



PLANNING COMMISSION MINUTES
Regular Meeting
September 15, 2016

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

THE CITY OF WEST HOLLYWOOD HAS ADOPTED SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Aghaei called the meeting of the Planning Commission to order at 6:33 P.M.

2. **PLEDGE OF ALLEGIANCE:** John Keho led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Adrian Gallo, Associate Planner, Rachel Dimond, Senior Planner, Dan Mick, Commercial Code Compliance Supervisor, David DeGrazia, Current and Historic Preservation Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, September 15, 2016 as presented. **Moved by Commissioner Jones, seconded by Commissioner Altschul and unanimously passes.**

5. **APPROVAL OF MINUTES.**

David Gillig, Commission Secretary stated on page 6 of 8; the first paragraph should read as follows: "Laurie Yelton, Associate Planner commented staff originally requested the applicant incorporate a lift or continue the elevator to the roof level. The lift is ADA compliant. *She stated Ellissing will be in effect;* since these are single-family residences with two tenant's total."

A. September 1, 2016

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, September 1, 2016 as amended. **Moved by Commissioner Lightfoot, seconded by Commissioner DeLuccio and passes, noting Chair Aghaei abstaining.**

6. PUBLIC COMMENT. None.

7. DIRECTOR'S REPORT.

John Keho, Assistant Director, Community Development Director presented the Director's Report.

City Council Meeting – August 15, 2016:

Discussion was held regarding the seismic update to the building code. He stated City Council agreed in concept to the changes that are being proposed, and they agreed they should take effect in July, 2017. They requested staff to do additional public outreach to owners of condominiums and apartment buildings; at which time staff would return with a formal adoption of the ordinance.

City Council Meeting – September 6, 2016

He stated City Council will be discussing possible meeting dates for a Strategic Retreat with the Planning Commission.

He encouraged participation in the California American Planning Association Conference, October 22-25, 2016 in Pasadena, California.

8. ITEMS FROM COMMISSIONERS.

Commissioner Altschul wished Jeanne Dobrin all the best. She is currently in Cedars-Sinai Medical Center.

He commented about the article in the Los Angeles Times, stating Mayor Garcetti recommended Planning Commissioners in Los Angeles, not hold ex-parte meetings with developers or applicants with respect to items before the Planning Commission. He stated he had conversations with Councilmember D'Amico, and confirmed for the time being, he will not be having ex-parte communications with developers or developers' representatives, with respect to large projects and applications, regarding new construction, and new buildings.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 8325 Santa Monica Boulevard:

Adrian Gallo, Associate Planner provided a verbal and visual presentation and background information as presented in the staff report dated Thursday, September 15, 2016.

He stated this item is a determination of compliance with the General Plan to reduce the size of a non-conforming lot located at 8325 Santa Monica Boulevard for a city theater.

The zoning ordinance exempts projects on property leased, owned or licensed by the City of West Hollywood from the zoning code requirements.

He reiterated the commission is being asked if reducing the size of a substandard lot to facilitate the purchase of the Coast Playhouse for a city theater is in compliance with the goals and policies of the General Plan.

He provided background information, stating staff became aware of a potential sale of the Coast Playhouse. Staff opened a discussion with the owner's representative to indicate that the City may have an interest in purchasing the site. The City then entered into a Contract for the Purchase of the subject property. The basis of the purchase is rooted in the Community's expressed desire to have a City-owned performing arts center.

The Coast Playhouse property is substandard in size, as the minimum lot area in commercial zoning districts is 5,000 square feet. For the seller of the property to maintain the access easement for Marix, located at 1108 N. Flores Avenue, West Hollywood, California, the subject Coast Playhouse property depth is proposed to be reduced in size by one foot at the rear of the property for a total of 45 square feet. This will be accomplished by a lot line adjustment. This reduced lot size maintains access and will facilitate the purchase of the Coast Playhouse. The size of the Coast Playhouse property after the change would be 3,704 square feet and the size of the Marix property would be 6,045 square feet.

He stated the City's General Plan lays out policies to utilize existing parking, both publicly and privately owned, as effectively and efficiently as possible. Allowing the back parcel to maintain access to its parking would be consistent with the general plan because the reduction in the lot size allows for the most efficient use of both parcels, in a fully built out area.

This will promote city entertainment programs, while not inhibiting the efficient use of parking for existing buildings.

He confirmed it has been a long-standing goal of the City Council to acquire a venue capable of housing performing arts events. The lot line adjustment to reduce the size of the lot is consistent with the General Plan because it enhances cultural opportunities to have a city theater.

Staff recommends the Planning Commission determine that the reduction in size of the nonconforming lot for a city theater is consistent with the General Plan.

Commissioner Lightfoot requested further clarification regarding the easement.

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

There were no public speakers.

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

ACTION: 1) Adopt Resolution No. PC 15-1178 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DETERMINING THAT THE REDUCTION IN SIZE OF A NON-CONFORMING LOT FOR A CITY THEATER, LOCATED AT 8325 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA, IS CONSISTENT WITH THE GENERAL PLAN;" and 2) Close Public Hearing Item 10.A. **Moved by Commissioner DeLuccio, seconded by Commissioner Huebner, and unanimously passes.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8325 Santa Monica Boulevard, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.

B. 8465 Holloway Drive (Palihouse):

Rachel Dimond, Senior Planner provided a verbal and visual presentation and background information as presented in the staff report dated Thursday, September 15, 2016.

She stated the applicant is requesting to expand an existing 3,235 square-foot ground floor restaurant into 2,022 square-feet of existing lobby on the ground floor and 1,077 square-feet of existing roof area for a total of 6,334 square-feet. The existing restaurant includes 1,210 square-feet of outdoor dining in an internal courtyard, 550 square-feet of indoor dining room, and a 1,475 square-foot kitchen on the ground floor.

The applicant requests expanded hours of operation and alcohol service and expanded DJ hours in the indoor restaurant space. The expanded restaurant requires fourteen additional parking spaces, which are provided with existing excess parking and new valet parking spaces on site within the existing garage.

Staff is recommending a seven-foot tall glass perimeter wall on the roof top to help mitigate sound.

Staff supports the request for changes to the proposed operating hours:

Existing interior restaurant hours:

6:00 a.m. – 12:00 a.m. Sunday-Thursday

6:00 a.m. – 1:00 a.m. Friday and Saturday

Applicant is requesting interior restaurant hours:

6:00 a.m. – 1:00 a.m. Sunday – Thursday

6:00 a.m. – 2:00 a.m. Friday, Saturday and Holidays

She stated the proposed hours of opening at 6:00 a.m. need to be reflected in the draft resolution.

Current alcohol service hours:

8:30 a.m. – 12:00 a.m. Sunday - Thursday

6:00 a.m. – 1:00 a.m. Friday and Saturday

Applicant is requesting alcohol service hours:

8:30 a.m. – 1:00 a.m. Sunday - Thursday

6:00 a.m. – 2:00 a.m. Friday, Saturday and Holidays

Staff is recommending alcohol service hours:

8:30 a.m. – 13:30 a.m. Sunday - Thursday

6:00 a.m. – 1:30 a.m. Friday, Saturday and Holidays

Existing interior restaurant and DJ hours:

6:00 a.m. – 12:00 a.m. Sunday-Thursday

6:00 a.m. – 1:00 a.m. Friday and Saturday

Applicant is requesting interior restaurant and DJ hours:

10:00 a.m. – 1:00 a.m. Sunday-Thursday

10:00 a.m. – 2:00 a.m. Friday, Saturday and Holidays

Staff is recommending interior restaurant and DJ hours:

10:00 a.m. – 12:30 a.m. Sunday-Thursday

10:00 a.m. – 1:30 a.m. Friday, Saturday and Holidays

Proposed rooftop hours of operation and alcohol service:

12:00 p.m. – 10:00 p.m. Daily

She spoke and detailed possible noise and special event concerns, and recommended the following conditions to ensure noise does not become an issue on the roof:

- Condition 4.1 requires a 7 foot barrier approval around the south, west and north sides of the roof deck, as measured from the finish floor of the Roof Terrace Level;

- Condition 4.2 requires the glass barrier be solid without holes or gaps;
- Condition 5.15 bars all amplified sound on the roof level at any time, even with a special event permit;
- Condition 5.16 allows live music without any amplification to be permitted on the rooftop with a special event permit;
- Condition 6.17 requires a six and twelve month review of the permits, with additional conditions placed with a modification hearing as necessary; and
- Condition 5.28 requires rooftop tables and chairs to be standard table height and prohibits all low lounge and high top bar seating and tables.

