



PLANNING COMMISSION MINUTES

October 2, 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 6:40 P.M.

2. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by David Eichman.

3. ROLL CALL:

Commissioners Present: Altschul, Behr, Chase, D'Amico, DeLuccio and Hamaker.

Commissioners Absent: Thompson.

Staff Present: John Keho, Senior Planner, Francie Stefan, Associate Planner, David DeGrazia, Assistant Planner, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager, Helen Goss, Director of Public Information Hearings and Legal Services, Sam Baxter, Facilities and Landscape Manager, Steven Lewis, Hearings Examiner, Anne Browning McIntosh, Interim Director of Community Development and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, October 2, 2003 as presented. **Motion by Commissioner DeLuccio seconded by Commissioner Behr and unanimously carried.**

5. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, August 7, 2003 as presented. **Motion by Commissioner DeLuccio seconded by Vice-Chair Hamaker and unanimously carried.**

Chair Altschul stated the Planning Commission minutes of Thursday, August 21, 2003 are incomplete and revisions need to be made; specifically to the item regarding the Pacific Design Center.

ACTION: 1) Return the Planning Commission Minutes of Thursday, August 21, 2003 to staff for revisions. **Motion carried by consensus of the Commission.**

6. PUBLIC COMMENT: None.

7. ITEMS FROM COMMISSIONERS:

Chair Altschul welcomed David Gillig as the new Planning Commission Recording Secretary and thanked Jennifer Diaz for her years of work with the Commission.

He announced Commissioner David Behr's resignation from the West Hollywood Planning Commission. He thanked him for his dedication and presented him with a Certificate of Appreciation for his years of service on the Planning Commission from June 4, 1990 to October 2, 2003.

Commissioner Behr expressed his thanks for this opportunity to serve the community and thanked the fellow commissioner's.

Commissioner Chase thanked Commissioner Behr for his wisdom, attention to detail, knowledge and experience, as well as his years on the Planning Commission.

Commissioner DeLuccio stated Commissioner Behr would be missed and looks forward to a continuing and lasting friendship. He questioned staff about 24 Hour Health and Fitness regarding their Conditional Use Permit. He asked staff to look into this matter, with a report coming back to the Planning Commission at the next meeting.

Commissioner Hamaker acknowledged Commissioner Behr and stated that he will be missed.

8. CONSENT CALENDAR.

A. PACIFIC DESIGN CENTER SPECIFIC PLAN AND DEVELOPMENT PERMIT, DEMOLITION PERMIT AND DEVELOPMENT PERMIT AND DEVELOPMENT AGREEMENT FOR THE CONSTRUCTION OF A 400,000 SQUARE-FOOT "RED" BUILDING LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA.

ACTION: 1) Adopt Resolution No. PC 2003-496 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING APPROVAL OF SPECIFIC PLAN AMENDMENT 2001-04 CONCERNING THE PACIFIC DESIGN CENTER SPECIFIC PLAN AMENDMENT" and 2) Adopt Resolution No. PC 03-498 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING CONDITIONAL APPROVAL OF DEVELOPMENT PERMIT 2001-27, DEMOLITION PERMIT 2001-12 AND DEVELOPMENT AGREEMENT 2002-01 FOR THE CONSTRUCTION OF A 400,000 SQUARE-FOOT OFFICE BUILDING (PDC RED) FOR THE PROPERTY LOCATED AT 8687 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Behr seconded by Vice-Chair Hamaker and unanimously carried, noting the absence of Commissioner Thompson and the abstention of Commissioner DeLuccio.**

9. PUBLIC HEARINGS

A. **CONDITIONAL USE PERMIT 2003-04.**

David DeGrazia, Assistant Planner presented the staff report to allow alcohol sales for off-site consumption and to hold weekly on-site wine and beer tasting events at Beverages and more!; a new retail store located in the West Hollywood Gateway Project at 7100 Santa Monica Boulevard, West Hollywood, California.

Chair Altschul requested staff to summarize the changes the applicant has requested after the staff report was published.

David DeGrazia, Assistant Planner stated the applicant has requested the following changes:

1. Section 7.10.: change the hours for wine tasting to 12:00 Noon – 6:00 P.M. Saturdays. (instead of 3:00 P.M. – 6:00 P.M. Saturdays)
 - a. requesting wine tasting on selected holidays throughout the year
2. Section 7.5. and 7.6.: requesting to sell champagne and Craft Brews (micro brews) in smaller quantities (splits). These would not be for sale in a refrigerated area.
3. Section 7.7: requesting to sell (selected) fortified wines.
4. Requesting trash picked up when store employees arrive.
5. Section 7.2.: requesting to use their own training program instead of the LEAD program offered by the Department of Alcoholic Beverages Control (ABC) offices.

Chair Altschul opened the Public Hearings.

MIKE LYONS, DOVE CANYON, District Manager representing the owner, gave the applicant's report. He gave a brief history of the store, accentuating their business as a specialty retail store, census of the types of clients, different products that are sold and the packaging. He detailed the products that are not sold in the store(s) and notated the hours of the establishment. He also detailed the "tasting area" of the store and commented on the requested extension of holiday hours.

Vice-Chair Hamaker questioned the definition of "fortified wines".

Commissioner Behr requested the applicant to define "specialty retailer" and also requested a listing of specific dates the applicant is requesting for special events.

Mike Lyons defined their establishment as a high end product, which you cannot find at a regular supermarket and/or at regular competitors. Five days are requested for special events.

Vice-Chair Hamaker questioned the security that would be present during wine tasting and the number of employees at one time. She also questioned the shopping cart etiquette of the establishment.

Commissioner DeLuccio questioned the location of the photographs and asked the applicant to be specific on the five (5) special event days requested.

Mike Lyons stated that the following days are requested for special events: 1) Valentine's Day (February 14th); 2) the day before Thanksgiving; 3) December 24th (Christmas Eve); 4) December 31st (New Year's Eve); and 5) 3rd Thursday of every November.

Commissioner D'Amico questioned staff if the West Hollywood Gateway Project has a non-alcohol consumption policy.

The West Hollywood Gateway Project does not have a non-alcohol consumption policy.

JEANNE DOBRIN, WEST HOLLYWOOD has concerns regarding this item. She stated the extended hours for the establishment should be specific for the last six weeks and stated her concerns regarding the wine tasting area of 96 square feet.

MIKE LYONS, DOVE COVE, District Manager representing the owner, gave the applicant's rebuttal. He made the correction to Ms. Jeanne Dobrin's comment regarding the last six weeks; which should be the last eight weeks of the year. He stated the tasting area is monitored at all times by a sales associate and the shopping carts would end up in the underground parking area. He gave a brief definition of "fortified wines"; wine that has been fortified up to 17% alcohol and involves the final brewing step.

ACTION: Close the Public Hearings. **Motion carried by consensus of the Commission.**

Vice-Chair Hamaker stated the Project Area Committee of the Eastside is not [was not] aware of the details of this project. Although she cannot speak for the Project Area Committee, it seems this will be a very good addition and use of this space.

Chair Altschul motioned approval of the resolution with the following amendments:

1. The store will have the length of hours extended up to 10:00 P.M.; commencing the 15th of November through the 31st of December of each year.
2. Wine tasting will take place from 12:00 Noon to 6:00 P.M. (Section 7.10.)
3. Five (5) holidays will be granted extended hours till 10:00 P.M.:
 - a. Valentine's Day (February 14th)
 - b. Christmas Eve (December 24th)
 - c. New Year's Eve (December 31st)
 - d. evening before Thanksgiving
 - e. 3rd Thursday of November
4. Champagne "splits" will be allowed to be sold, however they may not be sold refrigerated or cold.
5. Single bottles of cans of beer that are individually packed and manufactured, bottled and/or packaged outside of the United States may be sold, however they may not be sold refrigerated or cold.
6. Craft Brews shall be allowed to be sold individually, in groups of six (6) singles.
7. Fortified wines as currently defined is not acceptable; however, ports and sherries are permissible as permitted by the Director of Community Development, with the understanding that fortified wines as they are applied to every liquor store currently cannot be sold.
8. Trash pick-up shall be in accordance with the rules and regulations of the West Hollywood Gateway project as a whole.
9. The Department of Alcohol Beverages and Control (ABC) training program will be adhered to.

Commissioner DeLuccio seconded the motion and amended the motion with the following caveat: certified training is acceptable if their training conforms to an approved program that the Department of Alcoholic Beverages and Control (ABC) recognizes.

Chair Altschul agreed to this amendment.

Commissioner Behr suggested an amendment to Section 2.1.: by adding "at specialty retailers" to the following sentence. "This permit is for Conditional Use Permit 2003-04 to allow alcohol sales... "

This amendment was unanimously agreed to.

STEVE MC LAREN, MORAGA, owner of Beverages and more! clarified the misunderstandings and differences between Craft Brews and domestic beers.

After discussion, it was decided to allow single sales of Craft Brews, non-refrigerated, subject to review by the Community Development Director in six (6) months after the establishment opens, and if there are any problems, then they will be addressed.

ACTION: 1) Conditionally approve the request subject to the findings and modified conditions in the proposed Resolution: a) including modifications to Condition 7.3 to allow hours of operation until 10:00 P.M. from November 15th to December 31st; b) Condition 7.10 to allow wine and beer tasting events from 12:00 Noon to 6:00 P.M. on Saturdays (6:00 P.M. – 9:00 P.M. on Fridays); c) allow tasting events on five (5) holidays; d) to allow champagne splits, but not refrigerated; e) to allow non-refrigerated bottle sales of imported and “craft” beers; f) to allow some fortified wines such as ports and sherries as permitted by the Director of Community Development; and g) to allow trash pick-up in accordance with the West Hollywood Gateway pickup; and 2) Adopt Resolution No. PC 2003-496 as amended “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE PERMIT 2003-04 TO ALLOW ALCOHOL SALES FOR OFF-SITE CONSUMPTION AND WEEKLY ON-SITE WINE AND BEER TASTING EVENTS AT BEVERAGES AND MORE!, A NEW RETAIL STORE LCOATED At 7100 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”. **Motion by Chair Altschul, seconded by Commissioner DeLuccio and carried on a Roll Call Vote:**

AYES: Commissioners Behr, Chase, D’Amico, DeLuccio, Vice-Chair Hamaker and Chair Altschul.

NOES: None.

ABSENT: Commissioner Thompson.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:35 PM AND RECONVENED AT 7:45 P.M.

Commissioner D’Amico recused himself from the dais at this time; stating that he lives within the 500 foot radius of the project address.

B. CONDITIONAL USE PERMIT 95-17.

Francie Stefan, Associate Planner presented the staff report to consider revocation or modification of Conditional Use Permit 95-17 for a pet grooming and pet vaccination facility; U-Wash-Doggie, 8731 Santa Monica Boulevard, West Hollywood, California.

Chair Altschul opened the Public Hearings.

PAUL KOTETZ, WEST HOLLYWOOD, spoke and urged the Commission to revoke the Conditional Use Permit for this business. He stated, because of what has happened here, he is going to look into statewide grooming standards.

FRANCISCO GAMERO, SANTA CLARITA, owner of U-Wash-Doggie. He spoke against staff's recommendation of this item and defended his business practices and establishment.

JASON SHOKRIAN, BEVERLY HILLS, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

SARAH SULLIVAN, WEST HOLLYWOOD, has concerns regarding this item. She stated the ongoing problems she has encountered with the groomer(s) and informed the commission her dog passed away from an apparent heart attack, due to (apparent) negligence on behalf of this establishment.

DEANNA COOPER, VALLEY VILLAGE, current employee of U-Wash-Doggie, Burbank, California, opposes this item. She spoke in support of the establishment and business owner of U-Wash-Doggie.

VALERIE MOORE, WEST HOLLYWOOD, opposes this item. She spoke in support of the establishment and business owner of U-Wash-Doggie.

LORING LEEDS, SANTA MONICA, current employee of U-Wash-Doggie, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

JEREMY LINGERFELT, STUDIO CITY, current manager of U-Wash-Doggie, Studio City, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

DEANNA ANDERSON, LOS ANGELES, current employee of U-Wash-Doggie, opposes this item. She spoke in support of the establishment and business owner of U-Wash-Doggie.

DAN ALVAREZ, WEST HOLLYWOOD, current employee of U-Wash-Doggie, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

GUSTAVO GARCIA, SANTA CLARITA, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

GRACIELA IPARRAGLURRE, WEST HOLLYWOOD, spoke in support of this item. She urged the Commission to revoke the Conditional Use Permit for this business and detailed various episodes of mishandling.

CAROL ELLIS, LOS ANGELES, has concerns regarding this item. She gave a brief history of this establishment and detailed the issues and violations that have been issued. She urged the Commission to revoke the Conditional Use Permit for this business.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She stated the owner (apparently) is not aware of what the employees are doing and cited specific details regarding past instances. She urged the Commission to raise these questions and issues with the owner.

TERRY GATENS, WEST HOLLYWOOD, spoke in support of this item. He passed around pictures of what U-Wash-Doggie (employees) did to his dog and stated that he currently won a court case against the owner, due to negligence. He urged the Commission to revoke the Conditional Use Permit for this business.

JOE REISMAN, WEST HOLLYWOOD, spoke in support of this item. He passed around pictures of the current equipment used in the U-Wash-Doggie establishment and his dog "Harry", who died. He urged the Commission to revoke the Conditional Use Permit for this business.

VICTOR KAMINOFF, WEST HOLLYWOOD, has concerns regarding this item. He gave a brief history of "Harry's" visit at U-Wash-Doggie, stating his death was due to incompetence and negligence.

DERYL JEFFORDS, LOS ANGELES, spoke in support of this item. She stated that there have been other deaths, (since "Harry"), and numerous other episodes of negligence at U-Wash-Doggie. She urged the Commission to revoke the Conditional Use Permit for this business.

Chair Behr questioned if the State of California has any regulations regarding this type of business.

It was indicated that there are currently no laws regulating this type of business.

ELIAS SHOKRIAN, BEVERLY HILLS, landlord of the property at 8731 Santa Monica Boulevard, West Hollywood, California, opposes this item. He spoke in support of the establishment and business owner of U-Wash-Doggie.

BOB COOK, LOS ANGELES, spoke in support if this item. He urged the Commission to revoke the Conditional Use Permit for this business.

DR. RODNEY AYL, AGOURA HILLS, veterinarian oncologist and "Harry's" primary care physician, spoke in support of this item. He gave a brief history of "Harry's" illness and believes that "Harry's" illness was not and could not have contributed to his death at U-Wash-Doggie.

DEANISE STOOPS, LONG BEACH, President of the Southern California Groomers Association, spoke in support of this item. She stated the groomer is ultimately the responsible party and is concerned of what is going on nationwide. She indicated training and education is the issue.

MONIQUE LERIGEY, VAN NUYS, former employee of U-Wash-Doggie, has concerns regarding this item. She detailed various negligence injuries that have happened in the past at other U-Wash-Doggie stores.

PENNY GANDEL, VAN NUYS, former employee of U-Wash-Doggie, has concerns regarding this item. She detailed various negligence injuries that have happened in the past at other U-Wash-Doggie stores.

ROSLYN KRAUSE, WEST HOLLYWOOD, has concerns regarding this item. She urged the Commission to revoke the Conditional Use Permit for this business.

MARK HEINEMANN, WEST HOLLYWOOD, has concerns regarding this item.

FRANCISCO GAMERO, SANTA CLARITA, owner of U-Wash-Doggie, gave the rebuttal report.

Commissioner DeLuccio questioned Francisco Gamero, owner of U-Wash-Doggie; 1) what has he done differently in the West Hollywood establishment since April 1, 2003 and 2) questioned how he stays up on the current trends of the industry.

Francisco Gamero stated that he is currently asking customers about the health of their animals, if there are any problems and stated that water is given to the animals every five (5) minutes, that every store has two or three bowls of water available. He stays current by attending trade shows and communicates with other storeowners and suppliers.

Commissioner DeLuccio questioned if there are written policies in place.

Francisco Gamero responded that there are written policies.

Vice-Chair Hamaker questioned the hierarchy in the stores and the number of employees in each establishment.

Commissioner Chase questioned how long the animals are left in the dryers before they are checked.

Francisco Gamero responded they are left in the dryers fifteen to eighteen minutes, maybe twenty minutes.

Commissioner Behr questioned the water situation and brought forward the Los Angeles Department of Animal Care and Control citations.

ACTION: Close the Public Hearings. **Motion carried by consensus of the Commission.**

Chair Altschul stated that it appears there is negligence (has been) in the West Hollywood store and the owner is the primary responsible party. He indicated that there are no current standards or regulations for dog grooming businesses and the city needs to get some standards and policies immediately.

Chair Altschul recommended to direct staff to request the City Council to study this matter, to consider and hopefully impose policies and standards for dog grooming businesses and direct staff to ask the Council on an urgency basis at their next available meeting to agendaize an item that would put a moratorium on the use of the drying machines.

Chair Altschul read into the record a memo received from the Los Angeles County Department of Animal Care and Control stating additional conditions that will be placed on U-Wash-Doggie.

Vice-Chair Hamaker requested that written policies are put into place.

Commissioner DeLuccio requested that written policies are available for review. He also brought to the attention as public record that the Los Angeles County Department of Animal Care and Control amended U-Wash-Doggie license; stating that water must be given every five (5) minutes or less to every animal.

Commissioner Behr stated that he hopes the State Representatives are able to take some action in the future on this issue.

ACTION: 1) Direct staff to take an Urgency Item to the next available City Council meeting requesting a moratorium on drying cages at all pet grooming facilities; 2) request the City Council to require procedures for animal grooming facilities, including water breaks for animals. **Motion carried by consensus of the Commission.**

Commissioner D'Amico returned to the dais at this time.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 9:35 PM AND RECONVENED AT 9:40 P.M.

- C. DEMOLITION PERMIT 2003-20 AND DEMOLITION PERMIT 2003-21.**
Request to demolish two (2) vacant residential structures located at 354-356 Sherbourne Drive, West Hollywood, California.

ACTION: 1) Continue this item and 2) bring back to the Planning Commission meeting of Thursday, October 16, 2003. **Motion carried by consensus of the Commission.**

10. NEW BUSINESS:

- A. COMMISSION APPOINTMENT TO THE ZONING ORDINANCE REVISION SUB-COMMITTEE.**

Chair Altschul and Commissioner DeLuccio were appointed to the Zoning Ordinance Sub-Committee.

Commissioner Thompson was appointed as an alternate.

- 11. UNFINISHED BUSINESS:** None.

- 12. EXCLUDED CONSENT CALENDAR:** None.

13. ITEMS FROM STAFF:

- A. DISCUSSION OF DECEMBER 18, 2003 MEETING.**

The Planning Commission meeting of Thursday, December 18, 2003 was cancelled due to a lack of quorum. **Motion carried by consensus of the Commission.**

14. PUBLIC COMMENT:

JEANNE DOBRIN, WEST HOLLYWOOD, commended Commissioner Behr and thanked him for his years of service.

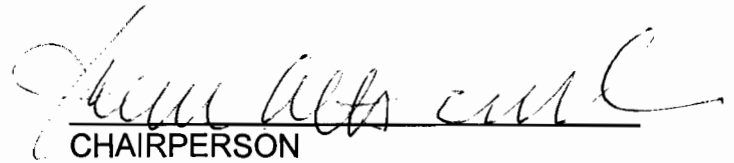
15. ITEMS FROM COMMISSIONERS:

Commissioner D'Amico reminded everyone to vote on Tuesday, October 7, 2003.

Commissioner Behr gave his thanks and wished everyone the best.

- 16. ADJOURNMENT:** The Planning Commission adjourned at 10:00 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, October 16, 2003 at 6:30 P.M. at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 16TH DAY
OF OCTOBER, 2003.


CHAIRPERSON

ATTEST:


Community Development Director