



PLANNING COMMISSION MINUTES
Regular Meeting
December 15, 2005

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

1. CALL TO ORDER:

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

2. PLEDGE OF ALLEGIANCE: Esther Baum led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: Altschul.

Staff Present: Debby Linn, Senior Contract Planner, Tess Nguyen, Senior Contract Planner, Jennifer Noel, Associate Contract Planner, Jennifer Hearn, Assistant Planner, David DeGrazia, Senior Planner, John Chase, Urban Designer, John Keho, Planning Manager, Mike Jenkins, City Attorney and David Gillig, Commission Secretary.

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

4. APPROVAL OF AGENDA:

ACTION: Approve the Planning Commission Agenda of Thursday, December 15, 2005 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair D'Amico and unanimously carried.**

5. APPROVAL OF MINUTES.

A. None

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS.

Commissioner Hamaker commented on Jeanne Dobrin and sent her regards.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 371 N. Huntley Drive. Administrative Permit 2005-037.

Jennifer Noel, Associate Contract Planner presented the staff report. She stated this item is an Appeal of Administrative Permit 2005-037 denying the applicant's request for legalization of one illegal residential unit at the property.

The City of West Hollywood Zoning Ordinance allows for legalization of illegal units in order to preserve existing housing stock, prevent displacement of tenants, and ensure that dwelling units are safe for human habitation. Certain criteria must exist in order for the City to be able to approve the legalization. These criteria cannot be met in this case because evidence has not been provided indicating that the unit in question was occupied on January 1, 2000.

Staff recommends denial of the appeal and upholding of staff's denial of Administrative Permit 2005-037, an application for an illegal unit.

Chair Thompson disclosed for the record he spoke to the Neighborhood Residents Association.

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

PETER KARES, LOS ANGELES, presented the applicant's report. He detailed the rental history of the property and stated his desire to bring this property up to current code. He confirmed it is not his intention to put this unit on the rental market.

Commissioner DeLuccio had concerns how this affects the Rent Stabilization and Housing Department, and questioned if the unit is still a registered unit or not.

Jennifer Noel, Associate Contract Planner stated the unit never was registered with the Rent Stabilization and Housing Department, although a previous owner was requested to register the unit in the past.

Commissioner Hamaker questioned the approval process.

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

Commissioner DeLuccio raised concerns the unit was registered at one time, that there were delinquent notices sent out, and questioned the implications with the City of West Hollywood's Rent Stabilization and Housing Department.

John Keho, Planning Manager stated for the record, as of today, this unit is currently not registered with the City of West Hollywood's Rent Stabilization and Housing Department.

Commissioner DeLuccio motioned to grant the Appeal, with direction given to staff for a Zoning Ordinance clean-up; tightening up the interpretation language on or before January 1, 2000.

Seconded by Commissioner Hamaker.

Commissioner Guardarrama commented on the current housing stock within the City of West Hollywood and questioned the interpretation. **He suggested the clean-up language not be included in the original motion.**

Commissioner DeLuccio agreed to this amendment.

Commissioner Hamaker agreed to this amendment.

Mike Jenkins, City Attorney, noted the interpretation between the Planning Commission's decision and staff's are inconsistent, and indicated this item (policy) will ultimately end up with the City Council for clarification. He detailed why this is clearly a product of an amnesty program.

ACTION: 1) Grant the appeal; and 2) Adopt Resolution No. PC 05-640 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD GRANTING THE APPEAL BY PETER KARES AND REVERSING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY ADMINISTRATIVE PERMIT 2005-037 TO LEGALIZE ONE REAR ACCESSORY STRUCTURE AT THE PROPERTY LOCATED AT 371 N. HUNTLEY DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Public Hearing Item 9.A.
Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and passes on a Roll Call Vote:

AYES: Commissioners Bartolo, DeLuccio, Guardarrama, Hamaker, Vice Chair D'Amico.

NOES: Chair Thompson.

ABSENT: Altschul.

B. 8913 Beverly Boulevard.

Conditional Use Permit 2005-007, Parking Use Permit 2005-011.

Debby Linn, Senior Contract Planner presented the staff report. She stated the request is to expand the existing permits for sales, service, and consumption of alcohol within a proposed partially enclosed outdoor bar/smoking area to be constructed within an area located in back of Guy's Bar and amending Parking Use Permit 95-02 to relocate ten required parking spaces located in back of Guy's Bar and to provide eighteen new required parking spaces for a total of twenty-eight parking spaces at an off-site parking lot located at 8733 Beverly Boulevard, West Hollywood, California.

Staff recommends approval.

Commissioner Bartolo questioned the parking criteria.

Commissioner D'Amico questioned the handicapped parking spaces.

Commissioner DeLuccio questioned the hours of operation of the outdoor patio.

Chair Thompson disclosed for the record, he received a phone call from the President of the Neighborhood Residents Association.

Chair Thompson opened public testimony for Item 9.B.:

GUY STARKMAN, TARZANA, presented the applicant's report. He detailed the history of the property. He commented on noise issues, amplified music, and the height of the wall. He requested in Section 6.1., if there is available space, he would like to have the option of having a portable bar in the outdoor bar/smoking area.

Chair Thompson questioned the proposed signature page regarding the parking lease terms and inquired how resolutions would be handled regarding resident's complaints.

GUY STARKMAN, TARZANA, stated he has been extremely responsive towards [past] residents concerns and has worked extensively with city staff and personnel to alleviate any problems.

Chair Thompson questioned the applicant if he would be opposed to a condition proposing participation in neighborhood meeting(s).

GUY STARKMAN, TARZANA, stated he would not be opposed to that added condition.

Commissioner Bartolo questioned the materials to be used on the property line wall.

Commissioner DeLuccio questioned the applicant if he would be amenable to shortening the hours of operation and inquired about noise mitigation.

GUY STARKMAN, TARZANA, stated he would rather not have to change his hours of operation, since the current hours of operations are relatively already shortened.

RON CARGILL, VAN NUYS, spoke in support of staff's recommendation.

RICHARD GIESBRET, WEST HOLLYWOOD, representing Lauren Meister, President of the West Hollywood West Resident's Association, opposes staff's recommendation.

GIANPIERO DOEBLER, WEST HOLLYWOOD, has concerns regarding this item. He commented on noise issues regarding the surrounding residential neighborhood.

BRIAN ROSKAM, LOS ANGELES, has concerns regarding this item. He commented on noise issues regarding the surrounding residential neighborhood.

GUY STARKMAN, TARZANA, presented the applicant's rebuttal. He commented on [past] noise mitigations measures which have been taken, and is willing to work with staff and the neighborhood.

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

Chair Thompson motioned to approve staff's recommendation with the following additional conditions: 1) the parking leases shall be satisfactory, to the satisfaction of the Director of Community Development; 2) hold a neighborhood meeting within thirty (30) days; and 3) masonry materials of the highest sound buffering nature shall be used in construction of the wall.

Seconded by Commissioner DeLuccio. He amended the motion to change the height of the wall from eight (8') feet to ten (10') feet.

Vice-Chair D'Amico requested the services of a sound engineer regarding construction on the wall.

Chair Thompson amended Condition No. 3 to include: "...approval by the Director of Community Development with input from a sound engineer".

Commissioner Hamaker commented on land use.

Vice-Chair D'Amico commented on the noise issues and hours of operation.

Discussion was held regarding the hours of operation and noise.

Commissioner Guardarrama suggested an amendment to the motion to include: 1) no television sets shall be allowed outside.

Chair Thompson agreed to this added amendment.

Commissioner DeLuccio agreed to this added amendment.

Chair Thompson reiterated the motion on the floor: 1) approve staff's recommendation with the following amendments: a) parking leases with signature pages that are acceptable, to the satisfaction of the Director of Community Development; b) masonry materials of the highest sound buffering nature shall be used in construction of the wall, to the satisfaction of the Director of Community Development, with input from a sound engineer; c) hold a neighborhood meeting within thirty (30) days with a five-hundred (500') foot radius mailing required; d) no television sets shall be installed outside; e) Section 4.8 shall be changed from one (1) year to six (6) months review time by the Director of Community Development; and f) a phone number shall be provided [for complaints to be immediately addressed].

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 05-642 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING CONDITIONAL USE PERMIT 2005-007, AMENDING CONDITIONAL USE PERMIT 95-05, TO EXPAND THE EXISTING PERMITS FOR SALES, SERVICE AND CONSUMPTION OF ALCOHOL TO ALLOW CONSUMPTION OF ALCOHOL WITHIN AN OUTDOOR BAR/SMOKING AREA AND TO ALLOW AN OUTDOOR BAR/SMOKING AREA AT AN EXISTING BAR LOCATED AT 8713 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, AND APPROVING PARKING USE PERMIT 2005-011, AMENDING PARKING USE PERMIT 95-02 TO RELOCATE TEN REQUIRED PARKING SPACES LOCATED AT THE REAR OF GUY'S BAR AND TO PROVIDE EIGHTEEN NEW PARKING SPACES AT AN OFF-SITE LOCATION AT 8733 BEVERLY BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Public Hearing Item 9.B.
Motion by Chair Thompson, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:

AYES: Commissioners Bartolo, DeLuccio, Guardarrama, , Vice Chair D'Amico, Chair Thompson.
NOES: Hamaker.
ABSENT: Altschul.

Vice-Chair D'Amico recused himself from the dais at this time.

**C. 841-851 Westmount Drive.
Tentative Tract Map 2005-009.**

Justine Hearn, Assistant Planner presented the staff report. She stated the proposal is a request for approval of a tentative tract map for a sixteen-unit condominium development that was previously approved by Planning Commission Resolution No. PC 03-482. The original approval expired on June 19, 2005 and the applicant is re-applying for approval of the same tentative tract map.

Chair Thompson opened public testimony for Item 9.C.:

There were no public speakers.

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

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 05-641 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING TENTATIVE TRACT MAP 2005-009 (MINOR LAND DIVISION 53943) FOR THE PROPERTY LOCATED AT 841-851 WESTMOUNT DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Public Hearing Item 9.C. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; noting the abstension of Commissioner Altschul and the recusion of Vice-Chair D'Amico.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:50 P.M. AND RECONVENED AT 8:00 P.M.

Vice-Chair D'Amico returned to the dais at this time.

**D. 1236-1252 N. Harper Avenue. (The Ramona)
Mitigated Negative Declaration, Certificate of Appropriateness 2005-008, Demolition Permit 2005-010, Development Permit 2005-016.**

Tess Nguyen, Senior Contract Planner presented the staff report. She stated the proposal is a request to demolish two single-family residences at 1248-4252 N. Harper Avenue, West Hollywood, California, and construct a four-story plus mezzanine, twenty-four unit building. The proposal also includes a request to rehabilitate two structures for affordable units, demolish the carport structure and the rear portion of a two-story apartment building at 1236-1246 N. Harper Avenue, West Hollywood, California, and construct a four-story, eight-unit building. The property at 1236-1246 N. Harper Avenue, West Hollywood, California was designated as a Local Cultural Resource by the City of West Hollywood for its courtyard typology with character defining features.

Overall, this proposal is well suited for this site, balancing the presentation of a Local Cultural Resource and the provision of affordable and new housing units. The structure is designed with elements intended to reduce impacts on the historic resource and the surrounding buildings. Staff recommends approval.

Commissioner DeLuccio questioned on-street parking permits for residents and he would like to see a condition added if adopted.

Vice-Chair D'Amico presented the Design Review Subcommittee report. He commented on the massing, the local cultural designation, site fence and existing openness of the front yard.

Commissioner DeLuccio disclosed for the record, he met with the architect, Ric Abramson.

Commissioner Bartolo disclosed for the record, she met with the applicant and applicant's team.

Vice-Chair D'Amico disclosed for the record, he met with the applicant.

Commissioner Hamaker disclosed for the record, she met with the applicant.

Commissioner Guardarrama disclosed for the record, he had a brief conversation with the applicant.

Chair Thompson disclosed for the record, he met with the architect.

Chair Thompson opened public testimony for Item 9.D.:

FRED SHAFFER, MANHATTAN BEACH, presented the applicant's report. He detailed the history of the project, affordable housing, density, subterranean parking spaces, open space and restoration of a historically accurate 1920's period garden and courtyard.

RIC ABRAMSON, WEST HOLLYWOOD, presented the applicant's report. He detailed the scale of the courtyard and mitigation measures that have been taken. He also spoke on the mezzanine levels and landscaping of the property.

KATHERINE SPITZ, MARINA DEL REY, presented the applicant's report. She detailed the landscaping plan, screening, water features, and streetscapes.

ESTHER BAUM, WEST HOLLYWOOD, has concerns regarding this item. She commented on the massing of the project in relation to the surrounding neighborhood.

MINDY BRADISH, BURBANK, Executive Director of the West Hollywood Chamber of Commerce, spoke in support of staff's recommendation.

DANNY RAY, WEST HOLLYWOOD, has concerns regarding this item. He commented on the adverse affects this project will have on the neighboring residents' and their health.

DAN KUNZ, WEST HOLLYWOOD, spoke in favor of staff's recommendation.

TRAVIS WINN, WEST HOLLYWOOD, has concerns regarding this item. He commented on the setbacks, landscaping and color palette.

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

BARRY GELLIS, WEST HOLLYWOOD, spoke in support of staff's recommendation.

MARK LEHMAN, WEST HOLLYWOOD, representing GTO Harper, LLC, presented the applicant's rebuttal. He spoke on the mitigation measures which have been taken, including height, mezzanine space and façade.

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

Vice-Chair D'Amico commented on the positive team work that brought this project to completion and motioned to approve staff's recommendation.

Seconded by Commissioner Bartolo.

Commissioner DeLuccio requested an amendment to the motion: 1) there shall not be permitted any residential parking permits on the street.

Vice-Chair D'Amico agreed to this amendment.

Commissioner Bartolo agreed to this amendment.

Commissioner Hamaker stated her concerns regarding construction debris and would like to see a condition added: 1) a building representative of the construction project will be available for complaints; and 2) a construction schedule will be made available to the neighbors.

Vice-Chair D'Amico agreed to this amendment.

Commissioner Bartolo agreed to this amendment.

Chair Thompson reiterated the motion on the floor: 1) approve the application and 2) adopt Resolution No. PC 05-643 with the following amendments: a) there shall not be permitted any residential parking permits on the street; b) a building representative shall be available for health and safety concerns; and c) a construction schedule will be made available to the neighbors.

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 05-643 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ADOPTING A MITIGATED NEGATIVE DECLARATION AND CONDITIONALLY APPROVING CERTIFICATE OF APPROPRIATENESS 2005-008, DEMOLITION PERMIT 2005-010 AND DEVELOPMENT PERMIT 2005-016, ON AN APPLICATION OF RIC ABRAMSON FOR GTO HARPER, LLC, TO MAKE ALTERATIONS TO A LOCAL CULTURAL RESOURCE, TO PERMIT THE DEMOLITION OF TWO SINGLE-FAMILY RESIDENCES, A GARAGE STRUCTURE, A PORTION OF A TWO-STORY APARTMENT BUILDING, ON THREE PARCELS, AND THE CONSTRUCTION OF A FOUR-STORY, EIGHT-UNIT BUILDING, A FOUR-STORY PLUS MEZZANINE, TWENTY-FOUR UNIT BUILDING, AND THE REHABILITATION OF EIGHT AFFORDABLE UNITS WITH A SUBTERRANEAN GARAGE, FOR PROPERTY LOCATED AT 1236-1252 N. HARPER AVENUE, WEST HOLLYWOOD, CALIFORNIA"; and 3) close Public Hearing Item 9.D.
Motion by Commissioner Vice-Chair D'Amico, seconded by Commissioner Bartolo and passes on a Roll Call Vote:

AYES: Commissioners Bartolo, DeLuccio, Guardarrama, Hamaker, Vice Chair D'Amico, Chair Thompson.

NOES: None.

ABSENT: Altschul.

John Keho, Planning Manager stated the ten (10) day appeal period.

E. West Hollywood Library Project.

General Plan Consistency.

David DeGrazia, Senior Planner presented the staff report. He stated the requested action is a determination of General Plan Consistency for the West Hollywood Library Project at 619 N. San Vicente Boulevard, West Hollywood, California.

The West Hollywood Library Project is consistent with the General Plan in that the General Plan has identified the need for an expanded library facility as a significant issue. The existing facility is extremely undersized for the population it serves. The City's General Plan contains a policy to cooperate with the library to provide expanded facilities to address this deficiency. The proposed library will be 32,600 square feet and will include additional space for a City meeting room. The library will not adversely affect nearby residents or properties because any impacts will be mitigated by measures included in the adopted mitigated negative declaration.

The library plan is consistent with the West Hollywood Park Masterplan and is considered Phase One of that project.

Staff recommends the Planning Commission determine that the proposed West Hollywood Library project is consistent with the General Plan and adopt the attached draft resolution.

Vice-Chair D'Amico presented the Design Review Subcommittee report. He stated there was some concern regarding the San Vicente facade and the park face facade.

Chair Thompson opened public testimony for Item 9.E.:

There were no public speakers.

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

ACTION: 1) Find the West Hollywood Library Project is consistent with the General Plan; and 2) Adopt Resolution No. PC 05-644 as presented “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DETERMINING THAT THE WEST HOLLYWOOD LIBRARY PROJECT IS CONSISTENT WITH THE GENERAL PLAN FOR THE PROPERTY LOCATED AT 619 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA”; and 3) close Public Hearing Item 9.E. **Motion by Commissioner DeLuccio, seconded by Commissioner Bartolo and unanimously carried, noting the abstention of Commissioner Altschul.**

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS.

A. Mixed-Use Overlay Zone.

Chair Thompson detailed the past actions of this item. He stated the decision needs to be made whether the item should come back and be re-opened as a public hearing, for purposes of discussion, or re-open the public hearing and re-open the public testimony portion of the public hearing on Thursday, January 5, 2006.

John Keho, Planning Manager stated the verbatim transcript of the minutes of the December 1, 2005 meeting will be available for this item, as well as discussion items, and the resolutions will be available with additional review and analyses. The issues that would also be brought forward would be height and FAR, parking, stand alone residential and general direction for small sites.

Commissioner Hamaker had concerns about re-opening the public testimony portion for those constituents whom had already listened to what happened at the previous meeting. They would need to get something in writing to the Planning Commission; if it is decided not to re-open the public testimony portion of the public hearing.

Chair Thompson stated, based on the direction given at the last meeting, it would be wise to open the public hearing for discussion purposes only.

Commissioner DeLuccio questioned if this item is not noticed, will the public still have an opportunity to make public comments.

Chair Thompson stated they would have the opportunity to make any public comments under the Public Comment section(s) of the agenda only.

Mike Jenkins, City Attorney stated, it is not favorable to have the public speak on an item currently on the agenda as a Public Hearing item under Public Comment; stating those section(s) are for comments on issues not on the current agenda. He noted, since it appears there may be some anticipated interest on behalf of the public, it would be prudent to re-notice the item and allow public comment while the item is in discussion. He stated that if the Commission would prefer to limit the conversation strictly to the Commission, then the item should not be noticed, and the Commission should not contemplate the possibility of accepting testimony during general public comment.

Discussion was held regarding the various options for continuing this item, noticing requirements, legalities, and which [if any] further actions could be taken.

ACTION: 1) Continue the public hearing (and public testimony) to Thursday, January 5, 2006. **Motion carried by consensus of the Commission, notating the abstention of Commissioner Altschul.**

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

John Keho, Planning Manager, stated a recommendation for a joint City Council Study Session will be recommended at the next City Council meeting regarding the Mixed-Use Overlay Zone. The following dates are being suggested and at this time are tentative: 1) Saturday, January 21, 2006; 2) Monday, January 30, 2006 or 3) February 4, 2006.

He updated a request brought forward by Vice-Chair D'Amico regarding new construction projects and dumping water into city streets. He stated all projects have to comply with the California Regional Water Board.

14. PUBLIC COMMENT. None.

15. ITEMS FROM COMMISSIONERS.

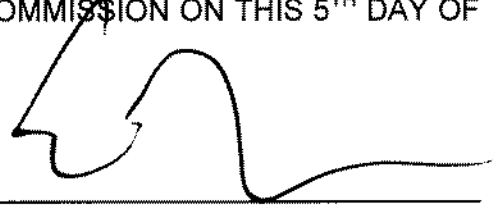
Commissioner Guardarrama wished everyone a Merry Christmas, a Happy Hanukah and a Happy New Year.

Commissioner Hamaker wished everyone Happy Holidays.

Commissioner DeLuccio wished everyone Happy Holidays.

16. **ADJOURNMENT:** The Planning Commission adjourned at 9:10 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, January 5, 2006 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 5TH DAY OF JANUARY, 2006.



CHAIRPERSON

ATTEST:


COMMUNITY DEVELOPMENT DIRECTOR