



PLANNING COMMISSION MINUTES

January 16, 2003

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

1. CALL TO ORDER

Chair Behr called the meeting of the Planning Commission to order at 6:30 PM.

The agenda was posted at City Hall, the Community Development Department counter, the West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. ROLL CALL

Commissioners Present: John Altschul, David Behr, Brad Crowe, Donald DeLuccio, Barbara Hamaker, Barbara Hewitt, and Brad Torgan.

Commissioners Absent: None.

Staff Present: Mark Persico, Community Development Director; Susan Healy Keene, Planning Manager; Christi Hogin, City Attorney; C.J. Amstrup Senior Planner; Paula Kelly, Senior Planner; Terry Blount, Associate Planner; and Jennifer Diaz, Administrative Staff Assistant.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by David Behr.

4. APPROVAL OF AGENDA

Action: Approve the Agenda of January 16, 2003.

Motion: Crowe Second: Altschul

Vote: All Ayes

Motion passes

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENT

A. Ed Garren, West Hollywood, spoke on a roof covering on his home he is trying to replace and has not received an approval or response from the Director and would like the Commission to agendize the issue.

B. Tom Demille, West Hollywood, stated that he is running for a City Council seat and

believes that the business in West Hollywood is diminishing and would like to change the way the city is working with residents and businesses.

7. ITEMS FROM COMMISSIONERS

DeLuccio – Asked the Director to respond in writing to Mr. Garren's roof replacement request.

Altschul – Would like to see Mr. Garren's request agendaized in March if it has not been resolved between the Director and Mr. Garren.

8. CONSENT CALENDAR

None.

9. EXCLUDED CONSENT CALENDAR

None.

10. PUBLIC HEARINGS

A. Conditional Use Permit 2002-01, Administrative Permit 2002-04, and Parking Use Permit 2002-12: Expansion of an outdoor dining area and the creation of an outdoor smoking area, both within the same space and both with the sale and service of alcoholic beverages, and the reconfiguration of the existing off-site parking lot (located across the alley behind the restaurant/nightclub) to accommodate the additional required parking.

Applicant: Don Randall

Location: 8911 Santa Monica Boulevard

Planner: Terry Blount

Recommendation: Conditionally Approve the request subject to the findings and conditions in the proposed resolution.

Chair Behr opened the public hearing.

Terry Blount presented the staff report.

Ron Madril was present for the applicant.

Public Comment:

1. Tom Demille, West Hollywood, stated that the City should embrace businesses who want to improve themselves.

Action: Adopt and Approve Resolution No. PC 2003-456, "A RESOLUTION

OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2002-01, ADMINISTRATIVE PERMIT 2002—04, AND PARKING USE PERMIT 2002-12, ON AN APPLICATION OF DONALD RANDALL, TO EXPAND AN EXISTING OUTDOOR DINING AREA AND TO CREATE AN OUTDOOR SMOKING AREA, BOTH WITHIN THE SAME SPACE AND BOTH WITH THE SALE AND SERVICE OF ALCOHOLIC BEVERAGES, ALL AT AN EXISTING RESTAURANT/NIGHTCLUB LOCATED AT 8911 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA” with the following amendments: 1) The applicant provide clear evidence of the lease and the required number of parking spaces (71) in the lot immediately to the North and across the alley. The evidence contained in the existing business lease or a new lease, for the purpose of satisfying the requirement, either will be acceptable; 2) ABC License be brought current and they immediately apply for an amendment to their current ABC License to reflect their current operation; 3) To condition 1.5 (page 5) change to read “The relevant conditions of approval of prior resolutions including, but not limited to...” continued with the remainder of the sentence listing the resolution numbers.

Motion: Altschul Second: DeLuccio

Votes: All Ayes, on a roll call vote

Motion Passes

Commission Comments

Torgan – Recommended an internal policy in the findings of referencing the exact conditions that will be changed, altered or deleted.

The Resolution will be agendized on the Consent Calendar for January 30, 2003.

- B. Development Permit 2001-19, Demolition Permit 2001-05, and Tentative Tract Map 2001-01:** Demolition of one single-family residence (1004 Curson Avenue) and one duplex (1010-12 Curson Avenue), each on a separate lot, and construction of a ten-unit courtyard housing project.

Applicant: Hamlet Zohrabians

Location: 1004-12 Curson Avenue

Planner: Terry Blount

Recommendation: Conditionally approve the request subject to the findings and conditions in the proposed resolutions.

Chair Behr opened the public hearing.

Terry Blount presented the staff report.

Hamlet Zohrabians presented the applicant’s report.

Public Comment

1. Gennadiy Danilkevich, West Hollywood, stated that the applicant does not appear to allow 10% of their units as low/moderate income housing. Another concern is the dust that will be generated from the demolition.

Hamlet Zohrabians presented closing statements.

Action: Adopt and Approve Resolution No. PC 2003-457, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-19 AND DEMOLITION PERMIT 2001-05, ON AN APPLICATION OF HAMLET ZOHRABIANS, FOR THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND A DUPLEX, EACH ON A SEPARATE LOT, AND THE CONSTRUCTION OF A TEN-UNIT MULTI-FAMILY RESIDENTIAL BUILDING USING THE COURTYARD HOUSING STANDARDS AT 1004-12 CURSON AVENUE, WEST HOLLYWOOD, CALIFORNIA;” and

Adopt and Approve Resolution No. PC 2003-458, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2001-01 (MINOR LAND DIVISION 53388), ON AN APPLICATION OF HAMLET ZOHRABIANS, FOR THE PROPERTIES LOCATED AT 1004-12 CURSON AVENUE, WEST HOLLYWOOD, CALIFORNIA” with the following amendments: 1) Include a condition requiring that the CC&Rs contain a provision prohibiting the conversion of the lofts into bedrooms; 2) Include a finding allowing for the portion of the second floor of the structure that extends into the rear setback one and a half feet to be a height of twenty-eight feet instead of the maximum twenty-four.”

Action: DeLuccio Second: Crowe

Votes: All Ayes

Motion passes

Commission Comments

Torgan – The same discussion comes up when there is a project with lofts or entertainment rooms, the Commission can not prevent residents from using the extra room as a bedroom. The code allows the applicant to build the proposed units without the additional parking.

Behr – It appears that residents would have to walk through the loft to get to other rooms which may deter the owners from converting it to a bedroom to begin with.

DeLuccio – Request to agendize a discussion regarding the number of parking spaces that should be required for lofts or rooms that can be converted into bedrooms.

Altschul – Agrees that the Commission should discuss the zoning requirements for the number of parking spaces for each bedroom.

The Resolution will be agendized on the Consent Calendar for January 30, 2003.

C. Zoning Text Amendment 2002-03 and Conditional Use Permit 2002-01: To

amend the Zoning Ordinance to permit tall wall signs on buildings fronting Beverly Boulevard, subject to certain development criteria, including area, lighting and image visibility. The CUP would permit tall wall signs to be located on the east and west elevations of the existing building.

Applicant: Gary Mobley for Beverly Boulevard, LLC

Location: 8899 Beverly Boulevard

Planner: C.J. Amstrup

Recommendation: Conditionally approve the request subject to the findings and conditions in the proposed resolutions.

Chair Behr opened the public hearing.

C.J. Amstrup presented the staff report.

Gary Mobley presented the applicant's report.

Public Comment

1. Richard Giesbret, West Hollywood, spoke in opposition to the change of the zoning ordinance because it will dominate the neighborhood and will cause neighbors to the north to be subject to bright light and glare.
2. Lauren Meister, West Hollywood, spoke in opposition to tall walls in areas other than Sunset Boulevard and requested the Commission to deny the request.
3. Mark Krajewski, West Hollywood, stated that the tall walls are for monetary gains and is opposed to them.
4. Jack LeBouef, West Hollywood, spoke in opposition to the applications and stated that the applicants illegally put up the tall wall and believes the item should be reviewed with the General Plan and by the residents.

Gary Mobley presented a rebuttal statement.

Commission Comments

Torgan – Does not believe the Commission can make a finding of General Plan consistency and also doesn't believe that any tall wall greater than 5,000 square feet is compatible with the character of the neighborhood surrounding the signage. Since the findings cannot be made with the General Plan consistency under CEQA, a mitigated negative declaration cannot be certified.

Altschul – Believes the Commission should comply with the wishes of the City Council despite what the Commission's personal preferences are. Tall walls are controversial and doesn't think the neighbors to the North of the ICM building are going to be adversely affected because the walls face East and West and are not out of character for the neighborhood.

Behr – Read the section on page 3 of the staff report dated October 11, 2002 into the record "The City and Beverly Boulevard, LLC entered into an agreement, whereby Beverly Boulevard agreed to file the required applications to approve two tall walls at 8899 Beverly Boulevard (a zone text amendment and tall wall conditional use permit), and the City agreed process said applications. In the event that the proposed applications are denied, the settlement agreement would become void,

and litigation would resume. The agreement specifically states that nothing in the agreement shall be construed as an advance determination that these permits will be granted.” Does not think the tall wall is offensive from Beverly Boulevard, but it is offensive from streets behind Beverly and it is an intrusion and detriment to the neighborhood. Believes that the tall wall was not put up legally and it is basically a money issue. The City would have a problem if companies were lead to believe that they are allowed to put up a mural then put a sign in its’ place.

Crowe – Stated that the applicant settled that the project is not compatible or has any benefit to the surrounding neighborhood. The Commission’s responsibility is to provide the City Council with a recommendation and to uphold the law as they interpret it and perform their duties.

Hamaker – The tall walls on Sunset celebrate entertainment industry and what Sunset Boulevard is about, Beverly Boulevard and the Avenues of Art and design are not about entertainment, they are about art and antiques. Believes that the tall walls are an insult to the Avenues of Art and Design and they take away from the showrooms and the beauty and cheapens the area.

DeLuccio – Stated that only four of the Council members voted for the agreement. Agrees with Commissioners Torgan and Hamaker that this matter is not consistent with the General Plan, and although the applicant says the tall wall will be limited to entertainment, art and design type advertisers, the Commission does not have control over content. The tall wall will and is making Beverly Boulevard un-classy.

Action: Recommend to the City Council to Deny Zoning Text Amendment 2002-03 and therefore deny any Conditional Use Permit because of its’ inconsistency with the General Plan.

Motion: Hamaker Second: Crowe

Votes: Ayes: Torgan, DeLuccio, Behr, Crowe, Hamaker

Nays: Hewitt, Altschul

Motion Passes

D. Zoning Text Amendment 2002-04: Amend the Zoning Code in regards to the density bonuses for affordable housing.

Applicant: City of West Hollywood

Location: City-wide

Planner: Paula Kelly

Recommendation: Continue to January 30, 2003.

Continued to January 30, 2003 by a consensus of the Commission.

11. UNFINISHED BUSINESS

None.

12. NEW BUSINESS

12. NEW BUSINESS

None.

13. ITEMS FROM STAFF

Susan Healy Keene – Presented the Commission with the monthly project tracking log.

Mark Persico – Gave a brief update on the upcoming General Plan forums.

14. PUBLIC COMMENT

None.

15. ITEMS FROM COMMISSIONERS

Torgan – Commended staff on the staff reports presented on the agenda.

Behr – States that it seems that projects approved on Sunset Boulevard specifically to produce large amounts of revenue are now being proposed as residential projects or in the middle of residential projects and would like to know if the Commission would like to discuss implementing some kind of requirement stating that if any residential project is approved that the project would have to produce any revenue that would have been generated by a commercial project in the exact location.

Torgan – Recommended that staff reports for residential projects along Sunset Boulevard with previous entitlements should include some type of analysis of the expected change in revenue from what had been previously adopted.

DeLuccio – Believes it's reasonable to review the fiscal impact of revenue between hotels and restaurants versus condominiums or other residential projects.

16. ADJOURNMENT

Action: Adjourn to a regular meeting of the Planning Commission on Thursday, January 30, 2003, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion carried by a consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS 6th DAY OF MARCH, 2003.

CHAIRPERSON: _____

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: _____