



PLANNING COMMISSION MINUTES
Regular Meeting
January 6, 2005

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

1. CALL TO ORDER:

Vice-Chair Thompson called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: Jim Kazakos led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: *Bartolo, D'Amico, DeLuccio, Guardarrama,
*Hamaker and Thompson.

Commissioners Absent: Altschul.

Staff Present: Tom Benedetti, Code Compliance Manager, Debby Linn, Contract Planner, Susan Healy Keene, Community Development Director, John Keho, Acting Planning Manager, Christi Hogin, Assistant City Attorney and David Gillig, Commission Secretary.

*Commissioner Hamaker arrived after official Roll Call at 6:40 P.M.

*Commissioner Bartolo arrived after official Roll Call at 6:42 P.M.

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, January 6, 2005 as presented. **Motion by Commissioner DeLuccio seconded by Commissioner Guardarrama and unanimously carried.**

5. APPROVAL OF MINUTES.

ACTION: Approve the Planning Commission Minutes of Thursday, December 2, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried.**

6. PUBLIC COMMENT.

TOM DEMILLE, WEST HOLLYWOOD, commented on the West Hollywood Community Housing Corporation and affordable housing.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke regarding written correspondence and paid lobbyists.

JOYCE HEFTEL, WEST HOLLYWOOD, read into the record a letter regarding the Grafton Hotel and the Sunset Millennium Project.

JIM KAZAKOS, WEST HOLLYWOOD, spoke in favor of staff's recommendation regarding Agenda Item No. 9.D.; 9016-9034 Sunset Boulevard, West Hollywood, California.

Christi Hogin, Assistant City Attorney, reiterated the rules set forth for Public Comment speakers.

7. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker wished everyone a Happy New Year.

Commissioner DeLuccio questioned the status of the property located at 8629 Rugby Drive, West Hollywood, California.

Vice-Chair Thompson dedicated the Planning Commission meeting to the victims and families of the recent South Asian (Indian) tsunami.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

**A. 7511 Santa Monica Boulevard (Barella Bar).
Administrative Permit 2004-057, Conditional Use Permit 2004-008,
Parking Use Permit 2004-004.**

This item was continued from the Planning Commission meetings of Thursday, November 18, 2004 and Thursday, December 2, 2004.

John Keho, Acting Planning Manager presented the staff report. He presented a brief history of the project and stated the applicant is requesting to allow sales, service and consumption of alcoholic beverages at a new bar (Barella Bar), with an outdoor smoking patio, five off-site parking spaces (located at 7515 Santa Monica Boulevard) and exterior alterations, thereby changing the architectural character of the building.

Commissioner D'Amico presented the Design Review Subcommittee report. He spoke on the design and materials used for the façade.

Commissioner DeLuccio disclosed for the record he contacted the applicant and went on a site visit regarding the smoking patio.

Commissioner Bartolo disclosed for the record she met with the applicant's representative, Todd Elliott, and made a site visit regarding the smoking patio.

Commissioner Hamaker disclosed for the record she had a telephone conversation with the applicant's representative, Todd Elliott.

Commissioner D'Amico disclosed for the record he had a telephone conversation with the applicant's representative, Todd Elliott.

Vice-Chair Thompson disclosed for the record he made a site visit.

Commissioner DeLuccio asked for clarification on the action for this item.

Vice-Chair Thompson continued the public testimony for Item 9.A.:

TODD ELLIOTT, LOS ANGELES, representing the applicant, presented the applicant's report. He spoke regarding parking and detailed the smoking patio area. He also proposed additional conditions of approval; including noise, food service and entering the establishment.

Commissioner DeLuccio questioned the amount of detail the plans would show regarding the smoking area as referenced in Resolution No. 04-564; Section 2.2.

Todd Elliott stated the plans do not detail the smoking area, but suggested the applicant would be willing to include additional details, if requested.

Commissioner DeLuccio stated he would like to see explicit plans detailed for the smoking patio (area).

Commissioner Hamaker questioned the food service preparation.

Commissioner Bartolo inquired about the valet parking plan.

Commissioner Guardarrama requested explanation of "non-exclusive license for parking".

YOLA DORE, WEST HOLLYWOOD, opposes staff recommendation. She spoke on quality of life issues.

SAM LEVENTER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

SHAWN KORMONDY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JOHN HOFFMANN, WEST HOLLYWOOD, has concerns regarding this item. He spoke on noise, occupancy and quality of life issues.

HEIDI WAHL, WEST HOLLYWOOD, spoke in support of staff's recommendation.

BLOSSOM VISO, LOS ANGELES, has concerns regarding this item. She spoke on noise and quality of life issues.

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

MICHELE HAHN, VENICE, opposes staff recommendation. She spoke regarding noise, second-hand smoke and code compliance enforcement.

JOYCE HEFTEL, WEST HOLLYWOOD, has concerns regarding this item. She spoke on occupancy and second-hand smoke.

JOSH MARCHETTE, WEST HOLLYWOOD, spoke in support of staff's recommendation.

Commissioner DeLuccio questioned the occupancy load for the establishment.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the parking issues, the smoking patio and proof of entrance to the establishment.

STEVEN AFRIAT, LOS ANGELES, (representing the applicant), spoke in support of staff's recommendation.

Commissioner Hamaker questioned staff regarding second-hand smoke.

Tom Benedetti, Code Compliance Manager, spoke on the circulation and circumvention of cigarette smoke from the smoking patio. He assured the Commission, enforcement actions would be prompt, if applicable.

TODD ELLIOT, LOS ANGELES, representing the applicant, presented the applicant's rebuttal. He commented on the required parking, [detailed] the windows for the smoking patio, valet operations, occupancy, security and the surrounding neighborhood.

Commissioner Bartolo questioned the location of the valet drop-off area.

Vice-Chair Thompson questioned the configuration of the back wall of the establishment and if a "double-door" or vestibule would be incorporated.

Commissioner Hamaker suggested a device that would alleviate the smoke in the patio area and questioned staff about food service in bars.

Tom Benedetti, Code Compliance Manager, commented on the set of additional conditions, which the applicant submitted separately.

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

Commissioner Hamaker motioned the item for discussion and adopt Resolution No. PC 04-564: 1) without enforcing proof of parking; and 2) leave open to the applicant, whether they would like to provide minor food service.

Commissioner DeLuccio seconded the motion and amended Section 10.4) of Resolution No. PC 04-564 adding: 1) "...to work with the Community Development Director; covering the [resident's] windows that look out onto the smoking patio".

Commissioner Hamaker agreed to this amendment.

Commissioner Bartolo amended the motion to include additional conditions: 1) more information regarding the valet parking plan and provide some requirement (regarding exiting issues) for the Department of Transportation, accordingly, that there is sufficient staffing, so as there is no long wait; 2) security personnel would be instructed to advise all person's entering as to the availability and recommendation that valet parking be utilized; 3) a blower for the smoke be employed (condition for approval); 4) the additional conditions submitted by the applicant, shall be revised as follows: Section 10.8): the Community Development Director shall direct the bar to utilize sound isolated construction; the Community Development Director shall provide the electrical acoustical engineer; the Community Development Director will determine the appropriate sound attenuation devices; Section 11.23): the menu shall be attached as part of the conditions of approval and there will be a requirement (menu is allowed to change) that a modicum standard that there will be a comparable type of menu (so that it does not revert to peanuts and/or snack food); and request identity by zip code for persons entering bar.

Commissioner Hamaker objected to the zip code amendment.

Commissioner DeLuccio objected to the zip code amendment.

Commissioner DeLuccio suggested in Section 11.24); they should wait for six (6) months and see if the item should return in regards to the parking.

Discussion was held regarding the legalities of entering the bar.

Christi Hogin, Assistant City Attorney, stated there are currently so many changes on this item, it will need to come back before the Planning Commission as a Consent Calendar item. She reiterated the action on the floor: 1) to approve the project; 2) direct staff to revise Resolution No. PC 04-564; and 3) bring back to the Planning Commission for final approval.

John Keho, Acting Planning Manager, re-read the motion and revisions for the record: 1) **there shall be adequate staffing at the valet stand to ensure that there is a short wait (no longer than ten (10) minutes) for valet service;** 2) **adequate security personnel to advise patrons arriving at the establishment, not using the valet service, that they be advised valet service is available;** 3) **there would be a “mechanical device” constructed on the site, to mitigate any smoke towards Santa Monica Boulevard, and a plan would be submitted for review;** 4) **adding to Section 10.4): “windows into the private residential units would be covered or closed”;** 5) **adding to Section 10.8): “sound attenuation devices to be added to the site, making sure the sound would be mitigated”;** 6) **adding to Section 11.23): “applicant shall provide limited food service incidental to the service of alcohol and non-alcohol beverages, food service shall consist of pre-prepared foods, which patrons may order from a printed menu available at the premise and the menu would be attached, but the menu could be modified as long as it was a comparable type of menu”;** 7) **“City of West Hollywood” needs to be used as the business address;** 8) **amend Section 11.6) to read: “Bar hours of operation shall be limited to 5:00 P.M. to 2:00 A.M., but in no case shall the bar be open unless a minimum of fifteen (15) parking spaces are provided...”.**

Commissioner DeLuccio commented on the valet parking configuration.

ACTION: 1) Adopt Resolution No. PC 04-564 as amended “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2004-008 FOR SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT A BAR, WITH AN OUTDOOR SMOKING PATIO, PARKING USE PERMIT 2004-004 FOR FIVE OFF-SITE PARKING SPACES, AND ADMINISTRATIVE PERMIT 2004-057 FOR FAÇADE ALTERATIONS CHANGING THE ARCHITECTURAL CHARACTER OF THE BUILDING FOR THE PROPERTY LOCATED AT 7509-7511 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; and 2) close Public Hearing Item 9.A.. **Motion by Commissioner Hamaker, seconded by Commissioner DeLuccio and carried on a Roll Call Vote:**

AYES: Commissioners Bartolo, D’Amico, DeLuccio, Hamaker, Vice-Chair Thompson.

NOES: Commissioner Guardarrama.

ABSENT: Chair Altschul.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:10 PM AND RECONVENED AT 8:20 P.M.

**B. 365 N. San Vicente Boulevard.
Temporary Use Permit 2004-005.**

Debby Linn, Contract Planner, presented the staff report. She presented a brief history of the site and stated the applicant is requesting a three year extension of a temporary parking lot. Currently the lot is restricted to employees and is open between the hours of 5:30 A.M. and 10:00 P.M. with no entrance of vehicles after 6:00 P.M.

She stated an amendment to Resolution No. PC 05-571; Section 4.11) should read as follows: "Cedars Sinai Medical Center shall *continue to meet with the surrounding community upon reasonable requests by the residents to discuss operational and maintenance issues*".

She stated an amendment to Resolution No. PC 05-571; Section 4.13) should read as follows: "On-site parking management shall be provided during *the hours of 6:30 A.M. to 9:00.A.M., and 5:00 P.M. to 7:00 P.M. daily*".

Vice-Chair Thompson opened the public testimony for Item 9.B.:

JEFF HABER, LOS ANGELES, of Latham & Watkins, representing Cedars-Sinai Medical Center, presented the applicant's report. He stated the past operations of the parking lot, detailed improvements that have been made over the last three years and supports staff recommendation.

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

LAUREN MEISTER, WEST HOLLYWOOD, President of West Hollywood West's Residents Association, has concerns regarding this item. She stated Cedars-Sinai Medical Center has been very responsive in the past when issues arose. She commented on the use of "motorized scooters" and would like see that activity ceased.

DAN SIEGAL, WEST HOLLYWOOD, spoke in support of staff's recommendation.

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

MARTY STRUDLER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

JEFF HABER, LOS ANGELES, of Latham & Watkins, representing Cedars-Sinai Medical Center, presented the applicant's rebuttal. He stated his support and Cedars-Sinai Medical Center would look into the "motorized scooters".

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

Commissioner DeLuccio questioned the expiration date in Section 1.4).

ACTION: 1) Adopt Resolution No. PC 05-571 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING TEMPORARY USE PERMIT 2004-005 EXTENDING FOR THE THREE YEARS THE TEMPORARY USE OF A PARKING LOT FOR CEDARS-SINAI MEDICAL CENTER (CSMC) EMPLOYEES AT THE PROPERTY LOCATED AT 365 SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 2) close Public Hearing Item 9.B. **Motion by Commissioner DeLuccio, seconded by Commissioner Guardarrama and unanimously carried. Chair Altschul was notated as ABSENT.**

C. 632-636 N. Kings Road.

Demolition Permit 2004-003, Development Permit 2004-003, Tentative Tract Map 2004-001. Applicant is requesting the demolition of two single-family residences, each on a separate lot, and the construction of a three-story, six-unit condominium building using the Courtyard Housing Standards.

ACTION: 1) Continue this item to the Planning Commission meeting of Thursday, February 3, 2005. **Motion carried by consensus of the Commission.**

D. 9016-9034 Sunset Boulevard.

Specific Plan Amendment 2004-001, Demolition Permit 2003-028, Development Permit 2003-021, Conditional Use Permit (Tall Wall) 2004-002, Administrative Permit 2004-049.

John Keho, Acting Planning Manager, presented the staff report. He presented an in-depth history of the project and stated the applicant is requesting to construct a five-story 113,320 square foot medical office/retail building with 578 parking spaces, a tall wall and outdoor dining. The project requires an amendment to the Sunset Specific Plan to allow for a maximum height of 88 feet with an FAR (floor area ratio) of 2.63. The allowed height is 35 feet and the allowed FAR (floor area ratio) is 1.5.

He confirmed the application calls for a significant change in the Sunset Specific Plan by allowing increased density without the public benefits described as conditions for approving target site density. Staff does not believe the project submitted furthers the City's goals in the implementation of the Sunset Specific Plan. Of the six criteria established for target sites, the project cannot meet five if the six.

He stated the Sunset Specific Plan Amendment does not meet the intent of the Sunset Specific Plan for target areas because the amendment would permit increased density without minimizing the impacts of the increased density and would not result in additional public benefits. Because the Specific Plan cannot be approved, the other applicants are also recommended for denial.

He confirmed the Planning Commission could take the following actions: 1) recommending denial with prejudice; 2) recommending denial without prejudice; 3) deny the application as recommended in the draft resolution; or 2) continue the item so that an Environmental Impact Report can be prepared on the project and once completed agendize the item for Planning Commission review.

Susan Healy Keene, Community Development Director, stated and confirmed this item that has been brought forward is a policy issue. She presented why staff does not take project denials lightly, and detailed the reasons why this project was brought forward.

Commissioner Bartolo questioned the criteria and guidelines the Commission needs to address for this project.

Commissioner DeLuccio questioned the steps involved in this process.

Commissioner Hamaker questioned which two (possible) landmark buildings are currently on the site, and their uses.

Commissioner D'Amico questioned the Sunset Specific Plan Target Sites and asked for clarification.

Vice-Chair Thompson opened the public testimony for Item 9.D.:

Commissioner D'Amico disclosed for the record he met with the applicant's representative.

Commissioner Hamaker disclosed for the record she had a telephone conversation with Ira Handleman.

Vice-Chair Thompson disclosed for the record he met with the applicant and applicant's representative.

Commissioner DeLuccio disclosed for the record he had a conversation with Ira Handleman.

Commissioner Guardarrama disclosed for the record he had two brief conversations with Ira Handleman.

Commissioner Bartolo disclosed for the record she met and spoke with Ira Handleman.

**The names and spellings of the public speakers for this item may not be exact, due to an error in documenting the original public speaker's slips. However all speakers have been documented.*

ARMAND GABAE, LOS ANGELES, representing the applicant, presented the applicant's report. He gave a brief history of the company and overall project.

MILAN GARRISON, PASADENA, applicant, presented the applicant's report. He spoke on the Sunset Specific Plan, the project specifications, including traffic impacts, noise, height, density, public participation and design review.

TINA MEDINA, LOS ANGELES, representing London Studio One and the applicant, presented the architectural report.

Commissioner Guardarrama questioned if the applicant has attempted to bring all the lots within the target site under common ownership.

ARMAND GABAE, LOS ANGELES, stated the history of the different lots, and when the "numbers" were added up it didn't work for them. He didn't see any value in the right turn lane from Doheny Drive.

Commissioner Bartolo questioned if the parking was "above code" or "at code".

The applicant stated for the record the parking is "above code".

MURRAY FISCHER, BEVERLY HILLS, spoke in support of staff's recommendation.

HARRIET SEIGAL, WEST HOLLYWOOD, spoke in support of staff's recommendation.

PETER HELM, LOS ANGELES, spoke in support of staff's recommendation.

ROGER MAUER, WEST HOLLYWOOD, Director of Construction for the developer, opposes staff recommendation. He spoke on the positive aspects of a development in this area.

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

STEVE SMITH, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the policy issues and favors the continuation of this item.

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

MILAN GARRISON, PASADENA, presented the applicant's rebuttal. He stated this is a policy decision and requested the Commission to direct staff for a continuance of this item with direction for future development.

Vice-Chair Thompson had issues with and questioned the applicant about the brochure showing the property for sale with entitlements.

Commissioner Bartolo questioned the height of the project and the location of the mechanical equipment.

Commissioner DeLuccio requested clarification from the applicant exactly what they are asking for.

Applicant stated they are requesting direction as a policy measure, to direct staff to allow us (applicant) to go back and complete a CEQA process, bring forth a project and go through the required design reviews and public meetings, through completion.

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

Commissioner Hamaker commented on the policy decision and is in favor of a medical/office complex. She has concerns with developers protecting their billboards and/or tall walls. She stated she is unable to approve the project as is (based on the architecture). However, she is willing to move forward to see the historic building assessed. She believes the area needs revitalization and would not like to see this lot stand empty.

Commissioner Guardarrama motioned to continue this item for thirty (30) to sixty (60) days.

Motion fails due to no second of the motion.

Discussion was held and direction was clarified what type of action is expected from the Commission on this item.

Commissioner Bartolo had concerns with setting precedents (in regards to developers coming in and developing just because they can). She is not in favor of the project, however is in approval of the medical/office use. She stated her issues with the project massing and design. She questioned if bigger is always better and had stated her concerns about height limits and nighttime traffic. She would like to encourage a policy for a greater mix of uses.

Vice-Chair Thompson stated the project in its current state is a substantial departure from the Sunset Specific Plan; but is not confident that denying this project is a way to send a policy message. However, he is not prepared to deny the project.

Commissioner D'Amico motioned to deny the project without prejudice and would strongly encourage the City Council to have a thorough discussion of the target sites along Sunset Boulevard; their short and long term goals for the developments of those sites.

Commissioner Hamaker seconded the motion.

Discussion was held regarding City Council's [potential] decisions. Also, discussion was held regarding the possibility of a [possible] extension and also the possibility of continuing the project.

Commissioner Guardarrama stated not enough information has been presented in order to make this policy determination, and reiterated why he believes a thirty to sixty day extension would be appropriate.

ACTION: 1) Adopt Resolution No. PC 05-572 without prejudice as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING SPECIFIC PLAN AMENDMENT 2004-001, DEMOLITION PERMIT 2003-028, DEVELOPMENT PERMIT 2003-021, CONDITIONAL USE PERMIT (TALL WALL) 2004-002 AND ADMINISTRATIVE PERMIT 2004-049 FOR A 113,320 SQUARE-FOOT MEDICAL/RETAIL BUILDING LCOATED AT 9016-9034 SUNET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and) close Public Hearing Item 9.D. **Motion by Commissioner D'Amico, seconded by Commissioner Hamaker and fails on a Roll Call Vote:**

AYES: Commissioners D'Amico, Hamaker, Vice-Chair Thompson.

NOES: Commissioners Bartolo, DeLuccio, Guardarrama.

ABSENT: Chair Altschul.

MOTION DOES NOT PASS.

Commissioner Guardarrama motioned to continue this item for sixty (60) days for consideration, and have staff prepare a more detailed description of the Sunset Specific Plan (in regards to Target Sites; specifically this Target Site in general).

Seconded by Commissioner Bartolo.

Discussion was held regarding the Sunset Specific Plan Target Sites and policy issues.

ACTION: 1) Continue this item for sixty (60) days; and 2) close Public Hearing Item 9.D. **Motion by Commissioner Guardarrama, seconded by Commissioner Bartolo and carries on a Roll Call Vote:**

AYES: Commissioners Bartolo, DeLuccio, Guardarrama, Hamaker.

NOES: Commissioners D'Amico, Vice-Chair Thompson.

ABSENT: Chair Altschul.

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF. None.

14. PUBLIC COMMENT.

HARRIET SIEGAL, WEST HOLLYWOOD, questioned and commented on the video screen at Tower Records.

15. ITEMS FROM COMMISSIONERS:

Commissioner D'Amico questioned the landscaping for Tower Records. Commissioner Hamaker thanked staff for their hard work, input and her gave her appreciation.

Commissioner DeLuccio questioned the video screen at Tower Records.

16. **ADJOURNMENT:** The Planning Commission adjourned at 10:20 P.M. to a specially scheduled meeting of the Planning Commission, which will be on Wednesday, January 19, 2005 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 20TH DAY OF JANUARY, 2005.



CHAIRPERSON

ATTEST:



Community Development Director