

CITY OF WEST HOLLYWOOD PLANNING COMMISSION

MINUTES

January 5, 1995

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

I. CALL TO ORDER

The regular meeting of the Planning Commission was called to order by Commissioner Litz at 7:00 p.m.

A. Pledge of Allegiance: The Pledge of Allegiance was led by Commissioner Litz.

B. Roll Call:

Commissioners Present: Behr, Crowe, Fischer, Jones, Litz, Richmond, Smith

Staff Present: Gay Forbes, Director; Lisa Heep, Planning Manager; Tim Foy, Associate Planner; Teresa Kozlowski, Contract Planner; Lucy Dyke, Transportation Manager; Joan English, Transportation Director; Mike Jenkins, City Attorney; Jody Hidey, Staff Assistant; Think Tran, Staff Assistant.

Others Present: Arthur Strock, Parking Construction Manager; Stephanie Hart, Transportation Commission Chair.

C. Approval of Agenda

Action: Pull entire Consent Calendar and approve Agenda as changed.

Motion: Crowe Second: Smith

Vote: All Ayes Motion carried.

D. This agenda was posted at City Hall, the Community Development Department, West Hollywood Library on San Vicente Boulevard, and Plummer Park.

II. ITEMS FROM CITIZENS

A. Bill Ferra, West Hollywood, expressed concern regarding off-site parking for the House of Blues.

B. Michael Yates, Los Angeles, former Parking Project

Administrator for the West Hollywood Chamber of Commerce, spoke in favor of the Kings Road parking structure.

- C. Jeanne Dobrin, West Hollywood, commented on the celebration planned by the Chamber of Commerce for February 28, 1995. She also commented on the minutes from the last Planning Commission meeting.

### III. PLANNING MANAGER'S REPORT

None.

### V. PUBLIC HEARINGS

- A. Minor Conditional Use Permit 94-06 and Development Permit 94-13 - Hearing to discuss the appeal of the Community Development Director's denial of a Minor Conditional Use Permit for the sale of alcoholic beverages within the existing outdoor dining area. This hearing was continued from November 17, 1994.

Applicant/Appellant: Rainbow Bar and Grill  
Owner: Mario Maglieri  
Location: 9015 Sunset Boulevard  
Recommended Action: Deny the appeal and uphold the Community Development Department's Director's decision.

Teresa Kozlowski presented the staff report.

Commissioner Litz opened the public hearing.

#### Public Testimony:

Olivia Bissell, Venice, spoke on behalf of the applicant.

Questions to the Applicant followed.

The following spoke on the appeal:

- A. Lester Hirsch, West Hollywood, would like Commission to deny appeal because serving alcohol on the patio would increase noise and crime.
- B. Judith Solomon, Los Angeles, expressed concern regarding smoking at the establishment.
- C. Kerry McLoughlin, West Hollywood, apartment building owner, opposed to permit due to parking problems and boisterous patrons.
- D. Jeanne Dobrin, West Hollywood, supports staff's recommendation to deny appeal.
- E. Mike Maglieri (applicant/appellant), Los Angeles, discussed neighborhood meeting, security services,

parking, acoustical remodeling, and smoking issues.  
Commission discussion ensued.

The Commission directed staff to provide an update on the legal smoking status of the applicant.

**Action:** To close the public hearing.

**Motion:** Richmond                      Second: Smith

**Vote:** All Ayes                      Motion carried.

**Action:** To grant a 6-month Minor Conditional Use Permit for the sale of alcoholic beverages within the existing outdoor dining area with the following conditions:

- 1) no amplified music
- 2) alcohol only be served with food on patio
- 3) alcohol only be served until midnight on patio
- 4) 6-month review (not to occur before October) with provision to apply further conditions
- 5) Four additional parking spaces.
- 6) Staff to provide recommendations on noise
- 7) Applicant to provide noise-level analysis

**Motion:** Smith                      Second: Fischer

**Vote:** Ayes - Smith, Fischer, Litz

Noes - Crowe, Jones, Behr, Richmond

Motion failed.

**Action:** Deny appeal and affirm Community Development Director's denial of Minor Conditional Use Permit 94-06 and Development Permit 94-13.

**Motion:** Richmond                      Second: Crowe

**Vote:** Ayes - Crowe, Jones, Behr, Richmond

Noes - Smith, Fischer, Litz

Motion passed.

- B. General Plan Amendment 94-03, Zoning Amendment 94-04, General Plan Text Amendment 94-05, Demolition Permit 94-06, Final Environmental Impact Report and Negative Declaration - A hearing and report from the Transportation Commission regarding the City's request to demolish the existing service station at 8383 Santa Monica Boulevard; construct 3-level parking with rooftop parking and ground floor retail; amend the General Plan and the Zoning Map to change land use designation; amend Zoning text to ground floor retail in public zones; amend text of the General Plan substituting generalized language for the strict numeric standards in certain General Plan policies;

and review Negative Declaration and Final Environmental Impact Report.

Applicant: City of West Hollywood  
Owner: City of West Hollywood  
Location: 8383 Santa Monica Boulevard  
Recommended Action: Recommend to the City Council to adopt the General Plan amendment, the Zoning amendment, the General Plan text amendment, the Demolition Permit; and to certify the Final Environmental Impact Report and the Negative Declaration for the Municipal Parking Structure.

Tim Foy presented the staff report.

Commissioner Litz opened the public hearing.

Joan English, West Hollywood, Transportation Director, presented a brief history of parking structures in West Hollywood and commented on the design of the proposed site.

Mr. Strock, Newport Beach, gave a brief description of the mechanics of the structure and its operations.

Ms. Hart, Transportation Commission Chair, presented the reasoning behind the selection of the Kings Road site.

Commissioner Litz opened the public hearing.

**Public Testimony:**

- A. Roslyn Krause, West Hollywood, opposed because more crime and traffic will occur from the proposed parking structure.
- B. Timothy Mielcarek, West Hollywood, (given time by Brian Marquez), opposed because the proposed structure is not set back to meeting existing zoning codes, it's too big, and the ingress/egress should be on Santa Monica Boulevard.
- C. Ken Newelt, West Hollywood, opposed because of increase in crime and traffic (vehicular and pedestrian).
- D. Mary Sweeney, Los Angeles, co-owner of Marix and Basix, supports the parking structure because there is a need for more parking for businesses and residents.
- E. Victoria Shemaria, Los Angeles, co-owner of Marix, supports the parking structure and would like to see more structures built.
- F. Sidney Green, West Hollywood, opposed because this plan

serves the interests of the business community not the residents.

- G. Susan Arbetman, West Hollywood, opposed and does not like design of structure.
- H. Candida McCollam, West Hollywood Kings Road resident, opposed to this site.
- I. Regina Burger, West Hollywood, opposed.
- J. Chris Patrouch, West Hollywood, local business owner, opposed because there is no demand for parking and better alternatives exist.
- K. Michaeljohn Horne, West Hollywood, in favor.
- L. Al Lewis, West Hollywood, opposed because of crime, congestion, aesthetics, property value and the quality of life are in danger.
- M. Robert Raaf, West Hollywood, owner of Camp Weho Gifts, in favor because there is a need for a parking structure which will benefit businesses and residents. He spoke on behalf of the owners of the following businesses: Gloria Trevi, Beeperland, and Holloway Cleaners; and submitted petitions on their behalf.
- N. Ruthe Jacobson, West Hollywood Kings Road resident for 20 years, opposed because of design of structure, traffic congestion, and hours of operation.
- O. Michael Weber, West Hollywood, opposed to project because a parking structure is not needed.
- P. Mark Markline, Studio City, Economic Development Director for Chamber of Commerce, in favor because visitors, businesses and residents have expressed concern about the lack of parking; petitions from Capone's and Basix were submitted.
- Q. Thomas Crail, West Hollywood, Executive Director of the Chamber of Commerce, in favor because one of the goals of the Chamber has been to provide parking for the businesses in the area.
- R. Sybil Zaden, West Hollywood, commented that the City has invested much time and money in the project and urges the Commission and neighborhood to move forward on this issue.
- S. Jeanne Dobrin, West Hollywood, found it ironic that the Kings Road residents do not want a structure near their residences, questioned why the Mayfair does not develop their own parking structure, and opposed rooftop parking; expressed concern on defensible space and the hours of operation.
- T. Budd Kopps, West Hollywood, commented in opposition to the project.

Rebuttal to public testimony provided by Joan English.

Joan English responded to the Commissioners' questions.

Commissioners directed Staff to present a security plan to Commission.

**Action:** To continue discussion at a later time with Staff presenting additional information.

Motion: Smith Second: Behr

Vote: Ayes - Litz, Behr, Smith

Noes - Crowe, Richmond, Jones, Fischer

Motion failed.

**Action:** To close public hearing.

Motion: Smith Second: Behr

Vote: All ayes.

Motion carried.

**Action:** To adopt Resolution No. PC 94-48 approving General Plan Amendment 94-03, Zoning Amendment 94-04, General Plan Text Amendment 94-05, Demolition Permit 94-06, the Final Environmental Impact Report and the Negative Declaration for a parking structure located at 8383 Santa Monica Boulevard, subject to the following changes:

- (1) Final designs and a security operations plan will be brought back to the Design Review Subcommittee;
- (2) A plan from staff will be developed that addresses the use of the structure by residents on Kings Road;
- (3) Hours of operation for rooftop parking will close at 10:00 p.m.;
- (4) The hours of operation for entire parking structure will close at 2:30 a.m.;
- (5) Scheme 2 is preferred for design of the southwest corner.
- (6) An agreement limiting lease agreements for parking spaces to businesses and residents on or immediately adjacent to Santa Monica Boulevard.

Motion: Crowe Second: Behr

Vote: Ayes - Crowe, Jones, Fischer, Richmond

Noes - Behr, Litz, Smith

Motion carried.

**C. Minor Conditional Use Permit 94-15 (Carney's)**

A hearing on the appeal of the Director of Community Development Department's approval of Minor Conditional Use

Permit 94-15 to permit the sale of alcoholic beverages for on-site consumption in an existing restaurant.

Applicant: Carney's Restaurant  
Appellants: Jack & Pamela Wishard, et al  
Location: 8351 Sunset Boulevard  
Project Planner: Teresa Kozlowski

Recommendation: Deny the appeal and affirm the Community Development Director's approval with additional conditions.

Teresa Kozlowski presented the staff report.

**Public Testimony:**

- A. Mr. Jack Wishard (Appellant), West Hollywood, opposed to issuance of permit.
- B. John Wolfe, Studio City, owner of Carney's, in favor of permit.
- C. Julie Barrows, North Hollywood, manager of Carney's, in favor.
- D. John M. Wolfe, Laguna Beach, in favor.
- E. Charlie Mercer, West Hollywood, member of the Sunset Strip Association, in favor.
- F. Jeanne Dobrin, West Hollywood, voiced strongly her opinions regarding the permit.

Rebuttal to public testimony made by the appellant, Jack Wishard.

**Action:** Close public hearing.

Motion: Smith                      Second: Behr

Vote: All ayes.

Motion carried.

The Commissioners discussed the issue.

**Action:** To grant appeal and deny Minor Conditional Use Permit 94-15 and the request to sell alcohol at Carney's Restaurant.

Motion: Litz                      Second: Behr

Votes: All Ayes.                      Motion carried.

**VI. EXCLUDED CONSENT CALENDAR**

A. Approval of Minutes

1. December 15, 1994

**Action:** To approve minutes of December 15, 1994, with the following changes:

(1) On page 3, where it states, "Commissioner Behr discussed with Sarah Lejeune..." change "part of each lot" to "a portion of the site..."

(2) Page 4, Area 1A(B), change "to retain its view" to "in the views to it."

(3) Page 4, Area 1B(A), change "it is zoned R4PK" to reflect that only the surface parking is zoned R4PK.

(4) Top of page 5, but inclusive of Area 1B(b) change "historical building on the site..." to "historical building adjacent to the site..."

(5) Page 7, Vi A, add that the motion carried unanimously with the condition the the language referring to "moving" or "running lights" aspect of the sign will be deleted.

(6) Page 8, eliminate the duplication of the first line under number 2, beginning with "The frustration..."

(7) Page 8, in the fourth paragraph beginning with "Commissioner Behr noted that 315 parking spaces...." add to the end of the line after "feet," "of dance floor area."

Motion: Behr                                  Second: Smith

Votes: All Ayes.                              Motion carried.

B. Annual Reviews of CUP 92-09 for the "Six Gallery" at 8861 Santa Monica Boulevard and CUP 92-08 for "Rubi Rosa" at 8865 Santa Monica Boulevard.

The Commission discussed the permits.

The following commented:

A. Jeanne Dobrin, West Hollywood, commented on Rubi Rosa's operations.

**Action:** To accept and file the staff reports on the reviews of the "Six Gallery" and "Rubi Rosa".

Motion: Behr                                  Second: Crowe

Votes: All Ayes.                              Motion carried.

VII. COMMISSION CONSIDERATION

None.

VIII. ITEMS FROM CITIZENS

None.



**IX. ITEMS FROM COMMISSIONERS**

- A. Commissioner Richmond stated that the subcommittee with Commissioner Crowe regarding the House of Blues would be presenting their findings at a later time.
- B. Commissioner Jones expressed that he would like a staff report on the ABC process and its application to census tracts.
- C. Commissioner Crowe thanked Ms. Heep for the advance materials sent to the Commissioners.
- D. Commissioner Litz asked that correspondence included in the Planning Commission packets be date-stamped. He noted that the Chamber of Commerce has invited Commissioners and Staff to attend their next Board meeting to present a report on the Sunset Specific Plan. Ride-alongs for Commissioners with Sheriff's Department were scheduled.

**X. ITEMS FROM STAFF**

- A. Discussion on agenda for Planning Commission retreat of January 25, 1995 at Werle Building, at 6:00 p.m..  
Commissioner Litz would like to include speaker time discussion.
- B. Scheduling of Sunset Marquis Appeal.  
Commissioners directed Staff to schedule this issue for the first meeting in March.
- C. Ms. Heep asked the Commissioners to notify her if their Zoning Ordinance is incomplete.

**XI. ADJOURNMENT**

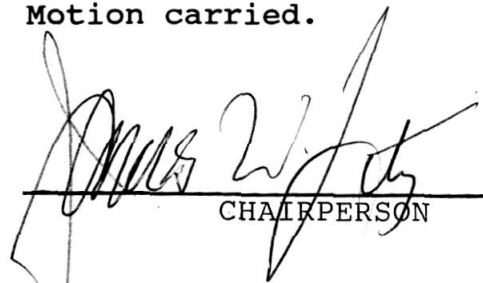
**Action:** To adjourn to the next meeting of the Planning Commission to be held on Saturday, January 7, 1995, from 8:00 A.M. until 12:00 Noon, at the Werle Building at 626 North Robertson Boulevard in West Hollywood. This is a study session on the Sunset Specific Plan.

Motion: Crowe

Second: Behr

Vote: All Ayes

Motion carried.

  
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CHAIRPERSON

ATTEST:

  
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DIRECTOR OF COMMUNITY DEVELOPMENT