



PLANNING COMMISSION MINUTES
Regular Meeting
August 2, 2012

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

1. CALL TO ORDER:

Vice-Chair Buckner called the meeting of the Planning Commission to order at 6:40 P.M.

2. PLEDGE OF ALLEGIANCE: Rob Bergstein led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Aghaei, Altschul, DeLuccio, Huebner, Yeber, Vice-Chair Buckner.

Commissioners Absent: Chair Bernstein.

Staff Present: Antonio Castillo, Associate Planner, Nathan Gapper, AICP, Associate Planner, David DeGrazia, Acting Current and Historic Preservation Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. SPECIAL ORDER OF BUSINESS

A. ELECTION OF CHAIR.

ACTION: Elect Sue Buckner as Chair of the Planning Commission for a term through June 30, 2013. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and unanimously carried; noting Commissioner Bernstein as absent.**

B. ELECTION OF VICE-CHAIR.

ACTION: Elect Donald DeLuccio as Vice-Chair of the Planning Commission for a term through June 30, 2013. **Moved by Commissioner Yeber, seconded by Commissioner Aghaei and unanimously carried; noting Commissioner Bernstein as absent.**

5. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission Agenda of Thursday, August 2, 2012 as presented. **Moved by Commissioner Yeber, seconded by Commissioner Aghaei and unanimously carried; noting Commissioner Bernstein as absent.**

6. APPROVAL OF MINUTES.

A. June 21, 2012

ACTION: Approve the Planning Commission Minutes of Thursday, June 21, 2012 as presented. **Moved by Commissioner Aghaei, seconded by Commissioner Altschul and unanimously carried; noting the abstentions of Commissioner DeLuccio, Commissioner Huebner and Commissioner Bernstein.**

7. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, congratulated Chair Buckner and commented on development agreements, He stated they could be a very useful and lucrative tool for the city, however, the way they are currently being used is like an over the counter way of getting spot zoning and circumventing the whole process. He suggested a study session of the Planning Commission to discuss how the development agreement process could be improved.

8. ITEMS FROM COMMISSIONERS.

Vice-Chair DeLuccio thanked outgoing Chair Bernstein for his leadership over the last year and congratulated Chair Buckner.

Commissioner Yeber congratulated Chair Buckner and Vice-Chair DeLuccio. He questioned the possibility of a day retreat for the commission where policy and procedure issues could be deliberated.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 7750 Santa Monica Boulevard (Yev's Jewelry and Loan):

Continued from Thursday, June 21, 2012. Antonio Castillo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, August 2, 2012.

He stated the applicant is requesting to relocate an existing 642-square-foot, non-conforming pawnshop into an adjacent 943-square-foot vacant tenant space, located within the same commercial building, and bring the pawnshop into conformance with the City code.

He provided a history of the business, stating the owner has operated the business at this location for over five years, but the pawnshop has existed at this location for approximately 25 years.

The applicant has requested to relocate the business to the neighboring tenant space with a slightly larger floor plan (i.e., 943 square feet) and larger street presence given that the existing pawnshop is the smallest in square footage compared to the others in the city. According to the applicant, having the ability to relocate into a corner tenant space next door provides a better opportunity to compete with the other pawnshops with larger floor and display space.

There are five other pawnshops in the City and all are located within a 16 block area of Santa Monica Boulevard.

The parking requirements for a pawnshop is the same as the previous retail use at the adjacent space, therefore no additional parking spaces will be required for this project.

The establishment has demonstrated its ability to fit in with the neighborhood by maintaining neighborly relations with the residents and other businesses in the area. There is no evidence that it has ever been associated with any criminal or other undesirable activities in the area.

The relocated business would continue to operate primarily as a high-end jewelry store with a pawnshop component and within the current hours of operation. The owner has indicated that the business will continue to not accept large household items and firearms for pawn. The City has not experienced any problems related to crime, loitering, or traffic directly attributable to the number or location of existing pawn shop operations.

Staff supports the applicant's request to relocate the existing pawnshop into the neighboring tenant space pursuant to a conditional use permit. The existing legal, non-conforming pawnshop has been allowed to continue operating without a conditional use permit because of its establishment prior to the requirement of a conditional use permit for pawnshops. By issuing a conditional use permit, the pawnshop will be brought into conformance with the Zoning Ordinance, and the City has a greater ability to place mitigating measures on potential negative impacts to the surrounding neighborhood.

Commissioner Aghaei questioned if it is acceptable for the pawnshop to sell firearms and other questionable items, based on how they are currently operating.

Antonio Castillo, Associate Planner stated, based on their regulatory license, they can request that, but stated he does not believe the applicant currently has that provision in their current license at this time. The code does allow this, if they were to include that in their license.

Vice-Chair DeLuccio questioned the current number of pawnshops in the city. He requested clarification if conditions could be put into place regarding what they could sell.

Christi Hogin, Assistant City Attorney, stated in reference to firearms that would be preempted by state code. As far as any other products, the commission would have to make a finding that there is some impact selling that product.

No commissioner ex-parte disclosures for this property.

Chair Buckner opened the public hearing for Item 10.A.:

YEV FAKTOROVICH, WEST HOLLYWOOD, applicant, presented the applicants report. He stated you need a license from the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in order to sell firearms. He stated for the record they do not plan on selling firearms. He detailed the interior renovations and noted this is not your typical pawnshop. They specialize in high end jewelry only.

Commissioner Huebner questioned if any of the other pawnshops sell firearms.

Antonio Castillo, Associate Planner, stated he believes so, but this applicant does not.

ROB BERGSTEIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the locations of pawnshops currently on the eastside of West Hollywood. He requested if the owners request to expand their current operations, they should come back to the planning commission for a public hearing. He hopes the city will not permit another pawnshop to open in the vacated space, and requested the new owner to keep the new space as aesthetically pleasing as the current space.

Vice-Chair DeLuccio requested clarification regarding the previous request of the pawnshop expansion.

ACTION: Close public hearing for Item 10.A: **Motion carried by consensus of the Commission.**

Vice-Chair DeLuccio moved to: 1) approve staff's recommendation of approval.

Seconded by Commissioner Altschul.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 12-1026 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE RELOCATION OF AN EXISTING PAWNSHOP (YEV'S JEWELRY AND LOAN) INTO AN ADJACENT TENANT SPACE AND BRING THE PAWNSHOP INTO CONFORMANCE, LOCATED AT 7750 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 10.A. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried, noting Commissioner Bernstein as absent.**

B. 903 Westbourne Drive:

Applicant is requesting off-site sales of beer and wine with on-site tasting within an existing designated historical building.

ACTION: Continued to Thursday, September 6, 2012. **Moved by Commissioner Altschul, seconded by Commissioner Aghaei and unanimously carried as part of the approved agenda; noting Commissioner Bernstein as absent.**

C. 8226 Sunset Boulevard (The Den on Sunset):

Nathan Gapper, AICP, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, August 2, 2012, and subsequent memorandum.

He stated the applicant is requesting an intensification of use for a portion of an existing restaurant into a bar.

He provided a history of the property, stating the site has been a restaurant in the current location for many years. In 2007, the existing business was granted an amendment to its minor conditional use permit to allow for the sales, service, and consumption of full alcohol.

The applicant is now requesting a change of use of 991 square feet of the existing 2,729-square-foot restaurant to a bar. This change in the designated bar area includes 491 square-feet of indoor area and 450 square-feet of outdoor area and would allow the establishment to operate without restrictions that are consistently applied to bona fide eating establishments.

Specifically, the applicant is requesting the following changes to the operations of the exiting restaurant:

1) service of alcohol to patrons who are not ordering food, and 2) smoking in a portion of the outdoor dining area.

The restaurant portion currently requires twenty-one parking spaces. The intensification of use to a bar in the front section of the restaurant and the outdoor dining area requires an additional six parking spaces.

The six additional spaces will be provided by limiting the hours of operation to be eventually exclusive with the hours of operation for the catering office operating in the basement of the structure.

The business below the restaurant operates Monday – Friday from 7:00 a.m. until 4:00 p.m. The restaurant opens at 5:00 p.m. daily, so parking for each use will not overlap. Valet service will be provided at all times.

Staff supports The Den's request because it finds that the proposed use would contribute to and maintain the energetic nightlife present in this portion of the City of West Hollywood.

Conditions have been provided which would minimize any potential impacts to the surrounding neighborhood.

Commissioner Aghaei requested clarification regarding food and alcohol service.

Vice-Chair DeLuccio requested clarification regarding the amended resolution.

Nathan Gapper, Associate Planner, stated primarily there was a change of scope in the request by the applicant, which also included parking changes.

Commissioner Altschul questioned if The Den is open for lunch, and if the resolution reflects this.

Nathan Gapper, Associate Planner, stated The Den is closed for lunch. The catering business in the basement level will close at 4:00 p.m. and the Den will open at 5:00 p.m. for dinner. This is reflected in the draft resolution.

Commissioner Altschul disclosed for the record he made a site visit and met with the owner's representative. They discussed items contained in the written staff report.

Vice-Chair DeLuccio disclosed for the record he spoke to the applicant's representative, Todd Elliott. They discussed items contained in the written staff report.

Commissioner Aghaei disclosed for the record he made a site visit and met with the owner and owner's representative. They discussed items contained in the written staff report.

Commissioner Yeber disclosed for the record he made a site visit and spoke with the owner's representative. They discussed items contained in the written staff report.

Chair Buckner disclosed for the record she spoke to the owner's representative, Todd Elliott. They discussed items contained in the written staff report.

Chair Buckner opened the public hearing for Item 10.C.:

TODD ELLIOTT, LOS ANGELES, representing the owner, presented the applicant's report. He provided a history of the establishment. He clarified they are requesting a change to 941 square-feet of the premises from restaurant to bar. 491 square-feet of which is indoor, and 450 square-feet which is outdoor.

The Den has always had a bar in the front of the establishment and has now added a red curtain to create a barrier and differentiate the uses within the space. He stated The Den will be selling food in both the bar and restaurant areas. The parking has been properly calculated in the revised draft resolution. He expressed agreement with the staff report.

Commissioner Altschul requested clarification of the parking spaces.

TODD ELLIOTT, LOS ANGELES, representing the owner, stated the amended staff report and revised resolution states six additional spaces are required and six spaces are provided.

Commissioner Yeber requested clarification regarding the smoking ordinance (ban).

TODD ELLIOTT, LOS ANGELES, representing the owner, stated they could apply to have a smoking operations plan in the outdoor area under the resolution. However, under state law, there is no smoking permitted indoors.

SCOTT SCHMIDT, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

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

ALEX BIER, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

HUW LEWIS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

KIMBERLY MILTON, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

GENEVIEVE MORRILL, LOS ANGELES, CEO West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

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

TODD ELLIOTT, LOS ANGELES, representing the owner, presented the applicant's rebuttal. He submitted sixty-six signatures (fifty-five residents of West Hollywood) supporting the application for The Den. He requested a change of time in the hours of operation. He stated The Den is open for brunch and lunch on the weekends. The catering business is closed on the weekends. Therefore, he requested The Den to open at 10:00 a.m. on Saturday and Sundays.

ACTION: Close public hearing for Item 10.C: **Motion carried by consensus of the Commission.**

Commissioner Altschul stated it is unfortunate that we need to go through this. He is not a fan of the smoking ban. He stated his support of staff's recommendation of approval.

Vice-Chair DeLuccio would like the hours changed on the weekends to reflect 10:00 a.m. He stated his support of staff's recommendation of approval.

Commissioner Yeber stated his support of staff's recommendation of approval.

Commissioner Huebner stated his support of staff's recommendation of approval.

Commissioner Aghaei stated his support of staff's recommendation of approval.

Vice-Chair DeLuccio moved to: 1) approve staff's recommendation of approval with the revised draft resolution; and 2) amend the approved to include that opening hours shall be 10:00 a.m. on weekends (Saturday and Sunday).

Seconded by Commissioner Altschul.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 12-1029 as amended: a) hours of operation shall be from 10:00 a.m. to 2:00 a.m. on weekends (Saturday and Sunday); "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A CONDITIONAL USE PERMIT AND DEVELOPMENT PERMIT TO ALLOW THE INTENSIFICATION OF USE OF A PORTION OF AN EXISTING RESTAURANT TO A BAR (THE DEN ON SUNSET), LOCATED AT 8226 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.C. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried, noting Commissioner Bernstein as absent.**

11. NEW BUSINESS.

A. Planning Commission Subcommittee Appointments:

The Planning Commission will review the following subcommittees for appointments: 1) Design Review Subcommittee; 2) Business Signage Subcommittee; 3) Long-Range Planning Projects Subcommittee; 4) Design Steering Committee (Automated Parking Garage Project); 5) Bicycle Task Force; and 6) 1343 Laurel Committee.

ACTION: 1) Continue to Thursday, August 16, 2012. **Motion carried by consensus of the Commission.**

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

David DeGrazia, Acting Current and Historic Preservation Planning Manager updated the commission on upcoming projects that are currently in the environmental review process and should be forthcoming sometime next year: a) Melrose Triangle Project; b) Faith Plating Project; and c) Santa Monica and West Knoll Drive Mixed Use Project.

He made suggestions regarding a retreat that could be held at one of the regularly scheduled planning commission meetings, if the commission chooses to.

Discussion was held regarding possible retreat location(s) and what would be brought forward for dialogue.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

Commissioner Yeber requested clarification on the public hearing item appearing on the City Council agenda for Monday, August 6, 2012, regarding 1302-1310 N. Sweetzer Avenue (El Mirador Apartments).

Commissioner Huebner thanked outgoing Chair Bernstein for his leadership over the last year, and congratulated Chair Buckner and Vice-Chair DeLuccio.

Chair Buckner encouraged the public to come to the meetings, participate and have their voices heard.

17. **ADJOURNMENT:** The Planning Commission adjourned at 7:45 P.M. to the next regularly scheduled meeting which will be on Thursday, August 16, 2012 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ON THIS 16TH DAY OF AUGUST, 2012.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY