



PLANNING COMMISSION MINUTES
Regular Meeting
September 6, 2012

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:** Chair Buckner called the meeting of the Planning Commission to order at 6:33 P.M.
2. **PLEDGE OF ALLEGIANCE:** Steve Martin led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, Bernstein, Huebner, Yeber, Vice-Chair DeLuccio, Chair Buckner.

Commissioners Absent: Aghaei.

Staff Present: Nathan Gapper, AICP, Associate Planner, Antonio Castillo, Associate Planner, David DeGrazia, Acting Current and Historic Preservation Planning Manager, Gregg Kovacevich, Acting City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, September 6, 2012 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Yeber and unanimously carried; notating Commissioner Aghaei as absent.**
5. **APPROVAL OF MINUTES.**
A. August 16, 2012

ACTION: Approve the Planning Commission Minutes of Thursday, August 16, 2012 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Bernstein and unanimously carried; noting Commissioner Aghaei as absent.**
6. **PUBLIC COMMENT.**
GENEVIEVE MORRILL, LOS ANGELES, invited everyone to participate in Fashion Night Out.

VIRGINIA GILLICK, WEST HOLLYWOOD, commented and encouraged the public to sign the petition regarding term limits.

STEVE MARTIN, WEST HOLLYWOOD, commented and explained the West Hollywood Term Limit Initiative. He encouraged participation.
7. **ITEMS FROM COMMISSIONERS.** None.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 903 Westbourne Drive (“V” Wine Tasting):

Nathan Gapper, AICP, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, September 6, 2012.

The applicant is requesting off-site sales of beer and wine with on-site tasting within an existing designated historical building. The proposed project will offer wine and beer selections that are not widely available.

He provided a history of the property and displayed the proposed floor plan. He stated this is currently not a use that is listed in the permitted use chart in the West Hollywood Zoning Ordinance; however, it can be approved if it is found to be similar to other uses that are listed in the permitted use chart.

The two listed uses that are most similar to the proposed use are Restaurant and Night Club/Bar. However, the proposed wine tasting use cannot be placed strictly into either of these categories.

The proposed wine tasting use does sell food, but the food is not prepared on-site. Rather, the food is provided by an off-site catering company. Therefore, the proposed wine tasting use cannot rightly be categorized as a restaurant.

The proposed wine tasting use does not have any live entertainment. It is estimated that sales from alcohol for on-site consumption would be between 25-30% of total sales revenue. The other 70-75% of projected revenue would be generated by food, non-alcoholic beverages, retail, and off-sale beer and wine. The use is also proposed to close no later than 10:00 pm, whereas nightclubs and bars typically operate much later.

Consequently, the proposed wine tasting use does not fit the definition of nightclub or bar because on-site alcohol is not the predominant revenue generator.

Although the use does not fit into the restaurant or bar/nightclub categories, it has elements of both, and staff believes that the similar use findings can be made.

Staff recommends approval.

Vice-Chair DeLuccio requested clarification regarding amending the conditional use permit in relation to vacating the space.

Commissioner Bernstein questioned if there are any specific or special requirements for the interior changes; due to the historic nature of the property.

Nathan Gapper, AICP, Associate Planner, stated there are no exterior changes. A Certificate of Appropriateness is required for exterior modifications to the building, but not for the interior.

Commissioner Yeber requested clarification regarding signage and the floor plan.

Chair Buckner requested clarification regarding food sales.

Commissioner Huebner disclosed for the record he met with the applicant and applicant's representative, and made a site visit. They discussed matters contained in the written staff report.

Commissioner Altschul disclosed for the record he met with the applicant and applicant's representative, and made a site visit. They discussed matters contained in the written staff report.

Commissioner Bernstein disclosed for the record he met with the applicant and applicant's representative, and made a site visit. They discussed matters contained in the written staff report.

Vice-Chair DeLuccio disclosed for the record he spoke to the applicant's representative. They discussed matters contained in the written staff report.

Commissioner Yeber disclosed for the record he made a site visit.

Chair Buckner had no ex-parte disclosures for this property.

Chair Buckner opened the public hearing for Item 9.A.:

SANDY HUTCHENS, LOS ANGELES, applicant's representative, introduced the applicants of the proposed business.

MICHAEL CONSBRUCK, WEST HOLLYWOOD, applicant, presented the applicant's report. He detailed the business model and the proposed retail and education area. He spoke regarding the proposed wine tasting, wine sales, and wine makers. He spoke regarding the theme and design of the interior of the building. He detailed the parking plan and valet parking service. He presented a demonstration of an actual wine tasting and commented on the progressive nature of this proposed business in West Hollywood.

MARIA ESCALONA, LOS ANGELES, applicant, continued the applicant's presentation. She detailed the teas, coffee, and mineral water, and assortment of bite-size plates of food which will complement the wine tasting. Local artists will be featured and rotated on a monthly basis. She stated they have applied for a Type 42 alcohol license which prohibits hard alcohol sales. She detailed the revenue break-down.

Commissioner Altschul questioned if patrons will be charged for the tasting flight and how many glasses a flight consists of.

MARIA ESCALONA, LOS ANGELES, applicant, stated the customers will be charged for the tasting. A usual flight will be between four and six glasses.

Commissioner Yeber requested clarification regarding the business model, staff etiquette, proposed attendance figures, and number of employees.

Vice-Chair DeLuccio requested clarification from staff regarding parking.

THOMAS REICHERT, LOS ANGELES, spoke in support of staff's recommendation of approval.

TIMOTHY KINCAID, LOS ANGELES, spoke in support of staff's recommendation of approval.

PAUL AZDRIL, BUELLTON, spoke in support of staff's recommendation of approval.

KRISTEN SLANOSKY, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

AMY HEACOCK, STUDIO CITY, spoke in support of staff's recommendation of approval.

STEPHEN TRENTALANGE, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

STEWART RUBIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

GENEVIEVE MORRILL, LOS ANGELES, CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

PHILIP YOUNCE, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JOSHUA ROTARIUS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JASON BOWERS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

CHRISTOPHER HUGHES, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

RYAN LEADERMAN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MICHAEL CONSBRUCK, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He stated they are very excited about this project and happy to be a part of West Hollywood.

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

Commissioner Altschul commented on the supportive community and the current landlord who is supportive of local business. He stated he believes this will be sensational.

Commissioner Altschul moved to: 1) approve staff's recommendation of approval.

Seconded by Vice-Chair DeLuccio.

Commissioner Bernstein stated this was one of the more delightful presentations. He commended the applicants on their vision for the interior of the historic building, which adds to the history of the building. He commented on the foot traffic generated in the City of West Hollywood and stated it is exciting to see a pedestrian corridor that is actually working.

Commissioner Yeber had concerns regarding the surrounding residences. He related the success of Pinkberry® and requested staff to be "on-guard" and be prepared to handle that. He asked the applicant to address those issues as quickly as possible so as not to impact the neighbors. He spoke regarding the parking impacts and traffic flow. He stated his support of the project and wished them the best of luck.

Vice-Chair DeLuccio complimented and thanked staff for the work on this project; given that the use is not really a listed use in the code at this time. He requested staff to bring back a definition for this type of use when a zoning code clean-up is brought forward. He stated his support of the current conditions in the resolution and commended the applicant on working on a parking plan. He wished them good luck.

Commissioner Huebner stated his support and confirmed this is a wonderful idea. He commented that the project will bring more uniqueness to the city and wished the applicants all the best.

Chair Buckner stated her support and wished the applicant's great success.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 12-1022 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AND ON-SITE TASTING IN AN EXISTING BUILDING, LOCATED AT 903 WESTBOURNE DRIVE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.A. **Moved by Commissioner Altschul, seconded by Vice-Chair DeLuccio, and unanimously carried, noting Commissioner Aghaei as absent.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:45 P.M.

B. 7710 Santa Monica Boulevard:

Antonio Castillo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, September 6, 2012.

The applicant is requesting to install a small collection recycling facility to redeem beverage containers within a 480-square-foot area located behind an existing commercial building.

He detailed the history of the recycling center's previous location and spoke regarding the new facility's location, recycling materials, and removal of recycling materials from the proposed site.

The property is developed with a 1,237-square-foot single-story commercial building that is currently vacant. The recycling redemption facility will be located within a portion of the rear yard area and is accessible from the rear public alley. In addition to the facility, the applicant proposes to occupy the entire building for company offices.

He stated for the record, additional letters of opposition were received after the staff report was published. The West Hollywood Sheriff's Department also expressed concern pertaining to similar issues expressed by the public; primarily focused on the potential increase in homeless and transient population in the immediate vicinity.

In order to address these concerns, staff met with the Public Safety Division and the West Hollywood Sheriff's Department to recommend additional conditions that relate to how the facility must operate.

Some of the additional conditions recommended by staff include limitation in business hours and activities, provisions for noise abatement, size of the truck and how it operates to pick-up the redeemed material. Another requirement would be a security guard, in addition to a security plan approved by city staff. A six-month review of the permit, or sooner, if at any time the city finds a public nuisance or hazard pertaining to the site.

The placement of the facility on the property, coupled with the existing rear-roof cover, five-foot perimeter block walls, proposed landscape screening, and operation and security plans, will minimize any potential subsection of the neighboring residential units to noise and odors, not customary in a residential neighborhood.

It is staff's assessment that 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 project property.

He stated through appropriate conditioning that address operational concerns, staff's findings for the conditional use permit can be satisfied.

Staff recommends approval.

Commissioner Yeber questioned if there was a traffic study done indicating how many trips would be generated through the alley way.

Antonio Castillo, Associate Planner, stated a use like this would not trigger a traffic study. There was no analysis done on the number of trips.

Vice-Chair DeLuccio questioned how close this property is to the residences.

Antonio Castillo, Associate Planner, stated the neighboring property to the east is a commercial property with a residential unit at the rear of the property. The facility would be approximately twenty-two feet from the nearest portion of the residential unit. In addition, there is a multi-family residential structure south of the alley, which is approximately eight-eight feet from the facility.

Vice-Chair DeLuccio questioned if there is a State requirement of fifty-feet from a residence.

Antonio Castillo, Associate Planner, stated that is a City of West Hollywood Municipal Code requirement.

Vice-Chair DeLuccio requested a clarification of staff's finding.

Antonio Castillo, Associate Planner, stated a facility shall not be located closer than fifty-feet from any residential parcel, or parcel with a residential unit, unless the review authority [Planning Commission] can make a finding that the facility will not subject the residential units to any odor, traffic or noise that would not be customary to a residential neighborhood.

Vice-Chair DeLuccio requested clarification how staff made this finding. He questioned what is being done to this facility that would allow [the city] to get around the twenty-two feet.

Antonio Castillo, Associate Planner, stated that staff was looking at the operation of the facility, as well as the physical environment, the perimeter walls, the landscape screening and the operation plan. Staff also looked at how the business would operate with the materials; i.e. the transportation of the material being brought in and out of the facility.

Commissioner Altschul questioned if this residential unit is legal and how long it has been there.

Antonio Castillo, Associate Planner, stated this would be a legal, non-conforming residential unit and may have been there since the 1930's or 1940's.

Commissioner Altschul questioned if this is in fact a rental unit and if it is registered with the Department of Rent Stabilization and Housing.

Antonio Castillo, Associate Planner, stated he does not know if it is registered with the City of West Hollywood as a rental unit.

Commissioner Altschul questioned if staff has talked to the owner of the property and try to figure out the status of the rental, or if staff questioned the City of West Hollywood's own Rent Stabilization Department to see if the unit is either conformed or not conformed.

Antonio Castillo, Associate Planner, stated that was not part of staff's assessment. From the physical appearance, it appears to be a residential unit.

Commissioner Altschul questioned what else could it be other than rental.

Antonio Castillo, Associate Planner, stated it could be a storage unit, or it could be part of an accessory structure to the commercial building.

Commissioner Altschul stated this should be studied further before a decision is made.

Vice-Chair DeLuccio disclosed for the record he made a site visit to the alley.

There were no other ex-parte official disclosures.

Chair Buckner opened the public hearing for Item 9.B.:

ARMOND ABRAMIAN, LA CANADA FLINTRIDGE, President of SoCal Recycling, applicant, presented the applicants report. He presented a history of the company, the recycling industry and the history of his company within the City of West Hollywood. He addressed the concerns regarding the distance away from a [supposed] residential unit. He stated at the previous location, they were actually fifteen feet away from a residential unit. He is aware of the opposition and stated he is always available to alleviate any concerns, or issues or diminishment of life that may arise.

Commissioner Altschul questioned if he has made contact with the rental tenant in the adjacent property.

ARMOND ABRAMIAN, LA CANADA FLINTRIDGE, President of SoCal Recycling, applicant, stated they made attempts to contact the tenant(s), but were not successful.

Vice-Chair DeLuccio requested clarification regarding the square-footage and sound mitigation measures.

Commissioner Yeber requested clarification regarding the usage of the remaining part of the property, and questioned if ingress and egress onto the property is feasible from Santa Monica Boulevard.

DAVID DARWISH, WEST HOLLYWOOD, opposes staff's recommendation of approval.

BARBARA DARWISH, WEST HOLLYWOOD, opposes staff's recommendation of approval.

CARLO CORRELLINI, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JULIE VANGROLL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

AARON TECOSKY, LOS ANGELES, opposes staff's recommendation of approval.

MARIETTA PETRINI, ENCINO, spoke in support of staff's recommendation of approval.

MICHAEL WOJKIELEWICZ, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ALLA ABRAMYAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JASON BEIBER, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding vagrancy, public drunkenness, litter and traffic.

LYNDIA LOWY, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ARTHUR RUBENSTEIN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

Chair Buckner read into the record the following whom was unable to stay:

JOHN STEINFELD, WEST HOLLYWOOD, has concerns regarding this item. He owns the apartment building across the alleyway. There have been two fires in the alleyway due to unwanted people in the alleyway. He opposes staff's recommendation of approval.

LEON SHPARAGA, WEST HOLLYWOOD, opposes staff's recommendation of approval.

CLAUDIA RAMIREZ, WEST HOLLYWOOD, has concerns regarding this item. She identified herself as the tenant who lives next door to the proposed recycling center. She opposes staff's recommendation of approval.

CATHY BLAIVAS, WEST HOLLYWOOD, opposes staff's recommendation of approval.

STEPHANIE J. HARKER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

GEOFFREY BUCK, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding Athens© blue recycling bins, stating if there are less recyclables in the blue bins, there will be less dollars to the city to collect.

IAN GORDON, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding incident calls to the "911" emergency center for this location in regards to vagrants, crime, trash, pestilence, noise, etc. He opposes staff's recommendation of approval.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the recycling center located in the Pavilions parking lot on the west side of the city. He stated this is not an issue about the operator; it is an issue about law enforcement. This item should not be approved.

LANA LYUSHTRA, WEST HOLLYWOOD, opposes staff's recommendation of approval.

BELLA SIDELNIK, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MARIHA ZHEVSKY, LOS ANGELES, opposes staff's recommendation of approval.

STEVE LEVIN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

RAMUN PROEYIV, LOS ANGELES, opposes staff's recommendation of approval.

ARMOND ABRAMIAN, LA CANADA FLINTRIDGE, President of SoCal Recycling, applicant, presented the applicants rebuttal. He stated for the record the recycling center would be on a six month probationary period, just as it was before at the previous location. Concerns about noise, smells, vagrants, safety of the local residents were always raised, but they were never a big enough concern to require another hearing before the commission. That business ended up staying for ten years.

Throughout the last ten years, they have made numerous donations to West Hollywood Elementary School. He stated there will be vagrants and scavengers; however, they can alleviate some of those stresses.

He spoke regarding the truck size and alleyway. He stated there will be some modification to the roll-up door and the back entrance to accommodate the trucks. If the redemption center is not able to open at this location, the need for recycling in the city will force the Pavilions recycling center to close down.

He stated the city is at the forefront of the green movement. However, refusing or denying this application will be regression. He urged approval.

Commissioner Bernstein reiterated, since this is within fifty-feet of a residence, the zoning ordinance states the commission needs to make a finding there is no noise, odor, or traffic impact not customary in a residential neighborhood. The overall testimony has been overall fairly persuasive that finding could not be met. He invited staff to re-state or elaborate how the commission is to make that finding.

Antonio Castillo, Associate Planner, stated, based on the information that has been heard from public testimony; there have been a lot of comments staff has looked at since the beginning. There will be some noise and odor. This is a concern to staff, but through sufficient conditions and the operator's operation plan, these matters can be mitigated. Therefore, staff's recommendation was based on the conditions set forth in the draft resolution.

Commissioner Altschul asked staff if they would like to modify their recommendation at this time.

Antonio Castillo, Associate Planner, reiterated how staff came to this conclusion by reading some of the conditions as set-forth in draft Resolution No. PC 12-1030.

Commissioner Bernstein stated he cannot make this finding. He cannot in good faith support the idea this project as proposed, would not in fact have noise, odor and traffic impacts not customary in a residential neighborhood.

Commissioner Bernstein moved to: 1) direct staff to bring back a resolution of denial.

Seconded by Vice-Chair DeLuccio.

Vice-Chair DeLuccio had concerns with the close proximity and impact to the residential area, as well as fronting an alleyway. He could not make the findings.

Commissioner Yeber stated, as a property manager, he faces the same concerns and issues that have been brought forward. He believes there is a larger issue at play, not just this recycling facility, but the city's role as a steward and as someone who is advocating recycling, and what it is doing about the enforcement of these private collectors who are trespassing on private property to get extra cash. The larger issue needs to be addressed. This is one of the most ill-conceived projects and staff reports that have come before the Planning Commission. He stated the impacts are so enormous, and there have been no analysis on any of them.

Commissioner Yeber stated his support for the motion of denial.

Commissioner Altschul questioned if there was ever a neighborhood meeting; due to the number of petitions received and the quality of life issues raised.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, stated there was no neighborhood meeting.

ACTION: 1) Bring back a resolution of denial; and 2) Close Public Hearing Item 9.B: **Moved by Commissioner Bernstein, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: Aghaei.

RECUSED: None.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.**

A. **Planning Commission Subcommittee Appointments:**

1. **Appointments to the Deign Steering Committee (Automated Parking Garage Project) for a term ending June 30, 2013:**

ACTION: Appoint: 1) Roy Huebner; and 2) Vacant. **Moved by Chair Buckner unanimously carried.**

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

A. **Planning Manager's Update.**

ACTION: Cancel the Planning Commission meeting of Thursday, October 4, 2012. **Motion carried by consensus of the Commission.**

14. **PUBLIC COMMENT.**

STEPHANIE J. HARKER, WEST HOLLYWOOD, stated her concerns regarding the upcoming Plummer Park renovation. She referenced an article that appeared on the West Hollywood Patch entitled Great Hall Long Hall nominated for Historic Register.

CATHY BLAIVAS, WEST HOLLYWOOD, stated her concerns regarding Great Hall Long Hall and the upcoming Plummer Park renovation. She had concerns regarding the lighting and acoustics in the Council Chambers.

15. **ITEMS FROM COMMISSIONERS.**

Commissioner Altschul stated when staff comes into contact with residents or a group of residents that have some kind of unique situation regarding any kind of an application, they might check with the Rent Stabilization and Housing Department, and question what is going on with a particular address. So staff (and the commission) will have some kind of an idea as to what is being looked at.

16. **ADJOURNMENT:** The Planning Commission adjourned at 9:30 P.M. to the next regularly scheduled meeting which will be on Thursday, September 20, 2012 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.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 20TH DAY OF SEPTEMBER, 2012.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY