



PLANNING COMMISSION MINUTES
Special Meeting
October 28, 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 6:41 P.M.

2. PLEDGE OF ALLEGIANCE: John D'Amico 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, Terry Blount, Associate Planner, Francie Stefan, Associate Planner, John Chase, Urban Designer, Christi Hogin, Assistant City Attorney, Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Staff requested Item No. 9.A. (9229 Sunset Boulevard; Conditional Use Permit 2004-001) continued to the next regularly scheduled Planning Commission meeting on Thursday, November 4, 2004.

ACTION: Approve the Planning Commission Agenda of Thursday, October 28, 2004 as amended. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Thompson and unanimously carried.**

5. APPROVAL OF MINUTES. None.

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS.

Vice-Chair Thompson questioned the status of the Robertson Boulevard Subcommittee.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 9229 Sunset Boulevard.
Conditional Use Permit 2004-001.

ACTION: 1) Continue this item to the next regularly scheduled Planning Commission meeting of Thursday, November 4, 2004. **Motion carried by consensus of the Commission.**

**B. 8759 Santa Monica Boulevard.
Mitigated Negative Declaration, Demolition Permit 2003-012,
Development Permit 2003-010, Tentative Tract Map 2004-009,
Variance Permit 2004-010.**

C.J. Amstrup, Senior Planner, presented the staff report. He stated the proposed project would develop the site with a mixed-use development consisting of 10,969 square feet of commercial lease space, thirty-one (31) condominium units, and seven (7) rental units restricted to low and moderate income households. Also proposed is a variance to permit an interior side yard setback of five (5') feet where ten (10') feet is required and a street-side, side yard setback of 6'-7" where a 7'-6" setback is required; a parking reduction to permit a parking ratio of one (1) space per studio apartment where 1.5 spaces is required; and two (2) height incentives; one which would permit a fifteen (15') foot increase in maximum height for providing more than fifty (50) additional parking spaces, and a second which would permit a height increase of seven (7') feet to incorporate on-site affordable housing.

He confirmed there are actually two-hundred and twenty (220) parking stalls; [not two-hundred nine (209) as indicated in the current staff report]. He further detailed the driveway location, the scale of development, building massing and interface with adjacent residential development, outdoor dining and affordable housing.

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MODEL FOR
AGENDA ITEM NO. 9.B. AT 6:50 PM AND RECONVENED AT 6:55 P.M.**

Rob Balin, representing LSA Associates, presented and detailed the Initial Study and Mitigated Negative Declaration report. He stated the following study areas were addressed in the mitigation monitoring and reporting program: 1) Aesthetics; 2) Agricultural Resources; 3) Air Quality; 4) Biological Resources; 5) Cultural Resources; 6) Geology and Soils; 7) Hazards and Hazardous Materials; 8) Hydrology and Water Quality; 9) Land Use Planning; 10) Mineral Resources; 11) Noise; 12) Population and Housing; 13) Public Services; 14) Recreation; 15) Transportation/Traffic; and 16) Utilities and Service Systems. He also clarified the amended language regarding the Plexiglas screening on the balconies of the project.

Commissioner Hamaker questioned the feasibility of uncovering fossil remains at the site and the course of action needed if applicable.

Commissioner DeLuccio asked for clarification of the traffic mitigation plan and the floor to area ratio.

Chair Altschul questioned the impact of the water table in the area.

Commissioner D'Amico presented the Design Review Subcommittee report. He stated the subcommittee had several concerns, which included the "screen material", the open parking as well as some unresolved design ideas and how the commercial space interacts with the street.

Jeff Skorneck, Housing Manager for the City of West Hollywood, spoke on the affordable housing units and how they are creatively addressed in accordance with the Inclusionary Housing Program.

Chair Altschul opened Public Hearing Item 9.B.:

HANK KONING, SANTA MONICA, presented the applicant's report. He chronicled the history and evolution of the project to date. He detailed the commercial and residential aspects; which included sidewalks, street trees, vehicular traffic, commercial and residential parking, screen walls, ventilation, residential floor plans, landscaping, and overall design aspects.

Commissioner Bartolo questioned the square-footage of the commercial and residential areas.

Commissioner DeLuccio questioned the mass and history of the project in regards to the eighty-one units.

MINDY BRADISH, BURBANK, Acting Executive Director of the West Hollywood Chamber of Commerce, spoke in support of staff's recommendation.

KEN SCHMIDT, WEST HOLLYWOOD, opposes this item. He spoke regarding noise, smell and questioned the construction hours.

RON MC ELHANEY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

DENNIS TRIPLETT, WEST HOLLYWOOD, has concerns regarding this item. He spoke of increased traffic.

KELLY JENKINS, WEST HOLLYWOOD, opposes this item. She spoke regarding increased traffic and the negative impact to Hancock Avenue. She questioned the traffic impact study, loading area, height and affordable housing.

KURT MC CLEAVE, WEST HOLLYWOOD, has concerns regarding this item. He spoke and questioned the height of the project.

HANK KONING, SANTA MONICA, presented the applicant's rebuttal. He commented on and addressed the "west wall" landscaping, "screen wall" materials, project materials, parking and balconies.

Commissioner Hamaker questioned the parking area. She stated her concerns for security in the parking area and suggested a parking attendant and/or security guard be considered.

Vice-Chair Thompson asked for clarification and articulation of the benefit(s) regarding "vines" versus an effective noise buffer.

Commissioner DeLuccio asked staff for clarification of the setbacks.

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:50 PM AND RECONVENED AT 8:00 P.M.

Commissioner DeLuccio stated his support of the project and motioned for approval. Seconded by Commissioner Guardarrama.

Vice-Chair Thompson voiced his concerns regarding noise to the immediate neighbors. He recommended an amendment to the motion, regarding the materials used on the project; subject to approval of the Community Development Director and Urban Designer.

Commissioner DeLuccio pointed out the requested condition is currently set forth in Resolution No. PC 04-555; under Section 8.1 (Design Requirements).

Commissioner Hamaker stated her agreement for the project. She also stated her concerns regarding the substance (materials) which are to be used in place of "wood" on the facade of the project, as well as the sound study.

Vice-Chair Thompson questioned the construction conditions.

Commissioner Hamaker asked staff to clarify the traffic impacts for this area.

Terri Slimmer, Transportation Manager for the City of West Hollywood, detailed the traffic impacts and volumes for this area.

Commissioner D'Amico had concerns regarding the materials which are to be used for the façade of this project. He appealed to fellow Commissioners and suggested the developer should come back for approval with specific materials planned for the façade.

Commissioner Guardarrama questioned when general traffic studies legally expire and stated his agreement for having this item return to the Planning Commission for approval (subject to referral by the Design Review Subcommittee); regarding the wood substitute for the façade.

Terri Slimmer, Transportation Manager for the City of West Hollywood, stated traffic studies usually are good for five (5) years; unless some major development occurs.

Commissioner Bartolo stated her approval and detailed the positive aspects of the project.

Chair Altschul stated his approval for the project and gave a brief history of the property and its current use. He recommend amending the staff's proposed conditions and approval: 1) approval of the "vine element" (with respect to noise), subject to approval by the Director of Community Development; and 2) the Mitigated Negative Declaration should be approved (as amended) [NOI on page 50] by Mr. Rob Balin, with LSA Associates.

Commissioner DeLuccio recommended the Design Review Subcommittee work with the Urban Designer and Community Development Director; regarding the final approval of the façade.

Commissioner Hamaker voiced her concerns (citing a previous example) of the façade and recommended this item return to the Planning Commission.

Commissioner DeLuccio did not agree to have this item return to the Planning Commission. He proposed a condition; 1) it could return to the Planning Commission, if staff (Urban Designer and Community Development Director) working with the Design Review Subcommittee, feels it must come back before the Planning Commission.

Commissioner Hamaker stated the noise study has not been prepared (in real time); and cited the different materials used on the façade [might] make a significant impact in regards to this. She noted for the record she is not comfortable with this and would like to see it return to the Planning Commission.

Susan Healy Keene, Planning Manager, stated for the record; the noise (sound) studies would be conducted at the point of construction drawings; where materials are returning prior to issuance of building permit(s). Vice-Chair Thompson suggested the materials [issue] be heard again, before the Design Review Subcommittee.

Chair Altschul suggested Commissioner Hamaker replace his seat at the Design Review Subcommittee for this item only.

Commissioner Hamaker declined, due to unknown availability.

Commissioner DeLuccio restated he would like to see it reviewed by the Design Review Subcommittee, Urban Designer and the Community Development Director.

Chair Altschul stated there have been three (3) amended motions on the floor and questioned the original motion (by Commissioner DeLuccio and Commissioner Guardarrama) if these changes are acceptable.

Commissioner DeLuccio agreed.

Commissioner Guardarrama agreed.

