



PLANNING COMMISSION MINUTES
Regular Meeting
May 5, 2011

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 6:38 P.M.

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

3. SPECIAL ORDER OF BUSINESS:

A. OATH OF OFFICE.

David Gillig, Commission Secretary, administered the Oath of Office to Lauren Meister, appointed by Councilmember John D'Amico for a term ending May 31, 2013.

4. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Jennifer Alkire, Associate Planner, Michael Barney, Assistant Planner, Todd Gish, Contract Urban Designer, John Keho, Planning Manager, Gregg Kovacevich, Acting City Attorney, and David Gillig, Commission Secretary.

5. APPROVAL OF AGENDA.

Move Agenda Item 12.A. (Unfinished Business – 1019 N. San Vicente Boulevard) before Agenda Item 10.A. (Public Hearings).

ACTION: Approve the Planning Commission Agenda of Thursday, May 5, 2011 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner and unanimously carried.**

6. APPROVAL OF MINUTES.

A. April 21, 2011

ACTION: Approve the Planning Commission Minutes of Thursday, April 21, 2011 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Meister.**

7. PUBLIC COMMENT.

LUCAS JON, WEST HOLLYWOOD, congratulated incoming commissioner Lauren Meister and spoke regarding keeping jobs in West Hollywood.

JIMMY PALMIERI, WEST HOLLYWOOD, congratulated incoming commissioner Lauren Meister.

STEVE MARTIN, WEST HOLLYWOOD, congratulated incoming commissioner Lauren Meister.

ALLEGRA ALLISON, WEST HOLLYWOOD, congratulated incoming commissioner Lauren Meister and spoke regarding attendance at General Plan meetings.

ELYSE EISENBERG, WEST HOLLYWOOD, congratulated incoming commissioner Lauren Meister and spoke regarding height and density issues of the upcoming General Plan.

8. ITEMS FROM COMMISSIONERS.

Commissioner Meister thanked Councilmember John D'Amico for her appointment and everyone for their support. She stated she has officially resigned from the West Hollywood West Resident's Association. The new President is Richard Giesbret.

Commissioner Altschul welcomed and congratulated incoming commissioner Lauren Meister.

Commissioner Buckner welcomed and congratulated incoming commissioner Lauren Meister.

Commissioner Hamaker welcomed and congratulated incoming commissioner Lauren Meister.

Commissioner DeLuccio welcomed and congratulated incoming commissioner Lauren Meister.

Vice-Chair Bernstein welcomed and congratulated incoming commissioner Lauren Meister.

Chair Yeber welcomed and congratulated incoming commissioner Lauren Meister.

9. CONSENT CALENDAR. None.

The following item was heard out of order as part of the amended agenda:

12. UNFINISHED BUSINESS.

A. 1019 N. San Vicente Boulevard:

Laurie Yelton, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, April 21, 2011.

She stated the City Council has remanded the appealed project back to the Planning Commission for review, input and comments on the re-designed project.

She provided a history of the project and detailed the redesigned massing, front façade, courtyard, front setbacks, landscaping, and exterior stairs.

John Keho, Planning Manager, clarified the history of the project, stating the City Council is seeking only comments on the re-design.

Commissioner Hamaker questioned the discrepancy in square-footage between the official transcript dated June 4, 2009 and the current staff report. She requested the discrepancy addressed and corrected before moving forward to City Council.

Commissioner DeLuccio requested clarification on the front setbacks and common open space.

Todd Gish, Contract Urban Designer, provided a project design update. He detailed the color palette, massing, articulation, attic story, landscaping, stairway and entrance. He stated this is not an exemplary project; therefore it has a six foot front setback.

Chair Yeber presented the Design Review Subcommittee report. He stated the subcommittee had concerns regarding the lack of clarity, placement of material choices, and the front façade.

AMIT APEL, WOODLAND HILLS, applicant, presented the applicant's update. He provided a history of the project and detailed the changes regarding the massing, materials, color palette, front door, elevators, building separation, unit sizes, and common open area.

Commissioner Altschul questioned if the applicant is requesting any courtyard incentives.

AMIT APEL, WOODLAND HILLS, stated they are not seeking any courtyard incentives.

Commissioner Meister questioned unit sizes.

AMIT APEL, WOODLAND HILLS, stated the average unit size is around 2,500 square-feet.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:05 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 7:10 P.M.

Chair Yeber requested clarification regarding the front entry door.

Commissioner DeLuccio stated it appears to be less compatible with the neighborhood and is imposing. He could not support the current design.

Commissioner Meister stated many of the comments made by the Design Review Subcommittee have not been incorporated into the current design, the design is too busy and over stated, and the balconies in front will not do justice to San Vicente Boulevard.

Commissioner Meister moved to: 1) recommend a re-design to City Council.

Seconded by Commissioner DeLuccio.

Vice-Chair Bernstein commented on the Design Review Subcommittee report and re-design. He stated he could not support the current re-design and stated his support of the motion.

Commissioner Hamaker finds the relationship of the doors to the rest of the design awkward. She stated there is incoherence to the totality of the project, and the color is disturbing. She stated her concerns with the front entrance and finds the project is not compatible with the neighborhood.

Commissioner Buckner stated she does not feel the re-designed project does not reflect the concerns of the Design Review Subcommittee recommendations. She stated her support of the motion.

Commissioner Altschul stated this project is bold and quirky. He commented on neighborhood compatibility and stated this project might work. He finds the re-design refreshing.

Chair Yeber stated he does not feel the re-designed project reflects the concerns of the Design Review Subcommittee. He commented on the lack of clarity, front façade, and the relationship to the street. He stated his support of the motion.

ACTION: 1) Recommendation to City Council a re-design. **Moved by Commissioner Meister, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

AYES: Buckner, DeLuccio, Hamaker, Meister, Vice-Chair Bernstein, Chair Yeber.

NOES: Altschul.

ABSENT: None.

RECUSED: None.

10. PUBLIC HEARINGS.

A. 692 N. Robertson Boulevard (The Abbey)

Conditional Use Permit, Development Permit, Parking Use Permit:

John Keho, Planning Manager, clarified the following two projects (The Abbey and Bar Varsity) have proposed to use the new public parking structure to partially fulfill their parking requirements. He detailed the Zoning Ordinance, off-site parking requirements and the city's intent to utilize available additional parking in this general vicinity.

Chair Yeber requested clarification regarding the assessment and parking needs based on the load factors of surrounding businesses.

Jennifer Alkire, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, April 21, 2011.

She stated the applicant is requesting an intensification of use from an existing restaurant with outdoor dining to a bar/nightclub use with outdoor dining and dancing.

She presented a history of the establishment, detailed the project site and surrounding neighborhood, and spoke regarding off-site parking locations, outdoor areas, intensification of use, alcohol sales and service of food, d.j., dance floor, public queuing, parking validation, cover charges, amplified sounds and orientation of speakers, installation of a sound limiter, limitations consistent with the Noise Ordinance.

Staff supports the applicant's request.

Commissioner DeLuccio requested clarification of the location of the extra parking spaces required.

Commissioner Altschul requested clarification regarding the parking in-lieu fees.

Commissioner Meister requested clarification regarding the 50% parking reduction, off street parking criteria, and proof of current continuous off-site parking leases.

Commissioner Altschul questioned the occupancy load.

Vice-Chair Bernstein requested clarification regarding sidewalk queuing.

Commissioner Hamaker questioned the crime stats for the vicinity and sidewalk queuing.

Commissioner DeLuccio questioned if there were any current open violations and if there would be a drain on the Sheriff's Department resources.

Commissioner Buckner requested clarification regarding the smoking ordinance and public queuing on the sidewalk.

Commissioner Meister questioned the distance regarding the neighbors and sound issues on Doheny Drive.

Commissioner Meister disclosed for the record she made a site visit.

Chair Yeber 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 ownership and establishment. He spoke regarding business operations, business uses, neighborhood compatibility, parking incentives, dance floor, menu, square-footage, occupancy load, sales and business tax revenue, security and noise issues.

DAVID COOLEY, WEST HOLLYWOOD, The Abbey, continued the applicant's report. He spoke and detailed the business operations, intensification of use and confirmed it will not become a nightclub. He stated he recently tripled the kitchen and bathroom size.

Commissioner DeLuccio questioned ambient music on the patio and the queuing of patrons on the sidewalk.

Commissioner Altschul questioned if the recent Smoking Ordinance was a factor in the intensification of use and if past noise issues regarding the Norma Triangle have been addressed.

DAVID COOLEY, WEST HOLLYWOOD, The Abbey, stated there have been no major noise complaints, other than from the Doheny Drive resident's. He reiterated they have been in constant communication with the neighbors and pro-active in alleviating any noise issues.

Commissioner Hamaker questioned ambient background music and sidewalk queuing.

Commissioner Buckner requested clarification regarding special event permits and d.j. scheduling.

Chair Yeber questioned the square-footage.

COE HOLBROOK, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the public queuing line on the public sidewalk.

GENEVIEVE MORRILL, LOS ANGELES, President/CEO, West Hollywood Chamber of Commerce, congratulated incoming Commissioner Meister and spoke in support of staff's recommendation of approval.

GARY WEINSTEIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

BRIAN ROSMAN, spoke in support of staff's recommendation of approval.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. He reiterated the intensification of use and cautioned the use as a nightclub. The only change will be the limited use of the dance floor.

DAVID COOLEY, WEST HOLLYWOOD, The Abbey, asked for support.

Commissioner Meister questioned if occupancy capacity would change.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, stated the business will operate the same, therefore occupancy should not change.

Commissioner DeLuccio stated his support of the intensification of use, stating this is a natural progression towards a conditional use permit.

Vice-Chair Bernstein reiterated the use runs with the land. He had concerns with the uncontrollable element of [possible] future ownership. He could not support the intensification of use.

Commissioner Meister questioned staff if there are any restrictions regarding a nightclub within a certain proximity to a public park or tiny tot's playground area. She requested clarification regarding children in the establishment if it is intensified as a nightclub.

Jennifer Alkire, Associate Planner, stated there are no restrictions in the Zoning Ordinance regarding nightclubs' proximity to public parks. The city does not oversee provisions regarding entrance of minors. The Alcoholic Beverage Control (ABC) has more restrictions, depending on the type of license granted. The applicant indicated they do not intend to change current operations as pertain to minors.

Commissioner Meister requested clarification regarding parking validation and dancing.

Commissioner Altschul had concerns there were no crime stats available for review, no Sheriff's personnel available for questioning and stated it was a mistake not to have a neighborhood meeting. He reiterated his concerns regarding noise issues and the Norma Triangle residents.

Commissioner Meister had concerns there were no crime stats available for review, sidewalk queuing, noise and parking. She does not support the 50% parking reduction and stated the use runs with the land.

Commissioner Hamaker stated she would have like to have seen Commercial Code Compliance Division available for questioning.

Commissioner Buckner has concerns regarding parking, sidewalk queuing and expressed her issues with [possible] future new ownership.

Chair Yeber had concerns regarding the sidewalk queuing and the physical constraints in front of the establishment, parking, and collective impacts to the vicinity. He spoke in support of a possible continuance.

Discussion was held and a consensus that representatives from the Sheriff's Department, Commercial Code Compliance and the Parking Division should be available, with additional neighborhood outreach.

Vice-Chair Bernstein moved to: 1) deny the application.

Seconded by Commissioner Meister.

ACTION: 1) Deny the application. **Moved by Vice-Chair Bernstein, seconded by Commissioner Meister and fails on a Roll Call Vote:**

AYES: Altschul, Meister, Vice-Chair Bernstein.

NOES: Buckner, DeLuccio, Hamaker, Chair Yeber.

ABSENT: None.

RECUSED: None.

MOTION FAILS.

Commissioner DeLuccio moved to: 1) continue to Thursday, July 7, 2011; with the following conditions: a) current parking leases shall be made available; b) sheriff's department representatives; c) crime stats; d) commercial code compliance division representative; e) parking division representative; f) another recommendation on sidewalk queuing; g) neighborhood outreach meeting; g) 1,000' radius mailing; h) notify Norma Triangle e-mail subscribers; i) notify

residents on Doheny Drive, whom expressed concerns regarding noise; and j) neighborhood watch captains shall be notified of the neighborhood meeting and hearing.

Seconded by Commissioner Buckner.

After discussion, continue the meeting to Thursday, June 16, 2011 with attached conditions.

Commissioner Buckner agreed to this amendment.

ACTION: 1) Continue to Thursday, June 16, 2011, with the following conditions: a) current parking leases shall be made available for inspection; b) sheriff's department representatives shall be available for questioning; c) crime stats; d) commercial code compliance representatives shall be available for questioning; e) parking division representatives shall be available for questioning; f) another recommendation regarding sidewalk queuing; g) schedule a neighborhood outreach meeting; g) provide a 1,000' radius mailing; h) notify Norma Triangle e-mail subscribers; i) notify Doheny Drive residents, whom expressed concerns regarding noise; and j) neighborhood watch captains shall be notified of the neighborhood meeting and hearing. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner and passes on a Roll Call Vote:**

AYES: Altschul, Buckner, DeLuccio, Hamaker, Meister, Vice-Chair Bernstein, Chair Yeber.

NOES: None.

ABSENT: None.

RECUSED: None.

THE COMMISSION TOOK A FIFTEEN (10) MINUTE RECESS AT 8:45 P.M. AND RECONVENED AT 9:00 P.M.

**B. 8948 Santa Monica Boulevard (Bar Varsity)
Conditional Use Permit, Demolition Permit, Development Permit,
Parking Use Permit:**

Michael Barney, Assistant Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, April 21, 2011.

He stated the applicant is requesting permits for the demolition of the existing structure, and construction of a two-story, 5,212 square-foot bar/nightclub with full alcohol service, 1,604 square-foot outdoor area and off-site parking.

He detailed the project history site and spoke regarding the parking requirements and noise mitigation.

Todd Gish, Contract Urban Designer, presented the design review report. He stated the proposed design is bold and in concept appropriate for this gateway corner. He spoke regarding neighborhood compatibility and design concept. The project needs further design work, including detailed and rendered elevations, building sections, floor plans, a detailed architectural model, exterior materials sample board, and full size mock-up.

Staff recommends approval.

Chair Yeber presented the Design Review Subcommittee report. He stated conceptually the subcommittee like the direction of the project, however, there were schematically and conceptual concerns and how it was going to be executed.

Commissioner Meister questioned how many people spoke at the Design Review Subcommittee meeting, why the operators wanted to open at 6:00 A.M. and where the queuing of the patrons would be.

Chair Yeber opened public testimony for Item 10.B.:

DEMITRI SAMAHA, SHERMAN OAKS, applicant's representative, presented the applicant's report. He provided a brief history of the project and introduced the team.

ANDREW DRUVER, WEST HOLLYWOOD, applicant, continued the applicant's report. He introduced himself and spoke in support of the project.

RYAN CARRILO, WEST HOLLYWOOD, applicant's representative, continued the applicant's report. He provided a detailed history of the project and spoke regarding food service, menus, location, and interior ambiance

GULLA JONSDOTTIR, WEST HOLLYWOOD, applicant's representative, continued the applicant's report. She spoke in support of the project.

DAIVD KELLEN, LOS ANGELES, architect, continued the applicant's report. He commented on the concerns that were raised and spoke in support of the project.

Commissioner DeLuccio had concerns there were not material boards available for viewing. He questioned the materials to be used.

Commissioner Hamaker questioned the location and number of high definition television monitors.

Commissioner Meister requested clarification regarding amplified music and the front garage door(s).

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He stated this could be an iconic building if it is done properly.

PAUL NICHOLLS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

CANDIS CAYNE, LOS ANGELES, spoke in support of staff's recommendation of approval.

ALLEGRA ALLISON, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

BEN RUSSO, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JACK KETSOJAN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

EVA PEREZ, LOS ANGELES, spoke in support of staff's recommendation of approval.

DEMITRI SAMAHA, SHERMAN OAKS, applicant's representative, presented the applicant's rebuttal. He spoke in support of his team and requested approval.

ANDREW DRUVER, WEST HOLLYWOOD, applicant, continued the applicant's rebuttal. He spoke in support of the project and requested approval.

Chair Yeber requested clarification if this is a request for a bar/nightclub or restaurant.

RYAN CARRILO, WEST HOLLYWOOD, applicant's representative, stated it is a request for a bar/nightclub, however, it is going to be extremely food based and a full dining experience.

Commissioner Hamaker questioned the occupancy load.

Vice-Chair Bernstein stated the design presentation is insufficient and would like to see it flushed out further. He had concerns approving this site from a restaurant to a bar/nightclub and had further issues regarding parking and public safety.

Vice-Chair Bernstein moved to: 1) continue to a date uncertain.

Seconded by Commissioner DeLuccio. He would like to see this item continued to Thursday, June 16, 2011.

Vice-Chair Bernstein agreed to this amendment.

Commissioner Hamaker stated it is a spectacular building design. She had concerns regarding the television monitors, noise issues and queuing.

Commissioner Altschul stated his support of the design, but had concerns with noise and neighborhood impacts. He commented when this returns, he hopes it is in a final stage for review.

Commissioner Meister stated her support of the design. She would like to see the design in context to the street and surrounding businesses. She expressed concerns why the applicant would request a bar/nightclub permit, rather than a restaurant permit.

John Keho, Planning Manager, detailed the definition of a bar/nightclub versus a restaurant.

Vice-Chair Bernstein questioned if children would be allowed.

John Keho, Planning Manager, stated the city would not prohibit children from going into the establishment.

Commissioner Buckner stated her support of the current design.

Commissioner Altschul had concerns with the lack of parking provided in the final design.

Commissioner Meister requested clarification of closing hours.

Vice-Chair Bernstein reiterated the motion should reflect what was requested of The Abbey, as well as a more flushed out design and materials board.

Chair Yeber stated he is not ready to make a decision on this project. He stated the design needs more work. He encouraged the applicant to contact the Los Angeles County Health Department regarding the roll-up garage doors in reference to food and dining requirements.

Commissioner Hamaker suggested Public Safety Division provide a matrix and recommendation regarding establishment's closing times in the general vicinity and the impact(s) that are imposed.

ACTION: 1) Continue to Thursday, June 16, 2011, with the following conditions: a) provide current parking leases; b) sheriff's department representatives shall be available for questioning; c) crime stats; d) commercial code compliance representatives shall be available for questioning; e) parking division representatives shall be available for questioning; f) another recommendation regarding sidewalk queuing; g) schedule a neighborhood outreach meeting; g) provide a 1,000' radius mailing; h) notify Norma Triangle email subscribers; i) notify Doheny Drive residents, whom expressed concerns regarding noise; j) neighborhood watch captains shall be notified of the neighborhood meeting and hearing; k) submit a more complete final design; and l) submit materials board.
Moved by Vice-Chair Bernstein, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:

AYES: Altschul, Buckner, DeLuccio, Hamaker, Meister, Vice-Chair Bernstein, Chair Yeber.

NOES: None.

ABSENT: None.

RECUSED: None.

C. 8335 Sunset Boulevard

Billboard Permit, Development Agreement, Zone Map Amendment:

Applicant is requesting to replace an existing double-sided roof mounted billboard with a larger double-sided pole mounted billboard.

ACTION: Continue to Thursday, June 2, 2011. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner and unanimously carried as part of the amended agenda.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

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

15. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, commented on the lack of staff available for questions regarding projects for review.

16. ITEMS FROM COMMISSIONERS.

Commissioner Meister stated she would like to see contextual drawings provided in the staff reports regarding new construction and/or major remodels. She would like to see the Design Review Subcommittee meetings publicly noticed. Also projects requiring demolition, construction and/or major remodels, existing square-footage as well as the proposed square-footage should be notated on the noticing.

Commissioner DeLuccio suggested staff capture the names, addresses and emails of the public that attends neighborhood meetings for future noticing. Major projects with intensification and implications should have additional staff present from the Code Compliance, Public Safety and Parking Divisions.

Commissioner DeLuccio moved to: 1) cancel the meeting of Thursday, May 19, 2011; and 2) move the scheduled item (Zone Text Amendment – Banquet Facilities) to the June 2, 2011 meeting.

Seconded by Commissioner Buckner.

ACTION: 1) Cancel the Planning Commission meeting of Thursday, May 19, 2011; and 2) move the scheduled item (Zone Text Amendment – Banquet Facilities) to the June 2, 2011 meeting. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner and fails on a Roll Call Vote:**

AYES: Buckner, DeLuccio.

NOES: Altschul, Hamaker, Vice-Chair Bernstein, Chair Yeber.

ABSTAIN: Meister.

ABSENT: None.

RECUSED: None.

MOTION FAILS.

Vice-Chair Bernstein commented on the Smoking Ordinance and the two recent conditional use permits that came before, stating there is a possibility that children will be blocked from these types of establishments during the day, where they should be welcomed.

Chair Yeber provided a working history of the Design Review Subcommittee and the pros and cons of noticing this subcommittee. He reiterated that contextual drawings, material boards, pictures, etc. are all encouraged by the Design Review Subcommittee.

17. **ADJOURNMENT:** The Planning Commission adjourned at 10:20 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 19, 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 19TH DAY OF MAY, 2011.



MARC YEBER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY