



PLANNING COMMISSION MINUTES

July 17, 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. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Jeff Prang.

Mayor Prang thanked the Planning Commission for their commitment to serve the City and welcomed the three new Commissioners

3. ADMINISTER THE OATH OF OFFICE

Councilmember Duran administered the Oath of Office for John Chase, John D'Amico, and Eric Thompson.

4. ROLL CALL

Commissioners Present: John Altschul, David Behr, John Chase, John D'Amico, Donald DeLuccio, Barbara Hamaker, and Eric Thompson.

Commissioners Absent: None.

Staff Present: Susan Healy Keene, Planning Manager; Christi Hogin, City Attorney; C.J. Amstrup, Senior Planner; Jack McGee, Contract Planner; Geraldine Gardner, Contract Planner; and Jennifer Diaz, Administrative Staff Assistant.

5. SPECIAL ORDER OF AGENDA

A. ELECTION OF CHAIR

Action: Nominate Chair Behr as Chair for the 2003/2004 year.

Motion: DeLuccio

Chair Behr respectfully declined the nomination.

Action: Nominate Vice-Chair Altschul as Chair for the 2003/2004 year.

Motion: Thompson Second: Chase

Votes: All Ayes

Motion carries

Chair Altschul thanked Commissioner Behr for his dedication as Chair of the Commission, as well as Commissioners Crowe, Hamaker, and Hewitt and welcomed the new commissioners.

B. ELECTION OF VICE-CHAIR

Action: Nominate Commissioner Hamaker as Vice-Chair for the 2003/2004 year.

Motion: DeLuccio Second: Behr

Votes: All Ayes

Motion Carries

6. APPROVAL OF AGENDA

Action: Approve the Agenda of July 17, 2003.

Motion: DeLuccio Second: Hamaker

Vote: All Ayes

Motion carries

7. APPROVAL OF MINUTES

None.

8. PUBLIC COMMENT

- A.** Rosalyn Krause Prang, West Hollywood, stated that other cities hang the American Flag during the July 4th weekend and West Hollywood does not hang along Santa Monica Boulevard. Finds it difficult to believe that the City cannot hang the American Flag along with the Rainbow flag temporarily with such a large budget.
- B.** Steve Smith, West Hollywood, welcomed the new commissioners; stated that for the first time since living in West Hollywood for 13 years, he has felt unsafe to walk around Sunset Boulevard. He has also noticed the increase of Sheriff's Deputies along the Sunset strip and believes that there should not be any additional nightclubs until the crime around the strip has decreased.
- C.** Brad Torgan, West Hollywood, thanked the City and fellow Commissioners for the opportunity to serve on the Planning Commission.
- D.** Dan Siegel, West Hollywood, welcomed the new Commissioners; Gave an update on Petco and reported that they have done a few things to try to improve the many problems that includes customers impeding into the surrounding neighborhood and requested that the business be agendized for discussion.

9. ITEMS FROM COMMISSIONERS

Hamaker – Welcomed the three new Commissioners; Thanked Commissioners Hewitt, Torgan, and Crowe and all the information she learned from them.

DeLuccio – Welcomed the new Commissioners and bid a fond farewell to the out-going Commissioners.

Chase – Pleased to serve on the Commission and hopes to do as well a job as the prior Commissioners

Thompson – Delighted to be on the Commission and is ready to serve the community.

10. CONSENT CALENDAR

A. Development Permit 2002-13, Demolition Permit 2002-06, and Tentative Tract Map 2002-05: Demolition of ten residential units on one lot (841-49 ½ Westmount Drive) and three on another lot (851-51 ¾ Westmount Drive) and the construction of a 16-unit multi-family condominium building using the Zoning Ordinance’s courtyard housing standards.

Applicant: Michail Segal

Location: 841-51 ¾ Westmount Drive

Planner: Emmeline Elzin Harrigan; C.J. Amstrup

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

Action: Adopt and Approve Resolution No. PC 2003-481, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2002-13 AND DEMOLITION PERMIT 2002-06 FOR A 16-UNIT CONDOMINIUM BUILDING USING THE COURTYARD HOUSING STANDARDS FOR THE PROPERTY LOCATED AT 841-851 ¾ WESTMOUNT DRIVE, WEST HOLLYWOOD, CALIFORNIA” and

Adopt and Approve Resolution No. PC 2003-482, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 53943 (TENTATIVE TRACT MAP 2002-05) FOR THE PROPERTY LOCATED AT 841-851 ¾ WESTMOUNT DRIVE, WEST HOLLYWOOD, CALIFORNIA.”

Motion: DeLuccio Second: Hamaker

Votes: All Ayes

Motion Carries, noting the abstention of Commissioners Chase, D’Amico, and Thompson

11. EXCLUDED CONSENT CALENDAR

None.

12. 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 Altschul opened the public hearing.

Jack McGee presented a brief statement on a continuance request.

Commissioner Chase recused himself from the hearing.

Disclosures

Behr – Visited the site

Hamaker – Visited the site

D'Amico – Visited the site

Thompson – Toured the site with the applicants and the applicants attorneys

DeLuccio - Toured the site with the applicants and the applicants attorneys

Altschul – Visited the site

Mark Lehman, John Long, Bob Long, and David Witty presented the applicants report.

Public Comment

1. Jeff Fahey, Beverly Hills, spoke in support of the application and believes the business will benefit the economy and the surrounding community.
2. George Germanides, West Hollywood, spoke in support of the application due to the Long Brothers' successful restaurant Atlantis.
3. Shanel Stasz, West Hollywood, President of the Park Wellington Home Owners Association, spoke on behalf of the home owners association and their concerns with the outdoor patio and noise that will be associated with it. Also states that the north side of her building is facing openings from the parking lot which omit toxic fumes.
4. Richard Heyman, West Hollywood, spoke in support of the application, but is concerned with the restrictive hours of operation of this restaurant as well as other restaurants along the Strip.
5. Rinaldo Colantoni, Studio City, spoke in support of the application.
6. Hillary Selvin, Los Angeles, spoke in support of the restaurant and believes it will bring more business to the City. Also stated that the automatic windows will minimize any noise from the outdoor patio.
7. Brad Johnson, Marina Del Rey, spoke in support of the application and is concerned with the restrictive hours.
8. Jean Mathison, West Hollywood, the enclosure of the patio and retractable ceiling is excellent, however, the west end should also be enclosed and the hours should have restrictions.

9. G.G. Verone, Los Angeles, was pleased that the Long Brothers meet and listened to surrounding residents, during a meeting with the Long Brothers she voiced her concern with an open patio and believes that they have made conscious decisions with most of their changes.
10. Bill Bergiadis, Santa Clarita, clarified the concerns of noise from the sliding glass roof and stated that patrons and residents will not be affected by the mechanical function of the roof.

Mark Lehman presented closing comments.

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

Commission Comments

Hamaker – Requested clarification on the applicant's requested hours of operation. Believes the applicant's have done their best and would like to allow them the requested hours during the three-month review.

Jack McGee – Clarified that the applicant would like to close at 12:30 a.m. Monday through Wednesday and to close at 1:30 a.m. Thursday through Sunday.

Behr – Concerned with the restaurant being able to maintain the requirement of Item 33 of the Resolution regarding the quarterly gross sale of food and non-alcoholic beverages which would need to be more than 50% of the gross sales. Also concerned with the parking calculations at the Sunset Millennium garage with the inclusion of other restaurants using the same garage. Recommended that the applicant's confirm that the parking lease agreement can be cancelled. Is also in favor of allowing the restaurant to close thirty minutes later as requested by the applicants.

Altschul – Recommended that in addition to the three-month review to include an automatic six-month review by the Planning Commission.

DeLuccio – Amenable to the applicant's request to close thirty minutes later.

Action: Adopt and Approve Resolution No. PC 2003-476, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING MINOR CONDITIONAL USE PERMIT 2002-15, APPROVING FULL ALCOHOL SALES, SERVICE, AND CONSUMPTION AS AN ACCESSORY TO A NEW RESTAURANT USE LOCATED AT 8590 SUNSET BOULEVARD, SUITES 15-1 AND 15-2, WEST HOLLYWOOD, CALIFORNIA" with the following amendments: 1) to include the retractable windows and ceiling; 2) smoking limited to East 1/3 of the patio when operable windows are open; 3) Three-month review of the enclosed and open terrace; 4) televisions in the dining area only; 5) include a clause which will give West Hollywood residents hiring priority; 6) operation hours to be Sunday through Thursday until 12:00 midnight and Friday and Saturday until 1:00 a.m.

Motion: DeLuccio Second: Behr

Votes: All Ayes on a roll call vote

Motion carries

Commissioner Chase re-joined the meeting.

B. Tentative Tract Map 2002-06 (TTM 53962): Convert existing apartment building to condominiums.

Applicant: CRC Enterprises, on behalf of Boyd Willat

Location: 1414 Harper Avenue

Planner: C.J. Amstrup

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

Chair Behr opened the public hearing.

C.J. Amstrup presented the staff report.

Ron Koester presented the applicant's report.

Action: Approve and adopt Resolution No. PC 2003-490, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING TENTATIVE TRACT MAP 2002-06 (TENATIVE TRACT MAP 53962) TO CONVERT AN EXISTING 20 UNIT APARTMENT BUILDING INTO A 20 UNIT CONDOMINIUM. THE PROPERTY IS LOCATED AT 1414 HARPER AVENUE, WEST HOLLYWOOD, CALIFORNIA."

Motion: Altschul

Second: DeLuccio

Votes: All Ayes

Motion Carries

C. Appeal of Administrative Permit 2002-63: Appeal of the Director's Denial of AP 2002-63, a request to legalize a one dwelling unit at 1150-52 N. Gardner Street.

Applicant: James Castro

Appellant: James Castro

Location: 1150-52 N. Gardner Street

Planner: Geraldine Gardner

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

Chair Behr opened the public hearing.

Geraldine Gardner presented the staff report.

Jeff Skorneck, Housing Manager and John Berndt, Residential Code Compliance Officer, were available to answer questions from the Commission.

James Castro presented the applicants report.

Commission Deliberation

Thompson – Stated that the property has been well kept. Based on the facts of the legalization process versus the facts presented, the denial must be upheld. However, the series of permits could have also been used to the applicant's advantage due to the nature and chronological series of the permits.

Chase – The burden of proof was on the applicant to prove that the property was rented and the applicant could not supply the information. Doesn't believe the unit existed by virtue of the same rules that apply to the rest of the City and doesn't believe that the removal of the unit is reducing the housing stock.

Action: Adopt and Approve Resolution No. PC 2003-486, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING THE APPEAL BY JAMES CASTRO AND UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S ACTION DENYING ADMINISTRATIVE PERMIT 2002-63 TO LEGALIZE ONE ILLEGAL DWELLING UNIT AT THE PROPERTY LOCATED AT 1150-52 N. GARDNER STREET, WEST HOLLYWOOD, CALIFORNIA."

Motion: Behr Second: Altschul
Votes: Ayes: Behr, Atlschul, Chase, DeLuccio, Thompson
Nayes: D'Amico, Hamaker

Motion Carries

D. Conditional Use Permit 2002-07, Parking Use Permit 2002-09, and Development Permit 2002-07: Conversion of a restaurant to a nightclub with nightly dancing, comedy/karaoke, service on smoking/dining patios past 10:00 p.m., as currently approved, audio on outdoor televisions and off-site parking.

Applicant: Pearl Holdings Group, Inc

Location: 8240 Sunset Boulevard

Planners: C.J. Amstrup

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

Continued to September 4, 2003.

13. UNFINISHED BUSINESS

None.

14. NEW BUSINESS

None.

15. EXCLUDED CONSENT CALENDAR

None.

16. ITEMS FROM STAFF

Susan Healy Keene – Informed the Commission of the California American Planning Association state conference to held at the end of September.

17. PUBLIC COMMENT

A. **Charles Tovar**, Los Angeles, disappointed for continuing the Dublin's item because of a misprint.

18. ITEMS FROM COMMISSIONERS

None.

19. ADJOURNMENT

Action: Adjourn to a regular meeting of the Planning Commission on Thursday, August 7, 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 4th DAY OF SEPTEMBER, 2003.

CHAIRPERSON: _____

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: _____