



PLANNING COMMISSION MINUTES
Regular Meeting
February 6, 2014

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

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

Commissioners Absent: None.

Staff Present: Antonio Castillo, Associate Planner, Jennifer Alkire, Senior Planner, Emily Stadnicki, Senior Planner, Stephanie Reich, Urban Designer, David DeGrazia, Acting Current and Historic Preservation Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
Move public hearing Item 10.D. (1041 N. Formosa Avenue – The Lot) before public hearing Item 10.C. (878 Sunset Boulevard – Backroom).

ACTION: Approve the Planning Commission Agenda of Thursday, February 6, 2014 as amended. **Moved by Commissioner Yeber, seconded by Commissioner Buckner and passes.**
5. **APPROVAL OF MINUTES.**

A. **January 16, 2014**

ACTION: Approve the Planning Commission Minutes of Thursday, January 16, 2014 as presented. **Moved by Commissioner Altschul, seconded by Vice-Chair Huebner and passes; noting Commissioner Shink abstaining.**
6. **PUBLIC COMMENT.** None.
7. **DIRECTOR'S REPORT.**
Stephanie DeWolfe, Community Development Director presented the Director's Report.

She stated at the City Council meeting of Tuesday, January 21, 2014, the item regarding 8730 Sunset Boulevard was continued again. This is due to staff working with the applicant to come up with additional solutions. The applicant has not been comfortable coming forward at this time.

There was also discussion regarding West Hollywood Park. The Council voted to officially move forward with the remaining elements of the West Hollywood Park Plan; including creation of additional park space, development of the new aquatic pool facility, development of a new recreation and community center with a gymnasium, children's playground and tot lot, and the demolition of the existing auditorium, including the current park office, restrooms and swimming pool.

The City Council at the meeting of Monday, February 6, 2014, began making appointments to the East Side Working Group. That is a group of fifteen members, which was recommended by the East Side Task Force. They appointed nine members of the fifteen available seats. They decided not to fill the remaining seats at this time and asked staff to do further recruitment to increase the diversity of the pool of applicants. She recommended public participation by contacting the City of West Hollywood for an application.

She also provided an update regarding Plummer Park, Great Hall / Long Hall. She stated the City Council tabled the item, in favor of giving staff more time to evaluate the possibility of relocating the building. Staff has been asked to investigate costs, logistics and timing of the possible relocation of the building. No formal action was taken on that matter.

8. ITEMS FROM COMMISSIONERS. None.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 8934-8940 Santa Monica Boulevard (Cooley's):

Antonio Castillo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 6, 2014.

He stated this is an appeal regarding the Community Development Director's decision to approve a request to convert three vacant store fronts previously occupied by retail and a dance studio, into a new full-service restaurant named "Cooley's" with incidental alcohol service.

The proposal includes improvements to the front and rear facades to introduce an operable storefront that allows for open-air seating with a front and rear outdoor dining patio. The front dining patio is approximately 1,400 square feet with a portion located along the sidewalk, and the rear patio is approximately 2,900 square feet. With the new outdoor dining patios in the front and rear, the proposed restaurant will have a gross total square footage of 8,879 square feet.

On December 26, 2013, an appeal was filed by Alfredo Diaz. The appellant asserts that the Director's decision is based on inaccurate findings, inadequate conditions of approval, and technical errors.

The points of contention include:

- 1) Intensification of use warrants a full public hearing before the Planning Commission.

The request to intensify the premises by converting and substantially remodeling the previous retail and dance studio spaces into a restaurant is subject to a development permit for the intensification of use and an administrative permit for the outdoor dining patios. Both are subject to discretionary reviews by the Director but not subject to a public hearing. The request for alcohol service incidental to meal service is subject to review and approval by the Director at a public hearing. Since a portion of the request requires a public hearing, the entire application was considered at a Director's Hearing.

The appellant did not provide any supporting evidence substantiating the basis for the contention.

- 2) The applicant is seeking to utilize parking credits and remove on-site parking spaces, changing the parking dynamics of the block.

Pursuant to the West Hollywood Zoning Code, projects of less than 10,000 square feet may utilize the Parking Credits Program, up to 100 percent of the required parking. Additionally, the General Plan encourages the use of the Parking Credits Program to "allow for centralized, shared parking from which customers and employees can then walk to and between multiple destinations." Parking Credits are allowed under the code and use of the credits is consistent with the General Plan.

The appellant does not contest the Director's findings or base the appeal upon error in fact or inadequate conditions.

- 3) Historically, subject property only used frontage along Santa Monica Boulevard and maintained usual retail hours.

All existing and previous commercial uses along Santa Monica Boulevard located north of West Hollywood Park have maintained the primary frontage along the boulevard and used the rear of the property primarily for utility, delivery, and parking purposes. However, the proposed project includes improvements to the rear facade to introduce an operable storefront that allows for open-air seating with a rear outdoor dining patio, consistent with the long term vision identified in Phase II of the West Hollywood Park Master Plan. Additionally, the General Plan states that the Master Plan is to be used to improve and update the park and states that when appropriate, require that projects adjacent to the park take into consideration the West Hollywood Park Master Plan and provide connectivity to the park.

The appellant did not provide any supporting evidence substantiating the basis for the contention. The appellant does not contest the Director's findings or base the appeal upon error in fact or inadequate conditions.

4) The proposal of exposed service of alcohol to West Hollywood Park creates a detriment (i.e., noise, privacy, alcohol use) to the enjoyment of the park facilities by patrons seeking a quiet green space.

The approval of alcohol service is incidental to the restaurant's meal service. Restaurants and other type of businesses adjacent to West Hollywood Park are encouraged to take into consideration and provide connectivity to the park. In this instance, the project provides visual connectivity, given that the establishment will provide open-air seating with a rear outdoor dining patio. The rear outdoor patio is designed to incorporate landscaping and windows along the perimeter of the patio as well as a steel and glass roof that will mitigate potential for noise impacts.

The appellant did not provide any supporting evidence substantiating the basis for the contention. Adequate conditions have been included for this project in order to address any potential detriments to the park and the community.

5) Conditions of approval should take into account the applicant's history of operating a restaurant beyond the scope of entitlements and later requesting approvals to convert into a nightclub.

Every project is considered on its own merits based on evidence. The decision maker, in this case the Director, considers the location, design configuration, and other relevant factors, and the potential impacts of the project. Based on that information the Director determines if the findings can be made to approve the project and if any conditions are necessary to mitigate impacts.

Thus, the Director considered all of the evidence presented on the application and imposed operating conditions on the business that are tailored to the establishment's actual operating characteristics. Through appropriate conditioning that addresses the outdoor dining patios, hours of operation, off-site parking, noise, and other operational concerns, all the required findings for the project were satisfied in the affirmative. The project is further conditioned so that if it is found that operation of the restaurant results in significant off-site noise or other public nuisance, the Director may modify the conditions of the permit or revoke it in order to reduce or eliminate adverse impacts, in accordance with the West Hollywood Municipal Code.

The appellant did not provide any supporting evidence substantiating the basis for the contention. The appellant does not contest the Director's findings or base the appeal upon an error in fact or inadequate conditions.

Staff finds that the findings made in the affirmative by the Director were accurate and adequate for the project, that there were no technical errors made in approving the project, and that the conditions of approval are appropriate to mitigate any potential impacts. The use is similar to other uses in the vicinity and encouraged under the General Plan.

The appellant did provide any supporting evidence substantiating the basis for the appeal. Therefore, staff recommends denial of the appeal and affirmation of the Community Development Director's final action

He noted a correction to the staff report under the Summary; stating the appellant did not provide supporting evidence.

He detailed the floor plan, front patio, back patio, landscaping, and noise concerns.

Christi Hogin, Assistant City Attorney clarified a de novo hearing. It means taking new evidence. The evidence is not confined to the evidence that was submitted to the Director. The code allows for an aggrieved party to appeal, but has to give a basis for the appeal, since this is just not a do-over hearing, intended to focus on what the appellant thought was wrong with the hearing. The commission will be making all of the findings required by the code based on the evidence.

She reiterated in the first instance staff looked at all the evidence, and provides a staff report to the Director. On an appeal, the only thing staff has to analyze is the grounds that are put forward in the appeal.

Commissioner Yeber questioned how the noticing for the appeal was implemented.

Antonio Castillo, Associate Planner stated there was a ten day noticing, which went out to all residents and occupants within a 500' radius.

Commissioner Yeber questioned why this was not a citywide noticing, since it involves a city park.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, stated there is nothing in the code that would direct staff to go outside of the 500' radius.

Commissioner Yeber questioned how the ancillary alcohol was verified prior to the entitlement and how is it verified after the business operates (sales data).

Antonio Castillo, Associate Planner stated there are conditions placed and noted in the resolution.

Commissioner Yeber requested clarification regarding the parking credits and connectivity to the park.

Antonio Castillo, Associate Planner stated there is a survey conducted within Parking District 1 approximately every six months. The last one that was conducted began in November 2013. That survey resulted in a little over 400 surplus parking spaces. These included all public parking spaces only. The connectivity referenced was visual; not a physical connectivity.

Commissioner Aghaei requested clarification regarding the percentage of alcohol and food sales; and questioned violation and enforcement procedures of the conditions.

Commissioner Shink questioned the smoking regulations.

Antonio Castillo, Associate Planner stated smoking is not allowed inside the establishment and smoking is prohibited for restaurants if there is food service in an outdoor patio area. If they have a designated area that does not serve any food, that would be subject to a smoking operations plan for review at staff level. In this case, that is not what the applicant is requesting at this time.

Commissioner Shink questioned if the atrium panels can be opened, and requested clarification regarding noise and the verification of sound audibility.

Antonio Castillo, Associate Planner stated some of those panels do open, as well as some panels on the roof top that open. Code Compliance regulates noise complaints.

Commissioner Buckner requested clarification regarding the maximum occupancy load.

Vice-Chair Huebner questioned how many surplus parking spaces were released, and requested clarification regarding smoking on the rear patio,

Antonio Castillo, Associate Planner stated 131 parking spaces were released, and clarified the rear outdoor patio is for dining. Therefore, you cannot smoke in that area.

Vice-Chair Huebner questioned staff regarding the design.

Stephanie Reich, Urban Designer commented on the overall design. She stated the applicant originally came in with a very high quality design. Some comments were received regarding the relationship of the front patio to the street, and the relationship of the rear patio to the alley. Staff was encouraged about the connectivity to the alley and the park.

She stated internal discussions have taken place regarding the potential modification and greening of the alley, and to provide some modifications to that edge of the park, to have a seamless urban design sense. However, the current Master Plan shows the basketball courts should remain in that location. However, the consultant for the overall design of the park has just been chosen, therefore, that will be further developed in the design of the new park.

Commissioner Yeber requested clarification of the back patio design, and questioned the long term vision of the West Hollywood Park Plan Phase II; regarding future development with adjacent businesses along Robertson Boulevard and Santa Monica Boulevard.

Commissioner Yeber disclosed for the record he spoke with the appellant and one of the current tenants, and discussed matters contained in the staff report.

Commissioner Buckner disclosed for the record she spoke with the appellant, and met with the applicant and applicant's representative. They discussed matters contained in the staff report.

Commissioner Shink disclosed for the record she spoke with the applicant's representative, met with the appellant, and discussed matters contained in the staff report. She attended the Director's Hearing.

Commissioner Aghaei disclosed for the record he spoke with the appellant, and discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he met with the appellant and applicant, and discussed matters contained in the staff report.

Vice-Chair Huebner disclosed for the record he had email exchanges with the applicant, met with the appellant, and discussed matters contained in the staff report. He attended the Director's Hearing.

Chair DeLuccio disclosed for the record he spoke with the appellant and the applicant, and discussed matters contained in the staff report.

Chair DeLuccio opened the public hearing for Item 10.A.:

ALFREDO DIAZ, LOS ANGELES, Appellant, presented the appellant's report. He stated there are several issues. He questioned if Cooley's is truly a restaurant. He stated the kitchen size is vastly inadequate for serving over 200 guests. The oversized restrooms are designed to accommodate high volume foot traffic, normally associated with a night club, not a restaurant.

The lack of traditional restaurant seating, lack of kitchen capacity, amplified interior sound, would lead you to believe this is nothing more than a nightclub being sold to you as a restaurant in order to gain easier approvals and conform to a less stringent parking standard.

He requested denial of the approval of the patio, or any development along the perimeter of the park until such time as the city architect has developed a clear, final vision for the West Hollywood Park and the construction of that park itself has been completed.

City, community, business leaders, as well as the residents have to have the opportunity to create a set of standards for the perimeter development, which includes parameters for size, scale, scope of business, and hours of operation for those businesses that will be allowed to be open onto the park.

He would like to see the technical issues clearly addressed, including a specific plan for compliance with American with Disabilities (ADA) standards, parking requirements, and common area trash facilities.

He requested further conditions: 1) hours of operations to be Sunday through Thursday, 8:00 a.m. to 11:00 p.m., and Friday and Saturday, 8:00 a.m. to midnight; 2) alcohol sales not to exceed 35% of gross revenue with an audit capability; 3) standard height table and chairs conducive for comfortable dining should be utilized with the exception of those areas around the immediate bar; 4) bar stools must remain around the bar at all times, and that no tables or chairs may be removed from the floor; 5) no sub woofers, no d.j.'s, no live entertainment, and the same ambient level background music that has been approved for the patio, should also be mandated for the interior portions; 6) the kitchen expanded to adequately handle the production for 280 guests; 7) absolutely no smoking on the patios at any time; and 8) occupancy to be limited to one and a half times seating capacity.

He encouraged public engagement in the hearing process. He stated a set of development standards should be created through this engagement, but most importantly that there is actually a final plan for the park.

There are several technical reasons the patio portion should be denied. As designed the patio build out created a compliance failure with ADA standards. Not only with the parking; but also accessibility. Once this area is developed, the current ramps will need to be brought to current ADA standards, which will require both ramps to be twice their current length and if modified will require and 8' x 4' landing. To do this, two parking spaces will need to be eliminated.

A radius study and map should be conducted with Athens Waste Management to determine if patios can even be built, or if the dumpsters need to be moved.

He requested that any development that is adjacent to a public park, go through a citywide notification process. The standard 500' radius done here, failed to notify all impacted parties, as this area is for all of the residents and those who visit it.

If any sound impact report is required, it should be conducted by the city itself, and not the developer.

He stated he is for the responsible development of new businesses in the areas around the park, as long as it is balanced and fair. He specified we must not allow an anything goes attitude, or development that favors one applicant that we will later regret.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. He stated for the record there is no valid basis for this appeal. Cooley's has been painstakingly developed to promote prominent goals and policies of the new General Plan. Those goals set out for the new Santa Monica West District.

It expresses clearly the intent to expand Santa Monica Boulevard West as a regional center of nightlife and entertainment. A place where residents can come to dine and socialize, a focus for the LGBT community, with a vibrant street environment with outdoor dining and high volumes of pedestrian activity. He stated Cooley's will satisfy all of those goals.

It stated development projects adjacent to West Hollywood Park provide connectivity to the park and take into consideration the West Hollywood Master Plan. Cooley's was designed to accommodate that desire for connectivity and a beautiful visual from the park.

The next goal seeks to create a Park Once District, which is what the new Parking Credit Program is all about. The concept is to have centralized parking facilities from which customers and employees can park and walk to and from multiple destinations.

David Cooley and his team have spent months doing research and community outreach to determine what sort of use would best serve the needs of this area of Santa Monica Boulevard. Advice and direction was given by the city staff, urban designer, and also utilized an architectural firm. He stated the kitchen is more than adequate to service this establishment.

The restaurant and space will be unlike anything currently offered in the community. It is perfectly suited to complement the existing businesses in the area and provide a great new amenity to the community.

He spoke on the Parking Credits Program, and stated this is exactly the type of business the Parking Credits Program was designed to enhance and to influence. This program was set-up to incentivize this kind of new business in the area. Under the Parking Credits Program, Cooley's will have to pay approximately \$25,000 a year for those parking credits. That is a sizable sum that will help support parking throughout the city.

He spoke on the West Hollywood Park Master Plan and connectivity to the park. He stated the city has been talking about repositioning the alley and creating that into a more pedestrian environment. The rear patio was designed with that in mind. The Director asked for more glass on the rear patio with more landscaping across the entire rear of the property. He stated they have accomplished the goals set out by the city, in both visual impact from the park as well as some sort of new, positive visual impact from the alley.

There are numerous conditions to address any potential impacts on the park. Those include, the use of sound absorbing materials. He stated the sound equipment shall be directed away from the park, and the sound system must be pre-approved by the Community Development Director. A sound test prior to opening, only ambient music and directional speakers can be used in the outdoor patio, and that substantial green elements and plantings shall be approved by the Community Development Director.

Cooley's represents a wonderful new investment in the community that will offer a great new amenity to West Hollywood and he requested denial of the appeal.

DAVID COOLEY, LOS ANGELES, owner and applicant, continued the applicant's rebuttal. He spoke and detailed his history in the City of West Hollywood. He commented on the process and his vision for a gastro pub. He commented on the eyesore of the current location, and stated how he wanted to change this in relation to the alley and the park. He urged support of this business opportunity in the City of West Hollywood.

Commissioner Aghaei questioned who the chefs are.

DAVID COOLEY, LOS ANGELES, owner and applicant, stated they are currently in talks to make an offer for a chef. He reiterated there will be no disco lighting, and no go-go boys.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, commented on the issues brought forward by the appellant. He stated for the record there will be standard operating hours that are standard for restaurants all across the city. Denying concept to the approval to the rear of the establishment is absurd. Months and months have been spent designing this, and it is perfectly suited for what is called out in the Park Master Plan and General Plan.

He stated there has been a lot of community outreach and public participation, in this process. They were not required to have a neighborhood meeting; however, they did reach out to the community and did have a neighborhood meeting.

Chair DeLuccio requested clarification regarding the occupancy load regarding seating and standing.

GEORGE KELLEY, LOS ANGELES, architect, commented on the architectural firms past accomplishments, and spoke regarding gastro pubs, kitchen size, seating area, bar area, and connectivity.

Commissioner Yeber questioned the handicap spaces and access.

GEORGE KELLEY, LOS ANGELES, architect, stated there will not be any violations to disability access.

Commissioner Shink requested clarification regarding the prep area for the kitchen.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:55 P.M. AND RECONVENED AT 8:00 P.M.

MARY ANN COLLINS, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

LUCAS CAPUZZO, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

SANDY HUTCHENS, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

GENEVIEVE MORRILL, MARINA DEL REY, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

BILL JACKSON, LOS ANGELES, opposes staff's recommendation to deny the appeal.

NORMAN CHRAMOFF, LOS ANGELES, opposes staff's recommendation to deny the appeal.

ALYCIA M. ROSENBERG, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

JOYCE RUBIN, LOS ANGELES, opposes staff's recommendation to deny the appeal.

FRANCES DIAZ, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

RICH VALONZA, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

CRAIG THOMPSON, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

BRIAN ROSMAN, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

JOHN ADLER, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

MATTHEW BARON, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

MARCO COLANTONIO, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

LAUREN MEISTER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking spaces.

GABRIEL KHAKHANASHVILI, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

MIKE RAPOPORT, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

LAUREN SIMON, LOS ANGELES, opposes staff's recommendation to deny the appeal.

CARLOS MARTINEZ, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

MAYA GOLDENBERG, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

ELENA GOLDENBERG, opposes staff's recommendation to deny the appeal.

ANNA KINKOL, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

JOSEPH GUARDARRAMA, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal. He suggested a change to Resolution No. PC 14-1071, Condition 12.2) to read as follows: "... Said records shall be kept no less frequently than on a quarterly basis and shall be ~~made available~~ *filed to with the Director within thirty days following the end of the calendar quarter for which they are prepared, and such records shall be reviewed by the Director within thirty days of their filing, and a Director's determination of compliance or non-compliance shall be made.* ..."

TOM DALLS, LOS ANGELES, opposes staff's recommendation to deny the appeal.

STEPHANIE HARKER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking concerns, and the location of the dumpster.

CATHY BLAIVAS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding community outreach, and precedent setting.

YELENA GORODESTERY, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

RICHARD GIESBRET, WEST HOLLYWOOD, President, West Hollywood West Residents Association, has concerns regarding this item. He stated there is no clear direction for the park and perimeter uses. He spoke regarding the architecture, acoustical, lighting and landscaping issues.

CHAD BLOUIN, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

DAVID DOUCETTE, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and uphold the Directors approval.

THE FOLLOWING DID NOT PUBLICLY SPEAK, BUT WISHED TO CONVEY THEIR POSITION ON THE MATTER:

VICTOR OMELCZENKO, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

ALEX VOZNIOUK, WEST HOLLYWOOD, opposes staff's recommendation to deny the appeal.

MARINA TSELNER, LOS ANGELES, opposes staff's recommendation to deny the appeal.

TODD WILLIAMSON, WEST HOLLYWOOD, supports of staff's recommendation to deny the appeal and uphold the Directors approval.

ALFREDO DIAZ, LOS ANGELES, Appellant, presented the appellants rebuttal. He reiterated this project needs to be defined as a restaurant. He questioned if the park actually needs to be developed on two sides by commercial development. He specified a clear set of conditions need to be set forth, which would also include a vigorous public debate. This is simply not appropriate. Gastro pubs are small, not 9,000 square feet. He confirmed this has nothing to do with competition, but it has to do with the overall well-being and development of the community. He does not believe this project conforms or meets all the requirements. There are major issues regarding the parking behind the building. He urged serious consideration.

Chair DeLuccio requested clarification regarding the parking credits.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. He commented on The Abbey and the current configuration next to the park. He reiterated this space is on commercially zoned property, it does not abut the park. It was designed, with staff's recommendation to make it visually attractive, green and to be an amenity to the park. He stated for the record they have mitigated any potential impacts to the park. The patio is virtually enclosed, therefore, there will not be noise impacts to the park. He clarified the parking situation. No tenants will be losing any parking spaces. The only parking affected, is the parking with these lease holds. The other lease holds are not affected. The ultimate number of parking spaces required for this use is sixty-five; not eighty.

DAVID COOLEY, LOS ANGELES, owner and applicant, continued the applicant's rebuttal. He spoke regarding business support and stated everyone who comes into Cooley's will be treated equally.

Chair DeLuccio requested clarification regarding the patio.

GEORGE KELLEY, LOS ANGELES, architect, stated there is a lot of flexibility with the façade. It is primarily made of glass. Behind the main steel structure will be hopper or slider windows. The daytime environment is meant to be i.e. like a Café Pinot; at night most of those windows will be closed. It also depends on the weather. He reiterated it is all open in the back; it is one big open patio. He clarified the structure with the two double-hung windows is more of a screen wall; there is no cover.

Commissioner Yeber requested clarification regarding the parking.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, reiterated for the record, they have no rights to anyone else's parking. This strictly covers this leasehold only. They are not proposing to remove anyone else's parking.

Commissioner Shink questioned the seating capacity for the two outside flanking patios, to the side of the atrium, and requested clarification of a possible future smoking area.

GEORGE KELLEY, LOS ANGELES, architect, stated the side patios will be primarily patio dining. They anticipate 30 seats on each side.

Commissioner Yeber questioned if there will be signage facing the park.

DAVID COOLEY, LOS ANGELES, owner and applicant, stated signage is not allowed.

Commissioner Shink stated we need the kind of robust economic development on the south side of Santa Monica Boulevard which Cooley's represents. It appears most of the concerns have to do with the patio. Since this is the first time, we need to be extra vigilant. We are setting a precedent; which means whatever follows will take its cue from this project. She expressed her support of the architecture; stating it's fantastic and innovative. Some of the items she heard concerns about, which should be conditioned are: 1) open patio; 2) smoking post-facto; 3) sound restrictions; testing and frequency; 4) the idea of a 35% alcohol revenue cap; and 5) parking.

Commissioner Altschul commented on the history of The Abbey. He stated he believes David Cooley will open a restaurant. When you have a Type 47 liquor license, you are mandated to serve more than 50% food in relationship to the economic take with respect to the alcohol. We need to invigorate the two and half block commercial area that caters to the "have fun" community. If we put something in that particular location on Santa Monica Boulevard, with a rear area facing the park, it can be conditioned. He suggested a six month review and a twelve month review before the Planning Commission; and includes in that review everything that is conditioned from this meeting. If there's a problem, he is confident David Cooley will cooperate and fix it.

Chair DeLuccio stated for the record he could not support a condition of 35% of gross revenue alcohol sales. The standard for a Type 47 alcohol license is alcohol cannot exceed 50%. He specified the need to mitigate all possible noise impacts on the rear portion that faces the park. He would like to be certain that the uses will be compatible and respectful to the park.

Christi Hogin, Assistant City Attorney, clarified for the record the business owner will need to comply with the ABC (Alcoholic Beverage Control) permit and also comply with the City of West Hollywood permit. The code says alcohol has to be subordinate. She cautioned, by possibly instituting this type of condition, you will be creating an economic impact on the business. That is not what the intent is.

Commissioner Yeber thanked the public for their participation. He expressed concerns the public notification did not go wider than the 500' radius. Since this is a public park and utilized by the entire city population, it should have afforded all residents an opportunity to get involved in this project. He commended the architect on the design. He stated this is a larger policy issue, and has concerns of setting a precedent. The specifics and regulation has not been determined. He expressed his concerns how we are allowing one development to set the tone of how we regulate and frame public policy; especially how it relates to the park.

He stated his support of the restaurant and gastro pub. He is not clear of the parking situation. He indicated there was not a full analysis of the full parking load that currently exists, and how the existing businesses are impacted. He has concerns with the patio. As it stands now, he could not support the project. He hopes a consensus can be attained. Ideally he would like to see the patio pushed back.

Discussion was held regarding the award of the park contract and possible design concerns.

Commissioner Buckner stated her support of the design, but has concerns regarding the back patio. There has been no plan developed for it. It is about balancing the benefits and the detriments. She stated most of the concerns she heard is not about the restaurant, but about the patio and the precedent it may set and impact other establishments. She stated she would like to see the restaurant open first. The patio can be opened at a later date. She stated her support of the six and twelve month review before the planning commission.

Chair DeLuccio questioned the applicant about the possibility of a future smoking area.

DAVID COOLEY, LOS ANGELES, owner and applicant, stated he would prefer the establishment be no smoking.

Christi Hogin, Assistant City Attorney, stated a condition can be added stating there shall be no smoking.

Vice-Chair Huebner stated when he was on the Public Facilities Commission, a lot of time was spent talking about revisiting the Master Plans for both parks. There was a focus on the development on the south edge of Santa Monica Boulevard and how to activate it. He stated the park will never be static. The best thing to be adjacent to this is an alley as a buffer and basketball courts, which can always be moved. Since the contract for parks has just been engaged, there is still design to be done on the balance of the park; the contractor can take a cue from this. He commented on The Abbey and the close proximity of the current children's play area. There has never been a problem. He believes they have done everything they can to develop the patio and mitigate the sound. If there is a problem, he is confident it will be fixed. He expressed his support that something is finally going to happen on the back side of those businesses. It will spur a conversation for a policy for further development.

Commissioner Aghaei stated he was excited about activating this stretch of Santa Monica Boulevard that has been dormant for some time. He has concerns regarding the open air patio and the degree to which it extends out. He spoke regarding the capacity and noise concerns on the open air patio. He stated this is going to be a substantial operation. He is not comfortable with the current configuration of the patio. He stated the design of this project is above standard and amazing. He spoke regarding the possibility of making sales records accessible to the public.

Chair DeLuccio reiterated the commissions consensus: 1) there shall be a six and twelve month review to the Planning Commission after it opens; 2) there shall be no smoking; and 3) sales reports shall be filed quarterly with the Community Development Director, and made accessible to the public.

Christi Hogin, Assistant City Attorney, stated Joseph Guardarrama was recommending the Director's conclusion be subject to the public records act. She questioned how much regulation the commission wants to put the Director into. The way it is usually handled, those records are made available at the Director's request, and then if there is reason to believe the business is not meeting it's parody, then there would be some audit. Otherwise, the city is now storing a whole lot of proprietary records, having to do with the running of a business. She cautioned it is a big responsibility.

Currently she stated the food sales must exceed the alcohol sales. The records must be kept, and the city must have access to them at will. At this time, the question is what more regulation do you want to put on them. She would defer to staff regarding what type of administrative burden the additional regulations would cause.

Commissioner Yeber had concerns placing any extraordinary burden on the applicant regarding the restaurant and bar issues. He expressed his bigger concern is the size of the patio, proximity to the park, and open air concerns.

Chair DeLuccio requested staff to read into the record the current mitigation conditions for the outdoor patio.

Antonio Castillo, Associate Planner confirmed there is currently a six month review by the Community Development Director, and read into the record the following conditions:

- 7.8) Prior to issuance of any Building Permits, the applicant shall submit plans to incorporate glass within the rear outdoor patio structure(s) to address noise mitigating measures, to the satisfaction of the Community Development Director;
- 8.19) Any sound amplifying equipment shall be directed away from residential uses and its placement and design shall be approved by the Community Development Director. The amplified sound shall be in compliance with all applicable provisions of Section 19.20.090 (Noise Mitigation) and Chapter 9.08 (Noise Control Ordinance) of the City of West Hollywood Municipal Code;
- 8.20) There shall be no amplified sound or music in the outdoor dining areas, except that ambient background music is permitted. Any use amplified sound equipment shall comply with the following:
 - a) Outdoor speakers shall be oriented to direct sound toward the interior of the restaurant.
 - b) The establishment shall install a volume limiter, allowing master control of all volume from a single location.
 - c) No subwoofers shall be placed outdoors.
 - d) Cardioid (directional) loudspeaker technology shall be implemented and aimed inwards.
 - e) A distributed approach to any sound system design shall be implemented. This involves multiple smaller speakers which are operated at a lower level.
 - f) Two (2) inch absorptive treatment shall be used throughout the restaurant's interior to reduce the airborne sound transmission.
 - g) Dense foliage around the outdoor dining patios shall be installed in the rear patio;
- 8.21) Prior to commencement of use of any sound amplifying equipment, the applicant shall demonstrate, to the satisfaction of the Director and the Code Compliance Manager, that the interior portions of the establishment have been adequately soundproofed;
- 8.24) Failure to operate the restaurant in substantial compliance with approved site conditions shall be grounds for revocation or modification of this permit;

- 9.1) Outdoor dining areas shall be developed in accordance with those plans reviewed and approved by the Community Development Director at the Director's Hearing of December 17, 2013, which indicate total square footage, location and maximum seating capacity for the outdoor dining areas;
- 9.3) There shall be no amplified sound or music in the outdoor dining areas except for ambient background music;
- 9.9) If the Community Development Director finds that the operation of the restaurant or outdoor dining areas results in significant off-site noise, the Director may modify the conditions of this permit to reduce or eliminate such complaints.

Chair DeLuccio requested if there is a way to mitigate or restrict the noise in the enclosure of the structure.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, stated what has been done at both the commission level and Director level; they have required a noise study after the sound mitigating measures have been installed; at which time it can come back to show there has been no impact.

Commissioner Buckner questioned the use of a retractable roof.

DAVID COOLEY, LOS ANGELES, owner and applicant, stated he has no issue to installing a retractable roof over the open air portion of the rear patio(s).

Commissioner Yeber moved to: 1) affirm the Community Development Director's decision of approval with the following conditions: a) the southern edge of the back patio shall be pushed back 50% of the patio space; b) fully enclose the patios; c) a six and twelve month review by the Planning Commission; and d) there shall be no smoking allowed on the patios.

Seconded by Commissioner Shink.

Commissioner Buckner stated it is no longer a patio if it is fully enclosed. She stated her support of reducing the size; indicating it can always be enlarged at a later date. She suggested having retractable roofs, instead of completely enclosing the patios.

Commissioner Yeber stated he is not comfortable with an open patio at this point, not until the relationship to the park is better understood.

Commissioner Buckner requested an amendment to the motion to include: 1) a retractable roof.

Seconded by Commissioner Altschul.

ACTION: 1) Amend the motion to remove the condition to enclose the patios; and 2) include a retractable roof over the patios. **Moved by Commissioner Buckner, seconded by Commissioner Altschul, and passes; noting Commissioner Aghaei, Commissioner Shink and Commissioner Yeber voting NO.**

ACTION: 1) Affirm the Community Development Director's decision to deny the appeal of Alfredo Diaz; 2) Adopt Resolution No. PC 14-1071 as amended: *a) the southern edge of the back patio shall be pushed back 50% of the patio space; b) a retractable roof shall be installed over the open air patios; c) a six and twelve month review by the Planning Commission; d) a noise study shall be conducted; and e) there shall be no smoking allowed on the patios;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING AN APPEAL FILED BY AFREDO DIAZ AND AFFIRMING THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO APPROVE A DEVELOPMENT PERMIT FOR AN INTENSIFICATION OF USE FROM RETAIL/DANCE STUDIO TO RESTAURANT, A MINOR CONDITIONAL USE PERMIT FOR THE SALES, SERVICE, AND CONSUMPTION OF FULL ALCOHOL INCIDENTAL TO MEALS, AN ADMINISTRATIVE PERMIT TO ALLOW FOR OUTDOOR DINING, AND THE USE OF OFF-SITE PARKING AS PART OF THE PARKING CREDITS PROGRAM FOR A NEW RESTAURANT, LOCATED AT 8934-8940 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA. (COOLEY'S)" and 3) Close Public Hearing Item 10.A. **Moved by Commissioner Yeber, seconded by Commissioner Shink and passes; noting Commissioner Yeber voting NO.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8934-8940 Santa Monica Boulevard (Cooley's), West Hollywood, California:

The Resolution the Planning Commission just approved 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.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 10:00 P.M. AND RECONVENED AT 10:05 P.M.

B. 1228 N. Flores Street:

Antonio Castillo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 6, 2014.

He stated the applicant is requesting to construct a two-story detached single-family dwelling behind an existing house; in conjunction with a certificate of appropriateness and rehabilitation incentive to rehab the single-family dwelling designated as a cultural resource.

He provided a history of the property, and detailed the site location, square-footage, partial waiver of the parking requirements for the new dwelling unit, waiver of the minimum density and maximum unit size requirements, and the mills act contract. The request also includes a parcel map to allow the subdivision of the site into a common interest development.

In November 2013, the Historic Preservation Commission considered the project. Generally a certificate of appropriateness and rehabilitation incentives falls within the purview of the Historic Preservation Commission, however, because of the development permit and the parcel map, the Historic Preservation Commission's role was in an advisory capacity to the Planning Commission.

The Historic Preservation Commission determined the findings for the certificate of appropriateness and the rehabilitation incentives can be made in the affirmative and recommended that the Planning Commission approve the project. Additionally, the Historic Preservation Commission recommended directly to the City Council approval of the mills act contract.

Staff supports the project, stating the proposed work would help preserve the buildings significant architectural features. The proposed work to the cultural resource and the construction of the new dwelling would not adversely impact the property historic character and the proposed work would be in conformance with the Secretary of Interior Standards.

Commissioner Aghaei questioned the final vote of the Historic Preservation Commission.

Antonio Castillo, Associate Planner stated it was a 5 – 2 vote.

Commissioner Yeber questioned what the major objections were.

Antonio Castillo, Associate Planner stated one commissioner who did not support the project felt the rehabilitation incentive deviating from a development standard for the new construction should not apply to the property. There were also concerns regarding the parking.

Commissioner Buckner stated one of the Historic Preservation Commissioners who voted against this, was opposed, and had concerns regarding the mass of the new structure.

Commissioner Altschul requested clarification regarding the parking.

Chair DeLuccio opened the public hearing for Item 10.B.:

DAVID DOUCETTE, LOS ANGELES, architect, presented the applicant's report. He spoke and commented on objections that were brought forward from the neighborhood meeting and the Historic Preservation Commission's public hearing. He confirmed they do comply with the West Hollywood Zoning Code on the following concerns; side yard and rear yard setbacks, and the building separation. He stated they are allowed 45' in height; but he confirmed they have only done 26'3". He presented a visual presentation noting neighborhood compatibility and neighboring building mass and height. He stated the proposed structure does fit into the neighborhood.

ED BEREHINO, WEST HOLLYWOOD, opposes staff's recommendation of approval. He stated this resource should be considered as a whole unit. The two-story unit behind the property is improper and would destroy the essence of the property being declared a cultural resource. He would like to see the preservation of this piece of property, as it is the oldest piece of property left in West Hollywood. He voiced his concerns regarding parking.

THE FOLLOWING DID NOT PUBLICLY SPEAK, BUT WISHED TO CONVEY THEIR POSITION ON THE MATTER:

VICTOR OMELCZENKO, WEST HOLLYWOOD, is in support of staff's recommendation of approval.

PAUL HABIBI, LOS ANGELES, property owner, presented the applicants rebuttal. He presented a history of project and spoke regarding the parking.

Commissioner Yeber requested clarification regarding the location of the parking.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 14-1070 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CERTIFICATE OF APPROPRIATENESS AND REHABILITATION INCENTIVE IN CONJUNCTION WITH A DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A DETACHED DWELLING, LOCATED AT 1228 N. FLORES STREET, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 14-1076 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A TENTATIVE PARCEL MAP (PRELIMINARY PARCEL NO. 71773), FOR THE PROPERTY LOCATED AT 1228 N. FLORES STREET, WEST HOLLYWOOD, CALIFORNIA," and 4) Close Public Hearing Item 10.B. **Moved by Commissioner Aghaei, seconded by Commissioner Shink and passes; noting Commissioner Altschul voting NO.**

Commission Secretary Gillig officially read into the record the appeal procedure for 1228 N. Flores Street, West Hollywood, California:

The Resolution the Planning Commission just approved 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.

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

D. 1041 N. Formosa Avenue (The Lot):

Emily Stadnicki, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 6, 2014.

She provided a history of the project site and stated the proposal is a request to amend an existing comprehensive development plan for The Lot Motion Picture Studios. The owner is proposing to amend the comprehensive development plan by changing what is to be demolished and built. The revised comprehensive development plan would: 1) reduce total square-footage on the lot by approximately 103,015 square-feet; 2) reduce overall floor area ratio (FAR) from 1.63 to 1.38; 3) retain the existing historic buildings located along Santa Monica Boulevard and Formosa Avenue; and 4) maintain consistency with 2007 revised comprehensive development plan in all other respects, including uses, parking ratios for each use and location, general locations of floor area ratio massing and building height zones.

She stated the City determined that an addendum would be the appropriate environmental document in this situation. Addendums are used when there are changes or additions to a project that do not result in significant effects.

Staff looked at four potential impacts related to the proposed changes: 1) historic resources; 2) aesthetics; 3) traffic; and 4) air quality.

The only significant unavoidable adverse impact identified in the Final Supplemental EIR was the impact on historic resources due to the demolition of primary historic structures. The new project maintains these primary historic resources and eliminates this issue. The Commissary is the only historic structure not being retained in the revised comprehensive development plan and its removal was analyzed in the Final EIR.

The proposed massing scheme would not create new significant environmental effects or result in a substantial increase in the severity of previously identified effects related to aesthetics. In fact, the shifting of the Plaza Building is an improvement. The increased amount of open space is also an advantage to this amendment. The revised comprehensive development plan is consistent with the building height zones defined in the 2007 comprehensive development plan and places the new floor area ratio in generally the same locations as before.

Although the square footage of the office use will increase, the overall intensity is less than was studied in the previous EIRs. The revisions are within the identified development parameters and the Long Range and Mobility Planning staff has determined that the revisions would not result in new significant traffic or transportation impacts.

Since there hasn't been a significant increase to the trip generation studied in the previous EIR, the proposed project revisions would not result in new significant air quality impacts.

The addendum for the amendment was reviewed by the Historic Preservation Commission in January 2014. The Historic Preservation Commission expressed enthusiasm for the proposed amendment and concurred with the analysis of the potential impacts in the addendum.

Planning Commission recommendation on the addendum and the amendment to the comprehensive development plan will be forwarded to the City Council for action.

In summary, the proposed amendment is a vast improvement over the 2007 revised comprehensive development plan. The amount of development is reduced in square footage and floor area ratio and this proposal is much more sensitive to the historic properties while providing more open space for tenants at the Lot. The superior layout does a better job of balancing the importance of historic resources and the allowance for new economic vitality.

Staff requested approval.

Chair DeLuccio opened the public hearing for Item 10.D.:

BRADLEY AARONSON, LOS ANGELES, representing CIM Group, The Lot, presented the applicants report. He spoke of the previous plans and presented a history of the property. He stated all of the primary contributing historic buildings would be maintained on the lot. Overall floor area ratio would be reduced by .25, and the massing that would go onto that lot as part of the new office developments, would happen in more sustainable areas away from the historically contributing buildings along Santa Monica Boulevard and Formosa Avenue.

Chair DeLuccio questioned the participation of the beautification of Santa Monica Boulevard.

BRADLEY AARONSON, LOS ANGELES, representing CIM Group, The Lot, stated this is one of the phases that is articulated in the comprehensive development plan, and is still a proposed phase of the project. It is the rehabilitation of the primary contributing buildings along Santa Monica Boulevard, specifically to Secretary of Interior Standards. That is still a phase that is contemplated under this comprehensive development plan. The revision that is being proposed does not purport to change that phase.

Commissioner Shink questioned if there is a plan to eventually beautify the buildings along Santa Monica Boulevard.

BRADLEY AARONSON, LOS ANGELES, representing CIM Group, The Lot, stated there is a plan to deal with the buildings along Santa Monica Boulevard, however there is no time frame at this moment.

GENEVIEVE MORRILL, MARINA DEL REY, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation.

THE FOLLOWING DID NOT PUBLICLY SPEAK, BUT WISHED TO CONVEY THEIR POSITION ON THE MATTER:

VICTOR OMELCZENKO, WEST HOLLYWOOD, is in support of staff's recommendation of approval.

ACTION: Close public hearing for Item 10.D.: **Motion carried by consensus of the Commission.**

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 14-1072 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ADDENDUM TO THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT ASOCATED WITH THE PROPOSED AMENDMENT TO AN EXISTING COMPREHNSIVE DEVELOPMENT PALN, FOR THE PROPERTY LOCATED AT 1041 N. FORMOSA AVENUE, WEST HOLLYWOOD, CALIFORNIA," 3) Adopt Resolution No. PC 14-1073 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE AMENDMENT TO THE COMPREHENSIVE DEVELOPEMTE PLAN, FOR THE PROPERTY LOCATED AT 1041 N. FORMOSA AVENUE, WEST HOLLYWOOD, CALIFORNIA," and 4) Close Public Hearing Item 10.D. **Moved by Commissioner Shink, seconded by Commissioner Buckner and unanimously passes.**

Commissioner Altschul recused himself from the meeting at this time; noting his residence is within the 500 foot radius of the project site.

Commissioner Buckner recused herself from the meeting at this time; noting her residence is within the 500 foot radius of the project site.

C. 8788 Sunset Boulevard (Backroom):

Jennifer Alkire, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 6, 2014.

She detailed the project site and stated the applicant is requesting to convert an existing restaurant into a bar. She stated for the record they are not planning to change the size, they are not proposing a dance floor, or changes to sound. There have been no noise complaints or code violations on this site. The current parking use permit for the restaurant was at 8800 Sunset Boulevard. The parking is now located at 8801 Sunset Boulevard. A condition has been added to the resolution stating the applicant would need to amend their existing parking use permit.

Staff is recommending approval based on the fact that the resolution has been conditioned to protect any neighboring areas for noise, the parking is adequately provided, and nighttime and pedestrian friendly entertainment uses are encouraged on Sunset Boulevard.

Commissioner Aghaei questioned the impetus of the application.

Jennifer Alkire, Senior Planner stated it was the applicant that came forward with the city's encouragement.

Commissioner Shink questioned the current valet service, and if there would be any change to traffic impact.

Jennifer Alkire, Senior Planner stated there would be a slight change to the number of trips from a restaurant to a nightclub, but that would trigger any sort of traffic study. She confirmed the valet is one site and existing.

Chair DeLuccio disclosed for the record he made a site visit and spoke to the valet operators.

Jennifer Alkire, Senior Planner read into the record an added condition to Draft Resolution No. PC 14-1067; stating parking use permit 006-001 would be amended to reflect the parking is at 8801 Sunset Boulevard, West Hollywood, California.

Chair DeLuccio opened the public hearing for Item 10.C.:

ROBERT SILVERBURG, BEVERLY IHLLS, applicant, presented the applicant's report. He stated he is available for any questions.

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

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 14-1067 as amended: a) *current required parking will be at 8801 Sunset Boulevard, West Hollywood, California:* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEVELOPMENT PERMIT AND PARKING USE PERMIT FOR THE CONVERSION OF AN EXISTING RESTAURANT TO A BAR, LOCATED AT 8788 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA; WITH OFF-SITE PARKING LOCATED AT 815 PALM AVENUE, WEST HOLLYWOOD, CALIFORNIA" and 3) Close Public Hearing Item 10.C. **Moved by Commissioner Aghaei, seconded by Vice-Chair Huebner and passes, noting the recusal of Commissioner Altschul and Commissioner Buckner.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8788 Sunset Boulevard (Backroom), West Hollywood, California:

The Resolution the Planning Commission just approved 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.

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

David DeGrazia, Acting Current and Historic Preservation Planning Manager, stated there are two items on the next agenda for Thursday, February 20, 2014. A tentative tract map for an approved project, and a staff update regarding the billboards project.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.** None.

17. **ADJOURNMENT:** The Planning Commission adjourned at 10:45 P.M. to the next regularly scheduled meeting which will be on Thursday, February 20, 2014 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 6TH DAY OF MARCH, 2014.


DONALD DELUCCIO, CHAIRPERSON

ATTEST:


DAVID K. GILLIG, COMMISSION SECRETARY