



PLANNING COMMISSION MINUTES
Regular Meeting
February 4, 2010

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 6:34 P.M.

2. PLEDGE OF ALLEGIANCE: Victor Omelczenko led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, Bernstein, Buckner, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Nathan Gapper, Associate Contract Planner, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, February 4, 2010 as presented. **Moved by Vice-Chair Yeber, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

Page 5 of 5: Adjournment should reflect the date of Thursday, February 4, 2010.

A. January 21, 2010

ACTION: Approve the Planning Commission Minutes of Thursday, January 21, 2010 as amended. **Moved by Commissioner Hamaker, seconded by Vice-Chair Yeber and unanimously carried.**

6. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, commented on public transportation issues, timelines and funding.

7. ITEMS FROM COMMISSIONERS.

Vice-Chair Yeber commented on public transportation issues, timelines and funding.

Chair DeLuccio requested the meeting be adjourned in memory of Brad Crowe, former Planning Commissioner.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 1019 N. Vista Street.

Appeal of Administrative Permit 2008-041:

Michael Barney, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 4, 2010.

This item was originally heard by the Planning Commission on Thursday, October 1, 2009. He presented a complete history of the property and stated the applicant is appealing the Director of Community Development's denial to legalize one illegal dwelling unit.

He confirmed the applicant submitted one new document, a Sheriff's Records Search, which provides numerous entry's for service calls to 1019 N. Vista Street, West Hollywood, California. However, none of the service calls specifically identifies Unit #10 before January, 2000.

Staff believes the proof of prior existence date is critical to the strength of the legalization program. Staff believes that without proper documentation of prior existence to January 1, 2000, a legalization approval cannot be conclusively determined.

Staff recommends denial of the applicant's appeal.

Commissioner Hamaker requested clarification of previous approvals granted by the Planning Commission regarding illegal units and questioned rent stabilization concerns.

Chair DeLuccio opened public testimony for Item 9.A.:

MICHAEL SILVA, ENCINO, architect, presented the applicant's report. He detailed the history of the property and spoke on recent findings from the West Hollywood Sheriff's Department.

Commissioner Bernstein questioned the potential suicide in the unit.

VICTOR OMELCZENKO, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the criteria for legalizing illegal units.

MICHAEL SILVA, ENCINO, architect, presented the applicant's rebuttal. He stressed to evaluate the available information presented.

ACTION: Close public testimony for Item 9.A: **Motion carried by consensus of the Commission.**

Commissioner Guardarrama requested clarification on the apparent suicide.

Commissioner Altschul moved to: 1) adopt staff's recommendation of denial; without prejudice.

Seconded by Commissioner Bernstein.

Chair DeLuccio spoke on the Sheriff's Department Record Search. He suggested if this item ends up with the City Council, they should re-look at the amnesty date for a possible revision.

Commissioner Hamaker stated her support for granting the legalization.

Commissioner Guardarrama stated his support for legalizing the unit with the specifics currently brought forward. He is also in favor of denying it without prejudice.

Commissioner Altschul commented on the circumstantial speculation.

Commissioner Buckner had concerns with the unconfirmed statement made by a resident regarding the apparent suicide. There are no records to confirm this.

ACTION: 1) Deny the appeal, without prejudice; 2) Adopt Resolution No. PC 09-885 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING WITHOUT PREJUDICE, THE APPEAL BY MICHAEL SILVA, AIA, AND UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY ADMINISTRATIVE PERMIT 2008-041, TO LEGALIZE ONE ILLEGAL UNIT AT THE PROPERTY LOCATED AT 1019 N. VISTA STREET, WEST HOLLYWOOD, CALIFORNIA; and 3) Close Public Hearing Item 9.A. **Moved by Chair Altschul, seconded by Commissioner Bernstein and passes on a Roll Call Vote:**

AYES: Altschul, Bernstein, Buckner, Guardarrama, Vice-Chair Yeber, Chair DeLuccio.

NOES: Hamaker.

ABSENT: None.

RECUSED: None.

B. 8517 Holloway Drive.

General Plan Amendment 2007-004, Zone Map Amendment 2007-002: Request to change the property general plan designation and zoning from Residential Multi-Family, High Density (R4) to Community Commercial (CC).

ACTION: 1) Continue to a date uncertain. **Moved by Vice-Chair Yeber, seconded by Commissioner Hamaker and unanimously carried as part of the approved agenda.**

**C. 1013 N. Spaulding Avenue.
Extension Request 2009-002 for Demolition Permit 2005-0387,
Development Permit 2005-049, Variance Permit 2005-006**

Michael Barney, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 4, 2010.

He stated the applicant is requesting a second extension for the development of a five-unit, two-story residential condominium project.

Staff recommends approving the requested extension for three years, which would bring the approvals in-line with State mandated AB 33 (2009) to May 4, 2013.

Chair DeLuccio opened public testimony for Item 9.C.:

VICTOR OMELCZEMKO, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding changes in the Zoning Ordinance and conformity regarding Green Building Standards.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding extension timelines.

ACTION: Close public testimony for Item 9.C: **Motion carried by consensus of the Commission.**

Commissioner Altschul moved to: 1) grant the extension request to May, 2012.

Seconded by Commissioner Hamaker.

Chair DeLuccio re-opened public testimony for Item 9.C.:

ANTHONY PATCHET, GLENDALE, applicant, presented the applicant's report. He clarified concerns regarding real estate listings, commented on the Green Building Standards and stated for the record the request is solely for financial hardship issues.

ACTION: Re-close public testimony for Item 9.C: **Motion carried by consensus of the Commission.**

Commissioner Bernstein spoke regarding grandfathering. He stated his support of staff's recommendation to extend the project permits until 2013.

Commissioner Guardarrama stated his support for staff's recommendation to extend the project permits until 2013.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 10-904 as amended: a) extension request shall be till May 4, 2012, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING EXTENSION REQUEST 2009-002, EXTENDING THE APPROVAL OF DEVELOPMENT PERMIT 2005-049, DEMOLITION PERMIT 2005-037 AND VARIANCE PERMIT 2005-006 UNTIL MAY 4, 2012, AT THE REQUEST OF ANTHONY AND ELIA PATCHETT, MICHAEL AND SARA MOLDOVAN, FOR THE PROPERTY LOCATED AT 1013 N. SPAULDING AVENUE, WEST HOLLYWOOD, CALIFORNIA; and 3) Close Public Hearing Item 9.C. **Moved by Chair Altschul, seconded by Commissioner Hamaker and fails on a Roll Call Vote:**

AYES: Altschul, Hamaker.

NOES: Guardarrama, Buckner, Bernstein, Vice-Chair Yeber, Chair DeLuccio.

ABSENT: None.

RECUSED: None.

Chair DeLuccio moved to: 1) approve staff's recommendation to grant the extension to May, 2013.

Seconded by Commissioner Bernstein.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 10-904 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING EXTENSION REQUEST 2009-002, EXTENDING THE APPROVAL OF DEVELOPMENT PERMIT 2005-049, DEMOLITION PERMIT 2005-037 AND VARIANCE PERMIT 2005-006 UNTIL MAY 4, 2013, AT THE REQUEST OF ANTHONY AND ELIA PATCHETT, MICHAEL AND SARA MOLDOVAN, FOR THE PROPERTY LOCATED AT 1013 N. SPAULDING AVENUE, WEST HOLLYWOOD, CALIFORNIA; and 3) Close Public Hearing Item 9.C. **Moved by Chair Altschul, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

AYES: Altschul, Buckner, Bernstein, Hamaker, Guardarrama, Vice-Chair Yeber, Chair DeLuccio.

NOES: None.

ABSENT: None.

RECUSED: None.

Commissioner Bernstein left the dais and meeting at this time, due to living within a 500' radius of the property for the public hearing regarding 8270 Romaine Street, West Hollywood, California.

D. 8270 Romaine Street.

Variance Permit 2009-009:

Nathan Gapper, Associate Contract Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 4, 2010.

He presented a history of the property and stated the applicant is requesting a variance to allow for an encroachment of five-feet, one and half inches into the front yard setback for a 134 square-foot addition to an existing single-family residence. He spoke on neighboring properties' current setbacks.

Staff recommends approval.

Commissioner Hamaker stated she was very impressed with the staff report.

Chair DeLuccio opened public testimony for Item 9.D.:

PAYTON SILVER, WEST HOLLYWOOD, applicant, presented the applicant's report. He spoke regarding the requested increase in square-footage, stating this will allow for a larger second bedroom, two full bathrooms and a small entry way. He detailed the design.

Chair DeLuccio questioned the current square-footage of the house.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

PAYTON SILVER, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He requested a further reduction down to eight feet.

ACTION: Close public testimony for Item 9.D: **Motion carried by consensus of the Commission.**

Discussion was held regarding the requested amendment.

Staff believes based on current neighborhood development, the findings could still be made for a further reduction in the front yard setback to eight feet.

Chair DeLuccio moved to: 1) approve staff's recommendation of approval; and 2) amend the requested setback to eight feet.

Seconded by Commissioner Altschul.

Vice-Chair Yeber stated this is a very reasonable variance request, and supports the motion.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 10-915 as amended: a) requested setback shall be changed to eight feet (8'); "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING VARIANCE PERMIT 2009-009, FOR A 196 SQUARE-FOOT ADDITION TO AN EXISTING SINGLE-FAMILY RESIDENCE TO ENCROACH INTO THE FRONT YARD SETBACK BY SEVEN FEET, FOR THE PROPERTY LOCATED AT 8270 ROMAINE STREET, WEST HOLLYWOOD, CALIFORNIA;" and 3) close Public Hearing Item 9.D. **Moved by Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**

10. NEW BUSINESS.

A. General Plan Update.

John Keho, Planning Manager, presented an update regarding the General Plan. He thanked everyone for participating in the workshop on Saturday, January 30, 2010. He stated the General Plan Advisory Committee recently had their last two meetings and thanked the members for their input and participation.

The Draft Environmental Impact Report will now be developed with an anticipated release date of June, 2010.

Vice-Chair Yeber requested clarification how all the information will be formulated into the Draft Environmental Impact Report.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

He noted the Draft Environmental Impact Report for 8801 Sunset Boulevard, West Hollywood, California has been released for public review. Public comment period is Thursday, February 4, 2010 to Monday, March 22, 2010 at 5:00 P.M. All comments should be directed to the project planner, Adrian Gallo, Associate Planner at 323-848-6304 or agallo@weho.org.

He stated there will be no further public comment hearings regarding the Draft Environmental Impact Reports.

Commissioner Altschul had concerns with the omission of the public comment hearing process. He would like to see this decision forwarded to the City Council for further review and reversal.

Vice-Chair Yeber had concerns with the omission of the public comment hearing process. He would like to see this decision re-examined.

ACTION: 1) Agendize for discussion the public comment process regarding Draft Environmental Impact Reports at the meeting of Thursday, March 4, 2010. **Motion carried by consensus of the Commission.**

B. Director's Report. None.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the omission of the public comment hearing process and spoke regarding parliamentary procedures.

15. ITEMS FROM COMMISSIONERS.

Vice-Chair Yeber questioned the status of his request regarding rental signage. He had concerns and questioned the signage at Millions of Milkshakes.

John Keho, Planning Manager stated Code Compliance Department is currently investigating the signage at Millions of Milkshakes. He will look into the rental signage and report at a later date.

Commissioner Hamaker spoke regarding the passing of Brad Crowe.

Commissioner Altschul spoke regarding the passing of Brad Crowe.

16. ADJOURNMENT: Notating the cancellation of the Planning Commission meeting of Thursday, February 18, 2010, the Planning Commission adjourned at 7:50 P.M. in memory of Brad Crowe, to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, March 4, 2010 at 6:30 P.M. at 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 4TH DAY OF MARCH, 2010.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR