



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**November 18, 2010**

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

**1. CALL TO ORDER:**

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

**2. PLEDGE OF ALLEGIANCE:** Genevieve Morill led the Pledge of Allegiance.

**3. ROLL CALL:**

Commissioners Present: Altschul, Bernstein, Buckner, DeLuccio, Hamaker,  
Vice-Chair Guardarrama, Chair Yeber.

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, John Keho,  
Planning Manager, Dan Mick, Commercial Code  
Compliance Supervisor, Lauren Feldman, Acting City  
Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, November  
18, 2010 as presented. **Moved by Commissioner DeLuccio, seconded by  
Commissioner Hamaker, and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. November 4, 2010**

**ACTION:** Approve the Planning Commission Minutes of Thursday,  
November 4, 2010 as presented. **Moved by Commissioner DeLuccio,  
seconded by Commissioner Hamaker and unanimously carried;  
notating the abstention of Commissioner Buckner.**

**6. PUBLIC COMMENT.**

HARRIET SEGAL, WEST HOLLYWOOD, commented on various discrepancies  
in the Planning Commission by-laws.

GARY PEARLSON, WEST HOLLYWOOD, commented on the appeal process.

**7. ITEMS FROM COMMISSIONERS.**

Chair Yeber requested staff and the city attorney's office report back with  
clarification regarding the various discrepancies in the Planning Commission by-  
laws and the appeal process.

8. **CONSENT CALENDAR.** None.

9. **PUBLIC HEARINGS.**

**A. 1259 N. La Brea Avenue (High Voltage Tattoo).  
Creative Sign Permit:**

Laurie Yelton, Associate Planner provided a visual presentation and background information as presented in the staff report dated Thursday, November 18, 2010.

She stated the applicant is requesting to approve an after-the-fact 1,655 square-foot creative (mural) sign on three building walls at the rear of a tattoo establishment.

She provided a history of the business and detailed the mural signage and location.

Staff recommends approval.

Commissioner DeLuccio questioned who cited them as out of compliance.

Commissioner Hamaker disclosed for the record she has driven by the site.

Guardarrama disclosed for the record he made a site visit.

Chair Yeber disclosed for the record he made a site visit.

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

STEPHEN LOOKER, WEST HOLLYWOOD, applicant, presented the applicant's report. He apologized for the after-the-fact application. He provided a history of the business, stating he is the new general manager and is currently rectifying the issues that the previous manager neglected to do. He detailed the mural signage and artist.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding non-compliance signage.

BRUCE ROBERTSON, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding non-compliance signage and questioned what will happen to the signage in the future.

STEPHEN LOOKER, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He stated the mural will not change in the near future and confirmed they will seek a permit if it is changed.

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

Commissioner Hamaker requested clarification regarding the history of obtaining after-the-fact creative sign permits.

John Keho, Planning Manager, provided a brief history of after-the-fact permitting process. He suggested adding to Resolution No. PC 10-951; Section 2.1. *"Painted images meeting the intent of this permit may be approved by a Zone Clearance."*

**Commissioner Altschul moved to: 1) approved staff's recommendation of approval, notating the additional language to Section 2.1.**

**Seconded by Commissioner DeLuccio.**

Commissioner Buckner had concerns with after-the-fact approvals, and stated she does not want to see this become a precedent.

Commissioner Hamaker stated her concerns with setting a precedent with this approval. She could not support this motion.

**ACTION:** 1) Approve the application; 2) Adopt Resolution No. PC 10-951 as amended: adding to Section 2.1) ... *"Painted images meeting the intent of this permit may be approved by a Zone Clearance."*; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING CREATIVE SIGN PERMIT (CSP 2010-001), PERMITTING AN AFTER-THE-FACT 1,655 SQUARE-FOOT CREATIVE SIGN (MURAL) FOR THE PROPERTY LOCATED AT 1259 N. LA BREA AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) close Public Hearing Item 9.A. **Moved by Commissioner Altschul, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

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

**NOES:** Hamaker.

**ABSENT:** None.

**RECUSED:** None.

**B. 8301 Sunset Boulevard (Cabo Cantina).**

**Appeal:**

Laurie Yelton, Associate Planner provided a visual presentation and background information as presented in the staff report dated Thursday, November 18, 2010.

She provided a detail history of the business and stated the Planning Commission will consider an appeal of the Community Development Director's decision to amend Minor Conditional Use Permit 97-19 to allow: a) nine bar seats at the existing bar for provision of patron tabletop bar food and alcohol service; b) modifying hours for the sales, service, and consumption of alcohol from 12:00 a.m. until 1:30 a.m.; and c) use of the outdoor patio between the hours of 11:00 a.m. until 10:00 p.m. without closing the retractable canopy.

She stated the appellant contends that the decision to approve the project was based on inaccurate or unsupported findings.

The appellant believes that the Cabo Cantina restaurant has operated as a "terribly noisy and disruptive nuisance."

The appellant believes there are inadequate conditions of approval to protect residentially zoned property from adverse impacts.

The appellant is concerned that there is an oversaturation of alcohol in the subject area.

The appellant does not believe the City should allow any indoor bar barstools to the existing bar as it will, "worsen transformation from restaurant to bar."

The appellant does not believe the restaurant hours should change.

Staff does not support the appeal since this business is located within a commercial zone on the Sunset Strip. There is no new evidence or information that was not presented to the Director prior to her decision. Furthermore, the Director's findings, decision, and conditions of approval are supported by substantial evidence in the administrative record.

Staff recommends denial of the appeal and approval of the project as conditioned.

Commissioner Buckner disclosed for the record she had a phone conversation with the applicant's representative, Kate Bartolo, which was limited to matters contained in the staff report.

Commissioner Bernstein disclosed for the record he made a site visit and had a conversation with the applicant's representative, Kate Bartolo, which was limited to matters contained in the staff report.

Commissioner Hamaker disclosed for the record she had a phone conversation with the applicant's representative, Kate Bartolo, regarding the new conditions, not contained in the original staff report.

Commissioner DeLuccio disclosed for the record he made a site visit.

Vice-Chair Guardarrama disclosed for the record he made a site visit and had a phone conversation with the applicant's representative, Kate Bartolo, which was limited to matters contained in the staff report.

Chair Yeber disclosed for the record he made a site visit and had a phone conversation with the applicant's representative, Kate Bartolo, which was limited to matters contained in the staff report.

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

DAN SILVER, WEST HOLLYWOOD, appellant, presented the appellant's report. He presented a detailed history of the property, and spoke regarding location, permitting, seating, hours of alcohol consumption, noise, outdoor patio, canopy, amplified music, residential neighborhood impacts, business improvement district, and questioned the balancing of interests between the residents and businesses.

KATE BARTOLO, WEST HOLLYWOOD, applicant's representative, presented the applicant's report. She presented a history of the business, and detailed the location of the restaurant, square footage, awning, patio, existing service bar, bar stools, hours of operation, neighborhood compatibility, episodic noise, local and live events, sound mitigation, and spoke regarding the future of the Sunset Strip. She requested the Community Development Director's decision upheld.

Commissioner Altschul questioned if the establishment has signage requesting patrons to be quiet.

Commissioner DeLuccio requested clarification regarding the retractable roof and alcohol service hours.

Commissioner Guardarrama requested clarification on the proposed sound mitigations.

Commissioner Hamaker questioned the maximum capacity, hours of sporting events and the number of television flat screens.

Commissioner Buckner questioned the sound mitigation regarding the front door and open roof (canopy).

TROY EISENKERCH, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

KRISTI SWICEGOOD, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

JESSICA RANDEL, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and approve the project.

GENEVEV MORILL, LOS ANGELES, President and CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation to deny the appeal and approve the project.

MARCI MILLER, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

MARUAN ABDE AL, WEST HOLLYWOOD, spoke in support of the appeal and opposes staff's recommendation to deny the appeal and approve the project.

ARALIE JONES, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of the appeal and opposes staff's recommendation to deny the appeal.

GARY PEARLSON, WEST HOLLYWOOD, spoke in support of the appeal and opposes staff's recommendation to deny the appeal.

IRENE HENSEL, WEST HOLLYWOOD, spoke in support of the appeal and opposes staff's recommendation to deny the appeal.

BARRET RANDEL, LOS ANGELES, spoke in support of staff's recommendation to deny the appeal and approve the project.

GEORFFREY SMITH, WEST HOLLYWOOD, spoke in support of the appeal and opposes staff's recommendation to deny the appeal.

BRETT THACKSTON, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

JASON HOLLANDER, WEST HOLLYWOOD, spoke in support of staff's recommendation to deny the appeal and approve the project.

JOAN HENEHAN, TOLUCA LAKE, Chair, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation to deny the appeal and approve the project.

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

TODD STEADMAN, LOS ANGELES, Sunset Strip Business Improvement District, spoke in support of staff's recommendation to deny the appeal and approve the project.

JUDITH KESS, WEST HOLLYWOOD, appellant's representative, presented the appellant's rebuttal. She spoke in support of the appeal and opposes staff's recommendation to deny the appeal.

DAN SILVER, WEST HOLLYWOOD, appellant, continued the appellant's rebuttal. He spoke regarding noise, alcohol sales, roof awning, the front door and requested the original conditions to keep the balance.

KATE BARTOLO, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. She spoke and detailed noise complaints, noise mitigation, roof awning, neighborhood compatibility, open air patio, and front door concerns.

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

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:25 P.M. AND RECONVENED AT 8:30 P.M.**

By consensus, the commission agreed to the following:

- allow nine bar seats at the existing bar for provision of patron tabletop bar food and alcohol service;

Discussion was held regarding the extended hours of operation.

Commissioner DeLuccio had concern with the hours of alcohol sales, but stated the bigger issue is the retractable canopy.

Commissioner Altschul stated his concerns with the hours of alcohol service and sales. He suggested a trial period of sales, service and consumption of alcohol ceasing at 1:00 A.M.; or allow the sales, service and consumption of alcohol ceasing at 12:30 P.M., with a review after ninety days, and another review after six months. He could not support the hours until 2:00 A.M.

Commissioner Bernstein had concern with the hours of alcohol sales, but stated the bigger issue would be the retractable canopy.

Commissioner Hamaker had concern with the hours of alcohol sales, but stated the bigger issue would be the retractable canopy.

Vice-Chair Guardarrama had concern with the hours of alcohol sales, but stated the bigger issue would be the retractable canopy.

Chair Yeber spoke regarding the change of use for the establishment over the years.

Discussion was held regarding the requested service of alcohol and hours of operation regarding the retractable canopy.

Commissioner DeLuccio stated the retractable canopy should be closed every evening from 12:00 midnight until 2:00 A.M.

Staff provided clarification regarding the current hours of food service, alcohol service and the retractable canopy hours.

Commissioner Altschul; stated the retractable canopy should be closed during any sporting event, and agreed to the closure from 12:00 midnight to 2:00 A.M.

**Commissioner DeLuccio moved to: 1) partially deny the appeal and partially approve the appeal; a) allow nine bar seats at the existing bar for provision of patron tabletop bar food and alcohol service; b) sales and service of alcohol shall be until 1:00 A.M.; c) consumption of alcohol shall be until 1:30 A.M.; and d) the retractable canopy shall be closed every night from 12:00 midnight until 2:00 A.M.**

**Seconded by Commissioner Altschul.**

Commissioner Bernstein stated his support of sales and service of alcohol until 1:30 A.M. He would like to see a six month review before the Planning Commission.

Commissioner DeLuccio added an amendment that staff shall bring back an update report after six months; concerning the canopy being closed during sporting events before 12:00 midnight.

Commissioner Hamaker had concerns regarding the gaps in the canopy and the soundproofing on the front door.

Commissioner Buckner had concerns regarding the retractable canopy and noise issues. She would like to some balance with amended hours.

Discussion, debate and clarification were held regarding sound mitigation and the hours of operation concerning the retractable canopy.



Dan Mick, Commercial Code Compliance Supervisor, provided clarification regarding enforcement issues surrounding consumption of alcohol.

Vice-Chair Guardarrama requested the following verbiage amended: *“requires the retractable canopy to be closed during live televised sporting events...”*

Commissioner DeLuccio clarified the motion: 1) partially deny the appeal and partially approve the appeal; a) allow nine bar seats at the existing bar for provision of patron tabletop bar food and alcohol service; b) sales and service of alcohol shall be until 1:00 A.M.; c) consumption of alcohol shall be until 1:30 A.M.; d) the retractable canopy shall be closed every night of the week from 12:00 midnight until 2:00 A.M.; e) amend the following sentence: *“requires the retractable canopy to be closed during live televised sporting events which occur or continue between 10:00 p.m. and the business’ closing time.”*; and f) a six month staff review and report to the Planning Commission.

**ACTION:** 1) Deny the appeal in part; 2) Approve the appeal in part; 3) Adopt Resolution No. PC 10-949 as amended: a) six month staff review and update to the Planning Commission; **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING THE APPEAL (A00 2001-003) OF DAN SILVER IN PART AND UPHOLDING THE DECISION OF THE COMMUNITY DEVELOPMENT DIRECTOR IN PART, CONDITIONALLY APPROVING AN AMENDMENT TO MINOR CONDITIONAL USE PERMIT (MCUP 97-19) TO ALLOW NINE BAR SEATS AT THE EXISTING BAR, AMEND THE HOURS FOR THE SALES AND SERVICE OF ALCOHOL TO CEASE AT 1:00 A.M. NIGHTLY, AMEND THE HOURS FOR THE CONSUMPTION OF ALCOHOL TO CEASE AT 1:30 A.M. NIGHTLY, AND REQUIRE THE RETRACTABLE CANOPY TO BE CLOSED DURING LIVE TELEVISED SPORTING EVENTS WHICH OCCUR OR CONTINUE BETWEEN 10:00 P.M. AND 12:00 A.M. AND CLOSED BETWEEN 12:00 A.M. AND THE BUSINESS CLOSING OF 2:00 A.M., FOR THE PROPERTY LOCATED AT 8301 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA. CABO CANTINA);”** and 4) close Public Hearing Item 9.B. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

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

**10. NEW BUSINESS.**

**A. Planning Commissioner Meeting Dates: 2011**

**ACTION:** 1) Cancel the following Planning Commission meetings for calendar year 2011: Thursday, January 6, 2011; and Thursday, December 15, 2011. **Moved by Commissioner Altschul, seconded by Commissioner DeLuccio and unanimously carried.**

**11. UNFINISHED BUSINESS.** None.

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

**13. ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

John Keho, Planning Manager, provided an update regarding the General Plan meeting agendas with City Council, and detailed upcoming projects tentatively scheduled for Planning Commission.

**14. PUBLIC COMMENT.**

JEANNE DOBRIN, WEST HOLLYWOOD, recommended commission members attend the Community Development Director hearings held on the second Tuesday of every month at City Hall.

**15. ITEMS FROM COMMISSIONERS.**

Commissioner Hamaker thanked staff for the reports regarding City Council meetings.

Vice-Chair Guardarrama commented on the balance of personally living within walking distance to the Sunset Strip.

Chair Yeber wished everyone a safe and happy Thanksgiving holiday.

**16. ADJOURNMENT:** The Planning Commission adjourned at 9:15 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, December 2, 2010 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 2<sup>ND</sup> DAY OF  
DECEMBER, 2010.

  
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CHAIRPERSON

ATTEST:

  
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COMMISSION SECRETARY