



PLANNING COMMISSION MINUTES

June 17, 2004

Plummer Park Community Center, Rooms 5 and 6,
7377 Santa Monica Boulevard, West Hollywood, California 90069

1. **CALL TO ORDER:**

Chair Altschul called the meeting of the Planning Commission to order at 6:38 P.M.

2. **PLEDGE OF ALLEGIANCE:** Angee Beckett led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Elinor Aurthur, Assistant Planner, John Chase, Urban Designer, John Keho, Senior Planner, Francie Stefan, Associate Planner, Terri Slimmer, Transportation Manager, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

*Commissioner Bartolo arrived after official Role Call at 6:47 P.M.

4. **APPROVAL OF AGENDA:**

ACTION: Approve the Planning Commission Agenda of Thursday, June 17, 2004 as presented. **Motion by Vice-Chair Hamaker, seconded by Commissioner DeLuccio and unanimously carried.**

5. **APPROVAL OF MINUTES:**

ACTION: Approve the Planning Commission Minutes of Thursday, June 3, 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 stated when elections are held, she does not plan to run again for Vice-Chair of the Planning Commission. She encouraged the newer Commissioner's to consider this vacancy. She hopes Chair Altschul would consider running again for Chair of the Planning Commission for another year.

Chair Altschul asked staff to reconfirm the appointments of Commissioners Bartolo and Guardarrama to the Robertson Boulevard Subcommittee. If this has not been done, he requested this item agendized at the next meeting. He also requested the Sunset Marquis Hotel and Whiskey Bar be placed on a future agenda if further problems arise.

8. **CONSENT CALENDAR.** None.

9. COMMISSION CONSIDERATION. None.

10. PUBLIC HEARINGS.

It was disclosed for the record Chair Altschul, Commissioner DeLuccio and Commissioner Guardarrama are currently dues' paying members of the West Hollywood Tree Preservation Society. After discussion with the Assistant City Attorney, it was decided they could hear this item without prejudice and not recuse themselves.

A. 840 Larrabee Street.

Administrative Permit 2003-45: Elinor Aurthur, Assistant Planner presented the staff report. She stated the applicant is requesting to allow removal and replacement of two (2) mature canopy trees (rusty leaf fig and Chinese weeping banyan) and six (6) mature non-canopy trees (Mexican fan palm) as well as the construction of a new wall, fences and gates in the interior courtyard of a multi-family residential development known as Mediterranean Village Apartments; located at 840 Larrabee Street, West Hollywood, California.

Vice-Chair Hamaker questioned the proposed deck.

Chair Altschul questioned if a neighborhood meeting took place and if the residents, management and ownership of the building were involved.

It was noted for the record there were no neighborhood meeting(s); [required, nor held].

Chair Altschul opened the Public Hearing:

ANGEE BECKETT, WEST HOLLYWOOD, Executive Director of the West Hollywood Tree Preservation Society, presented the Appellant's report. She stated the facts and presented a brief history of the case. She also offered several alternatives that are available to save the trees on the property.

Commissioner Thompson questioned the process of the (possible) removal and replanting of the [mature] trees.

WESTON HARRIS, WEST HOLLYWOOD, continued with the Appellant's report. He commented on the different size of "box" trees available and the cost of replacing these trees.

VALERIE J. KUNZ, ALISO VIEJO, representing the owners of the Mediterranean Village Apartments, presented the applicant's report. She gave a brief history of the property and the (water) damage discovered in Building No. 4. She detailed the repairs that are required to restore the building and spoke of the landscaping that will complete the work on the grounds.

GREG APLEGATE, TUSTIN, a certified arborist, representing the Mediterranean Village Apartments, spoke in support of this item. He gave a brief history of his credentials and elaborated on the [current] trees and vegetation in the Mediterranean Village complex.

Vice-Chair Hamaker questioned Mr. Applegate of the [possible] damage to the trees during construction.

Commissioner DeLuccio questioned Mr. Applegate regarding different scenarios of the [possibility] of saving the trees.

Commissioner Bartolo questioned Mr. Applegate regarding cost, size and growth factors.

CHARLES NIESTROY, NEWBURY PARK, construction manager representing the Mediterranean Village Apartment's, spoke in support of this item. He presented extensive detail of the work involved to restore the apartment building and the rationale why construction could not take place with the trees in their present location(s).

MARK PIERCE, WEST HOLLYWOOD, resident business manager, representing the Mediterranean Village Apartments, spoke in support of this item.

SANDY DVORE, WEST HOLLYWOOD, has concerns regarding this item. He presented pictures of the current property with foliage and is apprehensive about the property owner's intention to restore the property to its present state.

LEE POLL, WEST HOLLYWOOD, has concerns regarding this item. She questioned how the trees will actually be removed and asked why the trees cannot be replaced in-kind.

GARRY R. KUBEL, WEST HOLLYWOOD, spoke against staff recommendation.

ELIZABETH AMINI, WEST HOLLYWOOD, spoke against staff recommendation. She questioned the (additional) noise due to the removal of the trees and spoke about the visual impact.

MATTHEW KINCAIDE, WEST HOLLYWOOD, spoke against staff recommendation. He spoke on the visual aesthetics of the current foliage.

JEFFREY KROITSCH, WEST HOLLYWOOD, spoke in support of this item. His main concern is the [current] damage to the building and would like to see the repairs made in a timely manner.

WESTON HARRIS, WEST HOLLYWOOD, presented the Appellant's rebuttal. He stated the [current] damage was (is) caused by a pipeline that has disintegrated over time and was never properly repaired by management. He urged for larger trees to replace the ones that will be taken out.

ANGEE BECKETT, WEST HOLLYWOOD, Executive Director of the West Hollywood Tree Preservation Society, continued with the Appellant's rebuttal. She spoke on the current damages that have been done to the building.

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

Commissioner D'Amico motioned and amended this item; stating the Mediterranean Village Apartments shall preserve the smallest of the palm trees and plant thirty-six (36") inch "box" trees in the locations where the other trees have been removed. Commissioner DeLuccio seconded the motion.

Chair Altschul amended and clarified this motion by granting the appeal in part on the condition the Mediterranean Village Apartment's shall replace the trees they will be removing with thirty-six (36") "box" trees and preserve the smallest of the palm trees (Tree No. 3, a Windmill Palm).

Commissioner D'Amico reiterated the motion on the floor and agreed with Chair Altschul's amended to the motion.

Commissioner DeLuccio suggested adding to the motion the addition of preserving a second tree (along with Tree No. 3).

Commissioner D'Amico did not agree to this addition. He stated they should remove the small tree, box it and replace it in the same location (or an adjacent location).

Commissioner Bartolo suggested and would like to see the City of West Hollywood's website to include information (from arborists) that will help prevent these problems from recurring in the future.

ACTION: 1) Adopt Resolution No. PC 04-533 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL OF WESTON HARRIS AND ANGEE BECKETT, OF THE WEST HOLLYWOOD TREE PRESERVATION SOCIETY, AND AFFIRMING THE DIRECTOR'S APPROVAL OF ADMINISTRATIVE PERMIT 2003-45 TO REMOVE AND REPLACE EIGHT MATURE TREES AT AN APARTMENT COMPLEX AT 840 LARRABEE STREET, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner D'Amico, 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.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:55 PM AND RECONVENED AT 8:10 P.M.

Commissioner Thompson recused himself from the dais at this time, due to a financial interest.

B. 825 N. Kings Road.
Demolition Permit 2003-33, Development Permit 2003-25, Modification Permit 2004-02, Variance 2004-04, Tentative Tract Mao 2003-12: John Keho, Senior Planner, presented the staff report. He gave a detailed history of the project and spoke of the concerns regarding the Schindler House. He stated the requested permits are to allow for the demolition of a one, single-family home and the construction of a 19-unit condominium building using the Zoning Ordinance's Courtyard Housing Standards. A Variance is requested to reduce the front yard setback.

Commissioner Bartolo questioned the significance of the bamboo hedge.

Chair Altschul opened the Public Hearing:

RICHARD LORING, PACIFIC PALISADES, presented the applicant's report. He spoke on the time spent working and meeting with representatives from the Schindler House, MAK Center and the surrounding neighborhood. Due to these meetings, he detailed the changes to the [current] project and urged the Commission to approve the project.

Commissioner DeLuccio questioned the number of units and whether or not the city's requirement for on-site affordable housing played a role in determining the number of units in this project.

KIMBERLY MAYER, LOS ANGELES, Director of the MAK Center, has concerns regarding this item. She spoke regarding the "shadowing" factor to the Schindler House and how this project will affect West Hollywood's [future] image.

Commissioner Bartolo questioned Ms. Mayer if she would consider replacing the Golden Bamboo with Timber Bamboo.

Kimberly Mayer, Los Angeles, Director of the MAK Center, indicated they would like to keep the Golden Bamboo because it is historically accurate, but would not be opposed to possibly adding Timber Bamboo as an additional buffer on the Loring property.

JUDITH SHEINE, LOS ANGELES, Member of the Board of Friends of the Schindler House, has concerns regarding this item. She questioned the “shade and shadow” study and urged a new study undertaken with additional times studied.

LORCAN O’HERLIHY, SANTA MONICA, architect for the project, spoke in support of this item. He gave a brief history of the project and spoke on the “shade and shadow” study that was conducted.

RICHARD LORING, PACIFIC PALISADES, presented the applicant’s rebuttal. He detailed the set-back from the property line and reiterated the amount of time spent with the neighbors to arrive at a mutual agreement on the design of this project.

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

Commissioner DeLuccio recommended staff look at front yard setback issues and a possible change to the Zoning Ordinance. He also remarked on the outstanding job done on the design of the building.

Commissioner D’Amico questioned the Historic Preservation Commission’s participation and approval in this project.

Vice-Chair Hamaker questioned the length of the subterranean garage and if a row of Timber Bamboo could be planted in the six-foot set-back. She also questioned the applicant regarding the “alternative shade system”.

Commissioner Bartolo applauded the architectural style for articulation on this project. She further suggested the Schindler House might look into making certain adaptations to the Golden Bamboo.

Chair Altschul reiterated the sensational architectural results of this particular project and stated the developer is one of the most responsible he has seen in West Hollywood. He further commented on the issues which were raised by the community regarding this property, and how the developer put forth the extra effort, while working with the city and providing much needed housing at the same time. He believes this project will create a synergy of interest [as far as architecture is concerned].

ACTION: 1) Adopt Resolution No. PC 04-534 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEMOLITION PERMIT 2003-33, DEVELOPMENT PERMIT 2003-25, VARIANCE PERMIT 2004-04 AND MODIFICATION PERMIT 2004-02 FOR THE DEMOLITION OF A SINGLE-FAMILY HOME AND THE CONSTRUCTION OF A 19-UNIT CONDOMINIUM BUILDING USING THE COURTYARD HOUSING STANDARDS; and 2) Adopt Resolution No. PC 04-535 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-12 (06541) FOR THE PROPERTY LOCATED AT 825 N. KINGS ROAD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Guardarrama, seconded by Chair Altschul and carried on a Roll Call Vote:**

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

NOES: None.

ABSTAIN: Commissioner Thompson.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:55 PM AND RECONVENED AT 9:00 P.M.

Commissioner Thompson returned to the dais at this time.

C. 8570 Sunset Boulevard.

Conditional Use Permit 2004-01, Demolition Permit 2004-04: Francie Stefan, Associate Planner, presented the staff report. She stated the applicant is requesting to intensify the use of 5,570 square feet of existing second-floor retail space at the Plaza at the Sunset Millennium Project into a yoga studio with approximately 900 square feet of accessory retail sales area. She confirmed the required parking would be provided on-site in the subterranean garage. A Negative Declaration was prepared for the project and the project was found to have no significant impacts on the environment.

Chair Altschul opened the Public Hearing:

GEORGE LICHTER, BEVERLY HILLS, President of Yoga Works, presented the applicant's report. He gave a brief history of the business and asked for the Commission's approval.

Chair Altschul questioned the applicant if they contemplate selling food and beverages in the establishment as an accessory to retail.

George Lichter, Beverly Hills, President of Yoga Works, indicated they sell only bottled water and some small snack bars.

Chair Altschul asked the applicant if they plan to use the south balcony for food service and smoking.

George Lichter, Beverly Hills, President of Yoga Works, stated no.

Chair Altschul questioned the applicant if they would be opposed to an added condition “not to use the south balcony for consumption of food or smoking”.

George Lichter, Beverly Hills, President of Yoga Works, agreed to this condition.

MITCHELL DAWSON, LOS ANGELES, representing Equinox Fitness Clubs, spoke against staff recommendation. He commented on the posting notice and the amount of parking spaces needed for this establishment. He also requested an additional traffic study performed, due to the size and frequency of the classes that will be held at this establishment.

Terri Slimmer, Transportation Manager, commented on the amount of excess parking spaces currently available in the Sunset Millennium project and stated she is satisfied they are receiving the current required code for parking.

GEORGE LICHTER, BEVERLY HILLS, President of Yoga Works, presented the applicant’s rebuttal.

Commissioner Thompson questioned the size of the classes.

Commissioner DeLuccio questioned the number of classrooms and asked for clarification from staff regarding the parking entitlement situation.

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

Chair Altschul motioned to approve staff recommendation with the added condition: “prohibiting food or beverage service on the south balcony”. Seconded by Commissioner Thompson.

ACTION: 1) Adopt Resolution No. PC 04-536 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION, CONDITIONAL USE PERMIT (CUP) 2004-01, AND DEVELOPMENT PERMIT (DVP) 2004-04, AN APPLICATION OF YOGA WORKS, FOR THE INTENSIFICATION OF USE OF 5,570 SQUARE FEET OF EXISTING RETAIL SPACE INTO A YOGA STUDIO WITH ACCESSORY RETAIL SALES AREA LOCATED AT 8570 SUNSET BOULEVARD #205, WEST HOLLYWOOD, CALIFORNIA". **Motion by Chair Altschul, seconded by Commissioner Thompson and unanimously carried.**

D. City-Wide.

General Plan 2004-01, Zoning Text Amendment 2004-02.

Chair Altschul questioned whether staff had additional information to add to the written staff report.

Staff had no additional information to add at this time.

ACTION: 1) Adopt Resolution No. PC 04-537 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT 2004-01, AND ZONING TEXT AMENDMENT 2004-02 RELATING TO THE MINIMUM REQUIRED SETBACK OF HIGH OCCUPANCY FACILITIES FROM ACTIVE FAULTS WITHIN THE CITY OF WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Chair Altschul and unanimously carried.**

12. NEW BUSINESS. None

13. UNFINISHED BUSINESS. None.

14. EXCLUDED CONSENT CALENDAR. None.

15. ITEMS FROM STAFF.

Susan Healy Keene, Planning Manager, informed the Commission that approved the project at 8305 Sunset Boulevard and revocation of the Conditional Use Permits at Dublin's Irish Whiskey Pub, have both been appealed. These items will be heard before the City Council shortly.

16. PUBLIC COMMENT. None.

17. ITEMS FROM COMMISSIONERS:

Commissioner D'Amico stated he would like start a dialogue at a future meeting about sustainable design and the design of new projects.

Commissioner Thompson stated the possibility of re-examining the tree provisions in the near future; specifically the "canopy issue".

Commissioner Bartolo recommended taking a look at differentiating fines based on the seriousness of the violations and conditions.

Chair Altschul stated the Planning Commission meeting of Thursday, August 5, 2004 will be reserved for the Draft Environmental Impact Review for the Sunset Millennium Project. If that doesn't happen, he suggested the Planning Commission meeting cancelled for Thursday, August 5, 2004.

Commissioner D'Amico reminded the public the next Design Review Subcommittee meeting shall be held on Thursday, June 24, 2004 at 6:30 P.M. Plummer Park Community Center, Rooms 5 & 6 to discuss the Sunset Millennium Project.

18. **ADJOURNMENT:** The Planning Commission adjourned at 9:30 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, July 1, 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 1ST DAY OF JULY, 2004.


CHAIRPERSON

ATTEST:


Community Development Director