



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
May 16, 2024**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES, WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR INDIVIDUAL DISCUSSIONS REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

Land Acknowledgment: “The West Hollywood Planning Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples.”

1. **CALL TO ORDER:** Chair Carvalho called the meeting of the Planning Commission to order at 6:34 p.m.

2. **PLEDGE OF ALLEGIANCE.** Roger Rath led the Pledge of Allegiance.

3. **ROLL CALL:**

Commissioners Present: Edwards, Gregoire, Hoopingarner, Matos, Vice-Chair Lombardi, Chair Carvalho.

Commissioners Absent: Jones.

Staff Present: Roger Rath, Associate Planner, Kasey Conley, Associate Planner, Jennifer Davis, Senior Contract Planner, Ric Abramson, Urban Design and Architecture Studio Manager, Brian League, Property Development Manager, Jennifer Alkire, Current and Historic Preservation Planning Manager, Isaac Rosen, Legal Counsel, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Chair Carvalho proposed moving Agenda Items 11. New Business, 12. Unfinished Business, 13. Excluded Consent Calendar, 14. Items from Staff and Item 16. Items from Commissioners after Item 8. Consent Calendar and moving Public Hearing Items 10.B. 8733 Santa Monica Boulevard and Item 10.C. 8380 Santa Monica Boulevard before Item 10.A. 8590 Sunset Boulevard.

ACTION: Approve the Planning Commission agenda of Thursday, May 16, 2024, as amended. **Moved by Commissioner Matos, seconded by Commissioner Gregoire and passes, noting Commissioner Jones excused.**

ITEM 5.A.

5. APPROVAL OF MINUTES.

A. May 2, 2024

ACTION: Approve the summary action draft meeting minutes of Thursday, May 2, 2024, as presented. **Moved by Commissioner Hoopingarner, seconded by Commissioner Edwards and passes, noting Commissioner Jones excused.**

6. PUBLIC COMMENT. None.

7. DIRECTOR'S REPORT.

Nick Maricich, Community Development Director stated at the last City Council meeting on Monday, May 6, 2024, staff presented an update on major commercial and mixed-use development projects, a feasibility study for the replacement of above lower income protected units; of which the City Council directed staff to prepare a zone text amendment based on the findings of the study.

The city has posted to the [Engage WeHo](#) on-line platform a set of draft amendments to the Sunset Arts and Advertising Policy. This was a discussion item on the current Long Range Planning Projects subcommittee meeting and will be brought back before the subcommittee on Thursday, June 20, 2024, at 5:30 p.m. for further discussion.

He encouraged public participation regarding the informational open house for the Willoughby, Vista/Gardner, and Kings Road Street Design Concept Plan on Tuesday, May 21, 2024, 6:00 p.m. – 7:30 p.m. at Plummer Park Community Center, Rooms 1 and 2.

8. CONSENT CALENDAR. None.

The following items were moved and heard out of order as part of the amended agenda:

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

Jennifer Alkire, Current and Historic Preservation Planning Manager provided an update of tentative items scheduled for upcoming Planning Commission meetings.

B. Subcommittee Management.

Jennifer Alkire, Current and Historic Preservation Planning Manager provided an update of tentative items scheduled for Design Review Subcommittee, Sunset Arts and Advertising Subcommittee and Long-Range Planning Projects Subcommittee meetings.

She confirmed the Design Review Subcommittee meeting on Thursday, May 23, 2024, will be cancelled.

16. ITEMS FROM COMMISSIONERS.

Commissioner Hoopingarner suggested legal counsel provide information and advice at a future meeting regarding the purview and legal role the Planning Commission has regarding development agreements.

**9. PUBLIC HEARINGS SECTION I:
PROJECTS SUBJECT TO THE HOUSING ACCOUNTABILITY ACT. None.**

The following items were moved and heard out of order as part of the amended agenda:

**10. PUBLIC HEARINGS, SECTION II:
OTHER ITEMS THAT REQUIRE A PUBLIC HEARING UNDER THE LAW.**

B. 8733 SANTA MONICA BOULEVARD:

Roger Rath, Associate Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, May 16, 2024.

He stated the applicant is requesting approval for a conditional use permit to allow the sales of beer and wine for off-site consumption at an existing general retail shop, known as WEHO Cigar and Smoke Shop.

The hours of operation for the 1,000-square-foot store will remain the same with the sale of alcoholic beverages allowed between 10:00 a.m. and 12:00 a.m. Sundays to Thursdays, and 10:00 a.m. to 2:00 a.m. Fridays and Saturdays.

He identified the location of the two fridges on the site plan, which would encompass approximately 15 square feet (1.5%) of the 1,000-square-foot tenant space would be dedicated to the off-sale of beer and wine.

He confirmed there are no changes to the exterior of the building and only operational changes are proposed.

He amended a clerical error in Resolution No. PC 24-1557:

SECTION 5.d. ... *"The proposed sale of beer and wine for off-site consumption at the ~~service station convenience~~ general retail store ..."*

Staff recommends approval.

The commission questioned if the language regarding 15 square-feet versus 1.5% of the retail space in the draft resolution should be specific and if it should just notate the 15 square-feet. They requested clarification how this would impact the 15 square-feet if the owners would ever choose to expand the square-footage of the store into a neighboring space.

Staff stated for the record they are amenable for consistency purposes of using the 15 square-feet throughout the resolution striking out 1.5% retail space.

Chair Carnevali opened public comments for Item 10.B.

CALEN MEZA, LOS ANGELES, applicant representative, presented the applicant's report. He clarified the type and brand of store they are offering to the community and spoke regarding neighborhood revitalization, and confirmed this is an additional product line to make the store more viable and profitable.

ACTION: Close public comment portion of the public hearing for Item 10.B.
Motion carried by consensus of the Commission.

The commission supports the request but had concerns regarding the location and accessibility of the cases regarding the possible easy removal of inventory without payment.

Commissioner Hoopingarner moved to approve staff's recommendation of approval with the clarification correction, and noting the 15 square feet shall be referenced, striking the 1.5% retail space.

Seconded by Commissioner Edwards.

Isaac Rosen, Legal Counsel confirmed for the record Condition 2.1 shall reflect the retail use shall not exceed 15 square feet.

ACTION: 1) Approve staff's recommendation of approval, 2) **Adopt Resolution No. PC 23-1557 as amended:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CONDITIONAL USE PERMIT FOR OFF-SITE ALCOHOLIC BEVERAGE SALES AT THE GENERAL RETAIL STORE AND ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION §15301, FOR THE PROPERTY LOCATED AT 8733 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" a) amend Section 5.d. *"The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses on-site and in the vicinity of the subject property in that the general retail store is considered a neighborhood-*

serving use in an area that contains a variety of retail uses, grocery stores, convenience stores, and restaurant uses. Convenient and accessible shopping for residents of the city continues to be a desirable amenity and an expanded product offering at this convenience store would satisfy that desire. The convenience store operates Sundays to Thursdays between 10:00 A.M. and 12:00 A.M. and Fridays and Saturdays between 10:00 A.M. and 2:00 A.M. and the sale of off-site beer and wine would be limited to those operating hours. The proposed sale of beer and wine for off-site consumption at the ~~service station convenience~~ general retail store will be compatible with any future uses on the subject site in that the use would not leave any permanent mark or change to the existing infrastructure and, upon ceasing would not impact any future use on the site in any way.” b) amend Condition 2.1) “This permit allows the sales of beer and wine for off-site consumption (Type 20 ABC License) for the existing general retail store (dba WEHO Cigar and Smoke Shop) located at 8733 Santa Monica Boulevard. The retail use is approximately 1,000 square feet with approximately ~~1.5%~~ 15 square feet of the retail shelving space dedicated to the display of beer and wine.” and 3) Close the Public Hearing for Item 10.B. **Moved by Commissioner Hoopingarner, seconded by Commissioner Edwards and passes, noting Commissioner Jones excused.**

Commission Secretary Gillig read into the record: Resolution No. PC 24-1557 the Planning Commission just approved for the property located at **8733 Santa Monica Boulevard** memorializes the Commission’s final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date to the City Clerk’s office. Appeals must be in writing and accompanied by the required fees. The City Clerk’s office can provide appeal forms and information about waiver of fees. Deadline to file an Appeal on this decision is **Tuesday, May 28, 2024, at 5:00 p.m.**

C. 8380 SANTA MONICA BOULEVARD:

Kasey Conley, Associate Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, May 16, 2024.

She stated the applicant is requesting approval for a conditional use permit to allow the sales of beer and wine for off-site consumption (ABC Type 20) at an existing service station convenience store, known as WeHo SuperMart.

The hours of operation for the 1,852-square-foot convenience store will remain between 6:00 a.m. and 12:00 a.m. daily with the sale of alcoholic beverages permitted between the same time.

She detailed the exterior and interior design layout, stating three existing areas will be dedicated to the display of beer and wine including four coolers and two floor cabinets.

She confirmed there are no changes to the exterior of the building and only operational changes are proposed. Staff received one phone call in support of the proposal.

Staff recommends approval.

The commission requested clarification regarding the inclusion of the crime information report, operating hours of surrounding businesses with the same use, and the proposed size and location of shelves and coolers.

The commission notated a clerical error under Section 3. “Neighborhood ~~Warch~~ Watch groups.”

Chair Carvalheiro opened public comments for Item 10.C.

BRUCE EVANS, ALTADENA applicant representative, presented the applicant’s report. He provided a history of the establishment and spoke regarding the concerns brought forth regarding 14% of the retail space. He stated for the record the applicant is amenable to changing the language to read that the beer and wine shall not exceed 15% of the retail shelf space and stated they are open to moving the wine away from the door. They can relocate it where the other wine display are near the other coolers.

The commission questioned and requested clarification regarding the number of shelves and coolers.

ACTION: Close public comment portion of the public hearing for Item 10.C.
Motion carried by consensus of the Commission.

Commissioner Matos moved to approve the staff’s recommendation of approval.

Seconded by Commissioner Gregoire.

Commissioner Hoopingarner stated the motion should include the relocation of the wine away from the door and the 14% retail space should be addressed.

Discussion was held regarding the relocation of the beer and wine display and language relevant to the location, as well as amending the language regarding the 14% retail space.

Staff suggested adding a new Condition 3.13 to the draft resolution: “Prior to the commencement of use, the applicant shall work with staff to ensure the location of the beer and wine display areas are moved further away from the front entrance of the store.”

Staff suggested amending Conditions 2.1 and 3.12 to replace 14% with 260 square feet and to add a catch-all to the extent that 14% shows up in the resolution, that it will be changed to 260 square feet consistently throughout the document.

Commissioner Matos agreed to this amendment.

Commissioner Gregoire agreed to this amendment.

ACTION: 1) Approve staff's recommendation of approval, 2) **Adopt Resolution No. PC 23-1556 as amended:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CONDITIONAL USE PERMIT FOR OFF-SITE ALCOHOLIC BEVERAGE SALES AT THE SERVICE STATION CONVENIENCE STORE AND ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION §15301, FOR THE PROPERTY LOCATED AT 8380 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" a) amend Section 2.1) *"This permit allows the sales of beer and wine for off-site consumption (Type 20 ABC License) for the existing service station convenience store (dba WeHo SuperMart) located at 8380 Santa Monica Boulevard. The retail use is approximately 1,852 square feet with approximately 14% 260 square-feet of the retail shelving space dedicated to the display of beer and wine."* b) amend Section 3.12) *"The total shelf/display space devoted to alcoholic beverages is not to exceed four coolers with seven shelves each (28 shelves total) and two floor cabinets with 7 shelves total or 14% 260 square-feet of the total shelf count, whichever is less."* c) add Section 3.13) "Prior to the commencement of use, the applicant shall work with staff to ensure the location of the beer and wine display areas are moved further away from the front entrance of the store." d) for consistency, all references regarding 14% shall be stricken and replaced with 260 square-feet; and 3) Close the Public Hearing for Item 10.C. **Moved by Commissioner Matos, seconded by Commissioner Gregoire and passes, noting Commissioner Jones excused.**

Commission Secretary Gillig read into the record: Resolution No. PC 24-1556 the Planning Commission just approved for the property located at **8380 Santa Monica Boulevard** memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees. Deadline to file an Appeal on this decision is **Tuesday, May 28, 2024, at 5:00 p.m.**

Commissioner Carvalho recused himself from the dais and left the meeting, stating a conflict with the Sunset Arts and Advertising Program.

Vice Chair Lombardi officially assumed the role of Acting Chair for the remainder of the meeting.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:20 P.M. AND RECONVENED AT 7:30 P.M.

A. 8590 SUNSET BOULEVARD:

Officially continued from Thursday, April 18, 2024.

Acting Chair Lombardi disclosed for the record he made a site visit.

Commissioner Hoopingarner disclosed for the record she made a site visit.

Jennifer Davis, Senior Contract Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, May 16, 2024.

She stated the proposal is to remove an existing on-site rooftop sign at 8570 Sunset Boulevard and a two-sided on-site rooftop sign at 8590 Sunset Boulevard and replace these with one, two-sided, up-lit traditional, off-site advertising billboard on the rooftop of 8590 Sunset Boulevard.

The proposal also includes improvements to the interior courtyard of the development called "The Sunset," consisting of three commercial buildings on one site. The billboard project is called "Sky Frames," inspired by scaled up picture frames.

Two different versions of this design were reviewed by the Sunset Arts & Advertising Subcommittee (SASC) in July 2021 and September 2022. At the July SASC meeting, the Subcommittee had several comments and suggestions for how to improve the billboard and was not generally supportive of the overall design. The applicant completely redesigned the project. The redesigned project was reviewed in September 2022 and the Subcommittee was more supportive of the revised design.

At the September 22, 2022, SASC reviewed the revised design, now refashioned as "Sky Frames," the Subcommittee had questions about the details for the courtyard "frames" and their connection to the Sky Frames (the billboard). Members liked the interactive pedestrian courtyard frames (the "Plaza Frames") but suggested that use of water may not be appropriate. SASC suggested the size and proportion of the Sky Frames may be too large and suggested they somehow incorporate the sky. Subcommittee members suggested that the "frames" of the Sky Frames be reduced and perhaps designed to be transparent or less solid and that it be more integrated with the building itself. There were concerns about the height of the Sky Frames.

From this feedback, the applicant has revised the billboard design, and the revisions include:

1) revising the Plaza Frames to eliminate the water mister, and eliminate planting to reduce water usage, changes in orientation both in shape and placement within the courtyard, and changes in proportion to better match the revised Sky Frames. The Sun Frame is relatively unchanged except for a reduction in size (see graphic below for more detail); 2) moving east facing Sky Frame 10' to the south and reduced base height by 3' to reduce the overall perceived bulk; 3) revising the Sky Frame border graphic to blend with skyline, making the frame appear lighter; 4) changing the inside are of Sky Frames to silver/gray to allow it to recede; and 5) reducing the depth of faceting on the Sky Frames to reduce the frames' mass.

She visually displayed the previous and proposed billboard's design based on SASC's input.

Each of the sign faces for advertising measure 1,200 square feet. The highest point of the billboard structure is 105' from grade. The billboards will be lit from below with both spots and a linear wash of light mounted on the roof from behind the parapet.

Ric Abramson, Urban Design and Architecture Studio Manager, spoke regarding the overall design aspect and detailed the illumination elements, pedestrian experience, ground plane, and interior courtyard.

Jennifer Davis, Senior Contract Planner continued staff's presentation. She spoke briefly regarding the negative declaration, stating there were no significant environmental impacts found. An addendum was prepared in April 2021, and no new view impacts will occur with the proposed billboard.

She stated staff would like to amend draft Resolution No. PC 24-1549 [24-1548] Condition 2.1 by adding the following sentence: "The Community Development Director shall ensure that the applicant has constructed and installed all components of the approved project including the billboard signs as well as the Plaza Frames in substantial compliance with the project plans."

Staff recommends the Planning Commission approve the recommendation of approval to the City Council.

Acting Chair Lombardi opened public comments for Item 10.A.

MARINA MARTOS DABEL, LOS ANGELES, Kilroy Realty Corporation, presented the applicants presentation. She introduced her team and spoke briefly about the company and property.

ALICE KIMM, LOS ANGELES, John Freidman Alice Kimm Architects, Lead Design Architect, continued the applicant's presentation. She spoke and detailed the pedestrian experience, circulation and interaction, rooftop signage, plaza frames, relationship of the Sky Frames to the threshold frame at the ground plane, geometry of the Sky Frames, skyscape and sky graphics, frame proportions, frame differentiations, plaza frames and environmental elements, and the first and second iterations of the Sky Frames.

Commissioner Matos provided a summary report of the Sunset Arts and Advertising subcommittee held on September 22, 2022. He stated the subcommittee had concerns with the water misters on the plaza level due to drought conditions. They requested improvement of the billboard and frames as design elements, had concerns the billboards were too large, which they asked the applicant to consider making the signs smaller and bringing down the elevation. He acknowledged the frame design; specifically the frame being less solid and reconsidering the design of both the frames, and not just the advertising, reconsideration of height and design of the base, and discussion regarding scale execution and design elements of the project.

The commission questioned the applicant how they propose to protect the art piece from the public, if the planter will be redesigned, if there will be any removal of trees, frame materials, views through the frame(s), current occupancy percentage, pedestrian participation and involvement, if any consideration or changes were made to the base of the Sky Frame structure, outdoor seating arrangements and materials, materials for the back of the Sky Frames, and lighting elements.

The commission questioned and requested clarification from staff regarding the legal address description for the project, maintenance of the elements, language regarding height and adjustments, missing audit language, occupancy at street level, and questioned the 1% of the value of the City's revenue from the Permitted Sign for an annual payment of \$14,275 ("Public Arts Payment").

Jennifer Alkire, Current and Historic Preservation Planning Manager made the following corrections to the following:

1. Draft Resolution No. PC 24-1548, Condition 2.2.
~~May 2, 2024~~ May 16, 2024
2. Development Agreement, Section 2.5.
~~Zone Map Amendment~~

ACTION: Close public comment portion of the public hearing for Item 10.A.
Motion carried by consensus of the Commission.

The commission stated overall this is a solid project and stated their overall support. They had concerns and stated there should be a condition that adequately addresses the ongoing maintenance of the street frames (public realm enhancement). They suggested a condition regarding ongoing maintenance of the three plaza frames be included.

They suggested the possible removal of the height adjustment. If there is no consensus, the public should be notified if the minor change provision is used. The commission stated the following should be addressed: insert missing Exhibits B and C into the development agreement, cleanup the fonts of the document, Planning and Development Services Department needs to be replaced on pages 10, 21, 23 and 24 with Community Development Department and overall inaccuracies need to be checked throughout the document.

The commission had concerns regarding the activation of the streetscape and making sure the storefronts are not just billboard holders. They suggested it could be modified, instead of the blanket 50% occupancy requirement, that it could be modified to (perhaps) 75% of street level occupied frontage, with the building as a whole, occupied at 50%.

The commission further discussed and questioned the percentages, street level occupancy and current occupancy levels.

The commission suggested and discussed if the art replacement payment schedule should be attached, a possible language change reflecting a projected gross revenue, and possibly adding the 3% escalation into the language; being specific with the language that all buildings are included, inserting the audit language, removing the height language in paragraph 6.2.1(b), and adding maintenance language.

The commission suggested a possible materials board regarding the billboard frame when it goes before the City Council.

Additional discussion was held regarding a possible statement regarding lighting on the signage and concerns were raised regarding adding and possibly changing language to the development agreement; specifically around the 50% tenant occupancy terms. The commission requested further clarification regarding current unoccupied retail spaces that have been turned into billboard signage.

Staff suggested the commission could make a recommendation to the City Council stating the 50% could be limited to the retail component, and not the entire development.

Acting Chair Lombardi re-opened the public hearing portion for Item 10.A.

MARINA MARTOS DABEL, LOS ANGELES, Kilroy Realty Corporation, stated for the record they would not be comfortable with a stricter, or a higher occupancy calculation, stating market fluctuations could pose additional fees and penalties if the anchor tenant would vacate that space, which may not be able to be leased in a timely manner.

She stated they are in favor of the way the development agreement currently reads in terms of the occupancy calculations and the terms that were agreed to with city management.

ACTION: Re-close the public hearing portion for Item 10.A. **Motion carried by consensus of the Commission.**

Commissioner Matos moved to: 1) approve staff's recommendation of approval to the City Council with staff's updates.

Seconded by Commissioner Gregoire.

Commissioner Lombardi would like to see the following added to the motion: 1) sample boards should be sent to the City Council, 2) the lighting effects are not part of the advertising copy and lighting on the building shall not be modified, 3) making modifications to the replacement payment schedule, projected gross revenue, adding 3% escalation into the language of the development agreement.

Commissioner Hoopingarner would like to see the following added to the motion: 1) removing the height language in paragraph 6.2.1(b), and adding maintenance language, 2) changes staff read into the record and including the audit language, and 3) the project legal description, art payment, and missing payments.

Jennifer Davis, Senior Contract Planner clarified and read into the record the following to be added to the motion:

Add Condition 3.10) "The external uplighting of the billboard shall not be used in conjunction with the advertising content."

Add Condition 3.9) "The property owner shall ensure that the Plaza Frames shall be maintained in their original and approved condition for the length of the development agreement, subject to the satisfaction of the Director of Community Development."

Jennifer Alkire, Current and Historic Preservation Planning Manager, clarified and read into the record the following additional changes:

Adding to Condition 2.1) "The Community Development Director shall ensure that the applicant has constructed and installed all components of the approved project including the billboard signs as well as the Plaza Frames in substantial compliance with the project plans."

Amend Condition 2.2) "This approval is for new off-site advertising billboard as shown on those plans which were reviewed and approved by the Planning Commission at its meeting of ~~May 2~~, May 16, 2024. A copy of said plans shall be maintained in the files of the City Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval or development agreement."

Recommending to City Council changes to the development agreement, including: a) including all addresses in the legal description for all properties involved, b) clarification to Section 2.5 to remove the zone map amendment reference, c) include the standard audit language, d) remove the language allowing height changes as a minor change in Section 6.2.1(b), and e) global changes to clean-up four or more references changing Planning and Development Services Department to Community Development Department.

Isaac Rosen, Legal Counsel, clarified and read into the record changes made to Section 4.1.5 Public Arts and Content Requirement:

Section 4.1.5. Programming requirements, commencing on the Permitted Sign Payment Commencement Date and continuing for the remainder of the Term, Owner shall pay to the City one (1) percent of the ~~value gross projected revenue of the City's revenue~~ from the Permitted Sign for an annual payment of \$14,275 (the "Public Arts Payment")- in year one of the agreement. This payment will be subject to a three (3) percent annual adjustment as illustrated in Exhibits B and C. The Public Arts Payment shall be paid every 3 months in arrears to City on the fifteenth (15th) day of each January, April, July, and October during the Term of this Agreement. The Public Arts Payment for any partial 3-month period shall be prorated based on the number of days within such time period; and a) recommendation to the City Council that staff work with the applicant that a panel material board shall be provided as part of the presentation for the council hearing.

ACTION: 1) **Adopt Resolution No. PC 23-1548 as amended:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT IN CONJUNCTION WITH THE NEW OFF-SITE ADVERTISING BILLBOARD AT 8590 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." a) add to Condition 2.1) "The Community Development Director shall ensure that the applicant has constructed and installed all components of the approved project including the billboard signs as well as the Plaza Frames in substantial compliance with the project plans."; b) amend Condition 2.2) *"This approval is for new off-site advertising billboard as shown on those plans which were reviewed and approved by the Planning Commission at its meeting of ~~May 2~~, May 16, 2024. A copy of said plans shall be maintained in the files of the City Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise*

specified in these conditions of approval or development agreement.”; c) add Condition 3.9) “The property owner shall ensure that the Plaza Frames shall be maintained in their original and approved condition for the length of the development agreement, subject to the satisfaction of the Director of Community Development.”; and d) add Condition 3.10) “The external uplighting of the billboard shall not be used in conjunction with the advertising content.”;

2) Adopt Resolution No PC 24-1549 as amended: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT IN CONJUNCTION WITH THE NEW OFF-SITE ADVERTISING BILLBOARD AT 8590 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.” a) adopting staff recommendation of approval with the following recommendations: b) staff shall work with the applicant that a plaza frame panel material board be provided as part of the presentation for the City Council hearing, and c) that the City Council consider the following changes to the development agreement: i) include all addresses in the legal description for all properties involved, ii) clarification to Section 2.5 to remove the zone map amendment reference, iii) include the standard audit language, iv) remove the language allowing height changes as a minor change in Section 6.2.1(b), v) recommend Section 4.1.5. is amended as follows: “Public Arts and City Content Requirement. To meet the Public Arts and City Content Programming requirements, commencing on the Permitted Sign Payment Commencement Date and continuing for the remainder of the Term, Owner shall pay to the City one (1) percent of the ~~value gross projected~~ revenue ~~of the City’s revenue~~ from the Permitted Sign for an annual payment of \$14,275 (the “Public Arts Payment”)- in year one of the agreement. This payment will be subject to a three (3) percent annual adjustment as illustrated in Exhibits B and C. The Public Arts Payment shall be paid every 3 months in arrears to City on the fifteenth (15th) day of each January, April, July, and October during the Term of this Agreement. The Public Arts Payment for any partial 3-month period shall be prorated based on the number of days within such time period;” and vi) global changes to clean-up four or more references changing Planning and Development Services Department to Community Development Department, and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Matos, seconded by Commissioner Gregoire and passes, noting Chair Carvalho recused, and Commissioner Jones excused.**

The following items were moved and heard out order after agenda Item 8.- Excluded Consent Calendar as part of the amended agenda.

- 11. NEW BUSINESS.** None.
- 12. UNFINISHED BUSINESS.** None.
- 13. EXCLUDED CONSENT CALENDAR.** None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

B. Subcommittee Management.

15. PUBLIC COMMENT.

STEPHANIE HARKER, WEST HOLLYWOOD commented on the informational open house for the Willoughby, Vista/Gardner, and Kings Road Street Design Concept Plan to be held on Tuesday, May 21, 2024. She spoke regarding the lack of noticing pertaining to the removal of street parking in this neighborhood and she encouraged public participation.

16. ITEMS FROM COMMISSIONERS.

This item was moved and heard out of order after agenda Item 8.- Excluded Consent Calendar as part of the amended agenda.

ADJOURNMENT. The Planning Commission adjourned at 9:20 p.m. to a regularly scheduled meeting on Thursday, June 6, 2024, beginning at 6:30 p.m. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 6th day of June 2024 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:

DAVID K. GILLIG, COMMISSION SECRETARY