



PLANNING COMMISSION MINUTES July 15, 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 6:32 P.M.

2. PLEDGE OF ALLEGIANCE: Donna Saur 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, Francie Stefan, Associate Planner, Tom Benedetti, Code Compliance Manager, Anne Browning McIntosh, Interim Community Development Director, Christi Hogin, Assistant City Attorney, Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Susan Healy Keene, Planning Manager, requested Agenda Item 11.A. (Appointment of 1343 Laurel Avenue Subcommittee) removed from the agenda.

ACTION: Approve the Planning Commission Agenda of Thursday, July 15, 2004 as amended. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

5. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, July 1, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS:

Commissioner DeLuccio commented on the timeliness and accuracy of the Planning Commission minutes.

Chair Altschul commented on the City of West Hollywood's new contracted waste hauling service.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 1153 Formosa Avenue. Tentative Tract Map 2004-07:

A request to approve Tentative Tract Map 2004-07, for a four-unit, multi-family residential development, which was approved by staff on October 15, 2002 as Development Permit 2002-16.

ACTION: 1) Continue to Thursday, August 19, 2004. **Motion carried by consensus of the Commission.**

B. 7901 Santa Monica Boulevard. Minor Conditional Use Permit 2004-07:

Elinor Aurthur, Assistant Planner, presented the staff report. She stated the applicants are requesting approval to add dancing and live amplified music to an existing restaurant, currently named Crystal, located in a 5,712 square-foot, second floor space.

Commissioner Bartolo questioned staff to clarify and define "amplified music".

Commissioner Hamaker questioned staff if a valet service will be used and if the outdoor patio will be utilized.

Chair Altschul opened Public Hearing Item 9.B.:

NATASHA TSOI*, STUDIO CITY, manager and representative of Crystal Restaurant, presented the applicant's report. She gave a brief history of the restaurants past location in Century City, California, known as Russian Roulette. She commented on the types of parties that are held, the clientele, menu and current hours. She stated there have been no problems or inconveniences since opening in West Hollywood and asked for approval of this item.

*Tatiana Rodzinek, Russian Community Outreach Coordinator for the City of West Hollywood, presented Russian translation services for the applicant.

AGASSI TOPCHIAN, WEST HOLLYWOOD, Chair of the Russian Advisory Board, spoke in support of staff's recommendation.

GEORGE FISHER, CALABASAS, spoke in support of staff's recommendation.

SHELDON BRODER, LOS ANGELES, spoke in support of staff's recommendation.

ALEX SIROTA, LOS ANGELES, spoke in support of staff's recommendation.

GREGORY MAKARON, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ALAN BEKER, LOS ANGELES, spoke in support of staff's recommendation.

LEONID SOKOLOVSKIY, PH.D., LOS ANGELES, spoke in support of staff's recommendation.

NATASHA SHLIAPNIKOFF, LOS ANGELES, spoke in support of staff's recommendation.

EFIM KUTZ, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ACTION: Close Public Hearing Item 9.B. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio confirmed that the restaurant would close at 12:30 A.M., and questioned if a possible modification is feasible in the future.

Commissioner Hamaker asked if a condition could be put in place requiring any subsequent operator at this location, to apply to the City of West Hollywood to maintain the condition regarding "amplified music".

Christi Hogin, Assistant City Attorney stated for the record that all conditions are based on the land use permit and must run with the land.

Commissioner DeLuccio motioned this item for approval as presented, seconded (unison) by Vice-Chair Thompson and Commissioner Hamaker.

Commissioner Guardarrama stated his concerns regarding the hours of operation, and questioned if amending the hours to stay open until 2:00 A.M. would be feasible.

Commissioner DeLuccio reiterated staff's recommendation of closing the restaurant at 12:30 A.M. **He amended the motion by adding: "the applicant can request a review by the Director of Community Development in six (6) months time for an extension of hours".**

This amendment was agreed to by Commissioner Guardarrama and Commissioner Hamaker.

Chair Altschul questioned if the pool tables have been removed.

Staff noted for the record the pool tables have been removed.

ACTION: 1) Adopt Resolution No. PC 04-539 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING MINOR CONDITIONAL USE PERMIT 2004-007, TO AMEND MINOR CONDITIONAL USE PERMIT 91-22, PERMITTING DANCING AND LIVE AMPLIFIED MUSIC AT A RESTAURANT LOCATED AT 7901 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Vice-Chair Thompson and carried on a Roll Call Vote:**

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

NOES: None.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:15 PM AND RECONVENED AT 7:25 P.M.

C. General Plan Amendment 2004-02:

Francie Stefan, Associate Planner, presented the staff report. She stated this is an amendment to the City of West Hollywood's General Plan Land Use Element to clarify language allowing new and replacement billboards that are subordinate and accessory to a City project when found to be in the public interest. A Negative Declaration was prepared for the project and concluded that there would be no significant impacts on the environment.

Chair Altschul opened Public Hearing Item 9.C.:

GENE SMITH, WEST HOLLYWOOD, representing Pallco Enterprises, doing business as Orion Outdoor Media, opposes this item. He stated this amendment is providing a special right and privilege that is not available to other West Hollywood businesses and residents.

ACTION: Close Public Hearing Item 9.C. **Motion carried by consensus of the Commission.**

ACTION: 1) Adopt Resolution No. PC 04-540 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A NEGATIVE DECLARATION AND GENERAL PLAN AMENDMENT 2004-02 TO ALLOW NEW AND REPLACEMENT BILLBOARDS THAT ARE SUBORDINATE AND ACCESSORY TO A CITY PROJECT WHEN FOUND TO BE IN THE PUBLIC INTEREST".
Motion by Chair Altschul, seconded by Commissioner Hamaker and unanimously carried.

Chair Altschul requested Agenda Item 10.B (8445 Santa Monica Boulevard; Creative Sign Permit 2004-002), pulled out of order and heard before Agenda Item 10.A. (1200 Alta Loma Road; Sunset Marquis Hotel). **Motion carried by consensus of the Commission.**

10. NEW BUSINESS.

B. 8445 Santa Monica Boulevard.

Creative Sign Permit 2004-002:

John Chase, Urban Designer, presented the staff report. He gave a brief history of the sign and property owners. He stated the applicant is requesting extended legal entitlement beyond the scope and term limits placed on it by a specific condition of approval. Staff is recommending denial because the original approval resolution of the project was valid as a one-tenant only specific sign approval, and findings for the approval of the new creative sign related to the existing tenant cannot be made.

Chair Altschul opened New Business Item 10.B. to Public Speakers:

STEVEN AFRIAT, LOS ANGELES, representing Weintraub Financial Services, presented the applicant's report. He gave details of the current tenant and the financial impacts of the removal of the [current] sign from this property.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation.

ACTION: Close New Business Item 10.B. to Public Speakers. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio questioned if the building is designated a historic landmark and what the ramifications would be [to the building] by having the sign removed.

Chair Altschul commented on the creativity of the sign and would like to see a business which will be able to utilize the sign. He indicated one year is too long, and suggested May 1, 2005 as an alternative deadline. He suggested the Director of Community Development might have the discretion to either have the sign turned off and/or have public service announcements.

Commissioner D'Amico questioned the Assistant City Attorney for a description and explanation how the creative sign was defined by the [past] business and how the agreement went with the land use permit.

Chair Altschul defined his definition of having another business use the sign. **He motioned for the removal of the sign and/or demolition of the sign be extended until May 1, 2005, or sooner, if an application is brought forward to adapt the sign for a subsequent business, with the condition that it either be turned off or that it shall only be turned on for public service announcements at the direction of the Director of Community Development. Seconded by Commissioner DeLuccio.**

Commissioner Hamaker asked for clarification of the proposed use of verbiage for the sign.

Chair Altschul stated the sign will only use words having to do with public service material, approved, or requested by the City of West Hollywood, will be directed through the Community Development Department.

Commissioner Hamaker stated her objection to the sign and that she could not support the motion.

ACTION: 1) Removal of the sign and/or demolition of the sign shall be extended until May 1, 2005, or sooner; and 2) if an application is brought forward to adapt the sign for a subsequent business, the sign shall either be turned off or that it shall only be turned on for public service announcements at the direction of the Director of Community Development. **Motion by Chair Altschul, seconded by Commissioner DeLuccio and carried on a Roll Call Vote:**

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

NOES: Commissioner Hamaker.

A. 1200 Alta Loma Road (Sunset Marquis Hotel).

Tom Benedetti, Code Compliance Manager presented the staff report update on the neighborhood concerns with regard to the operation of the Sunset Marquis Hotel, specifically the Whiskey Bar. He detailed the history of the business and the [current] actions taken by the business to correct the alleged violations.

Chair Altschul opened New Business Item 10.A. to Public Speakers:

JEFFREY SEYMOUR, WEST LAKE VILLAGE, consultant hired to represent the Sunset Marquis Hotel, has concerns regarding this item. He stated the hotel has retained a noise engineer to begin preliminary work. He also commented on the queuing of guests' waiting for vehicles to be delivered. The hotel policies will be reviewed and considered. Neighborhood meetings will take place to focus on the noise issues.

SUZANNE BADOWI, WEST HOLLYWOOD, resident of The Park Wellington, has concerns regarding this item. She commented on the continued nuisance and traffic congestion from the bar at the Sunset Marquis Hotel (Whisky Bar).

GIANNA MIROLLA, WEST HOLLYWOOD, resident of The Park Wellington, has concerns regarding this item. She commented on the continued nuisance and traffic congestion from the bar at the Sunset Marquis Hotel (Whisky Bar).

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She gave a history of the Sunset Marquis Hotel's business practices and commented on their Conditional Use Permit.

JUDY HILSINGER, WEST HOLLYWOOD, resident of The Park Wellington, has concerns regarding this item. She commented on the continued nuisance and traffic congestion from the bar at the Sunset Marquis Hotel (Whisky Bar).

SHANEL STASZ, WEST HOLLYWOOD, resident of The Park Wellington, has concerns regarding this item. She commented on the continued nuisance and traffic congestion from the bar at the Sunset Marquis Hotel (Whisky Bar).

RICH MAYERMAN, WEST HOLLYWOOD, resident of The Park Wellington, has concerns regarding this item. He commented on the continued nuisance and traffic congestion from the bar at the Sunset Marquis Hotel (Whisky Bar).

ACTION: Close New Business Item 10.A. to Public Speakers. **Motion carried by consensus of the Commission.**

Chair Altschul recapped the [possible] actions that are able to take place: 1) accept staff's recommendation by bringing this item back in sixty (60) days; 2) a continued update; or 3) direct staff to bring this item back at a date to be determined for a modification to their Conditional Use Permit.

Commissioner Bartolo questioned staff to describe the general reaction of attendees at the neighborhood meeting. She also questioned the exiting issues.

Commissioner Hamaker questioned the [current] configuration of the outdoor patio.

Commissioner DeLuccio stated he is willing to wait another sixty (60) days, but would like to see some real mitigation recommendations presented.

Chair Altschul commented on the proof and claims of legal ownership.

Commissioner Guardarrama stated he would agree to a Public Hearing (as soon as possible), but would also agree to the sixty (60) days. He further stated the owner of the Sunset Marquis Hotel needs to work extremely hard to mitigate the noise, in an objective, not just a subjective level.

Vice-Chair Thompson stated he will (reluctantly) agree to give them an extension of sixty (60) days. He further declared the Sunset Marquis Hotel needs to come back with elements being implemented, with substantial improvements.

Commissioner Hamaker questioned the procedure and time frame for scheduling a Public Hearing.

Commissioner D'Amico had concerns with the sixty (60) day extension and suggested instead a [possible] thirty (30) day extension.

Commissioner Bartolo recommended [with the possibility of a motion] that the City of West Hollywood take a highly pro-active position (by making this a case study), of the recommendations that it thinks it should pursue (not just applicable to this scenario) but rather the continuing tension that will be felt between residential and commercial establishments.

Commissioner DeLuccio asked for clarification of Commissioner Bartolo's recommendation.

Commissioner Bartolo stated she would like the City of West Hollywood to bring in a sound/noise expert, perform an analyses (on the basis of the case study) and use this as an opportunity to formulate long range plans that could be adaptable to new building code requirements and new Conditional Use Permit requirements. Overall it will be more strategic for everything that will be done in the future.

Anne Browning McIntosh, Interim Community Development Director, recommended the Commission ask staff to schedule a Public Hearing for Thursday, August 19, 2004. She stated the reason for the public hearing would be to consider amending, modifying or revoking the permit. In effect, any direction that will be given (regarding soundproofing, etc.) could be conditions of that particular hearing.

Vice-Chair Thompson moved to schedule a Public Hearing for Thursday, August 19, 2004. Seconded by Commissioner Hamaker.

Anne Browning McIntosh, Interim Community Development Director, addressed the condition (which may be discussed at the hearing) regarding: "the restaurant and bar shall be operated by the hotel management only". She stated if the Sunset Marquis Hotel wants to make a request to amend that specific condition, they should be prepared to do so at the hearing.

ACTION: 1) Schedule a Public Hearing for Thursday, August 19, 2004 to consider a modification or revocation of the Conditional Use Permit. **Motion by Vice-Chair Thompson, seconded by Commissioner Hamaker and carried on a Roll Call Vote:**

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

11. UNFINISHED BUSINESS.

A. Appointment of 1342 Laurel Avenue Subcommittee.

Susan Healy Keene, Planning Manager, requested this item removed from the agenda.

ACTION: 1) Remove this item from the agenda. **Motion carried by consensus of the Commission.**

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Staff Update.

9010 Melrose Avenue (Game Restaurant):

Tom Benedetti, Code Compliance Manager, presented the staff update. He gave a history of the establishment and the current activities taking place. For the record, the following activities have been identified:

- noise from patron's emanating from the interior and exterior of the business,
- noise from delivery goods, and solid waste collection,
- patrons loitering in the alley and in the cul-de-sac,
- sports programming on six (6) television monitor's which was felt to be more consistent with a sports bar,
- the removal of tables and chairs in the late evening hours,
- overcrowding, and

- valet routing which is consistent with their approved route map.

For the record, the following citations have been issued:

- hosting a Special Event without having obtained a license (03/23/04)
- noise violation (05/24/04)
- entertainment without license (05/24/04)
- dancing without a license (05/24/04)
- valet parking vehicles in unapproved lot (05/11/04)

He further stated for the record, within the last three (3) weeks, this business has tried to operate in a manner consistent with the law. He requested of the Commission to give both staff and the property owner a little more time to see if it's productive.

Discussion was held regarding the [supposed] said owner(s) of the establishment.

Tom Benedetti, Code Compliance Manager, reiterated for the record staff would like to give the establishment an additional sixty (60) days to try and resolve the issue(s).

Chair Altschul opened Items from Staff to Public Speakers:

KATHY STIMSON, BEVERLY HILLS, representing SB Management Corporation on behalf of Estrella Investments, LLC, has concerns regarding this item. She stated SB Management immediately notified the tenant at 9010 Melrose Avenue there were issues that have been addressed by the City of West Hollywood, which they need to comply with. She also stated an unlawful detainer has been filed to regain possession of the premises, so the issues brought to their attention can be addressed. They are attempting to work with the City of West Hollywood on this matter.

RICK BLAKE, SANTA ANA, attorney representing El Nacional, has concerns regarding this item. He confirmed the issues which have been brought forward and stated they are willing to work with the City of West Hollywood on this matter.

ACTION: Close Items from Staff to Public Speakers. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio stated he would like to have this item heard before the Business License Commission on Tuesday, August 3, 2004. Then have a report from the Business License Commission accompany an updated report to the Planning Commission on Thursday, August 19, 2004.

ACTION: 1) Continue to the Business License Commission meeting on Tuesday, August 3, 2004; and 2) continue to the Planning Commission meeting on Thursday, August 19, 2004. **Motion carried by consensus of the Commission.**

Tom Benedetti, Code Compliance Manager, commented on the distribution of the recently adopted Zoning Ordinance Real Estate Signage.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding the [supposed] legalization of the bar at the Sunset Marquis Hotel.

15. ITEMS FROM COMMISSIONERS:

Commissioner D'Amico acknowledged his 1 year anniversary on the Planning Commission and thanked his fellow Commissioners and staff.

Vice-Chair Thompson questioned the Assistant City Attorney on the correct protocol for Public Speaker Slips.

16. ADJOURNMENT: The Planning Commission adjourned at 9:06 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 19, 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 19TH DAY OF AUGUST, 2004.


CHAIRPERSON

ATTEST:


Community Development Director