



## PLANNING COMMISSION MINUTES

June 3, 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 6:36 P.M.

**2. PLEDGE OF ALLEGIANCE:** Luis Marquez led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: C.J. Amstrup, Senior Planner, John Chase, Urban Designer, Francie Stefan, Associate Planner, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, June 3, 2004 as presented. **Motion by Vice-Chair Hamaker, seconded by Commissioner Thompson and unanimously carried.**

**5. APPROVAL OF MINUTES:**

**ACTION:** Approve the Planning Commission Minutes of Thursday, May 20, 2004 as presented. **Motion by Vice-Chair Hamaker, seconded by Commissioner DeLuccio and unanimously carried.**

**6. PUBLIC COMMENT:**

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding noticing and the West Hollywood Zoning Ordinance.

LAUREN MEISTER, WEST HOLLYWOOD, President of West Hollywood West Resident's Association, spoke on behalf of residents on Rangely Avenue regarding the establishment known as Games, located at 9010 Melrose Avenue, West Hollywood, California and requested the Commission to review their Conditional Use Permit.

**7. ITEMS FROM COMMISSIONERS:** None.

**8. CONSENT CALENDAR.** None.

**9. COMMISSION CONSIDERATION.** None.

## 10. PUBLIC HEARINGS.

### A. 8240 Sunset Boulevard.

**Conditional Use Permit 96-20; Development Permit 96-46:** C.J. Amstrup, Senior Planner; on behalf of Debby Linn, Contract Planner, presented the staff report. He gave a brief history of the establishment and stated staff is requesting the consideration of revocation or modification of the existing Conditional Use Permit and Development Permit, which currently permit the operation of a downstairs pub (restaurant/bar), an upstairs restaurant, and outdoor dining at Dublin's Irish Whiskey Pub with alcohol sales, service and consumption, located at 8240 Sunset Boulevard, West Hollywood, California.

Commissioner DeLuccio questioned staff if the recommendation is for revocation with or without prejudice.

C.J. Amstrup, Senior Planner, indicated for the record the recommendation is for revocation without prejudice.

Vice-Chair Hamaker questioned if dancing is still occurring on the second floor.

Commissioner Bartolo questioned the process a new operator would need to undergo in order to (re)apply for a new permit and questioned the additional cost [if any] and implications that would entail the Department of Alcoholic Beverage Control.

Chair Altschul questioned the time-frame the City of West Hollywood has been dealing with these issues.

Commissioner Bartolo questioned the fee (citation) schedule for violations and if the City of West Hollywood has the latitude to progressively raise the fees.

Tom Benedetti, Code Compliance Manager, detailed the fee (citation) schedule on violations.

Commissioner Thompson questioned if the Business Improvement District (BID) payment is still outstanding.

Chair Altschul opened the Public Hearing:

DEBORAH BASS, BEVERLY HILLS, representing the owners and landlords of the property (8240 Partnership), has concerns regarding this item. She informed the Commission that Dublin's, Inc. recently entered into a Chapter 11 Bankruptcy, stated the facts and requested this item be continued.

**ACTION:** 1) Deny the request for a continuance. **Motion carried by consensus of the Commission.**

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of this item. Stated she will fax to the Department of Alcoholic Beverages and Control the details of this report.

JUDITH KASS, WEST HOLLYWOOD, manager of the property at 1422 N. Sweetzer Avenue, spoke in support of revocation. She stated this establishment has been an ongoing problem in the neighborhood.

JASON FELD, WEST HOLLYWOOD, representing the business owner, spoke in opposition to this item. He requested the Commission to: 1) reject staff's recommendation(s) and maintain the existing Conditional Use Permit; or 2) continue this item.

Chair Altschul restated the continuance of this item has been denied.

ESTHER BAUM, WEST HOLLYWOOD, spoke in support of this item. She stated she would like Dublin's to provide more parking and they should not allow their customers to park in the residential area(s).

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

Vice-Chair Hamaker questioned the Assistant City Attorney for clarification regarding "with prejudice" and "without prejudice".

**Commissioner DeLuccio motioned to support staff's recommendation for revocation of the permits "without prejudice" based on the findings in the staff report. Seconded by Vice-Chair Hamaker.**

Discussion was held regarding ownership of the property.

Commissioner Bartolo questioned the Assistant City Attorney regarding the City's policies on the notifications to the property owner(s) regarding the violations.

**ACTION:** 1) Adopt Resolution No. PC 04-532 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD REVOKING CONDITIONAL USE PERMIT 96-20 AND DEVELOPMENT PERMIT 96-46, WHICH PERMIT OPERATION OF A DOWNSTAIRS PUB (RESTAURANT/BAR) AND OUTDOOR DINING AND AN UPSTAIRS RESTAURANT WITH ALCOHOL SALES, SERVICE, AND CONSUMPTION AT THE PROPERTY LOCATED AT 8240 SUNSET BOULEVARD (DUBLIN'S IRISH WHISKEY PUB), WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and carried on a Roll Call Vote:**

**AYES:** Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Thompson, Vice-Chair Hamaker and Chair Altschul.

**NOES:** None.

Christi Hogin, Assistant City Attorney, explained the appeal period for the general public. This item may be appealed within (10) calendar days. The appeal must be filed with the City Clerk, in the Office of the City Clerk in the City of West Hollywood and be accompanied by the appropriate fee(s).

**THE COMMISSION TOOK A TWENTY (20) MINUTE RECESS AT 7:35 PM AND RECONVENED AT 7:55 P.M.**

**B. 8305 Sunset Boulevard.**

**Administrative Permit 2003-042, Billboard Permit 2003-016, Development Permit 2003-016.** This item was continued from Thursday, May 20, 2004. C.J. Amstrup, Senior Planner, presented the staff report requesting to construct approximately 13,000 square feet of retail and restaurant with outdoor dining fronting Sunset Boulevard, with approximately 192 parking stalls in an integrated four story parking structure and a billboard incorporated into the south elevation located at 8305 Sunset Boulevard, West Hollywood, California.

Vice-Chair Hamaker asked staff to clarify "view corridors".

Commissioner D'Amico presented the Design Review Subcommittee commentary and findings.

Vice-Chair Hamaker questioned the Traffic Study and voiced her concerns with increased traffic on Sweetzer Avenue.

Chair Altschul allowed the following to make and state a formal request:

WAYNE AVRASHOW, ENCINO, representing the owners of 8335 Sunset Boulevard, has concerns regarding this item. He requested a continuance of thirty (30) days for his client and other interested parties to meet with the applicant to discuss various issues, for this item.

**ACTION:** 1) Deny the request for a continuance. **Motion carried by consensus of the Commission.**

Chair Altschul opened the Public Hearing:

JACK ILLES, LOS ANGELES, spoke in opposition to this item. He stated the building will be too high, parking is too excessive and the exhaust shaft is facing the residential area.

GEOFFREY SMITH, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the increased traffic that will be imposed on the residential area and the future impact of outdoor dining.

LAYNE DICKER, NORTHRIDGE, representing the owner of a residential property to the north of the project, has concerns regarding this item. He stated his client will be severely impacted by the construction of this project.

WAYNE AVRASHOW, ENCINO, has concerns regarding this item. He stated his concerns with the additional parking spaces and the increased traffic which will be impacting the surrounding area. He spoke on the "view corridors" and the noise impacts regarding the roof-top parking.

HILLARY SELVIN, LOS ANGELES, representing the West Hollywood Chamber of Commerce, spoke in support of this item.

BEAU PALLEY, WEST HOLLYWOOD, spoke in opposition to this item. He stated he does not support this item as it is currently submitted.

JAMES LITZ, WEST HOLLYWOOD, has concerns regarding this item. He requested additional work needs to be performed with the applicant before a final decision.

G.G. VERONE, LOS ANGELES, spoke in opposition to this item. She questioned how future deliveries will be accomplished and spoke on the increased traffic on the surrounding area. She requested an additional thirty (30) days for review.

EVAN FRANK, WEST HOLLYWOOD, spoke in support of this item and requested the Commission to vote for approval.

JASON POWELL, LOS ANGELES, spoke in support if this item.

DAN CLINGER, LOS ANGELES, of CSA Architects and representing Venice Investments, gave the applicant's report. He spoke on the additional parking the project will provide and the modified sound barrier for the rooftop parking. He stated they have made a reduction in the restaurant use of the project. He addressed the loading requirements, the exhaust issue (which will be directed to the front of the building) and there will be no penetration(s) on the side or rear of the building.

Commissioner DeLuccio recommended if the project is approved, to note the exhaust system will not be located on the rear of the building. He also questioned the view corridor.

Chair Altschul authorized a recess for the applicant to discuss with staff the effects of a [possible] thirty (30) day extension period to resolve and/or not resolve the issues that have been brought forward.

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:43 PM AND RECONVENED AT 8:48 P.M.**

DAN CLINGER, LOS ANGELES, noted for the record he believes the concerns of the community have been adequately met and does not want to request a thirty (30) day extension. He would like the item to move forward as presented.

Vice-Chair Hamaker questioned the depth of the parking level(s).

Commissioner Bartolo questioned the possibility of vegetation for the rear wall (for example: Timber Bamboo) and asked if the applicant would consider investigating all the new available technologies; in terms of billboards that are available, and proceed with the Sunset Specific Plan requirements.

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

Chair Altschul requested from staff, specific clarification on view corridors.

Commissioner DeLuccio requested clarification on the outdoor dining.

Commissioner Thompson stated he supports the project and **moved the item to adopt the recommendation of staff; subject to conditions of discussion. Seconded by Commissioner DeLuccio with the condition that the exhaust system will not be located at the rear of the building.**

Commissioner Thompson agreed to this amended condition to the motion.

**Commissioner DeLuccio added to the amendment: 1) the evaluation of the new billboard technologies, acceptable to the Director of Community Development; and 2) would like to see landscaping on the rear wall of the project; acceptable to the Director of Community Development and/or the Urban Designer.**

Commissioner Thompson agreed to both of these added amendments to the motion.

**Vice-Chair Hamaker added: 1) a prohibition on outdoor televisions.**

Commissioner DeLuccio and Commissioner Thompson both agreed to this added amendment to the motion.

Commissioner D'Amico brought to the attention the exhaust fans (if located at the rear of the building) would be "intake vents" and the vents at the front of the building would be the "exhaust vents".

Commissioner DeLuccio indicated those specifics would need to be worked out by the City Engineer, as well as noise impacts.

Discussion was held regarding the traffic study.

Commissioner Guardarrama stated he supports the motion made by Commissioner Thompson and indicated the City of West Hollywood is getting much needed additional parking, more than actually required.

**Chair Altschul reiterated the motion on the floor: 1) approve staff's recommendation for approval as written; 2) exhaust shall exit from the front of the project; 3) developer and staff shall evaluate new billboard technologies; 4) final billboard approval shall be subject to the approval of the Director of Community Development and/or the Urban Designer; 5) the blank wall at the rear of the project shall be softened in any way acceptable and subject to the approval of the Urban Designer; and 6) there shall be no televisions in the outdoor dining areas.**

C.J. Amstrup, Senior Planner, requested clarification regarding "new billboard technologies".

Commissioner Bartolo responded by indicating; for example: cut-out figures, (meaning less obtrusive; less colorful-glaring; less light driven; less obtrusive; more adaptable; more attractive). She stated this is why it would need further investigation.

**ACTION:** 1) Adopt Resolution No. PC 04-531 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A MITIGATED NEGATIVE DECLARATION AND DEVELOPMENT PERMIT 03-016, ADMINISTRATIVE PERMIT 03-042, AND BILLBOARD PERMIT 03-041; TO CONSTRUCT AN APPROXIMATELY 13,000 SQUARE FOOT COMMERCIAL/RETAIL/RESTAURANT BUILDING, WITH OUTDOOR DINING FRONTING SUNSET BOULEVARD, PARKING STALLS IN AN INTEGRATED FOUR STORY PARKING STRUCTURE, AND A BILLBOARD INCORPORATED INTO THE SOUTH ELEVATION, FOR THE PROPERTY LOCATED AT 8305 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Thompson, seconded by Commissioner DeLuccio and carried on a Roll Call Vote:**

**AYES:** Commissioners Bartolo, D'Amico, DeLuccio, Guardarrama, Thompson, Vice-Chair Hamaker and Chair Altschul.

**NOES:** None.

Christi Hogin, Assistant City Attorney, explained the appeal period for the general public. This item may be appealed within (10) calendar days. The appeal must be filed with the City Clerk, in the Office of the City Clerk in the City of West Hollywood and be accompanied by the appropriate fee(s).

- C. 894-902 West Knoll Drive. Demolition Permit 2003-023, Development Permit 2003-017, Tentative Tract Map 2004-002:** This item was continued from Thursday, May 20, 2004. Francie Stefan, Associate Planner, was available for additional questions.

Chair Altschul reiterated the remaining issues on this project: 1) a revised color scheme; 2) a report from the Rent Stabilization Department; 3) a Resolution on the design of the gate, 4) providing material and a sample board; and 5) return to the Design Review Subcommittee meeting to review these changes.

John Chase, Urban Designer, gave an update of the Design Review Subcommittee meeting; which focused primarily on the color scheme.

Chair Altschul opened the Public Hearing:

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the previous color scheme and requested to see the current and revised sample boards.

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

**ACTION:** 1) Adopt Resolution No. PC 04-525 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-17 AND DEMOLITION PERMIT 2003-23 FOR A 6-UNIT CONDOMINIUM BUILDING USING THE COURTYARD HOUSING STANDARDS AND DEMOLITION OF EIGHT (8) RESIDENTIAL UNITS"; and 2) Adopt Resolution No. PC 04-526 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 060873 (TENTATIVE TRACT MAP 2004-02) FOR THE PROPERTIES LOCATED AT 894-902 WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**



**11. STUDY SESSION.**

**A. Sunset Specific Plan Target Sites.**

**ACTION:** 1) continue this item to Thursday, July 1, 2004. **Motion carried by consensus of the Commission.**

**12. NEW BUSINESS.** None

**13. UNFINISHED BUSINESS.** None.

**14. EXCLUDED CONSENT CALENDAR.** None.

**15. ITEMS FROM STAFF.**

**A. Update on Games, 9010 Melrose Avenue.**

Susan Healy Keene, Planning Manager, presented the staff report update. She stated Game is currently operating under approval from Los Angeles County, which was granted in 1969 for restaurant use. It does not have a Minor Conditional Use Permit, as would be required currently for a restaurant with alcohol. The City of West Hollywood honors all Los Angeles County approvals and the establishment currently operates under the Zoning Exemption Case 9208-3; with conditions imposed in 1969.

In 1993, the City of West Hollywood approved an outdoor dining area under a Development Agreement, with additional approvals. Since there is no Conditional Use Permit, it is non-conforming and is a legal use. Any change in use would trigger additional parking requirements.

The Director of Community Development has requested this item come before the Planning Commission in the form of a Public Hearing on Thursday, July 15, 2004. The business owner, property owner and all adjacent residents will be notified of this Public Hearing.

**B. Update on Zoning Text Amendments.**

Susan Healy Keene, Planning Manager, informed the Commission the staff report for the Zoning Text Amendments will be going before the West Hollywood City Council on Monday, June 7, 2004.

She stated the West Hollywood City Council made a few changes to the Zoning Text Amendments that came before them:

1. Changed the mailing radius for public notices back to 500' (feet).
2. Noted an extension to 750' and 1000' (feet) radius shall be at the discretion of the Director of Community Development.
3. Added an item notating the posted notice shall remain in place until a decision on the application becomes final.

4. The notice that is required to be posted on the City of West Hollywood's web-site and cable channel, shall be required, but is not considered a legal requirement.

5. Continued the item on Tall Walls to Monday, June 21, 2004.

**16. PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the mailing radius extensions.

**17. ITEMS FROM COMMISSIONERS:**

Commissioner D'Amico suggested the Sunset Boulevard item(s) be placed as an agenda item every month.

Commissioner DeLuccio suggested an extra meeting specifically to discuss Sunset Boulevard issues.

Commissioner Guardarrama requested staff to collect for the next Robertson Boulevard Subcommittee meeting some of the documents related to the expansion of The Abbey approval, and if those documents specify where the queuing was to take place, and if the approvals were given on condition that the queuing would be partially taken into the expanded area. He voiced his concern on the present queuing and the amount people in the area.

Commissioner DeLuccio questioned the procedure on public noticing for items that have been continued.

- 18. ADJOURNMENT:** The Planning Commission adjourned at 9:25 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, June 17, 2004 at 6:30 P.M. at Plummer Park Community Center, Rooms 5 and 6, 7377 Santa Monica Boulevard, West Hollywood, California.  
**Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 17<sup>TH</sup> DAY OF JUNE, 2004.

  
CHAIRPERSON

ATTEST:

  
Community Development Director