case why in-lieu fees would constitute substantial interference.

Commissioner Altschul questioned the disparity; the application is requesting to convert twenty-one (21) units, but the site plan map shows twenty-two (22) units (301C; on the roof).

MICHAEL SILVA, ENCINO, applicant and architect, stated Unit No. 301C is connected to the unit below, therefore making it one total unit. He stated he believes this was a recreation room before it was a permitted dwelling unit.

Vice-Chair Bartolo questioned the legal timelines of the approval process.

AMY HARRINGTON, WEST HOLLYWOOD, spoke in support of staff's recommendation, but has concerns regarding this item. She questioned the legalities and impacts this would have on her unit as a property owner.

AYANA HAVIV, WEST HOLLYWOOD, spoke in support of staff's recommendation, but has concerns regarding this item. She questioned the legalities and impacts this would have on her unit as a property owner, and stated this is currently affecting individual legal title reports.

IVAN PUCHALT, WEST HOLLYWOOD, spoke in support of staff's recommendation, but has concerns regarding this item. He questioned the legalities and impacts this would have on his unit as a property owner, and stated this is currently affecting legal title reports.

DAVID WOLFSON, WEST HOLLYWOOD, spoke in support of staff's recommendation, but has concerns regarding this item. He questioned the legalities and impacts this would have on his unit as a property owner, and stated this is currently affecting legal title reports.

TOM DEMILLE, WESTH HOLLYWOOD, has concerns regarding this item. He commented on developers and the development process.

STEPHEN JONES, LA CANADA, presented the applicant's rebuttal. He commented on the lis pendens, which was filed by the City of West Hollywood against the individual owners (units). He mentioned Section 1.3., and the adverse effect the Court of Appeals decision is having on everyone involved.

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

Christi Hogin, Assistant City Attorney, stated both buildings were in the Rent Control lawsuit. She repeated the lawsuit and history of this property and reiterated the Commission's role in this procedure.

Commissioner Altschul moved as follows: 1) to direct staff to prepare and place on a future a Commission agenda a resolution with appropriate findings (a) approving the application for twenty-one units subject to the conditions in the draft resolution (b) in addition, Unit No. 301C shall only be allowed to be included in the twenty-one units if it has been permitted; if it has not been permitted it needs to be removed, or an application needs to be filed to convert it to some other use; (c) Condition 1.3 shall be re-worded to add not to affect the existing homeowners and that it only applies to the applicant; (d) a fifteen or thirty day review period for the applicant, to review the Conditions, and the option to come back with a request for a review of any conditions that may interfere with the thirteen existing homeowner's rights. In addition, the Commission recommends to the City Attorney, (to the extent possible) all lis pendens should be removed from all thirteen condominium units that have been sold; if there is a need to notify potential buyers, the Commission suggests that the rest of the building should be noticed and/or notified that there is a problem with respect to the rest of the building (perhaps a lis pendens filed against the Home Owners Association) with some kind of indication that it can be removed if a buyer acknowledges that he/she/they have received notice.

Seconded by Vice-Chair Bartolo.

Commissioner Hamaker questioned how many tenants (renters) are currently in the building. She commented on the parking issues in the surrounding area.

Christi Hogin, Assistant City Attorney, stated the Permit Streamlining Act is in force and final action needs to be acted upon tonight. She accepted for the record the dicta as-is. **She suggested adding a sentence to Condition 1.3 to read as follows: 1) however, nothing in this condition shall be construed to adversely affect or interfere with a prior sale of a unit.**

John Keho, Planning Manager, reiterated the section regarding Unit No. 301C to read as follows: 1) shall not be permitted or combined with any other unit, but may be combined with Unit No. 301A (if Unit No. 301C has prior legal approval as part of that unit, if not, Unit No. 301C shall be converted to it's original use as a common area recreation space.

Commissioner Altschul amended his motion (with agreement by seconder) to withdraw the review period in light of the need to take final action and amend Resolution No. 06-653 with language recommended by staff and Assistant City Attorney.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 06-653 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2005-031 FOR CONVERSION OF A TWENTY-ONE UNIT MULTI-FAMILY BUILDING TO CONDOMINIUM UNITS, FOR THE PROPERTY LOCATED AT 625 N. FLORES STREET, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.C. **Motion by Commissioner Altschul, seconded by Vice-Chair Bartolo and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Hamaker, DeLuccio, Vice-Chair Bartolo, Chair Guardarrama.

NOES: None.

ABSENT: D'Amico and Thompson.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:45 P.M. AND RECONVENED AT 8:50 P.M.

- D. 7719 Norton Avenue.
Demolition Permit 2004-031, Development Permit 2004-043,
Modification 2005-015, Tentative Tract Map 2004-021:
Applicant is officially requesting a continuation of this item.**

ACTION: 1) Re-notice Public Hearing; and 2) continue to Thursday, May 4, 2006. **Approved as part of the amended agenda. Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

E. 8008 Norton Avenue.

Demolition Permit 2005-025, Development Permit 2005-037, Tentative Tract Map 2005-012, Negative Declaration:

David DeGrazia, Senior Planner presented the staff report. He stated the applicant is requesting to demolish an existing eight-unit, multi-family residential structure and construct in its place, an 18,376 square-foot, eight-unit condominium structure. The CEQA analysis finds that the building is not an historic resource.

He gave a history of the project property and spoke regarding the application information, neighborhood meeting, Design Review Subcommittee Meeting, site and area conditions, CEQA, project proposal, permeability requirement, residential multi-family standards, landscaping, and design review.

John Chase, Urban Designer, spoke regarding the design review on private and common open space, and the façade. He stated this is one of the most elegant post-war buildings that have been designed in the City of West Hollywood.

Staff recommends approval of this project

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MASSING MODEL AT 8:55 P.M. AND RECONVENED AT 9:00 P.M.

Chair Guardarrama presented the Design Review Subcommittee report. He spoke on the design and common open space utilized by the project.

Chair Guardarrama opened public testimony for Item 9.E.:

LORCAN O'HERLIHY, CULVER CITY, architect, presented the applicant's report. He gave a history of the project and spoke regarding construction, light and views, exterior articulation, core spaces, common areas (space), private gardens and patios, sheer walls, structure and landscaping.

Chair Guardarrama questioned the color palette for the building.

ALLAN CARP, WEST HOLLYWOOD, speaking on behalf of Gertrude Bienkiewitz, West Hollywood, opposes staff's recommendation.

KIMBERLEE PALLUCK, WEST HOLLYWOOD, opposes staff's recommendation.

JOE ROCCO, WEST HOLLYWOOD, opposes staff's recommendation.

KENNETH GOODWIN, WEST HOLLYWOOD, opposes staff's recommendation.

LAWRENCE STERN, WEST HOLLYWOOD, opposes staff's recommendation.

TOM DEMILLE, WEST HOLLYWOOD, has concerns regarding this item. He commented on cultural resources.

GEA KENSLER, WEST HOLLYWOOD, has concerns regarding this item. He commented on neighborhood density and requested a continuance for a site visit.

LINDA KAUFMAN, LOS ANGELES, has concerns regarding this item. She commented on health issues, construction, set-backs, the glass façade, drainage, roofing and landscaping.

SHULY SULAMI, WEST HOLLYWOOD, opposes staff's recommendation.

WILLIAM T. ANDERSON, WEST HOLLYWOOD, opposes staff's recommendation.

TONY KANTARJIAN, WEST HOLLYWOOD, developer, presented the applicant's rebuttal. He spoke regarding construction and noise.

Vice-Chair Bartolo questioned the notification process for the tenants.

David DeGrazia, Senior Planner, stated for the record this project will need to go through the Ellis process (which has not started) and detailed the timelines and financial incentives.

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

Commissioner Hamaker commented on modern architecture, neighborhood density and the developer's rights to develop their projects.

Commissioner Altschul commented on rental units, ongoing urban construction and property rights. He suggested staff from the City of West Hollywood's Rent Stabilization Department should contact each and every tenant regarding this proposed project. He also requested the developer and the applicant to address the drainage issue, and that it should be resolved during the demolition and construction stage, so that it does not drain to the detriment of the neighboring school.

Commissioner Altschul motion: 1) approve staff's recommendation.

Seconded by Commissioner Hamaker.

Commissioner Hamaker questioned the time line of demolition and the construction of the ground floor.

Commissioner DeLuccio amended the Resolution to add a standard condition regarding: 1) relocation fees. He commented on the massing of the project. He could not support this project and stated his issues with the six-foot setback waiver for the upper stories.

Vice-Chair Bartolo commented on the architectural style of the project and the removal of rental units from the market. She reiterated the Ellis Act.

Commissioner Hamaker amended the motion to include: 1) notification to the school when demolition is to commence.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 06-649 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A NEGATIVE DECLARATION, AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2005-025 AND DEVELOPMENT PERMIT 2005-037 FOR THE DEMOLITION OF AN EXISTING EIGHT-UNIT MULTI-FAMILY RESIDENTIAL STRUCTURE AND THE CONSTRUCTION OF A NEW 18,376 SQUARE-FOOT, EIGHT-UNIT CONDOMINIUM STRUCTURE LOCATED AT 8008 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 06-650 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2005-012 (MINOR LAND DIVISION 64260), FOR THE PROPERTY LOCATED AT 8008 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.E.
Motion by Commissioner Altschul, seconded by Commissioner Hamaker and passes on a Roll Call Vote:

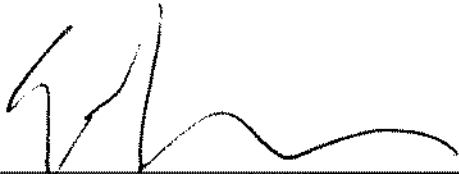
AYES: Commissioners Altschul, Hamaker, Vice-Chair Bartolo, Chair Guardarrama.

NOES: DeLuccio.

ABSENT: D'Amico and Thompson.

10. **NEW BUSINESS.** None.
11. **UNFINISHED BUSINESS.** None.
12. **EXCLUDED CONSENT CALENDAR.** None.
13. **ITEMS FROM STAFF.** None.
14. **PUBLIC COMMENT.** None.
15. **ITEMS FROM COMMISSIONERS.** None.
Commissioner Hamaker wished Jean Dobrin well.
16. **ADJOURNMENT:** The Planning Commission adjourned at 9:40 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, March 16, 2006 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 16TH DAY OF MARCH, 2006.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR