



PLANNING COMMISSION MINUTES

July 18, 2002

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 6:35 PM.

A. ROLL CALL:

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

Commissioners Absent: None.

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

2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Jeanne Dobrin.

3. APPROVAL OF AGENDA:

Commissioner DeLuccio requested Item 6.A. be moved and heard under Excluded Consent Calendar.

ACTION: Approve the Planning Commission Agenda of Thursday, July 18, 2002 as amended. **Motion Commissioner DeLuccio seconded by Chair Behr and unanimously carried.**

4. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, May 16, 2002; as presented. **Motion Commissioner DeLuccio, seconded by Chair Behr and unanimously carried.**

5. PUBLIC COMMENT:

JEANNE DOBRIN, WEST HOLLYWOOD congratulated David Behr on becoming Chair of the Planning Commission. She informed the Commission and public that exterior construction work took place at 656 North Robertson Boulevard, West Hollywood, California on a Saturday. Due to improper and/or no permits, the West Hollywood Sheriff's Department halted work at this construction site.

6. CONSENT CALENDAR

Commissioner DeLuccio moved Item 6.A. to the Excluded Consent Calendar for separate discussion.

- A. Conditional Use Permit 2002-02, Minor Conditional Use Permit 2002-05 :** To allow off-site sale and on-site consumption of beer and wine at 321 N. Robertson Boulevard, West Hollywood, California. (Petrossian Paris).

7. EXCLUDED CONSENT CALENDAR

Commissioner DeLuccio moved this item from the Consent Calendar for separate discussion.

- A. Conditional Use Permit 2002-02, Minor Conditional Use Permit 2002-05:** To allow off-site sale and consumption of beer and wine at 321 N Robertson Boulevard, West Hollywood, California. (Petrossian Paris).

Commissioner DeLuccio stated he voted against this item at the last meeting because he felt it was not well thought out. However, after the revisions to the Resolution, he acknowledged Tim Foy's excellent job and will vote in favor of this item.

ACTION: 1) Approve the application and 2) adopt Resolution No. PC 2002-438 " A RESOLUTION OF THE CITY OF WEST HOLLYWOOD APPROVING CONDITIONAL USE PERMIT 2002-05, ON AN APPLICATION BY JEAN CLAUDE SAKOUN, FOR THE OFF-SITE SALE OF ALCOHOLIC BEVERAGES, AND THE SERVICE OF ALCOHOLIC BEVERAGES AT A RESTAURANT KNOWN AS PETROSSIAN PARIS, LOCATED AT 321 N. ROBERTSON BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." **Motion Commissioner DeLuccio, seconded by Vice-Chair Altschul and carried on a Roll Call vote:**

AYES: Vice-Chair Altschul, Commissioner Crowe, DeLuccio, Hamaker, Hewitt, Torgan.
NAYES: Chair Behr.

8. PUBLIC HEARINGS

- A. Administrative Permit 2002-11 and Development Permit 2002-06:** Façade remodel in conjunction with a mixed use development, which includes a shopping center and restaurant with outdoor dining uses, located at 8550-8560 Santa Monica Boulevard, West Hollywood, California.

ACTION: 1) Continue this item and 2) bring back to the Planning Commission meeting of Thursday, August 15, 2002. **Unanimously carried.**

- B. Development Permit 2002-09, Tentative Tract Map 2002-03 and Variance 2002-04:** Construct a five-unit townhouse condominium with a tentative tract map development. A Variance is requested to allow a reduction of the front yard, located at 1011 North Orange Grove Avenue, West Hollywood, California.

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

- C. Development Permit 2001-52 and Demolition Permit 2001-37:** Emmeline Elzin Harrigan, Associate Planner presented the staff report and updated the Commission on the demolition of three (3) apartment buildings containing eight (8) dwelling units and constructing an eighteen (18) unit apartment building with the Courtyard Housing Standards. Four incentives related to parking and front and rear setbacks are requested at 1040-1050 Edinburgh Avenue, West Hollywood, California.

Vice-Chair Altschul had concerns regarding tenants rights issues and questioned staff and the City Attorney on the Ellis Act.

Emmeline Elzin Harrigan, Associate Planner, assured the Commission that relocation expenses have been paid and further documentation was satisfactory to the City of West Hollywood.

City Attorney Hogin recommended that a condition be imposed that requires a signature from the Rent Stabilization Department verifying that all the requirements of the Ellis Act and any other applicable requirements of the Rent Stabilization Ordinance have been complied with, before building permit(s) are issued.

Commissioner DeLuccio questioned staff of the calculations and the basis of the \$100,000.00 (one hundred thousand-dollar and no/cents) bond amount and would like to see this cut in half.

Chair Behr questioned staff about the inclusionary housing rights and informed current tenants of this property to check with the Department of Housing regarding their income qualifications.

Chair Behr opened the Public Hearings:

RODNEY V. KHAN, GLENDALE, representing the owner gave the applicants report. He briefly updated the Commission on the changes that have been made, after going before the Planning Commission Design Review Subcommittee. He indicated that construction will take approximately eighteen (18) months and assured the Commission that the

project will be following the Best Management Practices Measures (BMP) in regards to dust and noise.

Vice-Chair Altschul questioned the applicant if they are in favor to a condition complying and agreeing to all requirements of the Ellis Act and the Department of Housing, before building permits would be issued.

Chair Behr questioned how many units are currently occupied.

Commissioner Hamaker had concerns and questioned the applicant on asbestos.

ARA AVENIS, GLENDALE, representing the owner, assured the Commission that they have conducted a Phase I Environmental Analysis. All reports are clear and there is no underground contamination or asbestos.

Commissioner DeLuccio questioned the timeline(s) of the tenants' relocation and asked for clarification of the screening wall for dust.

PAUL FETLER, WEST HOLLYWOOD, has concerns regarding this item. He distributed photographs showing the close proximity of construction to his apartment building and cited the following possible repercussions: health impact, impact to income, noise level, excessive dust, safety (vibrations), and is concerned for (possible) asbestos in the building. He is asking the applicant for bedroom air conditioners.

PAULETTE KATZ, WEST HOLLYWOOD, has concerns regarding this item. She specifically stated her issues for her health and safety regarding (possible) asbestos in the building.

LEO MARCELIN, WEST HOLLYWOOD, has concerns regarding this item. He has issues with the quality of life when demolition begins and stated his home business (sound engineer/recording), will be affected by the noise. He also questioned the compensation for his (future) loss of business.

VANESSA COBLENTZ, WEST HOLLYWOOD, has concerns regarding this item. She stated her main concern is ventilation and (possible) asbestos contamination.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She stated that there will not be enough parking spaces for the amount of units that is proposed for this property. She also commended the owners on the excellent design of the building.

RODNEY V. KHAN, GLENDALE, representing the owner gave the applicants rebuttal. He commented on the asbestos concerns and referred the Commission to the reports already prepared. He stated they are willing to go (feasibly) higher with a fence for dust and noise, but cited that he is unsure about the safety issues of a higher fence.

Commissioner Hamaker questioned the length of time it will take for the demolition.

Commissioner DeLuccio questioned the three bedroom units (with offices) and if they are equipped with closets and plumbing.

ACTION: Close the Public Hearings. **Motion by Vice-Chair Altschul, seconded by Commissioner Hewitt and unanimously carried.**

Vice-Chair Altschul motioned for approval with the addition of the condition regarding compliance with all provisions of the Ellis Act and the sign off(s) with the Rent Stabilization Department of the City of West Hollywood. **Motion by Vice-Chair Altschul, seconded by Commissioner DeLuccio.**

Commissioner DeLuccio asked to amend the motion to lower the Bond amount from \$100,000.00 (one hundred thousand dollars and no/cents) to \$50,000.00 (fifty thousand dollars and no/cents). He further stated he would like a condition added; that the three-bedroom units with an office space, cannot be turned into a third bedroom with closets and plumbing.

Vice-Chair Altschul agreed to these amendments.

Commissioner DeLuccio questioned staff in regards to the fence and/or screening height.

Commissioner Torgan questioned staff about the Air Quality Management District (AQMD) inspections, related to asbestos.

Commissioner Crowe commended the owner and developer of this project for their design and spoke of the positive influence the Planning Commission Design Review process had with this project.

Commissioner Hewitt assured the residents, that the Planning Commission and the City of West Hollywood will make sure this development proceeds as smoothly as possible and complimented the architect and developer for a beautiful design.

Commissioner Behr clarified the motion on the floor: 1) compliance with all provisions of the Ellis Act; 2) reduce the Bond amount to \$50,000.00 (fifty thousand dollars and no/cents); 3) design the fencing to protect the residences next door to the development and 4) no plumbing or closets to be added to the three-bedroom unit(s), for conversion into an extra bedroom.

ACTION: 1) Approve the request as amended and 2) adopt Resolution No. PC 2002-428 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-52, DEMOLITION PERMIT 2001-37 FOR AN 18-UNIT APARTMENT USING THE COURTYARD HOUSING STANDARDS FOR THE PROPERTY LOCATED AT 1042-1050 EDINBURGH AVENUE, WEST HOLLYWOOD, CALIFORNIA." **Motion by Vice-Chair Altschul, seconded by Commissioner DeLuccio and unanimously carried.**

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

D. Conditional Use Permit 2001-22, Development Permit 2001-50, Variance 2002-03, Parking Use Permit 2001-13 and Minor Conditional Use Permit 2001-11:

Terry Blount, Associate Planner presented the staff report requesting enclosure of the back patio, addition of a dance floor, provision of the additional required parking at an off-site location (7616 Santa Monica Boulevard, West Hollywood, California), and operation between the hours of 2:00 A.M. and 6:00 A.M. Friday mornings through Monday mornings, all for an existing bar.

Chair Behr questioned the additional correspondence that was received and if it was made available to the public.

Commissioner Crowe asked staff to clarify the Nightclub Standards and questioned the Substitute Conditional Use Permits (SCUP) that were issued in the past.

Chair Behr disclosed that he had spoken to the applicant on the telephone and made a site visit to the establishment, as well as to the Fire Station.

Commissioner Crowe disclosed that the applicant, James Litz, is a personal friend and had talked to him about this item; however, anything he had said or done will not influence his decision made this evening.

Commissioner Hamaker disclosed that she had met with both applicants, Gene Smith and James Litz. She indicated that she received much information from them on this item, which was helpful.

Commissioner DeLuccio disclosed that he made a site visit to the establishment on Sunday, July 14, 2002 and had spoken to Gene Smith on a couple of occasions. He also had visited the Fire Station inquiring about any records.

Commissioner Hewitt disclosed that she had met with both applicants Gene Smith and James Litz. She indicated that they had answered some questions for her.

City Attorney Hogin reminded the Commissioner's that if they had received any additional information from the applicants, that is not in the Staff Report, that must be disclosed at this time.

Commissioner Hamaker requested staff to clarify the terminology used for lavatory, water closet, toilet and bathroom.

Commissioner DeLuccio questioned staff about a Conditional Use Permit (CUP) and what would constitute an expansion and trigger a dance floor.

Chair Behr opened the Public Hearings:

GENE SMITH, WEST HOLLYWOOD, representing Spike, gave the applicants report.

Chair Behr questioned the total occupancy allowed and the different square footages of the dance floor.

Susan Healy Keene, Planning Manager, provided a definition for "nightclubs" and "bars" from the West Hollywood Zoning Ordinance for the Commissioner's future referral.

RUTH WILLIAMS, WEST HOLLYWOOD, has concerns regarding this item. She raised issues that could affect possible public safety.

JACOB SNYDER, WEST HOLLYWOOD, opposes this item. He does not approve of the proposed parking plan using the facilities of the Madison Car Wash.

DONNY CACY, LOS ANGELES, opposes this item. He is not speaking out against Spike, however, he is not in favor of the proposed parking plan using the facilities of the Madison Car Wash.

MICHAEL ROSS, WEST HOLLYWOOD, opposes this item. He agrees with the Neighborhood Impact Analysis and commented on the negative effects currently caused by the patrons of Spike in the neighborhood.

JOHN COOK, WEST HOLLYWOOD, opposes this item. He is a property owner adjacent to the Madison Car Wash and commented on the negative effects this will cause in the neighborhood.

JASON WHITMAN, WEST HOLLYWOOD, opposes this item. He commented on the extended use of illegal drugs that will be promoted by the extended hours.

LYNDIA LOWY, WEST HOLLYWOOD, has concerns regarding this item. She referenced the children and families in the area that will be impacted negatively by the expansion of parking.

MARK HEINEMAN, WEST HOLLYWOOD, spoke in support of this item. He stated that you can not hold the bars and nightclubs responsible when it appears they are attempting to offer an alternative to drinking.

ART RUBENSTEIN, WEST HOLLYWOOD, has concerns regarding this item. He indicated that it is a good idea to provide parking at the Madison Car Wash due to the current noise and parking problems. However, he indicated the issue is with the current use of drugs.

SHIRLEY RAY, WEST HOLLYWOOD, opposes this item. She is a property owner adjacent to the Madison Car Wash and commented on the negative effects this will cause in the neighborhood, specifically the noise.

TOM SHELLEY, WEST HOLLYWOOD, oppose this item. He commented on the negative effects and diminishing quality of life issues this will have on the neighborhood.

FRED PEGONSKE, WEST HOLLYWOOD, has concerns regarding this issue. He spoke on behalf of his neighbors and stated the negative effects this will have on the neighborhood.

JOYCE SYUE, WEST HOLLYWOOD, opposes this item. She stated the current noise with vehicles and indicated that this will only increase and exacerbate the problem.

RICHARD RIETZ, WEST HOLLYWOOD, opposes this item. He commented on the increase of noise in the neighborhood.

KEVIN JOSEPH, WEST HOLLYWOOD, opposes this item. He stated the Madison Car Wash is bordered by residential properties and indicated that there will be an increase in noise and loitering.

TIM MELTON, WEST HOLLYWOOD opposes this item. He commented on the increase of noise this will cause to the neighborhood.

MIKE KILROY, VALLEY VILLAGE, opposes this item. He is a property owner and has concerns about the possible loss of property value due to the increase in noise and traffic that will be added to the neighborhood.

GRACIELLA IPARRAGUIRRE, WEST HOLLYWOOD, opposes this item. She commented on the negative effects and diminishing quality of life this will have on the neighborhood.

JOHN DONNELLY, WEST HOLLYWOOD, has concerns regarding this issue and the increase in traffic this will promote.

DARIN SANONE, GLENDALE, spoke in support of this item.

NORM HEISERMAN, LAKE VIEW TERRACE, spoke in support of this item.

STEVE JOHNSON, LOS ANGELES, spoke in support of this item.

ROBERT SANCHEZ, WEST HOLLYWOOD, spoke in support of this item.

CHRIS CHAPMAN, WEST HOLLYWOOD, spoke in support of this item.

ROMAN JIMENEZ, WEST HOLLYWOOD, spoke in support of this item.

ALBERTO VALASCO, WEST HOLLYWOOD, spoke in support of this item.

C. DANTE HILL, LOS ANGELES, spoke in support of this item.

JANELL MC KANE, NORTHRIDGE, spoke in support of this item.

JESSE VASQUEZ, LOS ANGELES, spoke in support of this item.

PIKA CHEVILLOT, WEST HOLLYWOOD, spoke in support of this item, however, has concerns if the roof is removed from the back patio there will an increase in noise.

JUAN MAGORLLANS, WEST HOLLYWOOD, spoke in support of this item.

JOHN DURSLAND, WEST HOLLYWOOD, opposes this item. He commented on the increase violence and noise this will cause to the neighborhood.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on crime, drug use and the usage of bar(s).

JAMES LITZ, WEST HOLLWYOOD, spoke in support of this item and acknowledged for the record the supporters in the audience.

BILL MC KELVIC, WEST HOLLYWOOD spoke in support of this item.

GENE SMITH, WEST HOLLYWOOD, gave the applicants rebuttal. He spoke on the issues that were brought to the attention of the Commission during Public Comments and took additional questions.

Chair Behr questioned how long the establishment had been operating without proper licenses.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 9:50 PM AND RECONVENED AT 10:05 P.M.

Commissioner Crowe stated his issues with the bathrooms and commented on the parking arrangements. He does not believe the applicant has clearly outlined the parking plan.

Commissioner Torgan questioned staff to clearly define the definition and use of "nightclub" in the West Hollywood Zoning Ordinance and stated his concerns with the current interpretation and definition.

Commissioner Hewitt stated that the club should be allowed to charge for parking and that the fee should go towards the admission at the door. She also indicated that the dancing needs to cease and needs to be addressed.

Commissioner DeLuccio agreed that the dancing needs to cease and stated his concerns with the additional parking.

Vice-Chair Altschul stated his concerns with the dancing and the definition of "nightclub", thereby indicating the Variance would not be an issue, which would require a renovation to the restrooms. He was strongly opposed to an armed security guard. He agreed to staff's recommendation for the hours of operation. He further stated that the renovations should be (and could be) completed within a six (6) month time frame.

Commissioner Hamaker stated her concerns with the parking situation and the impact to the neighbors and neighborhood.

Chair Behr concurred with Vice-Chair Altschul and does not approve of an armed guard. He voiced his concerns with the increase in occupancy and commented on the parking requirements.

ACTION: Close the Public Hearings. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Altschul and unanimously carried.**

Christi Hugin, City Attorney informed the Commission; with the new recommended procedures, which were recently passed and enacted by the City Council of the City of West Hollywood, it was improper to Close the Public Hearings at this time in the meeting. The Public Hearings will be (should be) closed and included with the final action of the motion of the item.

ACTION: Re-open the Public Hearings. **Motion by Commissioner Crowe, seconded by Vice-Chair Altschul and unanimously carried.**

Commissioner Torgan motioned to approve the staff report with the following amendments: 1) condition Section 9.1.; allow a fee to be charged and require two (2) licensed security personnel at the Madison Car Wash (parking site) during the time the lot is in use; 2) change Section 9.4.; seventeen (17) parking spaces shall be available during hours of operation after 8:00 P.M.; 3) Section 10.1.b.; a licensed security guard (not armed); 4) Section 10.2.; Monday – Wednesday, 5:00 P.M. – 2:00 A.M., Thursday – Sunday, 5:00 P.M. – 5:00 A.M.; and 5) renovations shall be completed within six (6) months. **Motion by Commissioner Torgan, seconded by Commissioner DeLuccio.**

Commissioner Torgan further stated that he believes the dance floor needs to be stricken and/or conditioned.

Commissioner Hamaker suggested a two-way radio communication system between the parking lot and the club.

Vice-Chair Altschul indicated that he would not like to see it (the above mentioned) as a condition of the entitlement; but instead he would like to see staff and the business work out how to handle the parking situation and the use of the security guard in the most efficient manner.

He further stated that he would like to see the item reviewed by the Community Development Director in three (3) months time, the efficacy of the security and parking arrangements, to make sure the neighborhood is being serviced to the best extent possible.

Commissioner Torgan agreed to amend the motion to include a three (3) month review of the security plan, along with a direct hot-line number.

Commissioner DeLuccio communicated that he will not be voting in favor of this item. He stated he is pleased that they finally acquired a Conditional Use Permit (CUP), but he is not satisfied with the parking arrangements and is not convinced they will be able to procure the required number of parking spaces.

Commissioner Hamaker communicated that she also will not be voting in favor of this item. She indicated the testimony that has been heard, has been ignored.

ACTION: 1) Close the Public Hearing; 2) Partially approve the application with changes brought forward by staff and conditions set-forth by the Commission and 3) Adopt Resolution No. PC 02-429 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT (CUP) 2001-22, DEVELOPMENT PERMIT (DVP) 2001-50, PARKING USE PERMIT (PUP) 2001-13, AND MINOR CONDITIONAL USE PERMIT (MCUP) 2001-11, ON AN APPLICATION OF GENE SMITH, TO PERMIT THE ENCLOSURE OF THE BACK PATIO, PROVIDE THE REQUIRED PARKING AT AN OFF-SITE LOCATION, AND OPERATE EXTENDED HOURS FROM 2:00 A.M. TO 5:00 P.M. FRIDAY MORNINGS THROUGH MONDAY MORNINGS, FOR AN EXISTING BAR LOCATED AT 7746 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Torgan, seconded by Commissioner DeLuccio and carried on a Roll Call vote:**

MOTION PASSES ON A ROLL CALL VOTE:

AYES: Vice-Chair Altschul, Commissioners Crowe, Hewitt and Torgan.

NAYES: Commissioners DeLuccio, Hamaker and Chair Behr.

Chair Behr explained to the public that this Resolution is not final. It will come back before the Planning Commission on Thursday, August 1, 2002, at which time a ten (10) day appeal period will begin if the Resolution is adopted.

9. **NEW BUSINESS:** None.

10. **UNFINISHED BUSINESS:** None.

11. ITEMS FROM STAFF:

Susan Healy Keene, Planning Manager updated the Commission that Item 8.D. (7746 Santa Monica Boulevard) and 1011 N. Orange Grove Avenue, will be coming before the Planning Commission on Thursday, August 1, 2002.

Tentatively set for Thursday, August 15, 2002 Planning Commission meeting, will be the Zoning Ordinance and the Appeal of the House of Sushi (old Butterfield's site). The Athletic Club (site) was continued to this date, however, she indicated this may not be on the agenda.

12. PUBLIC COMMENT: None.

13. ITEMS FROM COMMISSIONERS:

Chair Behr suggested a Zoning Revision Subcommittee review the Zoning Ordinance changes and make recommendations. Chair Behr and Commissioner DeLuccio volunteered for this subcommittee.

Commissioner Hamaker requested staff (Code Compliance) to look at the noise issues (horn honking) at the Madison Car Wash.

The Planning Commission adjourned at 11:00 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 1, 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 15TH DAY OF AUGUST, 2002.


CHAIRPERSON

ATTEST:


Community Development Director