



PLANNING COMMISSION MINUTES
Regular Meeting
January 17, 2008

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

1. CALL TO ORDER:

Chair Guardarrama called the meeting of the Planning Commission to order at 6:38 P.M.

2. PLEDGE OF ALLEGIANCE: Mark Lehman led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, D'Amico, DeLuccio, Hamaker, Chair Guardarrama.

Commissioners Absent: Yeber.

Staff Present: Adrian Gallo, Associate Planner, Francisco Contreras, Associate Planner, Robert Dostalek, Associate Contract Planner, John Chase, Urban Designer, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Lauren Feldman, Acting Assistant City Attorney, and David Gillig, Commission Secretary.

4. SPECIAL ORDER OF BUSINESS:

A. ELECTION OF VICE-CHAIR.

ACTION: Elect John Altschul as Vice-Chair of the Planning Commission for a term ending June 30, 2008. **Moved by Commissioner DeLuccio, seconded by Commissioner D'Amico and unanimously carried; notating the abstention of Commissioner Yeber.**

5. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, January 17, 2008 as presented. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Altschul and unanimously carried; notating the abstention of Commissioner Yeber.**

6. APPROVAL OF MINUTES.

A. December 6, 2007

ACTION: Approve the Planning Commission Minutes of Thursday, December 6, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Yeber.**

7. **PUBLIC COMMENT.** None.

8. **ITEMS FROM COMMISSIONERS.**

Chair Guardarrama thanked Kate Bartolo for her service on the Planning Commission.

9. **CONSENT CALENDAR.** None.

10. **PUBLIC HEARINGS.**

A. **8713 Beverly Boulevard (Guy's Bar).**

Administrative Permit 2007-040, Conditional Use Permit 2007-002, Demolition Permit 2007-036, Development Permit 2007-037, Parking Use Permit 2007-037:

Adrian Gallo, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, January 17, 2008.

He provided a history of the property, stating the applicant is requesting an amendment to Conditional Use Permit 95-03, and approval of demolition, development, and other applicable permits to redevelop an existing bar with live entertainment and an outdoor patio. The proposed new bar will be 2,534 square-feet with a 479 square-foot outdoor patio, and will include off-site parking to be located at 8733 Beverly Boulevard, West Hollywood, California.

He detailed the request for live D.J. music, limited live entertainment, off-site parking, expanded uses on the neighborhood, square-footage, demolition issues, and proposed hours of operation.

Staff recommends the bar operate between the hours of 6:30 P.M. to 2:00 A.M., seven days a week, and the outdoor lounge area to operate from 6:30 P.M. to 1:00 A.M.

He stated for the record, the following verbiage should be stricken from Resolution No. 08-799; Section 11.10) "*food service.*"

Staff recommends a modified approval of the applicant's request.

Commissioner DeLuccio questioned if this property had any historical significance.

Commissioner Hamaker requested the definition of "live entertainment".

Chair Guardarrama opened public testimony for Item 10.A:

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's report. He detailed the history of the property and spoke on the new design, outdoor patio, parking, operational hours, timelines, noise, and modernization. He requested the outdoor patio hours operate until 2:00 A.M. He requested a live D.J during all operating hours. He stated if the request to allow a live D.J is granted, then they would be amicable to live entertainment limited to three (3) days a week.

Vice-Chair Altschul questioned the off-site parking and the operating hours of the bar.

Commissioner Hamaker questioned and had concerns regarding the location of the doors and noise.

LAUREN MEISTER, WEST HOLLYWOOD, has concerns regarding this item. She spoke on parking and noise.

SHARON SANDOW, LOS ANGELES, representing the West Hollywood Chamber of Commerce, spoke in support of staff's recommendation.

STEVEN KILLAM, WEST HOLLYWOOD, has concerns regarding this item. He spoke on traffic mitigation and noise.

DENNIS CLARK, WEST HOLLYWOOD, has concerns regarding this item. He spoke on live music, entertainment, traffic, parking and noise issues.

KEVIN SCHAEFFER, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise, traffic and parking.

R.J. MILANO, WEST HOLLYWOOD, has concerns regarding this item. He spoke on traffic and noise.

BRIAN ROSKAM, LOS ANGELES, has concerns regarding this item. He spoke on traffic, parking and noise.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on parking and hours of operation.

GUY STARKMAN, TARZANA, applicant, presented the applicant's rebuttal. He spoke and detailed noise and parking issues, outdoor patio, design, hours of operation and traffic mitigation.

Commissioner DeLuccio questioned the possibility of amending the hours of alcohol sales to 1:30 A.M. on the patio, and requested clarification regarding the entrances and exits.

Commissioner Hamaker questioned and had concerns regarding the noise decibel levels.

ACTION: Close public testimony for Item 10.A. **Motion carried by consensus of the Commission.**

Commissioner DeLuccio questioned if there would be amplified sound on the outdoor patio.

Adrian Gallo, Associate Planner, stated for the record there shall be no amplified sound on the outdoor patio.

Commissioner D'Amico moved to: 1) approve staff's recommendation of approval with the following amendments; a) there shall be a confirmed second vestibule between the rear exit, b) there shall be a STC (Sound Transmission Control) rating above 50 for the design of the door, which shall be identified as an emergency exit; and c) a live D.J. shall be allowed seven (7) days a week.

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio requested an amendment to the motion: 1) the outdoor patio shall be closed at 2:00 A.M.; and 2) alcohol sales shall cease at 1:30 A.M.

Commissioner D'Amico agreed to the added amendments.

Commissioner DeLuccio stated his support for this item.

Commissioner Hamaker requested clarification regarding the live music and D.J. She stated her concerns with noise issues.

Chair Guardarrama stated his support for this item.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 08-799 as amended: a) there shall be a confirmed second vestibule between the rear exit, b) there shall be a STC (Sound Transmission Control) rating above 50 for the design of the rear exit door, which shall be identified as an emergency exit; c) a live D.J. shall be allowed seven (7) days a week; d) the outdoor patio shall be closed at 2:00 A.M.; and e) alcohol sales shall cease at 1:30 A.M. on the outdoor patio; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING ADMINISTRATIVE PERMIT 2007-040, CONDITIONAL USE PERMIT 2007-002, DEMOLITION PERMIT 2007-036, DEVELOPMENT PERMIT 2007-037, PARKING USE PERMIT 2007-016, ON AN APPLICATION OF MARK LEHMAN, ON BEHALF OF GUY

STARKMAN (GUY'S), FOR THE CONSTRUCTION OF A 2,534 SQUARE-FOOT BAR WITH LIVE ENTERTAINMENT, A 479 SQUARE-FOOT OUTDOOR PATIO, AND FOR THE REQUIRED PARKING SPACES TO BE LOCATED AT AN OFF-SITE LOCATION AT 8733 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA. THE SUBJECT SITE IS LOCATED AT 8713 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.”; and 3) Close Public Hearing Item 10.A..
Moved by Commissioner D’Amico, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:

AYES: Commissioners D’Amico, DeLuccio, Vice-Chair Altschul, Chair Guardarrama.

NOES: Hamaker.

ABSENT: Yeber.

RECUSED: None.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:55 P.M.

B. 8783 Beverly Boulevard (Lord’s).

Amendment Permit 2007-004:

Francisco Contreras, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, January 17, 2008.

He provided a history of the property, and stated the request is to expand the existing restaurant on the second floor of the building to include an open-air outdoor dining terrace of approximately 850 square-feet. The request would not change the hours of operation of the establishment or the hours permitted for alcohol sales, service and consumption.

He spoke and detailed parking requirements, rooftop awning and smoking restrictions, retail and restaurant components, neighborhood meetings, noise levels, sound study, and traffic mitigation analyses.

He stated staff is recommending the retail component hours of operation would be 6:00 A.M. to 6:30 P.M. daily; the restaurant component hours of operation would be 6:30 P.M. to 12:00 A.M. (midnight) Sunday to Thursday, and 6:30 P.M. to 2:00 A.M. Friday and Saturday; the outdoor dining component hours would be 6:30 P.M. to 10:00 P.M. daily.

Staff recommends approval.

Commissioner DeLuccio disclosed for the record he received a call from Sandy Hutchens.

Commissioner D'Amico disclosed for the record he made a site-visit.

Commissioner Hamaker disclosed for the record she made a site-visit.

Chair Guardarrama disclosed for the record he made a site-visit and met with Sandy Hutchens and the applicant.

Chair Guardarrama opened public testimony for Item 10.B:

SANDY HUTCHENS, LOS ANGELES. representing the applicant, presented the applicant's report. He provided a detailed history of the owners of the property and spoke on the proposed dining room, seating, modifications, sound mitigation, retail components, dining components, parking, traffic mitigation, and security.

He requested a change in Resolution No. PC 08-798; Section 3.2) to read: 10:00 A.M. to 11:00 P.M. Sunday to Thursday, and 10:00 A.M. to 12:00 A.M. (midnight) Friday and Saturday. He would like the hours of operation changed to reflect the hours of alcohol sales.

Commissioner Hamaker requested clarification on the hours of operation.

LAUREN MEISTER, WEST HOLLYWOOD, President of West Hollywood West Residents Association, opposes staff's recommendation of approval.

GIANPIERO DOEBUER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

DAN GERSTNER, LA CANADA, spoke in support of staff's recommendation of approval.

STEVE KILLAM, WEST HOLLYWOOD, opposes staff's recommendation of approval.

DENNIS CLARK, WEST HOLLYWOOD, opposes staff's recommendation of approval.

KEVIN SCHAFFER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

SHERI STARK, WEST HOLLYWOOD, has concerns regarding this item. She spoke on ambient noise, traffic, parking, and street reconfigurations.

RICK FORREST, WEST HOLLYWOOD, opposes staff's recommendation of approval.

HELANE WILBORNE, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MAURICE PESSAH, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

DAN SIEGEL, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the valet parking plan and traffic.

MARC BENGUIGUI, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

R.J. MILANO, WEST HOLLYWOOD. has concerns regarding this item. He spoke on traffic mitigation, parking and noise.

BRIAN ROSKAN, LOS ANGELES, has concerns regarding this item. He spoke on traffic circulation, parking and street reconfiguration.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on the past establishments, parking and traffic circulations.

Commissioner D'Amico requested clarification of the valet parking plan.

SANDY HUTCHENS, LOS ANGELES. representing the applicant, presented the applicant's rebuttal. He spoke and detailed the changes that have been made to the current property, the restaurant components, security issues, and traffic mitigation.

Commissioner DeLuccio questioned the approval process.

Vice-Chair Altschul questioned the grand staircase.

Commissioner Hamaker requested clarification on the approval process and the valet parking plan.

ACTION: Close public testimony for Item 10.B. **Motion carried by consensus of the Commission.**

Francisco Contreras, Associate Planner, clarified for the record, the Department of Transportation has already reviewed and approved the valet parking operations plan for this property. Also, staff cannot support the modification regarding the morning hours of operation, due to the daytime parking requirements needed for this property.

Commissioner Hamaker moved to: 1) approve staff's recommendation with the following amendments; a) hours of operation for the restaurant component shall be from 6:30 P.M. to 11:00 P.M. Sunday through Thursday, and 6:30 P.M. to 12:00 A.M. (midnight), Friday and Saturday; and b) outdoor dining shall close at 10:00 P.M. daily.

Seconded by Chair Guardarrama.

Commissioner Hamaker would like staff to look into the possibility of the street closure of Bonner Drive to traffic in the evenings, to alleviate the residents concerns.

John Keho, Planning Manager, stated for the record, the Planning Commission does not have the authority to close or modify street closures. That issue would have to be looked at by the Department of Transportation and the Transportation Commission. Staff will forward this request to the proper city agencies.

Vice-Chair Altschul could not support the motion. He commented on the approval process.

Chair Guardarrama questioned if there is a six month review by the Director of Community Development.

Francisco Contreras, Associate Planner, stated for the record, the original resolution contains a section stating there shall be an annual review.

Chair Guardarrama requested an amendment to the motion: 1) there shall be a six (6) month review by the Director of Community Development.

Commissioner Hamaker agreed to this amendment.

Commissioner DeLuccio could not support the motion. He commented on the issues of the previous businesses, and stated this would not be fair to the residents.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 08-798 as amended: a) hours of operation for the restaurant component shall be from 6:30 P.M. to 11:00 P.M. Sunday through Thursday, and 6:30 P.M. to 12:00 A.M. (midnight), Friday and Saturday; b) outdoor dining shall close at 10:00 P.M. daily; and c) there shall be a six (6) month review by the Director of Community Development; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AMENDMENT PERMIT 2007-021,

AMENDING MINOR CONDITIONAL USE PERMIT 2005-014, TO EXPAND THE EXISTING RESTAURANT TO INCLUDE AN OPEN-AIR DINING TERRACE, FOR THE PROPERTY LOCATED AT 8783 BEVERLY BOUELVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 10.B. **Moved by Commissioner Hamaker, seconded by Chair Guardarrama and passes on a Roll Call Vote:**

AYES: Commissioners D'Amico, Hamaker, Chair Guardarrama.
NOES: Vice-Chair Altschul, Commissioner DeLuccio.
ABSENT: Yeber.
RECUSED: None.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 9:00 P.M. AND RECONVENED AT 9:05 P.M.

C. 8565 West Knoll Drive.

Development Permit 2006-068, Tentative Tract Map 2006-032:

Francisco Contreras, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, January 17, 2008.

He detailed the history of the property and stated the applicant is requesting to construct a four-story, six-unit condominium development on a vacant property with subterranean parking.

He detailed the neighborhood meetings, Design Review Subcommittee meetings, parking and parking permits, and development standards.

Staff recommends approval.

Commissioner Hamaker commented on the roof-top garden.

THE COMMISSION TOOK A TWO (2) MINUTE RECESS TO VIEW THE MASSING MODEL AT 9:10 P.M. AND RECONVENED AT 9:12 P.M.

Chair Guardarrama opened public testimony for Item 10.C:

ELLIA THOMPSON, LOS ANGELES, applicant's representative, presented the applicant's report. She detailed the history of the project.

EDDIE REAY, WOODLAND HILLS, applicant, continued the applicant's report. He spoke and detailed the landscaping, massing, interior layouts, massing and re-design, exterior materials, and architectural features.

Commissioner Hamaker questioned the external materials.

No Public Speakers on this item.

ACTION: Close public testimony for Item 10.C. **Motion carried by consensus of the Commission.**

Vice-Chair Altschul moved to: 1) approve staff's recommendation for approval.

Seconded by Commissioner DeLuccio.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 08-791 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2006-068, FOR THE CONSTRUCTION OF A SIX-UNIT CONDOMINIUM DEVELOPMENT, FOR THE PROPERTY LOCATED AT 8565 WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 07-792 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2006-032 (MINOR LAND DIVISION NO. 61462), FOR THE PROPERTY LOCATED AT 8565 WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close Public Hearing Item 10.C.. **Moved by Vice-Chair Altschul, seconded by Commissioner D'Amico and passes on a Roll Call Vote:**

AYES: Commissioners D'Amico, DeLuccio, Hamaker, Vice-Chair Altschul, Chair Guardarrama,

NOES: None.

ABSENT: Yeber.

RECUSED: None.

11. NEW BUSINESS.

A. 1019-1021 San Vicente Boulevard. Draft Environmental Impact Report.

Robert Dostalek, Associate Contract Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, January 17, 2008.

He stated for the record, this is to receive public comments only on the Draft Environmental Impact Report.. The proposed project involves the construction of a four-story, five-unit condominium building with one level of ground-floor parking on a 7,177 square foot (0.16-acre) lot.

The front yard setback for the building would be 15 feet, while the side and rear yard setbacks would be 7 and 15 feet, respectively. Access to the site would be via a single driveway on San Vicente Boulevard.

Project implementation would require demolition of the existing duplex and two accessory buildings that have been used as residential units. The duplex, built in 1926, has been identified by the City of West Hollywood as a potentially historic structure for the purposes of CEQA. Four existing mature non-native trees would be removed, and approximately 935 cubic yards of earth would be excavated from the site to render it flat, including cuts of up to 10 feet in height at the western property line.

The proposed project would result in a significant unavoidable adverse impact to cultural resources. Impacts to aesthetics, air quality, geology/soils, hazards and hazardous materials, hydrology/water quality, noise, population and housing, public services, recreation, transportation and traffic and utilities and service systems would be less than significant with the implementation of recommended mitigation measures. No impacts to agricultural resources, biological resources, land use planning, or mineral resources would occur as a result of the proposed project.

Chair Guardarrama opened public comments for Item 11.A:

No Public Speakers on this item.

ACTION: Close public comments for Item 11.A. **Motion carried by consensus of the Commission.**

Commissioner Hamaker questioned what triggered the Environmental Impact Report for this property and requested clarification of the amount of dirt on the site.

ACTION: 1) Receive commission comments; and 2) provide comments received to the environmental consultants, for the property located at 1019-1021 San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission; notating the abstention of Commissioner Yeber.**

B. General Plan Update.

Susan Healy Keene, Director of Community Development, presented an update on the General Plan. She stated the first Community General Plan Fair will take place on Saturday, February 23, 2008, from 9:30 A.M. to 1:00 P.M. at West Hollywood Park Auditorium.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

C. 2008 Planning Commission Calendar Meeting Dates.

ACTION: 1) Officially adopt the first and third Thursdays of every month as a regularly occurring Planning Commission meeting; and 2) officially cancel the following Planning Commission dates; a) Thursday, July 3, 2008; b) Thursday, December 18, 2008; and c) Thursday, January 1, 2009. **Moved by Chair Guardarrama, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Yeber.**

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Director's Report.

Susan Healy Keene, Director of Community Development, provided an update on a Director's Hearing item regarding 8928 Santa Monica Boulevard (Don Toños Tacos). She stated this item has been appealed and will be forthcoming to the Planning Commission in the near future.

B. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission. He stated there is a specially scheduled Planning Commission meeting on Thursday, January 31, 2008.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker commented on the retirement of Judith Wright in the Finance Department. She thanked her for her years of service to the city.

17. ADJOURNMENT: The Planning Commission adjourned at 9:45 P.M. to a specially scheduled meeting of the Planning Commission, which will be on Thursday, January 31, 2008 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 31ST DAY
OF JANUARY, 2008.


CHAIRPERSON

ATTEST:


COMMUNITY DEVELOPMENT DIRECTOR

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