Chair Altschul read into the record the additional amendments: **1) subject to approval by the Community Development Director regarding the “vine element”, with respect to a subsequent noise study to be provided; 2) subject to approval of the Design Review Subcommittee, Urban Designer, and Community Development Director, with respect to approval of materials for the front façade of the building; 3) all conditions shall be settled prior to issuance of Building Permits; and 4) the Mitigated Negative Declaration is subject to the amendment to Item NOI 3, page 50.**

ACTION: 1) Approve the request; 2) Adopt Mitigated Negative Declaration as amended; 3) Adopt Resolution No. PC 04-555 as amended “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-010, DEMOLITION PERMIT 2003-012 AND VARIANCE 2004-010 FOR A THIRTY-EIGHT (38) UNIT MIXED-USE DEVELOPMENT WITH 10,696 SQUARE FEET OF RETAIL/RESTAURANT SPACE, AND A VARIANCE TO PERMIT AN INTERIOR SIDEYARD SETBACK OF FIVE (5)-FOOT WHERE TEN (10) FEET IS REQUIRED AND A STREET-SIDE, SIDE YARD SETBACK OF 6’-7” WHERE A 7’-6” SETBACK IS REQUIRED FOR THE PROPERTY LOCATED AT 8759 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; and 4) Adopt Resolution No. PC 04-556 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE

TRACT MAP 61441 (TENTATIVE TRACT MAP 2004-009) FOR THE PROPERTY LOCATED AT 8759 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and carried on a Roll Call Vote:**

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:25 PM AND RECONVENED AT 8:35 P.M.

**C. 935 San Vicente Boulevard.
Negative Declaration, Demolition Permit 2003-024, Development Permit 2003-018, Tentative Tract Map 2003-007.**

Terry Blount, Associate Planner, presented the staff report. He provided a brief history of the property and stated this permit is to allow for the demolition of a single-family residence and the construction of a four (4)-story, six (6)-unit condominium building using the Courtyard Housing Standards. Four (4) incentives related to parking requirements, driveway slope, and front and rear setbacks have been requested.

He stated the proposed project meets the Multi-Family Residential Standards and, as conditioned, all the Courtyard Housing Standards. A few items need further review and approval by City staff: 1) landscape plan; 2) permeable surfaces requirements; 3) the fountain; 4) some architectural details; 5) encroachments into the courtyard; and 6) project lighting.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MODEL FOR AGENDA ITEM NO. 9.C. AT 8:40 PM AND RECONVENED AT 8:45 P.M.

Chair Altschul opened Public Hearing Item 9.C.:

ROBERT EAZL, WEST HOLLYWOOD, presented the applicant's report. He gave a brief history of the property and spoke on the private open space and areas, parking, and unit details and requested approval.

ANTHONY SIMOS, WEST HOLLYWOOD, presented the applicant's report. He stated his support for the project.

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

Commissioner Guardarrama questioned the quality level of this project.

Commissioner Hamaker motioned approval of this item. Seconded by Commissioner DeLuccio.

Commissioner Bartolo requested an amendment; **1) this item referred back to the Design Review Subcommittee for review of the “final finishes”.**

This amendment was agreed to by both Commissioner Hamaker and Commissioner DeLuccio.

ACTION: 1) Approve the request; 2) Adopt Negative Declaration; 3) Adopt Resolution No. PC 04-542 as amended “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-018 AND DEMOLITION PERMIT 2003-024 ON AN APPLICATION BY ROBERT EARL FOR GMM CONSTRUCTION AND DEVELOPMENT, FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A SIX (6)-UNIT CONDOMINIUM BUILDING USING THE COURTYARD HOUSING STANDARDS FOR THE PROPERTY LOCATED AT 935 SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; and 4) Adopt Resolution No. PC 04-543 “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-007 (MINOR LAND DIVISION 60442), ON AN APPLICATION OF ROBERT EARL FOR GMM CONSTRUCTION AND DEVELOPMENT FOR THE PROPERTY LOCATED AT 935 SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”. **Motion by Hamaker, seconded by DeLuccio and carried on a Roll Call Vote:**

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

NOES: Commissioner Guardarrama.

Commissioner Guardarrama requested his “NO” vote be changed to “YES”, due to a misunderstanding of the motion on the floor.

Susan Healy Keene, Planning Manager, re-read the Roll Call Vote into the record, noting the “YES” vote by Commissioner Guardarrama.

ACTION: 1) Approve the request; 2) Adopt Negative Declaration; 3) Adopt Resolution No. PC 04-542 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-018 AND DEMOLITION PERMIT 2003-024 ON AN APPLICATION BY ROBERT EARL FOR GMM CONSTRUCTION AND DEVELOPMENT, FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION OF A SIX (6)-UNIT CONDOMINIUM BUILDING USING THE COURTYARD HOUSING STANDARDS FOR THE PROPERTY LOCATED AT 935 SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 4) Adopt Resolution No. PC 04-543 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-007 (MINOR LAND DIVISION 60442), ON AN APPLICATION OF ROBERT EARL FOR GMM CONSTRUCTION AND DEVELOPMENT FOR THE PROPERTY LOCATED AT 935 SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Hamaker, seconded by DeLuccio and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D'Amico, DeLuccio, Guardarrma, Hamaker, Vice-Chair Thompson and Chair Altschul.
NOES: None.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MODEL FOR AGENDA ITEM NO. 9.D. AT 8:50 PM AND RECONVENED AT 8:55 P.M.

Vice-Chair Thompson recused himself from the dais at this time.

- D. 917 North Sierra Bonita Avenue.**
Demolition Permit 2004-012, Development Permit 2004-011, Modification Permit 2004-010, Tentative Tract Map 2004-013.
Francie Stefan, Associate Planner, presented the staff report. She gave a history of the property and stated the requested permits are to allow for the demolition of a single-family house and the construction of a five (5)-unit townhouse condominium building with a 10% reduction in the common open space requirement.

John D'Amico presented the Design Review Subcommittee report.

Chair Altschul opened Public Hearing Item 9.D.:

SHAHRAM VAHDAT, WEST HOLLYWOOD, owner of the property, presented the applicant's report. He spoke in support and requested approval.

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

ACTION: 1) Approve the request; and 2) Adopt Resolution No. PC 04-552 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2004-011, DEMOLITION PERMIT 2004-012 AND MODIFICATION 2004-010 FOR A FIVE (5)-UNIT TOWNHOUSE RESIDENTIAL BUILDING AND DEMOLITION OF A SINGLE-FAMILY HOUSE FOR THE PROPERTY LOCATED AT 917 SIERRA BONITA AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Adopt Resolution No. PC 04-553 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 061820 (TENTATIVE TRACT MAP 2004-013) FOR THE PROPERTY LOCATED AT 917 SIERRA BONITA AVENUE, WEST HOLLYWOOD, CALIFORNIA". **Motion by DeLuccio, seconded by Commissioner Hamaker, and unanimously carried; noting the Abstention of Vice-Chair Thompson.**

Vice-Chair Thompson returned to the dais at this time.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

**A. 8301 Sunset Boulevard
Update on Cabo Cantina.**

David DeGrazia, Associate Planner, presented the staff report update. He presented a detailed history of the property and stated on January 13, 2004 the Planning Commission modified Cabo Cantina's Minor Conditional Use Permit by adding two conditions: 1) install additional soundproofing to the satisfaction of the Director of Community Development; and 2) the retractable cover over the outdoor patio must be closed during televised sporting events to maintain an effective sound barrier for noise.

Since the soundproofing was installed in September, 2004, Code Compliance has received three (3) complaints regarding noise from one (1) resident.

He notated for the record Code Compliance is continuing to work with Cabo Cantina to notify them of incoming complaints and will continue to use enforcement procedures to assure Cabo Cantina remains in compliance.

Staff recommends Code Compliance continue monitoring the situation to ensure that Cabo Cantina remains in compliance with the City's Municipal Code and the conditions of their existing approvals.

Commissioner Hamaker questioned the issue of the "doors".

MILTON ZAMPELLI, LOS ANGELES, proprietor of Cabo Cantina, presented a brief update to the modifications he has made to Cabo Cantina and stated for the record; Cabo Cantina has not received any citations for "noise". He is continuing to work with the City on these issues.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

Susan Healy Keene, Planning Manager, presented a brief update of the Robertson Boulevard Subcommittee.

She gave an update of upcoming agenda items.

Chair Altschul recused himself from the dais at this time.

B. 8801 Sunset Boulevard.

Update on Tower Records Creative Sign Permit.

John Chase, Urban Designer, presented the staff report update. He stated Tower Records received permission from the Planning Commission for a sign program under Creative Sign Permit 2003-003 on January 15, 2004. This program includes a 600 square foot L.E.D. (Light Emitting Diode) changeable copy sign.

The original drawings were preliminary and conceptual in nature and Tower Records is now submitting more specific plans in order to illustrate the signs as they will actually be built. Due to the high visibility of the site, and the high impact of the L.E.D. medium, staff wanted to update the Planning Commission of the development of this prominent sign proposal.

Commissioner DeLuccio questioned the time-line of this program.

Commissioner Hamaker questioned (from the original motion), if landscaping has been included on the site.

ROBERT OLSON, WEST SACRAMENTO, representing Tower Records, commented on the landscaping and stated they hope to have the sign up by at least December 1, 2004.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission; noting the Abstention of Chair Altschul.**

Chair Altschul returned to the dais at this time.

14. **PUBLIC COMMENT.** None.

15. **ITEMS FROM COMMISSIONERS:**

Commissioner D'Amico questioned fellow Commissioners if they would prefer to receive "half" or "full" size sets" of drawings.

By consensus; Commissioners will receive "half size" sets of drawings and blueprints.

Commissioner Hamaker wished everyone a "Happy Halloween".

16. **ADJOURNMENT:** The Planning Commission adjourned at 9:15 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 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 2nd DAY OF DECEMBER, 2004.


CHAIRPERSON

ATTEST:


Community Development Director