



PLANNING COMMISSION MINUTES

March 6, 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, and Brad Torgan.

Commissioners Absent: Barbara Hewitt.

Staff Present: Mark Persico, Community Development Director; Susan Healy Keene, Planning Manager; Christi Hogin, City Attorney; C.J. Amstrup Senior Planner; John Chase, Urban Planner; Emmeline Elzin Harrigan, Associate Planner; Terry Blount, Associate Planner; Francie Stefan, Associate Planner; Elinor Aurthur, Assistant Planner; and Jennifer Diaz, Administrative Staff Assistant.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Susan Healy Keene.

4. APPROVAL OF AGENDA

Action: Approve the Agenda of March 6, 2003.

Motion: Crowe Second: Altschul

Vote: All Ayes

Motion carries

5. APPROVAL OF MINUTES

A. Minutes – January 16, 2003

B. Minutes – January 30, 2003

C. Minutes – February 6, 2003

Action: Approve the Minutes of January 16, January 30, and February 6, 2003.

Motion: DeLuccio Second: Torgan

Votes: All Ayes, noting the abstention of Commissioner Torgan on the Minutes of January 30, 2003

Motion Carries

6. PUBLIC COMMENT

- A. Hillary Selvin, Los Angeles, spoke on monitoring businesses upon reviewing their CUP's and commented on the posting and noticing of public hearings process.
- B. Lauren Meister, West Hollywood, asked the commission to consider limiting the hours of Monjoon restaurant to midnight during the week and 1:00 AM on Friday and Saturday nights. Also spoke in favor of Mr. Garren's proposed roof.

7. ITEMS FROM COMMISSIONERS

Hamaker – Inquired about what recourse the Commission has with the Vons issue.

Behr- Requested the noticing procedures be agendized.

8. CONSENT CALENDAR

None.

9. EXCLUDED CONSENT CALENDAR

None.

10. PUBLIC HEARINGS

- A. **Appeal of Minor Conditional Use Permit 2002-11:** Appeal of approval of MCUP 02-11 to allow full alcohol service as an accessory to a new restaurant use, including conditions related to noise impacts and hours of operation.

Applicant: Jean Claude Sakoun for Monjoon Restaurant

Appellant: Jean Mathison

Location: 8590 Sunset Boulevard

Planner: Emmeline Elzin Harrigan

Recommendation: Partially approve the appeal subject to the findings and conditions in the proposed resolution.

Chair Behr opened the public hearing.

Emmeline Elzin Harrigan presented the staff report.

Jean Mathison presented the appellant's report.

Johnathen Day and Rika Horrie presented the applicant's report.

Public Comment

1. G. G. Verone, Los Angeles, stated that large windows of Monjoon Restaurant will be a problem because the noise from the outdoor dining will travel into the neighborhoods above the restaurant.
2. Bob Knotek, Los Angeles, stated that he can hear all the regular noise from Sunset and if the restaurant has an open window it will create even more noise.
3. Peter McLaren, Los Angeles, requested that the windows be sealed permanently and doesn't believe the item should be considered because the EIR doesn't include this type of business.
4. Shanel Staz, West Hollywood, stated that open windows will impact the North side of the building she lives in and if this item is approved the residents will take legal action if necessary.

Jean Mathison presented closing comments.

Johnathen Day presented closing comments.

Commission Comment

Altschul – Thinks the perception of what will happen with the window open is worse than what will actually happen. There should be a provision to accommodate people who smoke and the staff's recommendation of operating hours, 12 midnight during the week and 1:00 AM on the Friday and Saturday, is reasonable. The words "sale, service and consumption of alcohol" should be included with the hours stated, the operable windows should close at 10:00 p.m., at the discretion of the Director, and appetizers need to be defined in the resolution as "menu/food items paid for" on the menu.

Torgan – The existing facilities exemption is inappropriate because it refers to existing physical structures and there weren't any existing physical structures prior to its use. An acoustical study or a proper exemption under Class 32, which would require the windows to be closed at all times, needs to be obtained by the applicant.

Hamaker – Inquired if the windows were sealed would that eliminate the smoking section. Clarified that the opening hours for the restaurant is 11:00 AM.

Tom Benedetti, Code Compliance Interim Manager, stated that the roof or a wall would need to be removed in order for the restaurant to legally have a smoking section, an open window alone will not satisfy the California law to permit smoking inside the restaurant.

DeLuccio – Is opposed to open windows and the impact they will have on the residents needs to be considered. The security provision that is part of the Sunset Millennium needs to be incorporated into the resolution.

Behr – Inquired as to item N, page 4, which refers to a an extended business hours permit, and requested that it be removed. To Section 7, Item C, delete the word "only" in the last sentence.

Action: Amendment to the Motion: To permanently close the windows.

Motion: Torgan Second: Behr
Votes: Ayes: Hamaker, DeLuccio, Behr, Torgan
 Naves: Crowe, Altschul

Motion Carries

Action: Approve the appeal request in part and adopt Resolution No. PC 2003-468, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, PARTIALLY APPROVING THE APPEAL BY JEAN MATHISON OF MINOR CONDITIONAL USE PERMIT 2002-11, FOR FULL ALCOHOL SERVICE AS AN ACCESSORY TO A NEW RESTAURANT USE ON AN APPLICATION BY JEAN CLAUDE SAKOUN FOR MONJOON RESTAURANT LOCATED AT 8590 SUNSET BOULEVARD, SUITE 7.1 & 7.2, WEST HOLLYWOOD, CALIFORNIA," with the following amendments: 1) To Permanently close the windows; 2) Change the CEQA exemption from a Class 1 to a Class 32; 3) Condition B include the language "The sale, service, and consumption of alcohol is limited to.." and specify the hours of operation: 11:00 AM to 12 Midnight, Sunday through Thursday, and 11:00 AM to 1:00 AM, Friday and Saturday; 4) Correct the address in the Resolution; 5) Condition C, delete the word "only" in the first sentence; 6) Condition D must read "Permanent , non-operable windows must be installed at the North façade"; 7) Eliminate Condition E; 7) Condition F, add the following to the last sentence "as items paid for and ordered from the menu"; 8) Eliminate Condition N; 9) Include a condition outlining security provisions from the Sunset Millennium mitigation measures; and 10) Change the name Monjoon to Rika throughout the Resolution.

Motion: Altschul Second: Crowe
Votes: All Ayes

Motion Carries on a roll call vote

B. Conditional Use Permit 95-07 and Conditional Use Permit 93-11: Consider revocation or modification of conditions of approval of CUP 95-07, which amended CUP 93-11, and currently allows live entertainment in conjunction with food service, removable dance floor of 180 square feet in bar/lounge; and use of the bar/lounge and dining area for banquets and special events up to 12 times per month for a maximum of 6 hours per event.

Location: 7901 Santa Monica Boulevard (Sky Sushi)

Planner: Elinor Aurthur

Recommendation: Direct staff to prepare a draft resolution revoking CUP 95-07 and 93-11.

Chair Behr opened the public hearing.

Mark Lehman requested a continuance of the hearing.

Action: Continue to March 20, 2003 and direct staff to recommend an action with proposed findings that will modify or revoke the permits.

Motion: Altschul Second: Crowe
Votes: All Ayes

Motion carries

11. UNFINISHED BUSINESS

None.

12. NEW BUSINESS

A. Extension Request for Development Permit 99-42: Time extension for DVP 99-42 for a 23,288 square foot retail and office development.

Applicant: Venice Investments

Location: 8305 Sunset Boulevard

Planner: C.J. Amstrup

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

Chair Behr opened the hearing.

C.J. Amstrup presented the staff report.

Action: Adopt and approve Resolution No. PC 2003-469, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING A TIME EXTENSION REQUEST FOR DEVELOPMENT PERMIT 99-42 FOR A 23,288 SQUARE FOOT RETAIL AND OFFICE DEVELOPMENT AT 8305 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

Motion: Hamaker Second: Crowe

Votes: All Ayes

Motion carries

13. ITEMS FROM STAFF

A. 24 Hour Fitness: Report on Code Compliance issues.

Commissioner Torgan recused himself from the matter.

Francie Stefan presented the staff report.

Alexa Cantu, Operations Manager, 24 Hour Fitness, addressed the Commission.

James Litz, West Hollywood, presented a report on the issues with 24 Hour Fitness.

Public Comment

1. Rosalyn Krause, West Hollywood, stated that none of the clubs in this location have been good neighbors, except the Beverly Hills Club, and club members park on side residential streets with handicap parking plaques and questions the validity of those plaques.

Commission Comments

Altschul – Requested staff to write letters to the Senior Management of 24 Hour Fitness outlining the outstanding issues. The upper management should keep a 24-hour contact number on file at all times.

DeLuccio – Requested that the item come back to the Commission in 30 days with an update on the remedies that have been met or a revocation will take place.

B. 1247 N. Vista Street (Property Owner – Ed Garren): Discussion of proposed re-roof project.

The item was opened by Chair Behr.

John Chase was available for information regarding architecture and aesthetics in West Hollywood.

Public Comment:

1. Ed Garren, West Hollywood, stated that his request is to just change the roof covering on his home and is not an architectural change
2. Judith Resell, West Hollywood, spoke in favor of Mr. Garren’s request for an aluminum roof.
3. Dan Siegel, West Hollywood, spoke in favor of allowing Mr. Garren to re-roof his home.

Action: Recommend Mr. Garren apply for a Zone Clearance.

Motion: Altschul Second: Behr

Votes: All Ayes

Motion Carries

14. PUBLIC COMMENT

None.

15. ITEMS FROM COMMISSIONERS

Hamaker - Inquired about the letter regarding Vons. Also inquired about overlay zones.

Tom Benedetti, Interim Code Compliance Manager, had the following to report: He has spoke with the constituent who wrote the letter regarding Vons and informed the Commission that he has also spoken with Vons and they have cleared the debris and locked the apartment building. He also informed the constituent that Vons isn’t in violation of any standards, but Vons is aware that they have to show some responsibility in maintaining the property.

Susan Healy Keene – Informed the Commission that Vons has appeared before the Development Review Committee reviewed a proposal by Vons to change several things on their property.

Crowe – Requested a reformatted copy of the Code.

16. ADJOURNMENT

Action: Adjourn to a regular meeting of the Planning Commission on Thursday, March 20, 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 3rd DAY OF APRIL, 2003.

CHAIRPERSON: _____



ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: _____

