



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**August 20, 2009**

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 6:35 P.M.

**2. PLEDGE OF ALLEGIANCE:** Allyne Winderman 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: Christopher Corrao, Assistant Planner, Adrian Gallo, Associate Planner, Nathan Gapper, Associate Contract Planner, John Chase, Urban Designer, John Keho, Planning Manager, Christi Hogan, Assistant City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

1) Move Consent Calendar Item 8.A. (928 N. Fairfax Avenue) to Excluded Consent Calendar as Item 12.A.; 2) Move Consent Calendar Item 8.B. (8811 Santa Monica Boulevard) to Excluded Consent Calendar as Item 12.B.; and 3) move Public Hearing Item 9.B. (Zone Text Amendment, Urban Inns) to Consent Calendar as Item 8.C.

**ACTION:** Approve the Planning Commission Agenda of Thursday, August 20, 2009 as amended. **Moved by Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**

**5. APPROVAL OF MINUTES.**

Vice-Chair Yeber notated on page 38 of 52; second to the last paragraph, "clarifications" should read "*wanted to clarify*", and "orderly" should read "*elderly*". Page 42 of 52; first paragraph: "Fountain" should read "*Sunset*".

Commissioner Bernstein notated on page 44 of 52. Family Quality Council should read "*Family Equality Council*".

**A. July 29, 2009**

**ACTION:** Approve the Planning Commission Minutes of Thursday, July 29, 2009 as amended. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

Vice-Chair Yeber notated on Page 28 of 44; fourth paragraph from the bottom, the word “Ondas” should read “Andaz”.

**B. August 6, 2009**

**ACTION:** Approve the Planning Commission Minutes of Thursday, August 6, 2009 as amended. **Moved by Vice-Chair Yeber, seconded by Chair DeLuccio and unanimously carried.**

6. **PUBLIC COMMENT.** None.

7. **ITEMS FROM COMMISSIONERS.**

Vice Chair Yeber thanked staff and commented on his day spent with the City of West Hollywood’s Planning Division.

8. **CONSENT CALENDAR.**

**A. 928 N. Fairfax Avenue:**

On Thursday, July 2, 2009, the Planning Commission directed staff to return with a resolution of approval to allow for a remodel and a billboard replacement.

**ACTION:** Moved to Excluded Consent Calendar as Item 12.A. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

**B. 8811 Santa Monica Boulevard (Eleven):**

On Thursday, August 6, 2009, the Planning Commission directed staff to return with a resolution of approval to allow the extension of hours of operation.

**ACTION:** Moved to Excluded Consent Calendar as Item 12.B. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

**C. Urban Inns.**

**Zone Text Amendment 2009-001 (9.B.):**

Request to amend the Zoning Ordinance for the review of urban inns with rehabilitation incentives, proposed to require further review by the Planning Commission after Historic Preservation Commission review, city-wide, West Hollywood, California.

**ACTION:** 1) Adopt Resolution No. 09-875 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 2009-001, TO THE WEST HOLLYWOOD ZONING ORDINANCE, REGARDING PLANNING COMMISSION REVIEW OF URBAN INNS AND REHABILITATION INCENTIVES THAT APPLY CITY-WIDE, WEST HOLLYWOOD, CALIFORNIA". **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

*Vice-Chair Yeber recused himself from the dais at this time, due to living within the 500' radius of the subject property.*

## **9. PUBLIC HEARINGS.**

### **A. 1253 N. Sweetzer Avenue.**

**Demolition Permit 2008-021, Development Permit 2008-035, Modification Permit 2009-005, Modification Permit 2009-006, Tentative Tract Map 2009-004, Variance Permit 2009-002:**

Adrian Gallo, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, August 20, 2009.

He provided background information and stated the applicant is requesting to construct a three-story, eight-unit condominium development with subterranean parking. A variance has been requested pertaining to the front setback.

He detailed the location, design, materials, massing, unit sizes, setbacks, and neighborhood compatibility.

Staff recommends approval.

Chair DeLuccio requested clarification regarding the modifications.

Commissioner Hamaker requested clarification regarding setbacks.

John Chase, Urban Designer, provided a narrative history regarding setbacks.

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 6:50 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 6:55 P.M.**

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

LORCAN O'HEARHLY, LOS ANGELES, architect, presented the applicant's report. He provided a history of the property and detailed the massing, architectural character, building materials, unit layouts, the requested modifications and variance.

Commissioner Hamaker requested clarification regarding entrances and stairways.

Vice-Chair DeLuccio questioned if there would be any rooftop activity.

KEN ROSENTHAL, WOODLAND HILLS, opposes staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on parking requirements, unit access and walkways.

LORCAN O'HEARHLY, LOS ANGELES, architect, presented the applicant's rebuttal. He spoke regarding landscaping and parking.

Commissioner Bernstein questioned if this street is in a permit parking zone.

Adrian Gallo, Associate Planner, stated the street is a permitted parking zone.

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

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

**Seconded by Commissioner Hamaker.**

Chair DeLuccio had concerns regarding the variance.

Commissioner Hamaker stated her support of the variance.

**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 09-881 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVIING DEMOLTION PERMIT 2008-021, DEVELOPMENT PERMIT 2008-035, MODIFICATION PERMIT 2009-005, MODIFICATION PERMIT 2009-006 AND VARIANCE PERMIT 2009-002, FOR THE DEMOLITION OF A DUPLEX TO CONSTRUCT A THREE-STORY, EIGHT-UNIT CONDOMINIUM DEVELOPMENT, FOR THE PROPERTY LOCATED AT 1253 N. SWEETZER AVENUE, WEST HOLLYWOOD, CALIFORNIA";

3) Adopt Resolution No. PC 09-882 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING VESTING TENTATIVE TRACT MAP 2009-004 (MAJOR LAND DIVISION NO. 69159), FOR THE PROPERTY LOCATED AT 1253 N. SWEETZER AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close Public Hearing Item 9.A. **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

**AYES:** Altschul, Bernstein, Buckner, Guardarrama, Hamaker.  
**NOES:** Chair DeLuccio.  
**ABSENT:** None.  
**RECUSED:** Vice-Chair Yeber.

*Vice-Chair Yeber returned to the dais at this time.*

**B. Urban Inns.**

**Zone Text Amendment 2009-001 (8.C.):**

Request to amend the Zoning Ordinance for the review of urban inns with rehabilitation incentives, proposed to require further review by the Planning Commission after Historic Preservation Commission review, city-wide, West Hollywood, California.

**ACTION:** 1) Moved to Consent Calendar as Item 8.C. **Moved by Commissioner Altschul, seconded by Commissioner Bernstein and unanimously carried.**

**10. NEW BUSINESS.**

**A. General Plan Update.**

**Housing Element:**

Veronica Tam, Principal, Veronica Tam & Associates presented the visual presentation of the Housing Element Update of the General Plan.

She provided an in-depth overview of: 1) Housing Element requirements; 2) Contents of the Housing Element; 3) States to State Law; and 4) Housing Element update process.

Discussion, questions and clarification was given which included affordable housing, gender identity, government controls, and SCAG.

**11. UNFINISHED BUSINESS. None.**

## 12. EXCLUDED CONSENT CALENDAR.

### A. 928 N. Fairfax Avenue (8.A.):

On Thursday, July 2, 2009, the Planning Commission directed staff to return with a resolution of approval to allow for a remodel and a billboard replacement, for the property located at 928 N. Fairfax Avenue, West Hollywood, California.

Vice-Chair Yeber stated he pulled this item for the following reasons: 1) regarding the relationship to the street; he was more focused on Fairfax Avenue, and he felt the applicant chose to ignore that; and 2) letters received from the Project Area Committee (PAC); and didn't realize the PAC had a strong opinion about this project. The commission did not have a chance to talk about that.

Vice-Chair Yeber stated this needs to be studied more before it moves forward. He questioned the timeliness of the PAC's correspondence.

Christi Hogan, Assistant City Attorney, reminded the commission regarding the legalities. She stated the public hearing has been closed and direction was given to return with a resolution of approval. Does the resolution reflect the commission's direction(s) and amendment(s) that were originally specified.

Chair DeLuccio opened public comments for Item 12.A.:

ROB BERGSTEIN, WEST HOLLYWOOD, current Vice-Chair of the Eastside Project Advisory Committee, has concerns regarding this item. He spoke regarding the replacement billboard. He stated the PAC voted 2/3 to not allow this project. He requested reconsideration and deny the replacement billboard.

ANDREW PAKOS, WEST HOLLYWOOD, Eastside Project Advisory Committee member, has concerns regarding this item. He spoke regarding urban blight. He requested reconsideration and deny the replacement billboard.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She requested reconsideration and deny the replacement billboard.

**ACTION:** Close public comments for Item 12.A: **Motion carried by consensus of the Commission.**

John Keho, Planning Manager, clarified for the record the timelines regarding the PAC's correspondence. The correspondence in question was received after the public hearing date, and, he stated that the July 2, 2009 staff report contained information about the PAC's vote against the project.

Commissioner Guardarrama stated for the record he did not have enough information in front of him at the time to make an informed decision regarding this matter. He stated it appears to be more impactful than what he originally thought.

**Commissioner Guardarrama moved to: 1) re-open the Public Hearing for reconsideration at a later date.**

**Seconded by Vice-Chair Yeber.**

Commissioner Guardarrama disclosed for the record, he spoke with Allyne Winderman, Director of Rent Stabilization and Housing, stating she advocated for the PAC's position.

Commissioner Hamaker disclosed for the record, she is a member of the PAC and voted "no" on this issue. She has not spoken to any other commissioners regarding this issue.

Christi Hogin, Assistant City Attorney, stated for the record, the motion on the floor is not to take any final action on this application. The request is to re-notice the public hearing.

Chair DeLuccio re-opened public comments for Item 12.A.:

SEAN BESBELLI, LOS ANGELES, applicant and architect, questioned why the concerns of the PAC were not addressed at the original public hearing. He had concerns with the amount of time lost and the need to re-open the public hearing. He stated the process has been fully conformed to and protested the motion.

**ACTION:** Re-close public comments for Item 12.A: **Motion carried by consensus of the Commission.**

Commissioner Buckner recollected the in-depth discussion that was held regarding this item.

Vice-Chair Yeber reiterated the reason why he pulled this item. He does not feel the applicant did not modify the design of the project like the commission originally had expressed

Commissioner Bernstein stated the design concerns were raised in the public hearing, and if the project were to move forward, it is scheduled to come back to the Design Review Subcommittee to address those concerns.

John Keho, Planning Manager, confirmed the design concept for the building façade did not have to happen before the resolution was approved, but would have to take place before the building permits are issued.

Commissioner Hamaker clarified that members of the PAC did not show up for the public hearing because staff's original recommendation was to deny the project. PAC members did not think the Planning Commission would vote to approve the project.

**ACTION:** Re-open and re-notice the public hearing for reconsideration.  
**Moved by Commissioner Altschul, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

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

**NOES:** Buckner.

**ABSENT:** None.

**RECUSED:** None.

Chair DeLuccio requested all members of the public that spoke on this item and all members of the Project Area Committee should be noticed of the new public hearing date.

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

**B. 8811 Santa Monica Boulevard (Eleven) (8.B.):**

On Thursday, August 6, 2009, the Planning Commission directed staff to return with a resolution of approval to allow the extension of hours of operation, for the property located at 8811 Santa Monica Boulevard, West Hollywood, California.

Commissioner Bernstein pulled the item to clarify the early hours. He would like to see a simple change to Condition 4.3) from 12:01 P.M. to 5:01 P.M.



Chair DeLuccio would like to see a six month review before the Planning Commission; and if there should ever be a change in ownership or operator, it should be brought back before the Planning Commission.

Commissioner Hamaker questioned if her comment is listed regarding the sound should be turned down between the hours of 2:00 A.M. and 4:00 A.M.

Commissioner Buckner clarified all sales, service and consumption of alcohol in interior area of Condition 4.7) should state Sunday through Saturday.

Chair DeLuccio opened public comments for Item 12.B.:

TODD ELLIOTT, LOS ANGELES, applicant's representative, stated for the record there are no issues with the aforementioned changes of conditions. He would like to see the word "video" deleted from Condition 4.3)

WARREN MERRIMAN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding off-street parking, code violations, noise, loitering, and trash.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding parking issues, and open code violations.

**ACTION:** Re-close public comments for Item 12.B: **Motion carried by consensus of the Commission.**

Christopher Corrao, Assistant Planner, read the changes into the record as follows: a) Condition 4.7) *"the sales, service and consumption of alcohol in interior area is from 8:00 A.M. to 2:00 A.M. ~~Sunday—Thursday~~ daily;* b) Condition 4.12) *"In the event that there is a change of ownership resulting in a change of control of the operation of Eleven, or if the nightclub is replaced in its entirety by another operator, at City's election, this permit shall be subject to review by the Planning Commission in order to assure that the quality of the operation is reasonably comparable and that the new operator is qualified to perform the conditions of approval herein";* c) Condition 5.12) *"The Planning Commission shall review this permit is six months to determine if the conditions of approval need to be modified to minimize any disturbances on the adjacent residential property";* d) Condition 4.3) *No ~~video~~, live entertainment, or dancers shall be visible from the street between the hours of 4:00 A.M. and ~~12:01~~ P.M. 5:00 P.M. daily;* e) a condition will be added indicating the music shall be lowered between the hours of 2:00 A.M. and 4:00 A..M.

Discussion was held regarding the noise levels between the hours of 2:00 A.M. and 4:00 A.M.

Commissioner Guardarrama stated for the record this request was never included in his original motion.

Chair DeLuccio agreed and stated there is no need for this condition to be included with the amendments.

Commissioner Buckner questioned if the Planning Commission has the ability to revoke the extended business hours if compliance is not upheld.

Christi Hogin, Assistant City Attorney, stated the course of actions available to the City.

Commissioner Bernstein disclosed for the record, he had further discussions with the applicant's representative since the last public hearing. Only items contained in the original staff report were discussed.

**Commissioner Bernstein moved to: 1) approve the amendments and clarifications as presented.**

**Seconded by Commissioner Hamaker.**

Vice-Chair Yeber would like to see staff look into the allegations of code compliance issues.

**ACTION:** 1) Adopt Resolution No PC 09-852 as amended: a) Condition 4.7) *"the sales, service and consumption of alcohol in interior area is from 8:00 A.M. to 2:00 A.M. daily;* b) Condition 4.12) *"In the event that there is a change of ownership resulting in a change of control of the operation of Eleven, or if the nightclub is replaced in its entirety by another operator, at City's election, this permit shall be subject to review by the Planning Commission in order to assure that the quality of the operation is reasonably comparable and that the new operator is qualified to perform the conditions of approval herein";* c) Condition 5.12) *"The Planning Commission shall review this permit is six months to determine if the conditions of approval need to be modified to minimize any disturbances on the adjacent residential property";* and d) *No live entertainment, or dancers shall be visible from the street between the hours of 4:00 A.M. and 5:00 P.M. daily;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE AMENDMENT PERMIT (AMP) 2008-005, A REQUEST TO EXTEND HOURS OF OPERATION TO 4:00 A.M. AND TO BEGIN OPERATION AT 8:00 A.M. DAILY IN A NIGHTCLUB, FOR THE PROPERTY LOCATED AT 8811 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

**Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and passes on a Roll Call Vote:**

**AYES:** Bernstein, Guardarrama, Hamaker, Vice-Chair Yeber, Chair DeLuccio.  
**NOES:** Altschul, Buckner.  
**ABSENT:** None.  
**RECUSED:** 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 confirmed staff will be scheduling three Joint Study Session's to be held between City Council and Planning Commission in November, January and February, 2010, to discuss key policy issues in the General Plan.

**B. Director's Report.** None.

**14. PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, thanked the consultant for her presentation of the Housing Element.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Hamaker stated the Formosa Pocket Park is now open to the public.

Vice-Chair Yeber requested a roll call vote included for future Consent Calendar staff reports.

Commissioner Bernstein requested code compliance look into alleged smoking violations at Guys and Dolls.

**16. ADJOURNMENT:** The Planning Commission adjourned at 8:35 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, September 3, 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 3<sup>RD</sup> DAY OF  
SEPTEMBER, 2009.

  
\_\_\_\_\_  
CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR