



PLANNING COMMISSION MINUTES

March 7, 2002

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER

Chair DeLuccio called the meeting of the Planning Commission to order at 6:30 PM.

A. Pledge of Allegiance The Pledge of Allegiance was led by Ray Mitchell.

B. Roll Call

Commissioners Present: John Altschul, David Behr, Brad Crowe, Donald DeLuccio, Barbara Hamaker, Barbara Hewitt and Brad Torgan.

Commissioners Absent: None

Staff Present: Mark Persico, Community Development Director; Tim Foy, Acting Planning Manager; Christi Hogin, Assistant City Attorney; Tim Foy, Senior Planner; John Keho, Senior Planner; Emmeline Elzin Harrigan, Associate Planner; and Jennifer Diaz, Administrative Staff Assistant.

C. Approval of Agenda

Action: Approve the Agenda.

Motion: Torgan Second: Altschul

Vote: All Ayes

Motion passes

D. Posting of Agenda

The agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. PUBLIC COMMENT

Catherine Hahn, West Hollywood, gave an update on BarFly.

3. ITEMS FROM COMMISSIONERS

None.

4. ITEMS FROM STAFF

None.

ITEM 4.A

5. CONSENT CALENDAR

None.

6. EXCLUDED CONSENT CALENDAR

None.

7. COMMISSION CONSIDERATION

None.

8. PUBLIC HEARINGS

A. Development Permit 2001-31, Demolition Permit 2001-16, Request for Density Bonus and Waiver of Standards: Demolish two residential buildings and construct a 20-unit building for Senior and for disabled people. The project includes a request for density bonus units and for waivers of Zoning Code Standards. (Continued from February 7, 2002).

Applicant: West Hollywood Community Housing Corporation

Location: 1433 Havenhurst Drive

Planner: Tim Foy

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

Commissioner Hamaker recused herself from the hearing.

Chair DeLuccio opened the Public Hearing.

Tim Foy presented the Staff Report.

Paul Zimmerman, Executive Director of the West Hollywood Community Housing Corporation, presented the applicant's report.

Public Comment

1. Esther Baum, West Hollywood, spoke in favor of the project.
2. Gary Grossman, West Hollywood, spoke in opposition of the project.
3. Melissa Stewart, West Hollywood, spoke in opposition of the project.
4. Thomas Mann, West Hollywood, spoke in support of the project.
5. Crosby Doe, Los Angeles, spoke in support of the project.
6. Neal Zaslavsky, West Hollywood, spoke in support of the project.
7. Valerie Wisot, Beverly Hills, spoke in opposition of the project.
8. Daniel Melrick, Los Angeles, spoke in opposition of the project.
9. Dale Danton, West Hollywood, spoke in opposition of the project.
10. Allan Wilion, West Hollywood, spoke in opposition of the project.
11. Paul Morse, West Hollywood, spoke in opposition of the project.
12. Bill Griffin, West Hollywood, spoke in favor of the project.
13. Ric Rickles, West Hollywood, spoke in favor of the project.
14. Ebon Alabastur, West Hollywood, spoke in opposition of the project.
15. Lysa Stone, West Hollywood, spoke in opposition of the project.
16. Rae Mitchell, West Hollywood, spoke in support of the project.
17. Anson Snyder, San Francisco, spoke in support of the project.
18. Eric Johnson, Los Angeles, spoke in support of the project.

19. Seth Engber, West Hollywood, spoke in support of the project.
20. Hillary Selvin, Los Angeles, spoke in support of the project.
21. Richard Maggio, West Hollywood, spoke in support of the project.

Paul Zimmerman presented closing statements.

Action: Close the Public Hearing

Motion: Crowe Second: Altschul

Motion carried by a consensus of the Commission.

Commission Comments/Deliberation:

Hewitt - Surprised to hear so many concerned citizens about the conditions of elderly people and wondered why they weren't concerned about how they would pay high rent versus living in an affordable apartment.

Altschul - Would like to have a development such as this project built by his home. The underlying tone is nothing but Nimbyism. It's a shame that the realization of need is not paramount to the fear of people accepting low income neighbors. Is in full support of the project

Torgan - The issue of the project is a building with a density bonus above what the zoning allows. Does not believe that a mitigated negative declaration is appropriate. The scale issues are most important and states that the three story building is out of proportion and out of character with the entire block. Does not support the staff report and would like to see it come back as a slightly smaller project, and preferably without the density bonus.

Crowe - Supports the staff report and many measures were required of the developer, one being to preserve the integrity of the neighborhood. The West Hollywood Housing Corporation is primarily responsible for leading the state in meeting services for low and moderate income individuals.

Behr - Supports the project. The City has a housing crisis and there is not an ideal site within the City for any large housing project. Given the size of the project, it has less than half the maximum bedrooms that are allowed and another developer could build a much larger project on the site. The Housing Corporation, by proposing the project, is reducing the demand of parking on the street.

DeLuccio - Agreed with the points made by Commissioner Behr.

The following amendments were made to the Resolution:

1. Page 4, Item 1.D: change to read "No extension shall be considered unless requested at least 30 days prior to the expiration date."
2. Page 5, Item F: change to read "...affordable housing for the life of the project."
3. Page 11, Item C: change to read "The plaque shall include images of the original house and Paul Weatherwax."
4. Add a construction mitigation to secure a lot for the construction workers.
5. Increase the number of guest parking spaces from four (4) to six (6).

Action: Adopt and Approve Resolution No. 2002-419,"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING THE APPLICATION OF THE WEST HOLLYWOOD COMMUNITY HOUSING CORPORATION FOR A MITIGATED NEGATIVE DECLARATION, DEVELOPMENT PERMIT 2001-31, DEMOLITION PERMIT 2001-16, DENSITY BONUS AND WAIVER OF STANDARDS FOR THE PROPERTY LOCATED AT 1433 HAVENHURST DRIVE, WEST HOLLYWOOD, CALIFORNIA" and to include the amendments listed above.

Motion: Behr Second: DeLuccio
Votes: Ayes: Crowe, Altschul, Hewitt, Behr, DeLuccio
Nays: Torgan

Motion Passes

City Attorney Christi Hogin informed the public of the appeal process.

Commissioner Hamaker rejoined the meeting.

B. General Plan Amendment 2002-01: Amend the Housing Element of the General Plan. (Continued from February 7, 2002).

Applicant: City of West Hollywood

Location: City-wide

Planner: Tim Foy

Recommendation: Recommend to the City Council to adopt the Housing Element of the General Plan.

Chair Deluccio opened the public hearing

Tim Foy presented the staff report.

Karen Warner presented the report of the Housing Element.

Public Comment:

1. Paul Zimmerman, Los Angeles, urged the Planning Commission to support the Housing Element.
2. Ina Bliss, West Hollywood, spoke in support of the Housing Element.

Action: Continued to April 4, 2002.

Motion carried by a consensus of the Commission.

C. Development Permit 2001-34, Minor Conditional Use Permit 2001-17, Parking Use Permit 2001-05 and Administrative Permit 2002-27: The requested permits are to modify an existing restaurant facility, including the addition of outdoor dining, changes to the sales and service of alcoholic beverages and a parking use permit to allow for off site parking to be located at 8789 and 9000 Sunset.

Applicant: BIGL Holdings for Lobster Bay (formerly Spago)

Location: 1114 Horn Avenue

Planner: John Keho

Recommendation: Conditionally approve the request subject to the findings and

conditions in the proposed resolution.

Chair DeLuccio opened the Public Hearing.

Commissioners Altschul and Behr recused themselves from the hearing.

John Keho presented the Staff Report.

Larry Pollack presented the Applicant's Report.

Public Comment

1. Dan Silver, West Hollywood, spoke in opposition of the project
2. Chris Clarkin, West Hollywood, spoke in opposition of the project.
3. Sibyl Zaden, West Hollywood, stated concerns surrounding the project.
4. Julie Wesby, West Hollywood, spoke in opposition of the project.
5. Marcy Dillinger, West Hollywood, spoke in opposition of the project.
6. Jerome Cleary, West Hollywood, stated concerns surrounding the project and recommended restrictions in the resolution.
7. Josh Greenly, Beverly Hills, spoke in support of the project.
8. Thelma Jackson, West Hollywood, spoke in opposition of the project.
9. James Fuhrman, West Hollywood, spoke in opposition of the project.
10. Gilbert Bell, West Hollywood, spoke in support of the project.
11. David Weissfeld, West Hollywood, stated concerns surrounding the project.
12. Gary Shaffer, West Hollywood, spoke in support of the project.
13. Geoffrey Buck, West Hollywood, concerned with the surrounding trees.
14. Arleen Weinstock, West Hollywood, stated concerns with the parking plan.
15. Barri Rosenblum, West Hollywood, stated concerns with the project.
16. Catherin Hahn, West Hollywood, stated concerns surrounding the project.
17. Julia Hunter, West Hollywood, spoke in support of the project.

Larry Pollack presented closing remarks.

Action: Close the Public Hearing.

Motion: Torgan Second: DeLuccio

Motion carried by a consensus of the Commission.

Commission Comments/Deliberation:

Torgan - The impacts of the project include the hours and size of the operation. Doesn't have a problem with outdoor dining but would like the hours of operation to change to close at midnight. The restaurant space has a parking problem along with a traffic problem on the weekend nights that will create impacts on the neighborhood.

DeLuccio - The parking and hours of operation are also a concern.

Hewitt - Has concerns with the parking issues and applauds Larry Pollack for being involved with the Sunset BID and being a part of the Chamber of Commerce.

Crowe - Suggests continuing the project for a solution of the parking problem.

Action: Reject the staff report and bring back a resolution of denial without prejudice.

Motion: Torgan Second: DeLuccio

Votes: Ayes: Crowe, Hamaker, Torgan, Hewitt, DeLuccio

Motion Passes

Commissioners Altschul and Behr rejoined the public hearing.

D. Development Permit 2001-44 and Variance 2001-11: Request to remove 390 square feet of the rear elevation. Proposed addition of approximately 2,323 square feet. Variance request to waive off-street loading requirement.

Applicant: Kluger Kollin Architects

Location: 8746 Sunset Boulevard

Planner: Emmeline Elzin Harrigan

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

Chair DeLuccio opened the Public Hearing.

Emmeline Elzin Harrigan presented the staff report.

Chuck Kluger presented the applicant's report.

Public Comment

1. Lynn Davis, Los Angeles, spoke in opposition of the project.
2. Franck Fortet, West Hollywood, spoke in opposition of the project.
3. Clare Bronowski, Los Angeles, spoke in opposition of the project.

Chuck Kluger presented closing comments.

Commission Comments/Deliberation:

Altschul - The Commission has to consider future retail users and the higher impacts that they might have on Sunset. The implementation of the lifts will set a precedence that will have a negative impact.

Behr - Inquired about the parking requirement for a wholesale use, indicating that the application is a borderline showroom. The project should be classified as a lesser use than retail that will not impact future use of the space. The use of the application is exclusive and more of a showroom were people get special services and should be classified as wholesale.

Action: Close the Public Hearing

Motion: Behr Second: DeLuccio

Votes: All Ayes

Action: Open the Public Hearing

Motion: Altschul Second: DeLuccio

Votes: All Ayes

Avedis Tavitian presented closing comments.

Action: Close the Public Hearing.

Motion: Altshcul Second: DeLuccio

Votes: All Ayes

Commission Comments/Deliberation:

Altschul - The Commission is concerned with the use on the property of future applicants.

Action: Deny Resolution No. PC 2002-420, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-44 AND VARIANCE 2001-11 ON AN APPLICATION BY KLUGER KOLLIN ARCHITECTS FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

Motion: Alstschul Second: Behr

Votes: Ayes: Crowe, Altschul, Behr

Nayes: Hamaker, Torgan, Hewitt, DeLuccio

Motion Fails

Action: Adopt and approve Resolution No. PC 2002-420, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-44 AND VARIANCE 2001-11 AND DENIAL OF WAIVER ON AN APPLICATION BY KLUGER KOLLIN ARCHITECTS FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" with the following amendments: Lifts shall not operate before 9:00 AM and past 8:00 PM, No delivery vehicles shall back out onto Sunset Boulevard at any time, Any change of use would require a review and approval by the Planning Commission.

Motion: DeLuccio Second: Hamaker

Motion withdrawn.

Commission Comments/Deliberation:

Behr - The lifts are for the particular use of the applicant. Does not agree that the lifts should be so close to a residential unit and the lifts might have a higher impact on residents with a future applicant with a higher use of the space. If the Commission approves the application it needs to be stated that the lifts are appropriate for this particular use and any intensification needs to be reviewed for potential impact.

Hewitt - Was appalled by the lack of light into the neighboring residential units and was concerned that a sound wall might decrease the light even more, and since the windows had faced Sunset Boulevard for so many years that maybe a sound wall might be cut off some of the noise.

Torgan - Suggested that the employees should park on the top level so there is less use of the lift. Agrees with Commissioner Hewitt that a sound wall might be good for the neighbors.

Behr- Agreed that to reduce the noise from the lift that employees should park on the top level.

Action: Re-open the Public Hearing.

Motion: Altschul Second: Behr

Votes: All Ayes

Motion Passes

Action: Continue to April 4, 2002.

Motion: DeLuccio Second: Hamaker

Votes: All Ayes

Motion passes

9. PUBLIC COMMENT

None.

10. ITEMS FROM COMMISSIONERS

None.

11. ITEMS FROM STAFF

None.

12. ADJOURNMENT

Action: To adjourn to the next regular meeting of the Planning Commission on Thursday, March 21, 2002, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion carried by a consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS DAY OF August 1st, 2002.

CHAIRPERSON: *Andy Behr*

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: *[Signature]*