



PLANNING COMMISSION MINUTES

September 20, 2001

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 6:00 PM.

A. Pledge of Allegiance

The Pledge of Allegiance was led by John Chase.

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; John Keho, Senior Planner; John Chase, Urban Designer; Emmeline Elzin Harrigan, Associate Planner; and Jennifer Diaz, Administrative Staff Assistant

C. Approval of Agenda

Action: Approve the Agenda as presented.

Motion: Crowe 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

None.

3. ITEMS FROM COMMISSIONERS

Hewitt - Expressed sympathy for those who are mourning loved ones lost in the past weeks tragedy and to Brad Burlingame who lost his brother.

DeLuccio - Called for a moment of silence.

Torgan - Asked that three of the items scheduled for the Director's hearing that are within the Sunset Specific Plan be deferred to the Planning Commission for review.

Hamaker - Asked that the meeting be adjourned in memory of those who lost their lives in last week's tragedy.

DeLuccio - Will also adjourn the meeting in memory of Charles Burlingame.

Altschul - Stated that proposed Director's hearing date of September 26th is the eve of Yom Kippur and asked that the items be continued to another date.

Behr - Stated that he attended a Transportation Commission meeting and requested a report on Sky Sushi restaurant that is operating as a club.

4. ITEMS FROM STAFF

Mark Persico - Stated that the Director's Hearing scheduled for September 26th has been rescheduled to the regular meeting of October 9, 2001; Commissioner Torgan's request for deferment to the Planning Commission regarding three of the items scheduled for the Director's Hearing will be considered; and a report on Sky Sushi will be given to the Planning Commission within 30 days.

5. CONSENT CALENDAR

Both Items pulled and moved to the Excluded Consent Calendar by Chair DeLuccio.

6. EXCLUDED CONSENT CALENDAR

A. Minutes - September 6, 2001

Action: Approve the minutes of September 6, 2001 with the following amendments: Commissioner Behr's comments on page 4 where referring to the old zoning ordinance.

Motion: Behr Second: Torgan

Votes: All Ayes

Motion Passes

B. A Resolution acknowledging consistency with the General Plan for the proposed vacations at 8560 Sunset Boulevard.

Sharon Perlstein, City Engineer

Commissioner Comments

- The vacation on Alta Loma should be separated from the vacation of the air space on Sunset Boulevard.

- There are no substantial findings with regards to the signs as the applicants claim.
- There are no proven benefits to support the revitalization of the building regarding the air space request.
- Is the exchange of the vacation for the right turn lane sufficient.

City Attorney, Christi Hogin, comments

The commission is to find whether the proposed vacation is consistent with the General Plan. The City Council will hold the public hearing on the street vacation, which will be noticed for residents to make a public comment. The City Council has proposed vacating the public's rights both on the street and in the air in exchange for the improvement of the right turn lane. The proposal would be that the public would benefit from the right turn lane that it would warrant the vacation.

Keith Williams, Assistant Civil Engineer, stated that the public right of way that is requesting to be vacated is .63 square feet and in return, 3,316 square feet is being obtained and 60 square feet for the air rights.

Public Comment:

1. **Cindy Starret**, Alta Dena, stated that the resolution is requesting that the commission find the vacation of .63 feet of sidewalk on Alta Loma and 60 square feet in the area above the V-shaped projection consistent with the General Plan. The City Council has already approved a 360 square foot area of the sidewalk in front of the Playboy building for the v-shaped sign to encroach. The reason for the two vacations is that they are not necessary for transportation purposes or any other city purpose. In exchange for the vacation of 60 feet of air rights and .63 feet of sidewalk the City is obtaining the right to use 3,616 square feet of surface easement for public right of way purposes. Asked the Planning Commission to concur with staff and find the vacation consistent with the General Plan.
2. **Thelma Jackson**, West Hollywood, spoke in support of the Sunset Millennium and its request.
3. **Monte Anders**, Pasadena, representing Operating Engineers Local 12 and spoke in support of the request.
4. **Terry Piotrowski**, West Hollywood, speaking on behalf of the Westview Towers Board of Director's and stated that most of the residents believe that the project will bring significant benefits to West Hollywood such as tax revenues that can be used for city social programs and it will revitalize a section of Sunset Boulevard for the residents as well as visitors. Asked the commission to approve the resolution as presented.

Action: Move Resolution number PC 01-388 with the following amendments: Delete, in section 1, everything after the 3rd line - 8560 Sunset Boulevard as described and the remainder of the paragraph is to be deleted. Everything in section 1 starting with the word "And" in the legal description shall be deleted. Sections 3 is to be deleted. The last sentence of Section 4 shall be deleted.

Motion: Torgan **Second:** Behr

Votes: All Ayes

Motion passes on a roll call vote

Action: The Planning Commission will not make a finding of consistency or inconsistency with the General Plan with respect to the vacation air space requested at the top of the building.

Motion: Behr **Second:** Torgan

Votes: All Ayes

Motion passes on a roll call vote

7. COMMISSION CONSIDERATION

A. Creative Sign Permit 2001-03: Erect a pole sign and two wall signs.

Applicant: Howard Hough

Location: 508 Doheny Drive (Petco)

Planner: John Chase

Recommendation: Continue to date uncertain.

Continued to a date uncertain.

8. PUBLIC HEARINGS

A. Development Permit 2001-34, Minor Conditional Use Permit 2001-17, and Parking Use Permit 2001-05: Minor conditional use permit and development permit to modify an existing restaurant facility, reduce the number of parking spaces, and a parking use permit to allow off site parking to be located at 8789 Sunset Boulevard.

Applicant: Tom Dillon

Location: 1114 Horn Avenue (Lobster Bay)

Planner: John Keho

Recommendation: Continue to date uncertain.

Continued to a date uncertain.

B. Development Permit 2001-35 and A Development Agreement Amendment for the Lot: Amend the Development Agreement and approve a development permit for The Lot to allow construction of a seven (7) story parking structure with 733 parking spaces.

Applicant: Greg Harless for The Lot

Location: 1041 Formosa Avenue

Planner: John Keho

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

Donald DeLuccio opened the public hearing.

Kim Zupinger presented the staff report and recommended approval of the project with the following corrections to the resolution:

1. On page 11, to Mitigation Measure X1a-1 should read: All construction trucks (adding in the word construction).
2. On page 11, section 3.0 Fees: Any section pertaining to square footage of gross floor area shall be deleted.

Gregg Harless and Nick Seierup presented the applicant's report.

Public Comment

1. **J.W. Moore IV**, West Hollywood, speaking as the Block Captain on behalf of the Detroit/Formosa Neighborhood Watch, the residents are in favor of the project due to the parking problem. The significant benefits of the project are that cross traffic from Santa Monica will not affect the construction that much, when the project is finished there will be some greenery to the neighborhood, and there will be a 24 hour guard at the parking lot. He urged the commission to approve the project.
2. **John D'Amico**, West Hollywood, voiced concern about the project partly because of its largeness and the appearance with the possibility of fading paint. He doesn't feel that the traffic counts are accurate and believes that the City has rushed the project through the approval process.
3. **Patrice Dally**, Los Angeles, member of the Melrose Neighborhood Association, stated that the intersection at Santa Monica Boulevard and Poinsettia should have a left turn signal light installed to keep heavy traffic from construction trucks driving on sides streets to get to the project.

John Chase gave a brief summary of items discussed at the neighborhood meetings that included changes regarding the paint and metal railings used throughout the building and the removal of the blank wall.

Terri Slimmer, Transportation Manager, stated that the environmental and trip analysis had been done for a previous project and where applied to the current project. There are left turns permitted at Poinsettia, however, currently it is believed that a signal on Santa Monica Boulevard is not warranted. A traffic mitigation study will be done upon completion of the project.

Gregg Harless presented a rebuttal.

Action: Close the public hearing.

Motion: Crowe Second: Altschul

Votes: All Ayes

Action: Move approval of staff's recommendation with the following amendments: Section 1.4, replace 45-days for an extension to 30 days for an extension; Delete sections 3.1 through 3.4; Add to the mitigation measure section X1a-1 the word construction trucks; Add a condition under the Design Requirements a clause requiring the maintenance of paint.

Motion: Crowe Second: DeLuccio

Votes: All Ayes

Motion passes

C. Conditional Use Permit 93-37 and Conditional Use Permit 91-10: Review of the Key Club's operations over the past six months in compliance with the terms of the Conditional Use Permit approved by the Planning Commission in March 2001.

Applicant: Key Club

Location: 9035-9039 Sunset Boulevard

Planner: John Keho

Recommendation: Receive and file.

Chair DeLuccio opened the public hearing.

John Keho presented the staff report.

Commissioner comments

- Neighbors of the Key Club did not receive the staff report until two days prior to the hearing and are not prepared to speak at the hearing.
- There are other problems noted by the Sheriff's department in the past six months and there were not any crime statistics or any reports elaborating on those events provided in the staff report.
- The original resolution and any modifications should be reviewed for any possible non-compliance.
- Findings toward potential revocation and modification should be included in the staff report for proper review.
- Allow the public to speak at the current hearing and at the continued date of the hearing.
- The item should be the first public hearing item at the second meeting in October.

City Attorney, Christi Hogin, comments

The commission should wait to make a decision until all evidence has been reviewed and discussed. The public should be able to receive the revised staff report and to be prepared to speak at a public hearing.

Action: Continue the hearing to October 18, 2001

Motion: Altschul Second: Torgan

Votes: All Ayes on a roll call vote

Directions to staff regarding the next staff report:

- Written summary of the crime statistics for the past year
- Summary of facts regarding the Orange County bus incident taken from the minutes of the meeting at which residents spoke during citizens comments
- Report of officer at the scene
- Written report of investigations from the ABC for the year
- Original resolution
- Copy of the ABC's conditions
- Status of off-site parking requirements
- Minutes of August 3rd and August 17th Planning Commission meeting
- Mail the staff report to the those who turned in speaker slips

Public Comment

1. **Steve Afriat**, Los Angeles, stated that the applicant's would not present their report until the next hearing. He would also like the public comments from the August meeting reflect what residents said and who spoke. Mr. Afriat also requested that the information regarding the bus incident include interviews with the security personnel from the Key Club, the bus company and witnesses.
2. **Pat Godfrey**, Los Angeles, stated that he views nothing more at night than what goes on during the day at the club. He believes the problem is with the uninvited guests. He also stated that the Key Club has good security and does a good job of containing the area.
3. **Lauren Stalnecker**, West Hollywood, thanked the Sheriff's Department for making him feel safe in this community. He has enjoyed living behind the Key Club and feels safe due to the provided security from the club.
4. **Christian Stalnecker**, West Hollywood, represents the population that is on Sunset Boulevard on Friday and Saturday nights and feels safe being close to the boulevard. He reported that they have not had any problems and the security handles any problems that arise.

Sergeant Bruce Thomas, West Hollywood Sheriff's Department, Sunset Policing Team and the liaison between the City and Sunset Boulevard. Has been reviewing the issues on Sunset regarding clubs, restaurants, bars, and valet businesses. Pointed out that contrary to what neighbors would like to think, the Key Club does a lot of things right. The issues that the club needs to address are the valet parking, the security working up the hill, and the promoters who use the club.

- D. Development Permit 2000-36, Demolition Permit 2000-13, Modification 2001-06, Variance 2001-06 and Variance 2001-07:** *Demolish existing warehouse facility. Construct new 10,122 square foot, 3 story media production building. Variances are requested to increase the overall building height to 48 feet with architectural projections less than 10 feet and to allow for office use instead of pedestrian oriented use. Modification for a 10% reduction in parking requirement.*
Applicant: Chris Stevens for Barton Myers Associates, Inc.
Location: 638 La Peer Drive
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.

Ira Handelman presented the applicant's report.

Behr - Clarified that the modification is for three parking spaces since the Zoning Ordinance states that if the space is over 10% then it must be a variance. Does not want to set a precedence for future requests. Does not want to see commercial projects prop up in areas that are adjacent to residential areas where the height has been increased by the equivalent of one and a half stories throughout the city. The resolution should state that this project is a specific situation and the variance works for this project and the additional height will not impact views and is not adjacent to residential units.

Christi Hogin - The notice that was presented stated the reduction in amount of required parking. The Commission has the evidence provided to them and can make the finding for a variance.

DeLuccio - Inquired if a modification can be done and instead of have a variance for the additional space that would have been needed, have the applicant pay into the fund.

Emmeline - The same difficulties that require the variance request apply to the modification.

Action: Close the public hearing

Motion: Altschul Second: DeLuccio

Votes: All Ayes

Action: Move approval of staff's recommendation with the following amendments: section 1.4 to read an allowable 30 days for an extension; section 5.C to include language pertaining to height variances and the surrounding land uses.

Motion: Altschul Second: Crowe

Votes: All Ayes

Motion passes

E. Administrative Permit 2001-21 and Variance 2001-04: Wireless telecommunications facilities. Variance to use more than 15% of the total roof top area.

Applicant: Gil Gonzalez of the Consulting Group

Location: 8500 Melrose Avenue

Planner: Emmeline Elzin Harrigan

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

Commissioner Torgan recused himself from the hearing.

Donald DeLuccio opened the public hearing.

Emmeline Elzin Harrigan presented the staff report.

Gil Gonzalez presented the applicant's report.

DeLuccio - Requested staff to clarify the difference between the variance recommended and modification that the applicant preferred.

Action: Close the public hearing

Motion: Altschul Second: Hamaker

Motion carried by a consensus of the Commission

Action: Move approval of staff's alternative recommendation for a modification without the screening.

Motion: Hamaker Second: DeLuccio

Votes: All Ayes

Motion carried on a roll call vote

9. PUBLIC COMMENT

None.

10. ITEMS FROM COMMISSIONERS

Hamaker - Stated that the week had been a difficult one and enjoyed spending time with her fellow Commissioners.

DeLuccio - Would like to look at the neighborhood around La Peer Avenue when reviewing the General Plan.

11. ITEMS FROM STAFF

Mark Persico - Stated that the items scheduled for the Director's Hearing on September 26th will be heard on October 9th and that Commissioner Torgan's request of deferring three of those items will to the Planning Commission will be taken under advisement.

Tim Foy - Asked if any of the commissioners would like to be members of the American Planning Association.

12. ADJOURNMENT

Action: To adjourn in memory Charles Burlingame and all of the victims of September 11, 2001 to the next regular meeting of the Planning Commission on Thursday, October 4, 2001, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Crowe Second: DeLuccio

Motion carried by consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS DAY OF November 1, 2001.

CHAIRPERSON: Omabel M. DeZuccio

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: [Signature]