



PLANNING COMMISSION MINUTES

February 5, 2004

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

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE: David Eichman led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, D'Amico, DeLuccio, Guardarrama, Hamaker and Thompson.

Commissioners Absent: Bartolo.

Staff Present: Elinor Aurthur, Assistant Planner, John Keho, Senior Planner, David DeGrazia, Assistant Planner, Mike Jenkins, City Attorney; Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, January 15, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, January 15, 2004 as presented. **Motion by Vice-Chair Hamaker, seconded by Commissioner DeLuccio and unanimously carried.**

6. PUBLIC COMMENT: None.

7. ITEMS FROM COMMISSIONERS:

Vice-Chair Hamaker disclosed for the record she had a conversation with Todd Elliot regarding the Cat Club located at 8911 Sunset Boulevard, West Hollywood.

Commissioner DeLuccio questioned staff about the upcoming Zoning Text Amendment Study Session.

Commissioner DeLuccio commented on the lack of upcoming agenda items and motioned for the Planning Commission meeting on Thursday, February 19, 2004 be cancelled and carried to the next regularly scheduled meeting on Thursday, March 4, 2004. **Motion carried by consensus of the Commission.**

8. CONSENT CALENDAR. None.

9. COMMISSION CONSIDERATION. None.

10. PUBLIC HEARINGS

A. **1152 North La Cienega Boulevard: Development Permit 2003-019, Demolition Permit 2003-027, Tentative Tract Map 2003-008.**

Elinor Aurthur, Assistant Planner presented, the staff report. She stated the project consists of the demolition of a single-family dwelling and an accessory building. It will consist of constructing eight (8) condominium units in a three-story structure with two (2) levels of underground parking located at 1152 North La Cienega Boulevard, West Hollywood, California.

She noted there is currently one (1) tenant living in the house (which is to be demolished) who has entered into an agreement with the landlord to move by March 15, 2004. She indicated for the record that it is not the policy of the Rent Stabilization Department to intervene when such an agreement exists.

Commissioner Thompson disclosed that he attended the neighborhood meeting for this project and stated everything was adequately captured in the staff report.

Commissioner D'Amico updated and gave a brief synopsis of the Design Review Subcommittee meetings held for this project.

Chair Altschul opened the Public Hearing:

BIJAN ARMANDPOUR, LOS ANGELES, presented the applicant's report. He gave a brief history of the property and the design review process for this project. He detailed the subterranean parking, square footage and height elevations for the building. He also commented on the issues brought forward by the neighborhood meeting.

TOM BRIGHT, WEST HOLLYWOOD, opposes this item. He stated this is currently his property and there is a lawsuit pending. He commented on the historic trees on the property.

WAYDE LOUVIERE, WEST HOLLYWOOD, has concerns regarding this item. He commented on the height limitations and stated the property should be looked into as [possibly] historical.

CLAIRE SPEED, WEST HOLLYWOOD, has concerns regarding this item. She stated the project does not fit in with the current neighborhood architecture and questioned the legal issues surrounding the property.

A.J. JARASUNAS, LOS ANGELES, of the law firm of Greenberg Glusker, representing Mr. Courtney Graves has concerns regarding this item. He stated this project is not compatible with the surrounding area; specifically regarding the height.

RON SENTCHUK, LOS ANGELES, spoke in support of this item. He stated he was an investor in this project and commented on public speaker Mr. Tom Bright. He indicated that this property was legally foreclosed upon and the present owner has legally purchased the property.

BIJAN ARMANDPOUR, LOS ANGELES, presented the applicant's rebuttal. He commented on and detailed the planning process required by the City of West Hollywood and the Urban Designer(s).

Vice-Chair Hamaker questioned the block wall (on the south side of the site) near the entrance to the parking structure, regarding the visibility of vehicles and pedestrians. She also questioned the historic value of the trees on the property.

Bijan Armandpour, Los Angeles, stated that the block wall (currently shown on the model; but not on the plans) does not exist and was in fact an error. The City of West Hollywood does not consider the trees and [current] buildings on the site historical. He further indicated the tree in question, cannot be saved, due to the fact that it is in the footprints of the current project design.

ACTION: Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner Guardarrama questioned the City Attorney regarding easements for "views" as related in common law or the law in general.

Michael Jenkins, City Attorney stated he is not aware of any common law easement for "views" at this time.

Commissioner Thompson questioned the height standards and how they are measured. He also questioned the historic designation inquiries.

Elinor Aurthur, Assistant Planner, explained in detail how the height of a building is measured and that this building meets the height requirements. She also stated that the building on the [current] site has never been on any list of potential historic resources the City of West Hollywood has collected and/or identified.

Chair Altschul reiterated the issues made regarding "views". He stated "views" are not protected and there are no constitutional rights to a "view". He validated the height issue, which was calculated according to the Zoning Code of the City of West Hollywood. He suggested anyone from the public who questions the height limitations and how they are calculated, should contact staff for clarification.

Commissioner DeLuccio commented on the floor to area ratio regarding residential buildings.

ACTION: 1) Adopt Resolution No. PC 04-516 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-019 AND DEMOLITION PERMIT 2003-027; and 2) Adopt Resolution No. PC 04-517 as presented “ A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-008 FOR THE PROPERTY LOCATED AT 1152 NORTH LA CIENEGA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

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

B. 7316 Santa Monica Boulevard: Minor Conditional Use Permit 2004-002.

Elinor Aurthur, Assistant Planner, presented the staff report. She stated the applicant is requesting to have dancing and live amplified music at an existing restaurant. The restaurant, Little New York, is currently in a 1,900 square-foot space in the Movie Town Plaza shopping center at 7316 Santa Monica Boulevard, West Hollywood, California.

The request was submitted as an application for a Conditional Use Permit and Variance for a nightclub. However, the Director of Community Development determined that it is not a nightclub as proposed, and therefore the request is now considered as an amendment to Minor Conditional Use Permit 97-12.

Vice-Chair Hamaker questioned the possible (alternative) use of the restaurant in case of ownership change.

Elinor Aurthur, Assistant Planner, stated [the recommended approval] has been conditioned where it would not be possible to change the operation(s).

Commissioner Thompson questioned staff why this was not brought forward as a Zoning Text Amendment.

Susan Healy Keene, Planning Manager indicated that is a possible option, if the Commission would like to take that action.

Commissioner DeLuccio questioned the definition of “live music”; specifically regarding “singers and/or a singer’s voice”.

Elinor Aurthur, Assistant Planner, defined the various types of “live music” as allowed under the West Hollywood Zoning Code.

Chair Altschul opened the Public Hearing:

IGOR YUSIM, WEST HOLLYWOOD, presented the applicant's report. He gave a brief history of the restaurant and described the culture and entertainment customs of the restaurant's clientele.

ACTION: Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner D'Amico questioned the occupancy limit of the restaurant.

Elinor Aurthur, Assistant Planner stated the occupancy limit is seventy-eight (78) persons.

Vice-Chair Hamaker thanked Elinor Aurthur for bringing this item to the Eastside Area Project Committee and stated they were concurrent with keeping the restaurant in the neighborhood.

Commissioner DeLuccio made a correction to Resolution No. PC 04-518; Page 3, Section 6.d. should read as follows: "... No extension shall be considered unless requested at least **thirty (30) days** prior to the expiration date".

ACTION: 1) Adopt Resolution No. 04-518 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING AN AMENDMENT TO MINOR CONDITIONAL USE PERMIT 97-12 FOR ADDITION OF DANCING AND LIVE AMPLIFIED MUSIC TO AN EXISTING RESTAURANT AT 7316 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Thompson, seconded by Commissioner DeLuccio and unanimously carried.**

C. 8911 Sunset Boulevard (Cat Club): Conditional Use Permit Amendment 2003-001, Variance 2004-001.

John Keho, Senior Planner presented the staff report recommending an amendment to the existing Conditional Use Permit for the Cat Club located at 8911 Sunset Boulevard, West Hollywood, California. The request includes modifications to change the hours of operation, allow live entertainment and grant a Variance from the design standards for nightclubs.

He gave a brief history of the operation of the Cat Club, the site layout, restrooms and commented on [possible] noise issues. He stated a change to Resolution No. PC 04-522; Section 5., Subsection 5.4. should be changed to read as follows: "The hours of operation of the establishment may be from **11:00 A.M. to 2:00 A.M.** daily. The permitted hours of alcoholic beverage service shall be from **11:00 A.M. to 2:00 A.M.** daily."

He also stated the parking requirements; which were to put in landscaping on the parking lot, have not been installed as of this date. This dates back to the calendar year of 1996. He stressed this would have to be brought into compliance.

He recommended an addition to Resolution No. PC 04-522; Section 2., adding Subsection 2.6. to read as follows: **“Within three (3) months of date of approval, the applicant shall complete the landscaping requirements of Section 8; Subsection (Conditions) 4.d. and 4.e. of PC Resolution No. 96-77”**.

He further stated the applicant has the right to submit an application to move locations of the parking into the City of Los Angeles. If parking was moved, the requirement for landscaping could not be legally enforced by the City of West Hollywood.

Vice-Chair Hamaker questioned the enforcement of occupancy.

Commissioner DeLuccio asked for further clarification regarding the parking requirements and landscaping.

Commissioner Guardarrama questioned the justification for a certain amount of restroom(s) for nightclubs, as opposed to other types of facilities.

Chair Altschul opened the Public Hearing:

TODD ELLIOTT, WEST HOLLYWOOD, representing the Cat Club, presented the applicant's report. He gave a brief history of the establishment, spoke relating to the restroom situation and the parking situation(s). He also commented on the current use of the establishment as a bar and the rationalization for the Variance for a nightclub. He spoke regarding the change in hours for entertainment; which would be limited from 6:00 P.M. to 2:00 A.M.; under Section 5., Subsection 5.4. of Resolution No. PC 04-522. In regards to the “double-fee”, he stated the applicant is willing and has agreed to pay the additional \$2,453.00 in fees.

Commissioner DeLuccio questioned if there would be dancing at the club.

Todd Elliot, West Hollywood, representing the Cat Club, stated that there would be no dancing at the club.

Commissioner Thompson disclosed for the record the applicant's attorney (Todd Elliott) personally contacted and spoke to him regarding this item. He also took a tour of the establishment on Tuesday, February 3, 2004.

DAVID EICHMAN, WEST HOLLYWOOD, representing the West Hollywood Chamber of Commerce, supports this item.

ACTION: Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner Guardarrama had concerns regarding the [current] restroom situation.

Commissioner Thompson commented on the neighborhood impact and the non-compliance of the establishment in the past. He also critiqued the creation of two additional bathrooms in regards to “special circumstances”.

Commissioner DeLuccio stated he is comfortable moving forward with the existing number of bathrooms. **He motioned to approve Resolution No. PC 04-522; seconded by Commissioner Thompson: with a correction to Section 5., Subsection 5.4. changing 11:00 P.M. to 11:00 A.M. Entertainment would be limited from 6:00 P.M. to 2:00 A.M. He would like a condition added stating that there shall not be dancing. In reference to the landscaping requirement, he would like the establishment to come into compliance with standard language for landscaping that can be approved by the Director of Community Development and would like to delete from Resolution No. PC 96-77; Section 8., Subsection(s) 4.d. and 4.e. and replace it with a new condition stating that within three (3) months they would come within compliance with minimum landscaping requirements.**

Commissioner D’Amico disclosed for the record the applicant’s attorney (Todd Elliott) personally contacted and spoke to him regarding this item.

Vice-Chair Hamaker disclosed for the record the applicant’s attorney (Todd Elliott) personally contacted and spoke to her regarding this item. She stated her concerns regarding the landscaping.

Chair Altschul would like to see a condition added regarding additional bathrooms: **...if in the opinion of the Director of Community Development that it is deemed necessary, that additional bathroom facilities will be supplied.**

Commissioner DeLuccio and Commissioner Thompson both agreed to this addendum.

ACTION: 1) Adopt Resolution No. PC 04-522 as amended: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT AMENDMENT 2003-001 AND VARIANCE 2004-001 TO PERMIT LIVE ENTERTAINMENT AND CHANGE THE HOURS OF OPERATION OF THE CAT CLUB ON A REQUEST OF FOURSIGHT HOLDINGS, INC. FOR THE PROPERTY LOCATED AT 8911 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”. **Motion by Commissioner DeLuccio, seconded by Commissioner Thompson and unanimously carried.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:10 PM AND RECONVENED AT 8:15 P.M.

11. NEW BUSINESS

A. 9039 Beverly Boulevard.

David DeGrazia, Assistant Planner, presented the staff report update and status of operational issues at Bristol Farms located at 9039 Beverly Boulevard, West Hollywood, California.

He indicated the Code Compliance Division has received a total of three (3) complaints regarding this business. However, no complaints have been received related to their extended hours, since Resolution No. PC 03-473 was passed and approved on May 1, 2003.

ACTION: 1) Receive and file. **Motion by Chair Altschul, seconded by Commissioner Thompson and unanimously carried.**

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR: None.

14. ITEMS FROM STAFF:

A. Permit Streamlining Efforts.

Susan Healy Keene, Planning Manager, presented an update and report on the Permit Streamlining Implementation effort; which went before the West Hollywood City Council on Monday, January 5, 2004.

B. Mixed-Use Task Force.

Susan Healy Keene, Planning Manager, presented an update and report on the Mixed-Use Task Force. She announced the Mixed-Use Task Force will be meeting on Tuesday, February 24, 2004 at Plummer Park to receive feedback on the [draft] report, which will be presented by Deborah Murphy (a contract planner). She invited Chair Altschul and Commissioner DeLuccio as representatives of the Zoning Text Amendment Subcommittee and Planning Commission to attend.

15. PUBLIC COMMENT:

JOYCE HOFTEL, WEST HOLLYWOOD, commented on various projects going on in the City of West Hollywood that she was not aware of.

16. ITEMS FROM COMMISSIONERS:

Vice-Chair Hamaker commented on mixed-use and the issues regarding the size of the lots and parking. Her main concern is the loss of a "community identity".

Commissioner D'Amico requested to have a sound engineer present to

Commissioner D'Amico requested to have a sound engineer present to Commissioners regarding noise impacts and mitigation at a future meeting.

17. **ADJOURNMENT:** The Planning Commission adjourned at 8:35 P.M.; notating the cancelled Planning Commission meeting of Thursday, February 19, 2004, to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, March 4, 2004 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 4TH DAY OF MARCH, 2004.



CHAIRPERSON

ATTEST:



Community Development Director