Staff finds that the proposed use will not have significant impacts to adjacent businesses or residents with conditions requiring a glass sound wall on the roof and a ban on amplified sound on the roof. The expanded restaurant will complement similar uses along Holloway Drive and Santa Monica Boulevard that include a number of other neighborhood and visitor-serving commercial uses and enhance the economic development of the area.

Commissioner Altschul requested clarification regarding the number of special event permits, and questioned code compliance issues.

Dan Mick, Commercial Code Compliance Supervisor, presented a code compliance report for the past two years. He stated there have been a total of four code compliance cases opened against the property: 1) operating on the roof without special event permits; 2) patrons blocking the sidewalk; 3) operating past allowed hours of operation; and 4) violating conditions of special event permits. Warnings were delivered and four citations were issued.

Commissioner DeLuccio questioned if any noise citations were issued.

Dan Mick, Commercial Code Compliance Supervisor, stated that particular location is a tough location to monitor for noise; however, there is one official noise complaint on record in 2014. It could not be verified.

Commissioner Huebner requested clarification regarding no music on the rooftop.

Rachel Dimond, Senior Planner stated staff is recommending no music on the rooftop; even with a special event permit.

Commissioner Lightfoot requested clarification regarding complaints regarding special event permits, and questioned the additions of an unpermitted bathroom and bar on the rooftop.

Rachel Dimond, Senior Planner stated they worked with the owners, and had the unpermitted work removed.

Commissioner Lightfoot questioned if there have been issues involved with the residences being rented out on a nightly basis.

Rachel Dimond, Senior Planner stated staff did discover there was some nightly rental of the residential units. Staff confirmed in July 2016 they ceased all operations of rentals of the residential units for less than thirty days.

Commissioner Buckner questioned how many special events take place per year.

Rachel Dimond, Senior Planner stated they had a total of 12 special events in 2015.

Commissioner DeLuccio requested clarification regarding the current speakers and amplified sound on the rooftop, and parking concerns.

Rachel Dimond, Senior Planner suggested adding Condition 5.27 to draft resolution No. PC 16-1169 as follows: *“Valet operations are required on-site at all times the restaurant is in operation, and on-call valet is required at all other hours.”*

Chair Aghaei questioned if it is feasible to do six, twelve, eighteen, and twenty-four month reviews.

Rachel Dimond, Senior Planner stated that is permissible.

Commissioner Jones disclosed for the record she met with the applicant's representative on-site. They discussed matters contained in the staff report.

Commissioner DeLuccio disclosed for the record he met with the applicant's representative on-site. They discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he made a site visit and had a discussion with the applicant's representative. They discussed matters contained in the staff report.

Vice-Chair Buckner disclosed for the record she met with the applicant's representative on-site. They discussed matters contained in the staff report.

Commissioner Huebner disclosed for the record he met with the applicant's representative on-site. They discussed matters contained in the staff report.

Commissioner Lightfoot had no official disclosures.

Chair Aghaei disclosed for the record he met with the applicant's representative on-site. They discussed matters contained in the staff report.

Chair Aghaei opened the public hearing for Item 10.B.:

MATT FISHER, WEST HOLLYWOOD, Palihouse representative, presented the applicants report. He provided a history of the property and spoke regarding space utilization, and rooftop concerns. He stated support of most the conditions staff recommended, but rebuffed a few of the proposed conditions, stating they are unnecessarily severe and restrictive. He requested consideration of the following:

Conditions 4.1 and 4.2 (glass wall around the rooftop level): He stated if the glass wall is put up to attenuate the sound of amplified music, staff is still recommending no amplified music, even with the glass wall. He stated this is an urban location, and the natural ambient noise level is quite loud. He requested the allowance of amplified sound on the roof top at ambient levels. The existing sound system has built in limiting capabilities, and Palihouse is open to working with the City of West Hollywood on physically restricting the sound levels to assure any amplified sound cannot exceed ambient levels.

Condition 5.15: "No amplified sound on roof even with a special event permit." He reiterated ambient level music has been playing on the rooftop for the last 8.5 years. They have had many successful special events on the rooftop with ambient level music with very few issues. He commented on code enforcements concerns. He stated their two biggest events are Pride and Halloween; and stated they would never be able to play music for these special events if this condition is adopted.

Condition 5.28 (prohibits any low or high tables and chairs on the roof top area). He stated as part of the dining and beverage expansion request, Palihouse deliberately wants to provide a variety of options, with a variety of table and seating options. The courtyard and indoor dining area have standard size tables and chairs. He stated they would like to present something different on the roof top. He assured the operation of a dining and beverage operation on the roof without a 100% standard size tables and chairs, without creating a nightclub atmosphere. He detailed how this would be accomplished.

Condition 16.17 (subsequent reviews). He requested this supplemental condition be removed.

He requested the ability for Palihouse to not have to change the roof top operations as set forth in the application request, in the event approval is granted. He elaborated; if the rooftop obtains approval, but the related conditions are so conservative, it may be better for Palihouse to keep the roof top operating as it is.

He requested appropriate language be added to Condition 4.1 and 4.2 to give Palihouse this flexibility.

With respect to Condition 5.1, he requested a confirmation that they have the ability to expand the dining and beverage operations in phases, in the event approvals are granted. They would like the ability to proceed to open the expanded ground floor restaurant space, and perhaps then open the expanded roof top space at some point in the future, but not necessarily concurrently.

NEIL SHAW, TOPANGA, Menlo Scientific Acoustics, consultant for Palihouse, continued the applicants report. He spoke regarding the ambient noise at the roof top area, and surrounding residences and businesses in the area. He stated the major source of noise is the traffic on Holloway Drive, Santa Monica Boulevard, La Cienega Boulevard, and incrementally Sunset Boulevard. In addition to vehicle traffic, there are large trucks, motorcycles, and fixed and rotating single aircraft. He detailed the analyses of the proposed glass barrier along the roof top.

Commissioner Lightfoot questioned if sound attenuation was conducted while an event was happening on the roof top.

NEIL SHAW, TOPANGA, Menlo Scientific Acoustics, consultant for Palihouse, stated the sound attenuation was not conducted while an event was happening.

SUSANA LAGUDIS, WEST HOLLYWOOD opposes staff recommendation of approval.

CARLOS DE MENCZES, WEST HOLLYWOOD opposes staff recommendation of approval.

THE FOLLOWING DID NOT PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION APPROVING THE EXPANSION:

AFSOON M., WEST HOLLYWOOD, CALIFORNIA.

MATT FISHER, WEST HOLLYWOOD, Palihouse representative, presented the applicants rebuttal. He commented on the Palihouse brand, respectability and repeat business customers. He stated he was not aware of the magnitude of the concerns that were raised by the neighbors.

He stated for the record, Palihouse currently has a zone clearance for roof top yoga, and indicated there are more conditions proposed by staff, than previously done for prior approvals. He believes Palihouse can work with the neighbors to alleviate any possible noise concerns.

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

Commissioner Altschul stated the proposed conditions are logically conservative. If the applicant can show some kind of compliance with civility and with neighborhood compatibility, they can come back and ask for some type of modification at a later date. Lack of attention to the neighborhood compatibility should not be rewarded. He stated staff has been very lenient, as well as conservative in giving some benefits to this application. He spoke regarding the sizes of tables and chairs on the roof top, stating it should not be made into a lounge. The tables should reflect the fact they should be sitting expecting to eat, and having a drink is part of the pleasure of eating. The tables reflect the fact that it should look like a restaurant, rather than a lounge. He supports staff's recommendations.

Commissioner Huebner stated if he were a hotel guest, he would appreciate the fact to be able to go to the roof top to relax or read a book in a comfortable chair; not at a table. Restricting the roof top to restaurant furniture takes away part of the enjoyment hotel guests should be offered. He spoke regarding the glass wall and noise concerns. He stated they should be allowed to have ambient level music; and explained with music systems that are available today; they have the ability to put wireless speakers anywhere. From a hotel guest's perspective, it would be nice to go to the roof top and listen to ambient music; rather than traffic. He stated those two conditions (glass wall and ambient music levels) could be amended.

Commissioner Jones stated she would like to see, and encouraged Palihouse to engage the neighborhood in some way. She stated her support of the variety of furniture. The sound wall should be as high and as covering of the perimeter as it needs to be, and is in support of allowing the ambient music, as long as there are limiters.

Commissioner DeLuccio stated Condition 5.2(a) should be removed, and the current pool type furniture that is currently there should remain. He stated his support of the sound wall; however, the amplified sound should be reinstated. He would like to see neighborhood meetings take place prior to six, twelve, eighteen and twenty-four month reviews. The recommendation regarding DJ operations ceasing at 12:30 a.m. Sunday – Thursday, and 1:30 a.m. Friday, Saturdays, and Holidays should be reinstated. Condition 5.27 (parking requirements) needs to be put back into the resolution.

Vice-Chair Buckner commented on the current size of the roof top, indicating that perhaps it may not even need a glass wall on the south side of the building; facing the commercial area. She indicated the protection needs to be towards the residential areas; not the commercial areas. She stated there should be some sort of ambient music; keeping the current lounge atmosphere. She is not supportive of Condition 5.28. She commented how the proposed conditions are conservative, however, they actually seems more restrictive.

Commissioner Lightfoot commented on the complaints; stating they appear to be coming from special or private events, rather than from hotel guests lounging on the rooftop. Once the status from the roof top is changed from hotel guests to public use; she stated those private events will obviously gravitate to the roof top. She questioned and asked for clarification regarding the roof top space, expansion areas, live music, and expanded hours. She stated her concerns regarding private events on the roof top, code compliance concerns, and enforcement. She stated her support of the expansion of the ground level, but could not support the roof top requests.

Chair Aghaei commented how conditions need to be in place to be able to rectify the issues and concerns. He spoke regarding noise complaints, neighborhood compatibility, and enforcement issues.

He reiterated for the record with staff, the following (semi) consensus on the following topics:

Support of staff's recommendation of proposed hours;

Amending Condition 4.1.: Glass sound wall shall be removed from the south edge of the rooftop;

Support of responsible ambient amplified music on the roof top with a limiter;

Support of the current seating on the roof top;

Support of neighborhood meetings before the reviews;

Support of a Director's review at six months;

Support of a Planning Commission review at twelve months; and

Live music shall be permitted on the rooftop with a special event permit.

Discussion was held regarding Conditions 5.15 and 5.16 regarding amplified sound and live music. It was a consensus those conditions should be removed and replaced with an alternative proposal.

Condition 5.28 (regarding seating) will be removed from the resolution.

Condition 5.27 (valet parking shall be required on-site at all times the restaurant is in operation; and on-call valet parking is required at all other hours).

Rachel Dimond, Senior Planner clarified for the record the Director's review at six months is actually an Administrative review with staff; and a twelve month review will be with Planning Commission.

A neighborhood meeting shall take place at six months; and a 500' radius notice shall take place for the Planning Commission review.

Condition 2.1 shall be amended as reflected in the supplemental staff report.

Commissioner DeLuccio requested confirmation regarding Condition 5.7 (DJ) shall be amended; and Condition 5.9 (patrons that exit the interior establishment by 2:00 a.m.)

Commissioner Altschul requested confirmation regarding the hours for closing; which shall reflect sales and service shall cease 30 minutes prior to closing, and consumption of alcohol shall cease at closing.

ACTION: 1) Bring back an amended draft resolution as directed at the next regularly scheduled meeting on Thursday, October 20, 2016 for the property located at 8465 Holloway Drive, West Hollywood, California; and 2) Close Public Hearing Item 10.B. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones, and passes, noting Commissioner Lightfoot noting NO.**

11. NEW BUSINESS.

A. Planning Commission Subcommittee Appointments.

The Planning Commission will review and make appointments to the followings subcommittees and task forces, for terms ending June 30, 2017: 1) Design Review Subcommittee; 2) Long-Range Planning Projects Subcommittee; 3) 1343 Laurel Avenue Visions Concept Committee; 4) Development of Incentives for Designated Multi-Family Properties Task Force; 5) Street Media Needs Assessment; and 6) Transportation Demand Management and Transit Overlay Zone Working Group.

ACTION: Continue this item to Thursday, October 20, 2016. **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, Current & Historic Preservation Planning Manager stated the next regularly scheduled meeting of the Planning Commission on Thursday, October 6, 2016 has been cancelled. The next meeting will be on Thursday, October 20, 2016.

15. PUBLIC COMMENT.

CARLOS DE MENCZES, WEST HOLLYWOOD spoke regarding rooftop activity at Palihouse.

16. ITEMS FROM COMMISSIONERS. None.

17. ADJOURNMENT: Noting the cancellation of the Planning Commission meeting on Thursday, October 6, 2016, the Planning Commission adjourned at 8:12 P.M. to a regularly scheduled meeting on Thursday, October 20, 2016 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.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 20th day of October, 2016 by the following vote:

AYES: Commissioner: Altschul, DeLuccio, Huebner, Jones, Lightfoot,
Vice-Chair Buckner, Chair Aghaei.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



DAVID AGHAEI, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY