



PLANNING COMMISSION MINUTES

May 15, 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: Susan Healy Keene, Planning Manager; Christi Hogin, City Attorney; Paula Kelly, Senior Planner; John Chase, Urban Designer; Francie Stefan, Associate Planner; Jack McGee, Contract Planner; and Jennifer Diaz, Administrative Staff Assistant.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Barbara Hewitt.

4. APPROVAL OF AGENDA

Action: Approve the Agenda of May 15, 2003.

Motion: DeLuccio Second: Altschul

Vote: All Ayes

Motion carries

5. APPROVAL OF MINUTES

None.

6. PUBLIC COMMENT

- A.** Jeanne Dobrin, West Hollywood, commented on the operation of the Hollywood Stock Exchange and how they have yet to apply for a business license.
- B.** Steve Lococo, West Hollywood, spoke in support of the Aveda project, they are an excellent business corporation and they will be an asset to the city.

7. ITEMS FROM COMMISSIONERS

Behr – Cancelled the Planning Commission meeting of July 3, 2003 due to a lack of quorum.

8. CONSENT CALENDAR

None.

9. EXCLUDED CONSENT CALENDAR

None.

10. PUBLIC HEARINGS

A. Minor Conditional Use Permit 2002-15 and Administrative Permit 2002-70: To allow sales, service and consumption of alcohol in conjunction with food and to permit outdoor dining in a new restaurant.

Applicant: John and Bob Long

Location: 8590 Sunset Boulevard (The Central)

Planner: Jack McGee

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

Chair Behr opened the public hearing.

Jack McGee presented a brief statement on a continuance request.

Mark Lehman requested a continuance.

Public Comment

1. Jeanne Dobrin, West Hollywood, the establishment is a bar masquerading as a restaurant, as so many other places on Sunset. The applicants want to sell alcohol until 2:00 a.m. and only until 12:00 a.m. outdoors because they are aware that the City has realized that there should not be any outdoor drinking after midnight. Is also opposed to the sale of alcohol at this site until 2:00 a.m.
2. Jean Mathison, West Hollywood, all of the first class restaurants do not stay open until 2:00 A.M. and any restaurant that sells alcohol after 11:00 p.m. is a club. Also noted the outdoor dining will disturb adjacent residents.
3. Trent Hawkins, West Hollywood, is an adjacent resident to the proposed location and was told at the onset of the project that there would not be any outdoor dining. Strongly opposed to the outdoor patio.
4. Shanel Stast, West Hollywood, President of the Home Owners Association of the Park Wellington, whose residence is adjacent to the restaurant, and is already experiencing the impact of the building's parking lot as well as other disturbances. The applicants started construction in the building without proper approval from the City; suggested covering the patio area and enclosing the parking lot. The Park Wellington residents are adamant that they will not have the intrusion from this restaurant.

Commission Comments

Torgan – Inquired about an acknowledgement of an agreement between the Sunset Millennium development and the residents of the Park Wellington and if the Commission would be able to find out what the terms of the agreement are.

Altschul – Inquired if part of the agreement between the Park Wellington and Sunset Millennium included compensation paid to the residents was for double payned windows.

DeLuccio – Directed staff to review enclosure of the balcony and the hours of operation and discuss the two items at the community meeting.

Hamaker – Requested staff to schedule a site visit.

Action: Continue to July 17, 2003, with a neighborhood meeting prior to the scheduled public hearing.

Motion: Altschul Second: Crowe

Votes: All Ayes

Motion carries

B. Appeal of Zone Clearance 2001-261: Appeal of denial of Zone Clearance 2001-261, an application to legalize a rooftop spa.

Applicant: Merle W. Hopkins

Location: 1145 Horn Avenue

Planner: Francie Stefan

Recommendation: Deny the request subject to the finding in the proposed resolution.

Chair Behr opened the public hearing.

Francie Stefan presented the staff report.

Merle Hopkins presented the applicant's report.

Public Comment

1. Jeanne Dobrin, West Hollywood, recommended that the applicant take recourse against the realtor and broker for misrepresentation of the property and is in support of staff's recommendation.

Commission Deliberation

Hamaker – The issue of the removal of the Planning Division's notation from document presented to the applicant is something to be dealt with by the applicant and the realtor, not by the City.

Altschul – Stated that his property is within 500 feet of the property in question but does not affect any financial aspects on his personal property, and therefore will continue to participate in the hearing. The process of the view corridors were hard to negotiate and a condition of the construction of the property.

3. Jim Curtis, West Hollywood, spoke in favor of the project and believes it is in the best interest of the community to approve the application.

Jon Heintschel presented closing comments.

Action: Adopt and Approve Resolution No. PC 2003-477, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING VARIANCE 2003-01 TO ALLOW A VARIANCE FOR THE FRONT AND REAR YARD SETBACKS FOR A DWELLING UNIT LOCATED AT 8616 SHERWOOD DRIVE, WEST HOLLYWOOD" with the following revisions: Front setback variance is 7 feet 1 ½ inches, and to add the variance to allow the front porch to be located 1 ½ feet from the front property line.

Motion: Altschul

Second: DeLuccio

Votes: All Ayes

Motion Carries

Chair Behr and Commissioner Torgan recused themselves from the following hearing.

D. Development Permit 2002-41, Conditional Use Permit 2002-11, Parking Use Permit 2003-04, and Creative Sign Permit 2002-03: Development of a cosmetology school, training salon, district headquarters office, and retail project for Aveda Institute with a parking waiver to eliminate 9 drop-off spaces, and a creative sign permit located at 8209-21 Santa Monica Boulevard with off-site parking located at 8570 Sunset Boulevard (Sunset Millennium).

Applicant: Nossaman, Guthner, Knox & Elliott LLP for Aveda Corporation

Location: 8209-21 Santa Monica Boulevard with off-site parking at 8570 Sunset Boulevard (Sunset Millennium)

Planners: Francie Stefan/John Chase

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

Vice-Chair Altschul opened the public hearing.

Francie Stefan presented the staff report.

John Chase provided information on the creative sign permit.

Todd Elliot presented the applicants report.

Public Comment

1. David Behr, West Hollywood, the building for the project has never had a parking problem but it will with the proposed project. The number of customers is unknown therefore the number of parking spaces is undeterminable. The number of parking spaces needs to be re-calculated conducive to the use.
2. Sam Borelli, West Hollywood, is in full support of the Aveda Corporation developing the site, but is opposed to the shuttle transporting students from Sunset Millennium via La Jolla because it will impede traffic on Santa Monica Boulevard and suggested the drop off site be on North Harper. Also recommends a three-month review versus a six-month review.

3. Teri Duncan, West Hollywood, spoke in opposition of the project because of the parking situation, the impacts the shuttle will have on residential streets, and the impacts of the delivery trucks which will also have to park on the street.
4. Norma Kemper, West Hollywood, concerned with the impacts the shuttle will have on La Jolla and the lack of parking spaces which will cause cars to spill into the neighborhoods.
5. Jeanne Dobrin, West Hollywood, the location is classified as a vocational school use which requires 5 spaces per 1,000 square feet and is against allowing the shuttle on La Jolla and the use of the requested parking spaces.
6. Jean Mathison, West Hollywood, more businesses are parking at Sunset Millennium and inquired if anyone is keeping a tally on how many spaces are being used and how many more spaces they have available for the future restaurants that are being proposed. The parking plan isn't going to work and needs to be reconfigured.
7. Richard Maggio, West Hollywood, supports the Aveda Salon and the business, jobs, and training it will provide. The students and employees will become patrons to the surrounding businesses. If the City can approve bars throughout the City, it can approve this training center. This business is an opportunity to improve the neighborhood.
8. Mindy Bradish, Burbank, West Hollywood Chamber of Commerce, in favor of the Aveda Salon and the revitalization it will provide the City.
9. Clyde Wood, West Hollywood, in support of the Aveda project and believes the applicants have gone through great lengths to address concerns and are an environmentally responsible company. The City needs to recognize that this is an urban area and this project seems to be a solution to a vacant building.

Todd Elliot presented closing comments.

Terri Slimmer, Transportation Manager, addressed questions regarding the proposed shuttle service and how the route was planned. There will be a six-month review of the shuttle service.

Vice-Chair Altschul closed the public testimony portion of the public hearing.

Commission Deliberation

Hamaker – Suggested an investigation of other possible parking locations if it is determined that Sunset Millennium isn't an adequate location after a trial period. Is impressed and excited about the project and is impressed with the company but is concerned with the lack of parking spaces and would like to continue the item to review the parking issues.

Crowe – Would like the parking calculations to be researched with the assistance of the Parking Division to be fair to the neighbors and to make them feel comfortable about the project.

Altschul – Reviewed the parking requirement calculations according to the City's Code and concluded that the applicant's proposed parking space use is adequate and supported by the Code. Questioned the suggestion from other Commissioners requesting additional time to review the parking calculations since it is apparent that the calculations of the categories is reasonable.

Susan Healy Keene – Staff calculated the parking spaces according to the use of the building by the applicant in accordance with the Code and requested direction on what other areas is being requested to explore by the Commission.

DeLuccio – The Aveda project is a good use of the property. Is not comfortable with the shuttle traveling through the alley and sympathizes with the neighbors and suggests' a three-month review of the shuttle route by the Transportation Department and directed the Planning staff to bring the Commission a report of the review.

Altschul – Believes a \$30,000 bond is reasonable; a lot tie is unnecessary and would like to give the applicant's a choice of a lot tie or parking use permit before they obtain the certificate of occupancy. The requirement for the attendant is essential.

Hewitt – Would also like the parking attendant to be under a three-month review. The applicants will need to make sure there will be adequate parking for the customers, teachers and students.

Action: Adopt and Approve Resolution No. PC 2003-478, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION, AND CONDITIONAL USE PERMIT (CUP) 2002-11, DEVELOPMENT PERMIT (DVP) 2002-41 AND PARKING USE PERMIT (PUP) 2003-04, AN APPLICATION OF NOSSAMAN, GUTHNER, KNOX AND ELLIOTT LLP, FOR AVEDA CORPORATION, FOR THE CHANGE OF USE OF 11,743 SQUARE FEET OF EXISTING OFFICE SPACE INTO A COSMETOLOGY SCHOOL, TRAINING SALON, DISTRICT HEADQUARTERS OFFICE AND RETAIL FACILITY LOCATED AT 8209-8221 SANTA MONICA BOULEVARD, THE ELIMINATION OF REQUIRED DROP-OFF SPACES, AND OFF-SITE PARKING WITH VAN SHUTTLE SERVICE TO 8570 SUNSET BOULEVARD, WEST HOLLYWOOD" with the following amendments: 1) the attendant be required from 10:00 a.m. to 10:00 p.m., Monday through Saturday, subject to a three-month review; 2) Either a lot tie or parking use permit be supplied prior to the certificate of occupancy; 3) \$30,000 Bond remain; 4) the 15 point landscape requirement be satisfied by the existing conditions on the permises; 5) Deliveries only be made Monday through Friday between 8:00 and 9:00 a.m.; 6) The van drop off as proposed in the staff report, be subject to a three-month review; 7) the onsite parking lot be allowed to have 2 employee parking spaces; 8) Prior to the certificate of occupancy, a rental agreement be provided and approved by the City Attorney with minimum of a 180 day cancellation clause; 9) Include the amendments outlined in the staff's memo.

Motion: Altschul Second: Crowe

Votes: All Ayes on a roll call vote

Motion Carries

Chair Behr and Commissioner Torgan re-joined the meeting at this time.

11. UNFINISHED BUSINESS

None.

12. NEW BUSINESS

None.

13. ITEMS FROM STAFF

- a. Update on Sky Sushi** - 1) A letter was sent re-iterating the points need to become into compliance with its' conditional use permits as the exist now; 2) Tom Benedetti reported that they have reduced the size of the dance floor, but have not yet added any additional pool tables; 3) Sky Sushi is scheduled for the next City Council meeting on May 19th, and the discretion of the City Council, staff will be requesting a continuance until June 23rd; 4) Sky Sushi is looking at other potential tenants for the space.
- b. Update on Petco** - A Memo was provided to the Commission from Dan Siegal regarding his issues with Petco.
Tom Benedetti, acting Code Compliance Manager, also provided the Commission with a memo reporting on his conversations with the manager of Petco and a review of the conditions that have not been met that are within the conditional use permit.

14. PUBLIC COMMENT

None.

15. ITEMS FROM COMMISSIONERS


None.

16. ADJOURNMENT

Action: Adjourn to a regular meeting of the Planning Commission on Thursday, June 5, 2003, at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood.

Motion carried by a consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS 19th DAY OF JUNE, 2003.

CHAIRPERSON: 

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: 