



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**March 1, 2007**

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

**1. CALL TO ORDER:**

Chair D'Amico called the meeting of the Planning Commission to order at 6:36 P.M.

**2. PLEDGE OF ALLEGIANCE:** Patrick Pantoleono led the Pledge of Allegiance.

**3. ROLL CALL:**

Commissioners Present: Altschul, Bartolo, DeLuccio, Hamaker\*, Thompson, Vice-Chair Guardarrama, Chair D'Amico.

Commissioners Absent: None.

Staff Present: Terry Blount, Associate Planner, Francisco Contreras, Assistant Planner, John Keho, Planning Manager, Susan Healy Keene, Community Development Director, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

\*Commissioner Hamaker arrived after official roll call at 6:50 P.M.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, March 1, 2007 as presented. **Moved by Commissioner Thompson, seconded by Commissioner DeLuccio and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. February 15, 2007**

**ACTION:** Approve the Planning Commission Minutes of Thursday, February 15, 2007 as presented. **Moved by Commissioner Thompson, seconded by Commissioner DeLuccio and unanimously carried.**

**6. PUBLIC COMMENT.**

PATRICIA NELL WARREN, WEST HOLLYWOOD, commented on campaign issues and the upcoming West Hollywood Municipal Elections.

STEVE MARTIN, WEST HOLLYWOOD, commented on campaign issues and the upcoming West Hollywood Municipal Elections.

ED BUCK, WEST HOLLYWOOD, commented on campaign contributions.

HEAVENLY WILSON, WEST HOLLYWOOD, commented on campaign issues and the upcoming West Hollywood Municipal Elections.

LYNN RUSSELL, WEST HOLLYWOOD, commented on housing and renter's issues.

CIPRIAN LOGIUDICE, WEST HOLLYWOOD, commented on growth and preserving the community of West Hollywood.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on development, commission appointees and the upcoming West Hollywood Municipal Elections.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Hamaker commented on the State American Planner's Association Conference to be held in Hollywood in 2008.

**8. CONSENT CALENDAR.** None.

**9. PUBLIC HEARINGS.**

**A. 8135 Norton Avenue.**

**Zone Clearance 2006-169:** Continued from Thursday, December 7, 2006. Terry Blount, Associate Planner, provided background information as presented in the staff report dated Thursday, March 1, 2007.

He stated the proposal is a request to subdivide a four-unit residential project into a common interest development. The residential development was approved by staff on August 27, 2004.

Staff recommends approval.

Commissioner Hamaker questioned if the original application was submitted as a residential rental project.

Commissioner Bartolo questioned the verbiage "common interest development".

Chair D'Amico opened public testimony for Item 9.A.:

MARK LEHMAN, WEST HOLLYWOOD, representing Richard Kilstock, presented the applicant's report. He stated the current owner still intends to rent the development as apartments, but wants the option to convert them to condominiums in the future. He commented on construction costs, design and requested approval of the tentative tract map.

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

**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 07-719 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2006-031 (MINOR LAND DIVISION 68482), FOR THE PROPERTY LOCATED AT 1040 N. CURSON AVENUE, WEST HOLLYWOOD, CALIFORNIA", and 3) Close Public Hearing Item 9.A. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and unanimously carried; notating the no vote of Commissioner Hamaker.**

**10. NEW BUSINESS.** None.

**11. UNFINISHED BUSINESS.**

**A. Official Zone Text Interpretation:**

Francisco Contreras, Assistant Planner, provided background information as presented in the staff report dated Thursday, January 18, 2007.

He stated Mr. David Carlat of Voda Spa has requested an interpretation of the Zoning Ordinance as to whether a conditional use permit for on-site sale of alcohol can be applied for and issued to a health club.

There is no provision in the Zoning Ordinance stating that the sale, service, and consumption of alcohol is permitted in designated areas throughout a health club, as permitted in a hotel. A health club or day spa can apply for a Minor Conditional Use Permit for alcohol sales, service, and consumption as ancillary to an approved restaurant that would allow for alcohol sales, service, and consumption only in the restaurant portion of the health club or day spa and would not permit alcohol sales, service, or consumption anywhere else.

He detailed the definitions, the current operations of Voda Spa and presented several options that are currently available.

Staff recommends the Planning Commission endorse an official interpretation that a conditional use permit for the on-site sale of alcohol cannot be applied for nor issued to a health club.

Christi Hogin, Assistant City Attorney, stated the implications of a zone text interpretation. The applicant will still need to officially submit an application based on the decision of the commission.

Commissioner DeLuccio disclosed for the record he made a site visit to Voda Spa, met with Scott Svonkin and David Carlat.

Commissioner Altschul disclosed for the record he made a site visit to Voda Spa.

Vice-Chair Guardarrama disclosed for the record he spoke with the applicant.

Chair D'Amico disclosed for the record he made a site visit to Voda Spa.

Chair D'Amico opened public comment for Item 11.A.:

DAVID CARLAT, WEST HOLLYWOOD, applicant, presented the applicant's report. He detailed the history of Voda Spa in regards to the requested zone text interpretation, the Department of Alcoholic Beverage Control rules and regulations, restaurant definitions, private club definitions, alcohol service, site layout and amenities.

Commissioner Altschul questioned the use of the pool area.

Commissioner Bartolo questioned if Voda Spa is open to the public, if there is ingress or egress exposure to the street and membership criteria.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the definition of health clubs and the Department of Alcoholic Beverage Control licensing requirements.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in support of staff's recommendation.

SCOTT SVONKIN, SAN GABRIEL, presented the applicants rebuttal. He spoke on the revitalization of the east-side, the applicant's desires and requested the commission's consideration.

DAVID CARLAT, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He commented on the probability of other facilities morphing and requested the commission's consideration.

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

**Commissioner Thompson moved to approve staff's recommendation: 1) endorse an official interpretation that conditional use permit for on-site sale of alcohol cannot be applied for nor issued to a health club.**

**Seconded by Commissioner Altschul.**

Commissioner Altschul commented that he believes it is improper to include an interpretation that allows the serving of alcohol within a health club. He spoke in favor of the adaptive reuse of the building. He confirmed there are areas within the building that could serve as restaurant space, thereby limiting the sales, service, and consumption of alcohol to these areas. He urged the applicant to work with staff to accomplish this. He does not approve of alcohol service in a jacuzzi or swimming pool area.

Commissioner Bartolo commented on the definitions regarding gyms and private clubs. She spoke on the various Department of Alcoholic Beverage Control licensing and business plan requirements. She suggested the applicant start with the Department of Alcoholic Beverage Control Bureau, come back with a definition of a private club, then have this item reviewed, based on the Department of Alcoholic Beverage Control scriptures and by-laws.

Vice-Chair Guardarrama stated he could not support the motion and questioned if they could possibly create a niche for a very controlled use of this type of establishment.

**Vice-Chair Guardarrma requested an amendment to the motion: 1) direct staff to bring back a zoning text amendment pursuant to the creation and controlled use of this type of establishment.**

**Commissioner Altschul did not agree this amendment.**

Discussion was held regarding the legalities and definitions of alcohol service within a health club and the options available for the applicant.

Commissioner Hamaker stated this is a public safety issue. She supports the motion and would like to see staff work with the applicant regarding other options.

Commissioner DeLuccio stated he could not support the motion. He encouraged the applicant to go forward with a minor conditional use permit and work with staff to initiate a possible zone text amendment.

Chair D'Amico stated he could not support the motion. He indicated this could be a dynamic and diverse opportunity.

**ACTION:** 1) Endorse an official interpretation that conditional use permit for the on-site sale of alcohol cannot be applied for nor issued to a health club. **Moved by Commissioner Thompson, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

**AYES:** Commissioners Altschul, Bartolo, Hamaker, Thompson.  
**NOES:** DeLuccio, Vice-Chair Guardarrama, Chair D'Amico.  
**ABSENT:** None.

12. **EXCLUDED CONSENT CALENDAR.** None.

13. **ITEMS FROM STAFF.**

**A. Director's Report.**

Christi Hogin, Assistant City Attorney, presented a detailed update on the recent court actions regarding 1343 N. Laurel Avenue, West Hollywood, California.

**B. Planning Manager's Update.**

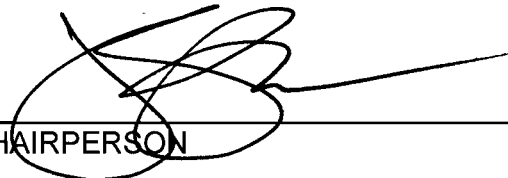
John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

14. **PUBLIC COMMENT.** None.

15. **ITEMS FROM COMMISSIONERS.** None.

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, March 15, 2007 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 15<sup>TH</sup> DAY OF MARCH, 2007.

  
CHAIRPERSON

ATTEST:

  
COMMUNITY DEVELOPMENT DIRECTOR