



PLANNING COMMISSION MINUTES
Regular Meeting
February 5, 2009

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

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:34 P.M.

2. PLEDGE OF ALLEGIANCE: Lauren Meister led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Christopher Corrao, Assistant Planner, Laurie Yelton, Associate Planner, Adrian Gallo, Associate Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move agenda Item 8.A. (9015 Sunset Boulevard) to Excluded Consent Calendar as Item 12.A.

ACTION: Approve the Planning Commission Agenda of Thursday, February 5, 2009 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. None.

6. PUBLIC COMMENT.

TOM DE MILLE, WEST HOLLYWOOD, commented on various neighborhood issues and the upcoming local elections.

LAUREN MEISTER, WEST HOLLYWOOD, commented on irresponsible economic spending.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR.

A. 9015 Sunset Boulevard:

On Thursday, January 29, 2009, Planning Commission directed staff to return with a resolution granting the replacement of the double-sided, roof-top billboard, and deny the enlargement and repositioning of the signage.

ACTION: 1) Moved to Excluded Consent Calendar as Item 12.A. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried, as part of the amended agenda.**

9. PUBLIC HEARINGS.

A. 935 San Vicente Boulevard.

Extension Request Permit 2008-017:

Christopher Corrao, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 5, 2009.

He stated applicant is requesting an extension of two (2) years to extend the approvals previously granted for the construction of a six-unit, four-story residential courtyard condominium building.

Commissioner Hamaker questioned if anyone is currently living on the property.

Chair Altschul opened public testimony for Item 9.A:

GIL MOALEM, TARZANA, owner, presented the applicant's report. He provided a history of the property, detailed the requested extension and confirmed the property is currently being used as a rental property.

Discussion was held regarding rent stabilization issues.

Chair Altschul questioned the time-line regarding the building permits.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on rent stabilization and building permits. She requested this item continued.

ELYSE EISENBERG, WEST HOLLYWOOD, commented on historic preservation and parking issues.

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

Commissioner Yeber questioned if the Green Building Ordinance would be in effect with the requested extension.

Staff indicated this project was approved before the Green Building Ordinance was in effect. Therefore, does not apply.

Vice-Chair DeLuccio moved to: 1) approve staff's recommendation of granting the extension.

Seconded by Commissioner Bernstein.

Commissioner Buckner had concerns regarding compliance with current regulations.

Commissioner Hamaker questioned the ramifications of repeated extensions.

Commissioner Guardarrama commented on the architecture and stated his support of the extension.

Commissioner Yeber had concerns there is no procedure currently in place which would allow current zoning codes to be enacted on extension requests'.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-844 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING EXTENSION REQUEST 2008-017, EXTENDING THE APPROVAL OF DEMOLITION PERMIT 2003-024, DEVELOPMENT PERMIT 2003-018 AND TENTATIVE TRACT MAP 2003-007, UNTIL OCTOBER 28, 2010, AT THE REQUEST OF GMM CONSTRUCTION & DEVELOPMENT, INC., FOR THE PROPERTY LOCATED AT 935 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.A. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Bernstein and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: None.

**B. 8873 Sunset Boulevard. (Tramonto)
Creative Sign Permit 2008-008:**

Laurie Yelton, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 5, 2009.

She stated applicant is requesting a two-faced, 81 square-foot creative roof tower sign for the "Tramonto" building. She provided a history of the property and detailed the sign specifications and illumination.

Staff recommends approval.

Chair Altschul opened public testimony for Item 9.B:

RICHARD ROTHENBERG, WEST HOLLYWOOD, spoke against staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She questioned [possible] intrusion into air traffic space.

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

Chair Altschul moved to: 1) approve staff's recommendation of approval.

Seconded by Vice-Chair DeLuccio.

Commissioner Guardarrama stated for the record, the back of the sign will not be lit.

Commissioner Buckner had concerns if the lighting would "flash".

John Chase, Urban Designer, stated for the record, the lighting will contain no "flashing element(s)".

Commissioner Hamaker stated her support of the sign and it will be a welcome addition to the Sunset Strip.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-853 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING CREATIVE SIGN PERMIT 2008-008, FOR THE PROPERTY LOCATED AT 8873 SUNSET BOULEVARD (TRAMONTO), WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.B. **Moved by Chair Altschul, seconded by Vice-Chair DeLuccio, and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: None.

C. Extended Hour Businesses and Off-Site Sales of Alcohol

Zone Text Amendment 2008-007, Zone Text Amendment 2008-008:

Adrian Gallo, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 5, 2009.

He stated the request is to amend the West Hollywood Zoning Ordinance to modify the standards for extended hour businesses and off-site sales of alcohol, located city-wide. He provided a background history and detailed the requested amendments:

Revision to Extended Hour Businesses Standards (Section §19.36.130)

- **Clarification on the security guard requirement.** An unarmed security guard that is licensed and possesses a valid Department of Consumer Affairs "Security Guard Card" is required to keep patrons moving, disallow loitering, keep any lines orderly and communicate problems to the Sheriff's Department. The business operator shall not employ security guards armed with firearms or tasers.
- **Additional standard for securing alcohol.** No open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the premises except in a locked cabinet, cupboard or similar locked container or apparatus during the extended hours at establishments selling alcoholic beverages.

These revisions would assist the Community Development Director when reviewing extended hour's business applications and ensure that the uses do not pose an undue burden on the City services and surrounding properties.

Revisions to Alcoholic Beverage Sales Standards (Section §19.36.060)

Additional requirements would be added that provide the City with better enforcement tools. The proposed changes to this section of the Code include the following:

§19.36.060.

B. Additional Standards for Off-Site Sales. Off-site alcoholic beverage sales businesses shall comply with the following requirements, in addition to those in subsection (A) above. Locations with off-site alcoholic beverage sales shall be designed, constructed, and operated such that:

1. The business shall supply adequate, appropriately located receptacles for litter and recycling. All trash on the premises shall be properly removed and stored, and disposed of, each business day. The sidewalk, driveway and parking lot shall be kept free of trash and litter at all times.
2. The exterior and interior of the premises shall be well-maintained and clean. Exterior landscaping on the property shall be maintained in good condition and kept watered and weeded.
3. The interior of the premises shall be brightly lit.
4. All persons purchasing alcoholic beverages must provide a valid government issued photo ID as proof of age. All items sold shall be packaged in a bag bearing the name of the establishment.
5. The operator shall promptly report unlawful behavior observed within and in the vicinity of the premises to the Sheriff's Department.
6. The operator shall refuse to sell any product containing alcohol or provide any service to any patron who is obviously intoxicated or who is observed, in the immediate vicinity of the establishment, drinking alcoholic beverages in public, urinating or defecating outdoors, making noise that would cause discomfort or annoyance to a reasonable person at that hour of the day, disturbing the peace, or littering.

The amendment relating to extended hour businesses would minimize the impacts of the business on any nearby residential neighborhoods and ensure the safety of the patrons and employees of the extended hour business

The amendment relating to off-site sales of alcohol would permit the Code Compliance Division and Sheriff's Department to exercise administrative remedies to property/business owners not in compliance with the standards for off-site sales of alcohol and further protects and promotes the public health, safety, and general welfare of the constituents and visitors to West Hollywood.

Staff recommends that the Planning Commission approve these changes of the Zoning Ordinance and forward a recommendation for adoption to the City Council.

Chair Altschul reiterated and clarified for the record, in no way is this to allow or permit any given venue or group of venues to remain open after-hours. These are additional conditions that would apply (or potentially apply) should any venue be given the entitlement to stay open after-hours.

Chair Altschul opened public testimony for Item 9.C:

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding law enforcement, neighborhood crime and alcohol issues.

ALLEGRA ALLISON, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding public safety and the need for additional law enforcement staff.

ELYSE EISENBERG, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding public safety and the need for additional law enforcement staff.

LAUREN MEISTER, WEST HOLLYWOOD, President, West Hollywood West Residents Association. She spoke regarding public safety, noise issues and the need for additional law enforcement staff.

SAM BORELLI, WEST HOLLYWOOD, WEST HOLLYWOOD, opposes staff's recommendation of approval.

LEUTENANT SMITH, SEARGANT BOWMAN, WEST HOLLYWOOD SHERIFF'S DEPARTMENT, spoke in support of staff's recommendations. Additional concerns stated were additional law enforcement staffing, securing of alcohol, and other beverage sales after-hours.

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

Chair Altschul suggested adding the following conditions: a) all glasses serving beverages after-hours shall be thoroughly distinguishable at the discretion of the Community Development Director; and b) the venue shall be required to remove anybody who is observed bringing in any alcoholic beverage.

Commissioner Guardarrama moved to: 1) approve staff's recommendation to the City Council, with the following added conditions: a) all glasses serving beverages after-hours shall be thoroughly distinguishable at the discretion of the Community Development Director; and b) the venue shall be required to remove anybody who is observed bringing any alcoholic beverage from outside the establishment.

Seconded by Vice-Chair DeLuccio.

Vice-Chair stated his support for the section regarding the alcohol beverage sales. He had concerns with the section regarding extended hour businesses; indicating it doesn't seem to have enough weight in relation to the past version, and stated his concerns regarding the [possible] additional enforcement issues which would require the securing of alcohol after-hours. Overall, there doesn't seem to be enough "teeth" in this recommendation at this time.

Commissioner Hamaker questioned enforcement concerns. *She requested a matrix and/or listing of all businesses and their operating hours which serve alcohol in the City of West Hollywood.*

Commissioner Bernstein stated his concerns this may not be welcomed throughout the city. It appears to send the message that the city welcomes the entire commercial area to become after-hours.

ACTION: 1) Adopt Resolution No. PC 09-850 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2008-007, RELATING TO EXTENDED HOUR BUSINESSES STANDARDS, LOCATED CITY-WIDE, WEST HOLLYWOOD, CALIFORNIA;" 2) Adopt Resolution No. PC 09-851 as amended by adding the following conditions; a) all glasses serving beverages after-hours shall be thoroughly distinguishable at the discretion of the Community Development Director; and b) the venue shall be required to remove anybody who is observed bringing any alcoholic beverage from outside the establishment; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2008-008, RELATING TO OFF-SITE SALES OF ALCOHOL STANDARDS, LOCATED CITY-WIDE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.C. **Moved by Commissioner Guardarrama, seconded by Vice-Chair DeLuccio and passes on a Roll Call Vote:**

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

NOES: None.

ABSENT: None.

RECUSED: None.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.**

A. 9015 Sunset Boulevard:

On Thursday, January 29, 2009, Planning Commission directed staff to return with a resolution granting the replacement of the double-sided, roof-top billboard, and deny the enlargement and repositioning of the signage.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: Excluded Consent Calendar, Item 8A. Donald, you pulled it.

DeLuccio: I did. Because I agree that the resolution that is before us this evening was to grant a replacement of the same size billboard and I agree that we decided that they, it was denied that they could enlarge the billboard, but I don't recall having any discussion about denying the repositioning of the billboard. Repositioning in my opinion never ever came up and that was not part of my motion. My motion was to grant the billboard the size it was, deny an enlargement of the billboard but as far as positioning, repositioning the billboard, again that never ever came up in the discussion at the last meeting nor in my, in my motion for partial approval.

Hamaker: I agree Donald.

DeLuccio: So.

Altschul: Did the staff report include addressing the subject of repositioning? Or recommendation on that one way or another?

DeLuccio: I don't think so.

Keho: Unfortunately I wasn't at the meeting last time so I don't know, but the staff recommendation was to not allow the sign to be replaced, so it would have been your direction to us as to how you wanted to do that.

DeLuccio: Right. And my motion had nothing to do with repositioning. It was, my motion was to keep it the same size, not to enlarge it, and so how would that work if they wanted to repositioning it? Reposition. Wouldn't they have to apply for that anyway?

Keho: They would have to apply for it and if there were no restrictions on how it's repositioned, you know, there might be some impacts on neighboring properties.

DeLuccio: *So I don't think it belongs in here. I think that would be something that would come along later when they're actually getting permits to change the board and at that time make a request, request in the permit that they possibly want to reposition it. Am I correct?*

Keho: *Right, they would have to, as part of a permit, you're correct, they would have to show how it's changing its angle.*

DeLuccio: *So I would like to take that out. Any, any wording to do with repositioning it and otherwise I'm fine with that, my resolution.*

Altschul: *Well, if they can't reposition it without making an application to do so, what is the harm in putting the language in there that, that points that out to them?*

DeLuccio: *It says it right here, it denies the enlargement and repositioning. I don't think it should say it denies the repositioning.*

Altschul: *But if they can't reposition without bringing a further application to reposition, why not point that out to them in this resolution?*

DeLuccio: *I think it needs to be, I think that's a whole separate issue.*

Altschul: *It is.*

DeLuccio: *It's not what we were discussing and I don't think it belongs in here.*

Altschul: *Okay, all right. So you're saying not, don't deny repositioning...*

DeLuccio: *Right.*

Altschul: *...but point out that if they, just either take the word repositioning out or include additional language that says this, this resolution does not in itself allow repositioning. Is that acceptable?*

DeLuccio: *I'm happy with that. You can say that and they would need to apply separately to do so.*

Altschul: *This resolution in itself does not allow repositioning. Is that acceptable Christi?*

Hogin: *Yes.*

DeLuccio: *Okay, I'm fine with that.*

Altschul: *Is that acceptable, members of the...?*

Hamaker: *Yes, as I recall, part of what they, they had done a whole huge study on repositioning it and making it big, so they had, that's what they had in mind definitely to do that.*

DeLuccio: *Yes.*

Altschul: *Yes. That being said, are there any further comments or observations on this resolution? If not, the vote yes means that the resolution does in fact memorialize the action of the Commission at the last meeting and nothing more.*

- Hogin:** *As amended.*
- DeLuccio:** *As amended.*
- Altschul:** *As amended and nothing more. All those in favor of this say aye.*
- Various:** *Aye.*
- Altschul:** *Opposed. It's unanimous.*
- Hogin:** *Just for our little record here, could we just have a motion and a second?*
- DeLuccio:** *Well, I'll make, I'll make that motion and I guess you'll second it.*
- Altschul:** *I'll second it.*
- Hamaker:** *I'll second it.*
- Altschul:** *Barbara will second it.*
- DeLuccio:** *Barbara will second it.*
- Hogin:** *And there was no objection so it passed unanimously.*
- Altschul:** *Yes.*

//wci:km

(ITEM 8.A. [12.A] OFFICIAL RECORDING ENDS).

13. ITEMS FROM STAFF.

A. General Plan Update.

Susan Healy Keene, Director of Community Development, stated City Council directed staff to conduct further outreach to the Russian community, and the Technical Reports should come forward in April or May, 2009.

B. Director's Report.

Susan Healy Keene, Director of Community Development, commented on the Business Signage Subcommittee and the current economic issues surrounding the business community within the City of West Hollywood.

C. Planning Manager's Update.

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

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on economic hardship, outreach efforts to the Russian community and additional staffing for law enforcement.

15. ITEMS FROM COMMISSIONERS.

Re-Appointments to Business Signage Subcommittee:

ACTION: Remove Donald DeLuccio from the Business Signage Subcommittee.
Motion carried by consensus of the Commission.

ACTION: Appoint Roberta Sue Buckner to the Business Signage Subcommittee.
Motion carried by consensus of the Commission.

- 16. ADJOURNMENT:** The Planning Commission adjourned 8:00 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, February 19, 2009 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 19TH DAY OF FEBRUARY, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR