



PLANNING COMMISSION MINUTES

April 4, 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 Steven Smith.

B. ROLL CALL:

Commissioners Present: Altschul, Behr, Crowe, DeLuccio, Hamaker, Hewitt and Torgan.

Commissioners Absent: None.

Staff Present: John Keho, Senior Planner; Terry Blount, Associate Planner, Emmeline Elzin Harrigan, Associate Planner, Jack McGee, Contract Planner, Christi Hogin, Assistant City Attorney; Mark Persico, Director of Community Development, Susan Healy Keene, Planning Manager and David Gillig, Administrative Staff Assistant to the Planning Manager.

C. APPROVAL OF AGENDA:

Chair DeLuccio requested Items 5.A. and 5.C. be moved and heard under Excluded Consent Calendar and Item 8.D. be moved and heard before Item 8.C.

ACTION: Approve the Planning Commission Agenda of Thursday, April 4, 2002 as amended. **Motion Chair DeLuccio seconded by Commissioner Behr and unanimously carried.**

D. REPORT ON POSTING OF AGENDA:

Susan Healy Keene, Planning Manager, stated the agenda was posted at City Hall, the Community Development Department public counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

E. MICROPHONE AND WIRELESS REMINDER:

Susan Healy Keene, Planning Manager, reminded all present to speak clearly into microphones and to turn off all cellular phones and pagers.

2. PUBLIC COMMENT:

None.

ITEM 5.A

3. ITEMS FROM COMMISSIONERS:

Commissioner Altschul brought to the attention of staff, the Memorandum of Upcoming Planning Commission Agenda Items, indicating the Tentative Tract Map for 9231-9245 ½ should indicate "Doheny Road" and the Cedars-Sinai Medical Center item should indicate "Sherbourne Drive".

Commissioner Behr questioned the City Attorney about the nightclub 7969 Santa Monica Boulevard. He also requested the following items brought forward for discussion at the upcoming Zoning Ordinance Study Session: R3; heights, averaging of setbacks and 3-bedroom parking requirements.

Chair DeLuccio requested staff to individually contact the Commissioners regarding their attendance for the upcoming Zoning Ordinance Study Session.

4. ITEMS FROM STAFF

Susan Healy Keene, Planning Manager, informed the Commission of the tentative Zoning Ordinance Study Session to be held at Plummer Park Community Center, for Thursday, May 23, 2002.

Susan Healy Keene, Planning Manager, commented on the Public Art Program and informed the Commission that Alison Maxwell from the Economic Development Department would speak to the Commission later in the evening regarding this project.

5. CONSENT CALENDAR

Chair DeLuccio moved Items 5.A. and 5.C. to the Excluded Consent Calendar for separate discussion.

B. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, February 21, 2002; as presented. **Motion Commissioner Altschul, seconded by Commissioner DeLuccio and unanimously carried.**

6. EXCLUDED CONSENT CALENDAR

5.A. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, January 3, 2002; as amended: 1) Page 4; under Commission Deliberation Comments, change Chair DeLuccio to Commissioner Behr as making the comment. **Motion Commissioner DeLuccio, seconded by Commissioner Torgan and unanimously carried.**

5.C. Administrative Permit 2001-34, Development Permit 2001-34, Minor Conditional Use Permit 2001-17 and Parking Use Permit 2001-05:

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 Boulevard.

Chair DeLuccio stated that he moved this item to the Excluded Consent Calendar in order to obtain an official Roll Call Vote on the item.

ACTION: 1) Adopt Resolution No. PC 02-422 " A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING MINOR CONDITIONAL USE PERMIT 2001-17, DEVELOPMENT PERMIT 2001-34, ADMINISTRATIVE PERMIT 2002-07 AND PARKING USE PERMIT 2001-05 FOR THE ON-SITE SALE OF ALCOHOLIC BEVERAGES, THE ADDITION OF AN OUTDOOR DINING AREA AND OFF-SITE PARKING AT 8789 SUNSET BOULEVARD AND 9000 SUNSET BOULEVARD FOR A RESTAURANT LOCATED AT 1114 HORN AVENUE, WEST HOLLYWOOD, CALIFORNIA (LOBSTER BAY)." **Motion Commissioner DeLuccio, seconded by Commissioner Crowe and carried on a Roll Call Vote; noting the Abstention of Commissioners Altschul and Behr.**

MOTION PASSES ON A ROLL CALL VOTE:

AYES: Commissioners Crowe, Hamaker, Hewitt, Torgan, Chair DeLuccio.
NAYS: None.

7. COMMISSION CONSIDERATION

None.

8. PUBLIC HEARINGS

A. Conditional Use Permit 2001-21 and Variance 2002-02:

Jack McGee, Contract Planner presented the staff report regarding the Tall Wall sign for the east side of the building located at 9229 Sunset Boulevard, and a Variance for a greater percentage of windows than allowed by the Zoning Ordinance.

Commissioner Behr asked staff to clarify the City Council's actions on prior items related to the window percentage issue.

Chair DeLuccio opened the Public Hearings:

BONNIE KINGRY, representing Regency Outdoor Advertising, gave the applicants report.

LOWELL MARKS, WEST HOLLYWOOD, spoke in support of staff's recommendation. He indicated that the lights have been re-adjusted, but there is still a glare and the problem still prevails. He handed out current photographs of the Tall Wall in question.

FRANCESCA DANIELS, LOS ANGELES, spoke in support of staff's recommendation. She stated that this negatively impacts the residents of Sierra Towers. She also indicated that the lights have been re-adjusted, but there is now a reflection problem.

BONNIE KINGRY, representing Regency Outdoor Advertising, gave the applicant's rebuttal. She requested a copy of the photographs that were handed out by Mr. Marks.

ACTION: Close the Public Hearings. **Motion by Commissioner Torgan, seconded by Commissioner Crowe and unanimously carried.**

ACTION: 1) Adopt Resolution No. PC 02-423 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING CONDITIONAL USE PERMIT 2001-21 AND VARIANCE 2002-02 FOR A TALL WALL SIGN AT 9229 SUNSET BOULEVARD (EAST ELEVATION), WEST HOLLYWOOD, CALIFORNIA." **Motion by Commissioner Torgan, seconded by Commissioner Crowe and unanimously carried.**

Christi Hogan, City Attorney, outlined the City of West Hollywood's appeal process.

B. Development Permit 2000-56, Variance 2001-08 and Tentative Tract Map 2001-06:

Commissioner Altschul recused himself from the dais at this time.

Terry Blount, Associate Planner, presented the staff report and updated the Commission on the changes that have been made regarding the construction of a four-story, 15-unit condominium building over a subterranean garage. This item was continued from a previous Planning Commission meeting of Thursday, January 17, 2002.

Chair DeLuccio stated that he had concerns that not enough had been done to make the design more attractive. He further stated, that he doesn't believe enough had been taken off the project and it had not been pushed back enough.

Commissioner Crowe stated that the project has come back with amendments and it appears to be more consistent with the surrounding neighborhood.

Commissioner Behr questioned staff about the parking, square footage and the set-back(s) for this property.

Commissioner Torgan questioned the setback and design of the building.

Chair DeLuccio opened the Public Hearings:

BRUNO BONDANELLI, LOS ANGELES, gave the applicants report. He updated the Commission on the various changes that have been made to this property, which resulted from the meetings that took place with the Design Review Sub-Committee and neighbors.

JEROME CLEARY, WEST HOLLYWOOD, opposes this item. He stated his concern regarding the delivery trucks and does not believe the queuing has been satisfied on Horn Avenue. He further requested that no Variance should be granted for this project.

SUE BUCKNER, WEST HOLLYWOOD, opposes this item. She is against the mass and size of the building and stated her concerns for traffic and parking.

CHRIS CLARKIN, WEST HOLLYWOOD, has concerns regarding this item. He commented on the increased traffic and questioned the construction parking for this project.

THELMA JACKSON, WEST HOLLYWOOD, opposes this item. She indicated the project is too massive and questioned if it could be scaled back in height. Her other main concern was the increase in traffic.

MARCY DILLINGER, WEST HOLLYWOOD, opposes this item. She noted that the parcel is unstable to be built upon and the neighboring buildings will be overshadowed. Her main concern involves the service vehicles and future traffic on Horn Avenue. She requested the denial of any permits for Variances.

DAVID WEISSFELD, WEST HOLLYWOOD, has concerns regarding this item. He stated his concerns with traffic and delivery vehicles on Horn Avenue.

BRIAN VON HELMOLT, WEST HOLLYWOOD, has concerns regarding this item. Representing the five owners at 1145 Horn Avenue, he indicated they would like to see town homes built on this site, not as the currently designed stacked units. His main concern is the size and mass of this project.

SIBYL ZADEN, WEST HOLLYWOOD, has concerns regarding this item. She stated her main concern is the traffic impact. She requested a curbside railing and/or a cut in carriage lane.

BRUNO BONDANELLI, LOS ANGELES, gave the applicants rebuttal. He acknowledged the issues that were raised during the Public Comments and stated how those issues were resolved with the redesign of the building.

ILYA KLEINMAN, LOS ANGELES, representing the developer of the property gave the applicant's rebuttal. He commented further on Mr. Bondanelli's comments and asked for support of this project.

Commissioner Crowe questioned the architect for definitive setbacks for the building.

ACTION: Close the Public Comment to public speakers. **Motion by Commissioner Crowe, seconded by Commissioner Behr and unanimously carried.**

Commissioner Hewitt stated she would not be in favor of losing the trees if there was a carriage lane and indicated that she would be in favor of the railing.

Motion was made to conditionally approve the request subject to the findings and conditions in the proposed Resolution. **Motion by Commissioner Crowe, seconded by Commissioner Hamaker.**

Commissioner Crowe indicated his approval for the railing versus a carriage lane.

Commissioner Behr questioned staff regarding the railing and how it would affect the public right-of-way in regards to Transportation and Public Works.

Susan Healy Keene, Planning Manager stated that since it is on the public right-of-way, that it could be conditioned, subject to review and approval by the City Engineer.

Chair DeLuccio suggested the applicant work with the City of West Hollywood's Building and Landscape Manager to save the trees that are currently located on the property if possible.

Commissioner Torgan had concerns with the railing running along Horn Avenue and stated that he would prefer a carriage lane. He further indicated that the revised plans are an improvement.

Commissioner Behr suggested adding into the Resolution that the CC&R's would have to state that the den (or additional room) cannot be converted into a bedroom and the rooftop jacuzzi's are not to be used after 10:00 P.M.

Commissioner Behr indicated he would like to see the entrance located on Shoreham Drive and doesn't believe the carriage lane will work.

Commissioner Hewitt suggested the wording for the railing be referred to as a barrier.

Commissioner Crowe would like the Resolution to state that mandatory off-site parking for construction employees is provided, until the basement of the building is able to provide such parking.

Commissioner Hamaker suggested additional signage at the site for service vehicles.

Chair DeLuccio had concerns with the mass and bulk of the building.

Chair DeLuccio stated the additional conditions to the Resolution: 1) include a 3 ½ foot barrier with landscaping; 2) review by the City Engineer; 3) if not approved by the City Engineer, it will then be brought back to the Planning Commission for further review; 4) mandatory off-site employee parking until the basement is complete and able to provide permanent parking; 5) the CC&R's will clearly state the rooftop jacuzzi's are not to be used after 10:00 P.M.; 6) the CC&R's will clearly state the den cannot be converted into a third bedroom in the units; and 7) the developer will work with the Building and Landscape Manager to save the existing trees that are currently located on the property, if possible.

MOTION FAILS ON A ROLL CALL VOTE:

AYES: Commissioners Crowe, Hamaker, Hewitt.

NAYS: Commissioners Torgan, Behr, Chair DeLuccio.

Chair DeLuccio requested a Denial. **Motion by Chair DeLuccio, seconded by Commissioner Torgan.**

Commissioner Behr stated his issues with the barricade in front of the building and indicated the main entrance needs to be in front. He does not feel comfortable by putting that responsibility onto the City Engineer.

Commissioner Hewitt suggested that the carriage lane dimensions might be reduced.

Commissioner Hamaker made a substitute motion: 1) approve the project with all the conditions previously mentioned; 2) remove the barricade with landscaping; 3) provide adequate signage for service vehicles with no deliveries in front of the building; and 4) add a one-half carriage lane (design to be determined by staff). **Substitute Motion by Commissioner Hamaker, seconded by Commissioner Hewitt.**

Commissioner Torgan suggested changing the one-half carriage lane to a full carriage lane.

Commissioner Hamaker agreed to this suggestion.

Chair DeLuccio further requested, if this is not feasible, it will be returned to the Planning Commission for further review.

ACTION: 1) Partially approve the application with changes brought forward by staff and conditions set-forth by the Commission and 2) Adopt Resolution No. PC 02-408 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2000-56 AND VARIANCE 2001-08, ON AN APPLICATION OF BRUNO BONDANELLI, TO PERMIT THE CONSTRUCTION OF A FOUR-STORY, 15-UNIT CONDOMINIUM BUILDING OVER A SUBTERRANEAN GARAGE AT 8788 SHOREHAM DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 3) Adopt Resolution No. PC 02-409 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2001-06 (MINOR LAND DIVISION 53638) FOR PROPERTY LOCATED AT 8788 SHOREHAM DRIVE, WEST HOLLYWOOD, CALIFORNIA."

MOTION PASSES ON A ROLL CALL VOTE:

AYES: Commissioners Hamaker, Hewitt, Torgan, Crowe, Behr, Chair DeLuccio.
NAYS: None.

Commissioner Altschul returned to the dais at this time.

THE COMMISSION TOOK A FIFTEENTEN (15) MINUTE RECESS AT 8:45 PM AND RECONVENED AT 9:00 P.M.

Alison Maxwell, Development Specialist for the Economic Development Department, gave a brief presentation about the upcoming Art Program presented by the Fine Arts Commission of the City of West Hollywood. She indicated that a public art display of seven (7) pieces shall be placed strategically along Santa Monica Boulevard beginning in the month of April, 2002.

C. General Plan Amendment 02-01; Housing Element:

ACTION: 1) Continue this item and 2) bring back to the Planning Commission meeting of Thursday, April 18, 2002. **Unanimously carried.**

D. Development Permit 2001-44 and Variance 2001-11:

Commissioner Altschul stated that he might possibly live with-in the 500-foot radius of 8746 Sunset Boulevard, West Hollywood, California. He indicated for the record that there is a presumption of a conflict, but it is a rebuttal-able presumption by the following: 1) the project will not affect the value of his personal property (residence); and 2) the project will not change the character of his neighborhood. Therefore, he stated he will participate in the proceedings for this item.

Emmeline Elzin Harrigan, Associate Planner, presented the staff report and updated the Commission requesting removal of 390 square feet of rear elevation and the proposed addition of approximately 2,323 square feet, including a Variance to waive off-street loading requirements and a Waiver to exclude 265.5 square feet added to the ground floor from the parking requirement. This item was continued from a previous Planning Commission meeting Thursday, March 7, 2002.

Commissioner Crowe questioned staff on the parking Waiver.

Commissioner Torgan questioned the issues regarding the delivery (service) vehicles to the site in regards to the Variance and questioned the square footage on display versus non-display.

Commissioner Behr questioned the current parking spaces on the lot.

Commissioner Altschul questioned if the current tree will be maintained.

Chair DeLuccio opened the Public Hearings:

CHUCK KLUGER, LOS ANGELES, gave the applicants report and updated the Commission on the current amendments.

WILLIAM DAILEY, ESQ., WEST HOLLYWOOD, spoke in support of this item.

MARK MONTGOMERY, LOS ANGELES, representing Sunset Plaza Properties, opposes this item. He stated his concerns regarding the parking situation for this property.

VALERIE SACKS, LOS ANGELES, representing Sunset Towers, has concerns regarding this item. She stated and questioned the impact this project will have to the surrounding neighborhood and businesses.

LYNN DAVIS, CENTURY CITY, representing Sunset Towers, opposes this item. He stated his concerns regarding the parking situation for this property and how it will impact the surrounding businesses.

CHUCK KLUGER, LOS ANGELES, gave the applicants rebuttal. He also responded the various questions and concerns brought forward by the Commission and public.

Commissioner Hamaker questioned the applicant for further definitive parking arrangements.

Commissioner Crowe questioned the applicant regarding the car lifts.

ACTION: Close the Public Comment to public speakers. **Motion carried by consensus of the Commission.**

Commissioner Altschul had concerns regarding the motorized automobile lifts and commented on the noise and the possible effects that would be imposed on the neighbors. He requested to deny the application. **Motion by Commissioner Altschul, seconded by Commissioner Behr.**

Commissioner Crowe stated for the record that he opposes the Motion that was made. He indicated that there needs to be a contingency plan for parking. He is in favor of approval, but he would deny the Waiver for the 326.5 square feet parking requirement.

Chair DeLuccio questioned if there would be an annual review of the operation of the automobile lifts.

Emmeline Elzin Harrigan, Associate Planner, indicated an annual review will take place, and pointed out the conditions that are currently set-forth.

Commissioner Behr had issues regarding the aesthetics of the automobile lifts. However, he stated that the main issue is the parking situation.

Commissioner Hamaker questioned if this could be conditioned with approval with a three (3) month review by staff, to be followed with a report to the Commission.

Commissioner Hamaker requested to approve the Staff Report. **Substitute Motion by Commissioner Hamaker, seconded by Chair DeLuccio.**

The following conditions were set: 1) Deny the Waiver; 2) a three (3) month review of the automobile lifts, after the Certificate of Occupancy; 3) Change the wording in Section 11.5 of Resolution No. PC 02-420 to replace the word "inoperable" to: "ineffective" and "intrusive on the quality of life in the residential neighborhood".

Commissioner Torgan had concerns regarding the additional wording to the conditions. He stated that it makes it too broad, vague and unworkable and would move to remove that language from the conditions.

Commissioner Hamaker agreed to remove the language from the substitute motion and to keep the word "ineffective" in the conditions regarding the automobile lifts.

After discussion, Chair DeLuccio reiterated the Motion on the floor as approval with the following conditions: 1) Deny the Waiver; 2) find one (1) additional required parking space, to be approved by the Community Development Department and the Department of Transportation and Public Works; 3) a three (3) month review of the automobile lifts, with a report to follow to the Planning Commission; 4) Change the wording in Section 11.5 of Resolution No. PC 02-420 to replace the word "inoperable" to: "ineffective" and "unworkable".

ACTION: 1) Partially approve the request with changes brought forward by staff and conditions set-forth by the Commission; and 2) Adopt Resolution No. PC 02-420 "A "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-44 AND VARIANCE 2001-11 AND DENY THE WAIVER TO EXCLUDE 265.5 SQUARE FEET ADDED TO THE GROUND FLOOR FROM THE PARKING REQUIREMENT ON AN APPLICATION BY KLUGER KOLLIN ARCHITECTS FOR THE PROPERTY LOCATED AT 8746 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

MOTION PASSES ON A ROLL CALL VOTE:

AYES: Commissioner Hamaker, Chair DeLuccio, Commissioners Hewitt, Crowe, Torgan.
NAYS: Altschul, Behr.

9. PUBLIC COMMENT

LAUREN MEISTER, WEST HOLLYWOOD, requested staff to review the policies of the Housing Element under Section 5 before the recommendation is forwarded regarding the Cedars-Sinai Medical Center proposed demolition. She reminded West Hollywood West and West Hollywood North residents of the Transportation Meeting on Wednesday, April 17, 2002 at 7:00 P.M. at City Hall regarding the R1 and R3; restricted parking.

10. ITEMS FROM COMMISSIONERS

Commissioner Altschul stated for the record that he will not be attending the next regularly scheduled Planning Commission meeting of Thursday, April 18, 2002.

11. ITEMS FROM STAFF

A. City Attorney's Memo Regarding Club 7969:

Christi Hogan, City Attorney, updated the Commission on the latest developments at the nightclub 7969 Santa Monica Boulevard. She also acknowledged the parking issues brought forward by Commissioner Behr and indicated the applicant would bring forward a parking plan addressing those issues.

Mark Persico, Community Development Director, announced that the MTA property has been restored and the billboard poles have been removed from the lot.

12. ADJOURNMENT

The Planning Commission adjourned at 10:45 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, April 18, 2002, at the 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 18TH DAY OF APRIL, 2002.



CHAIRPERSON

ATTEST:



Community Development Director