



PLANNING COMMISSION MINUTES

August 7, 2003

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 6:30 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 Mike Jenkins.

3. 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; John Keho, Senior Planner; Terry Blount, Associate Planner; Debby Linn, Contract Planner; and Jennifer Diaz, Administrative Staff Assistant.

4. APPROVAL OF THE AGENDA

Action: Approve the Agenda of August 7, 2003 with the withdrawal of Public Hearing Item 9.A.

Motion: DeLuccio Second: Behr

Vote: All Ayes

Motion carries

5. APPROVAL OF MINUTES

A. Minutes – June 19, 2003.

Make the following amendments and bring back to the August 21, 2003 meeting: to page 4, correct the word "appurtenances", clarify section 5 of the action regarding density; to page 3, remove the tree comment made by Vice-Chair Hamaker; and correct the place of the meeting to reflect Plummer Park.

6. PUBLIC COMMENT

- A. Jeanne Dobrin, West Hollywood, spoke on Astro Burger and stated that the restaurant is not the problem in that area and believes it is a benefit to the City.

7. ITEMS FROM COMMISSIONERS

None.

8. CONSENT CALENDAR

None.

9. PUBLIC HEARINGS

- A. **Minor Conditional Use Permit 2002-18:** Appeal of the Director's denial of Minor Conditional Use Permit 2002-18, permitting extended business hours for a restaurant.

Applicant: Dino Andrianos

Appellant: Dino Andrianos

Location: 7475 Santa Monica Boulevard (Astro Burger)

Planner: Debby Linn

Recommendation: Withdrawn by applicant (Application for extended business hours license pending).

- B. **Development Permit 2002-34, Demolition Permit 2002-15, and Tentative Tract Map 2003-01:** Demolition of a single-family residence and construction of a ten-unit condominium building.

Applicant: Yehuda Benezra

Location: 1146 Hacienda Place

Planner: Terry Blount

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

Chair Altschul opened the public hearing.

Terry Blount presented the staff report.

Yehuda Benezra presented the applicant's report.

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

Action: Approve and adopt the following:

- 1) **Resolution No PC 2003-487, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2002-34 AND DEMOLITION PERMIT 2002-15, ON AN APPLICATION OF YEHUDA BENEZRA, TO PERMIT THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE AND THE CONSTRUCTION**

OF A FOUR-STORY, 10-UNIT CONDOMINIUM BUILDING OVER A SEMI-SUBTERRANEAN GARAGE AT 1146 HACIENDA PLACE, WEST HOLLYWOOD, CALIFORNIA,” with the following amendment: Construction hours end at 5:00 p.m., and

2) Resolution No. PC 2003-488, “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-01 (MINOR LAND DIVISION 54191) FOR THE PROPERTY LOCATED AT 1146 HACIENDA PLACE, WEST HOLLYWOOD, CALIFORNIA.”

Motion: Thompson

Second: DeLuccio

Votes: All Ayes

Motion Carries

C. Development Permit 2003-06, Administrative Permit 2003-20, Minor Conditional Use Permit 2003-05, Parking Use Permit 2003-07, and Parking Use Permit 2003-08: Expansion of existing restaurant into adjacent retail space with outdoor dining, and the sale, service and consumption of alcoholic beverages and an accessory business activity – Live DJ with amplified music. Parking required for the expansion to be provided off-site at 665 N. Robertson and 8787 Santa Monica Boulevard.

Applicant: David Cooley

Location: 690-692 N. Robertson Boulevard

Planner: John Keho

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

Chair Altschul opened the public hearing.

Anne Browning McIntosh, Interim Community Development Director, presented a report regarding land use issues on N. Robertson Boulevard.

Commissioner Comments

Atlschul - Requested staff to agendize a study session to discuss N. Robertson Boulevard. The Abbey has been around for 13 years and Mr. Cooley has been a responsible and cooperative business person with respect to the City’s needs and believes the application can be extracted from the issues on Robertson Boulevard. The Commission should be able to make a decision on the application based on the pros and cons and the benefits that it provides to the City.

DeLuccio – Clarified that the use of the businesses runs with the land. Also stated that if the Commission decided to conduct a traffic study that perhaps the applicants could be conditioned to contribute to the study.

Chase – Would like to have a study session because of the concern of the conflict between having the area as nighttime gay and lesbian entertainment center and any potential conflicts staff found in the General Plan.

Behr – Inquired if the increase of occupancy on Robertson was the main concern of staff. Also stated that some of the items are General Plan issues and inquired if the subject came about during the general plan discussions.

Action: Proceed with the Public Hearing regarding The Abbey and make a decision on conditioning an approval based on what future concerns might be, and keeping in mind that a study session to discuss the vision and future of Robertson Boulevard will be scheduled.

Motion: Altschul Second: Behr

Votes: All Ayes, on a roll call vote

Motion Carries

John Keho presented the staff report.

Disclosures

D'Amico – Visited The Abbey and met with the owner and his representative and discussed items in the staff report.

DeLuccio – Met with the owner and his representative for a site visit.

Thompson – Visited The Abbey with the owner.

Chase – Visited The Abbey with the owner and discussed items in the staff report.

Altschul – Visited The Abbey and met with the owner and his representative.

Mark Lehman presented the applicants report.

Public Comment

1. David Cooley, Los Angeles, owner of The Abbey, presented a brief history of the restaurant and the steps he has taken and will continue to take to address concerns of neighbors.
2. Bill Bergiadis, Santa Clarita, conducted noise mitigation studies and has recommended certain containment measures to reduce noise from traveling into the surrounding neighborhoods.
3. Lauren Meister, West Hollywood, spoke in support of staff's recommendation to deny the permit, the negative impact of traffic to the residents and other businesses is a larger issue that needs to be considered.
4. Saul Aldana, Los Angeles, employee of The Abbey and stated that he has seen the growth and development of a number of employees who are from many different backgrounds and urged the Commission to approve the application.
5. Anthony Wayne Johnson, West Hollywood, as an employee he has learned a great deal about the restaurant business and urged the Commission to approve the expansion.
6. Warren Hohmann, West Hollywood, spoke in support of the expansion for the contribution The Abbey has given to the community such as the comfortable environment and enhancing the economy.
7. Jeanne Dobrin, West Hollywood, stated that The Abbey has morphed into a high-end restaurant that has caused a lot of traffic problems on Robertson Boulevard. The five findings of facts cannot be met therefore the staff has to deny the application.
8. Chris Fritzen, Marina Del Rey, Senior Development Officer for Aids Project Los Angeles and speaking on behalf of the organization. The Abbey has opened its

- doors for fundraising events and thanked Mr. Cooley for his support.
9. Joe Marich, Los Angeles, as an owner of a public relations firm, has clients who request that their events be held at The Abbey due to their ambiance, the great staff and security, and wonderful food. Urged the Commission to approve the expansion.
 10. Jason Gomes, Los Angeles, spoke in favor of the expansion due to its responsible reputation and relationship with the community, tourists, other businesses and the City of West Hollywood.
 11. Alejandra Galvis, West Hollywood, The Abbey is the most beautiful establishment and should be allowed to expand.
 12. Jason Kost, West Hollywood, has been a patron of The Abbey for a few years and reported that the previous expansions were done quietly and without disruption to neighbors. Believes that it is important for the City to stand behind such a successful and great business that contributes to the City's economy.
 13. Joseph Carino, Los Angeles, stated that as an employee he does park at the Santa Palm during his working hours. Also reiterates that the diversity of employees and people at The Abbey is very welcoming.
 14. Todd Barnes, West Hollywood, one of the Manager's at The Abbey, The Abbey is a world renowned establishment and it has given back to the community by raising money and holding events for various charities.
 15. Scott Unger, West Hollywood, commended The Abbey on their exemplary assistance to various charities and pointed out that many other businesses who are capable of doing the same thing have not come forward to assist or contribute their services or funds.
 16. Andres Shahbaznia, Valley Village, read a letter from Sysco Foods Company which states that The Abbey is one of the most respected businesses in the City of West Hollywood.
 17. Brook Casey, Hollywood, as an employee, has come to realize that The Abbey contributes much more than a comfortable atmosphere and has proven that they are a unique establishment.
 18. Tom Demille, West Hollywood, The Abbey has grown into a spectacular establishment and is operated quite well by a professional security team. Stated that there is little impact from patrons parking at the Palm car wash.
 19. John Kaleel, West Hollywood, stated that The Abbey is a beacon for the future of the City and the development of Robertson Boulevard.
 20. Byron Lohman, West Hollywood, resident of the Norma Triangle; concerned with the noise coming from Santa Monica/Robertson area. All of the restaurant-clubs in that area contribute to the noise that disturbs neighbors and welcomes any sound mitigations The Abbey and others would implement.
 21. Cesar de Fuentes, Beverly Hills, employee of The Abbey and walks to work. Read a letter from the Gay and Lesbian Housing Corporation which commended Mr. Cooley for his support to the gay, lesbian, and transgender community and stated that he is a respected community business owner.
 22. Tony Alvarado, Los Angeles, stated The Abbey provides a safe and clean environment to all patrons and has so often provided support to the community.
 23. Kate Bartolo, West Hollywood, Co-chair of the Norma Triangle Residents Association, stated the issues do not lye with the restaurant or owner but with the traffic and noise that comes from the establishment. Asked that The Abbey be held responsible to the noise ordinance as other establishments are held to.

24. Tony Ross, Hollywood, co-owner of Here Lounge, stated that The Abbey is a responsible and cooperative business neighbor.
25. John Brady, Los Angeles, stated that Mr. Cooley is a gentleman of integrity, respect and commitment. He has invested in a sound engineer and believes that he is committed to improving sound mitigation measures.

Mark Lehman presented closing statements.

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

Commission Discussion

Chase – Added his voice of praise to The Abbey for being an asset to the City that all people can visit. Concerned that The Abbey be treated with the respect and consideration that it deserves and that the Commission is fair to all other applicants by asking The Abbey to abide by the same conditions that have been asked of by other businesses. Believes that it is logical to have attractive and wonderful restaurants and bars in a concentrated area that serves as the gay and lesbian nighttime entertainment center for southern California. Does not see any point in a traffic mitigation study because there aren't any measures that will make traffic disappear from Robertson Boulevard. There should be a district answer for parking in this area and having the resource of the PDC, which is under utilized, nearby is important. There could be more efforts through the City by BID districts or various means to get people to use the parking at the PDC, as well as getting the management of the PDC to realize that utilization of their structure is a very important resource and necessary for this area to thrive. The Commission should address the impacts of the expansion and implement conditions to meet the mitigation impacts.

Altschul – Recommended that the applicant take the lead with neighborhood discussions in regards to a BID. Agrees with Commissioner Chase that a traffic study will not improve the traffic on Robertson Boulevard. Stated, as a caveat to the applicant, that if the required 71 parking spaces are not obtained that the proportionate square footage relating to the required spaces would need to be closed down. After the six months of operation and at the time of the review, if it is apparent that the standards that the code provides is more parking spaces, the applicant would have to be provide them before the restaurant space can be used.

Hamaker – Concerned with only 71 parking spaces being required for an expansion to accommodate 612 people and with the amplified music.

Behr – Is also concerned with only 71 parking spaces for 612 people. The floor plan could be changed to be more conducive to restaurant space. The issue might be that the establishment might be a restaurant by day and bar in the evening. Also agrees with Commissioner Chase in regards to the traffic study results. The expansion is not the problem, it's the inadequate required parking. Recommended the implementation of a valet plan.

DeLuccio – Requested that one resolution be drafted to incorporates all the conditions when staff brings the item back for approval. Inquired if staff intended to conduct a traffic study, and believes it will allow the Abbey to continue with the

expansion and with the assistance of their sound experts to come up with mitigation.

Anne Browning McIntosh – Recommended conducting a comprehensive parking study rather than a traffic study. Also recommended that the Planning Commission keep the deliberation portion of the public hearing open and agedize the item under Old Business on the September 18th meeting.

Thompson – Concerned with various issues associated with the expansion, which include: Density, does not agree there is a correlation between public safety and the increased density and also does not agree with increased patrons on Robertson and increased cars on Robertson. The majority of the patrons of The Abbey park a little farther away and walk over to the restaurant. Inquired about the awning and whether it will be rolled back, if it is to be used as sound proofing it should be fixed.

D'Amico – Pointed out that The Abbey's location is critical to the redevelopment of the park and perhaps the restaurant could open up towards the park sometime in the future.

Action: Adopt and Approve Resolution No. PC 2003-494, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING MINOR CONDITIONAL USE PERMIT 2003-20, DEVELOPMENT PERMIT 2003-06, ADMINISTRATIVE PERMIT 2003-20 AND PARKING USE PERMITS 2003-07 AND 2003-05 FOR THE ON-SITE SALE, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES, THE ADDITION OF AN INDOOR AND OUTDOOR DINING AREA, AND OFF-SITE PARKING AT 8787 SANTA MONICA BOULEVARD AND 665 N. ROBERTSON BOULEVARD FOR A RESTAURANT LOCATED AT 690-692 N. ROBERTSON BOULEVARD (THE ABBEY), WEST HOLLYWOOD, CALIFORNIA", with the following amendments:

- 1) Prior to the opening of the additional space that 71 parking spaces be accounted for and supplied;**
- 2) Prior to the opening of the additional space that a security plan be offered acceptable to the Director of Community Development;**
- 3) Noise mitigation procedures be undertaken during and up to the end of the first six months of the operation of the entire establishment with the opening of the new space;**
- 4) Between the time of approval, during and including the first six months of operation of the new space, the applicant cooperate and provide statistics and information to accomplish an audit of the relationship of sales of food to alcohol;**
- 5) At the end of six months of operation that the matter be reviewed by the Planning Commission in its entirety;**
- 6) A neighborhood meeting be conducted approximately 90 days after the opening of the additional space;**
- 7) The applicant be given the choice of providing the additional parking required or payment of in-lieu fees;**
- 8) DJ is allowed Friday and Saturday only;**
- 9) The awning is to be fixed.**

Motion: Altschul

Second: DeLuccio

Votes: Ayes: Atlschul, DeLuccio, Chase, D'Amico, Behr, Thompson

Nays: Hamaker

Motion Carries

10. NEW BUSINESS

A. Appointment of Design Review Sub-committee

Commissioners Chase and D'Amico were appointed to the sub-committee;
Commissioner DeLuccio was appointed as an alternate

11. UNFINISHED BUSINESS

None.

12. EXCLUDED CONSENT CALENDAR

None.

13. ITEMS FROM STAFF

None.

14. PUBLIC COMMENT

None.

15. ITEMS FROM COMMISSIONERS

Behr – Inquired what the PDC's parking plan is in conjunction with special events. Also concerned with the noise from their current function and if the noise from the PDC is being mistaken for noise from businesses on Robertson.

Altschul – Requested Code Compliance inspect the food rating sign for Kachina Grill, which is not by the front door for public view upon entering the restaurant.

16. ADJOURNMENT

Action: Adjourn to a regular meeting of the Planning Commission on Thursday, August 21, 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 2nd DAY OF OCTOBER, 2003.

CHAIRPERSON: _____

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: _____