



## PLANNING COMMISSION MINUTES

January 15, 2004

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

**1. CALL TO ORDER:**

Chair Altschul called the meeting of the Planning Commission to order at 6:33 P.M.

**2. PLEDGE OF ALLEGIANCE:** Steve Smith led the Pledge of Allegiance.

**3. ROLL CALL:**

Commissioners Present: Altschul, Bartolo, D'Amico, DeLuccio, Guardarrama, Hamaker and Thompson.

Commissioners Absent: None.

Staff Present: Debby Linn, Contract Planner, Francie Stefan, Associate Planner, Terry Blount, Associate Planner, Emmeline Elzin Harrigan, Associate Planner, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager, Anne Browning McIntosh, Interim Director of Community Development and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, January 15, 2004 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

**5. APPROVAL OF MINUTES:**

**ACTION:** Approve the Planning Commission Minutes of Thursday, December 4, 2003 as presented. **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

**6. PUBLIC COMMENT:**

CHRISTINE BABST, WEST HOLLYWOOD, spoke in support of Petco and the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions.

**7. ITEMS FROM COMMISSIONERS:**

Vice Chair Hamaker wished everyone a Happy New Year and announced the West Hollywood Gateway will be opening in early March, 2004. She advised of traffic congestion due to construction.

Commissioner DeLuccio asked staff for an update on Cabo Cantina.

**8. CONSENT CALENDAR.** None.

## 9. COMMISSION CONSIDERATION

### A. CREATIVE SIGN PERMIT 2003-003.

Debby Linn, Contract Planner presented the staff report. She indicated the applicant applied for approval to install new signage at Tower Records located at 8801 Sunset Boulevard, West Hollywood, California.

She stated the approval of a Creative Sign Permit is required, since the proposed new signs include roof mounted signs including an electronic graphic sign, a new parking lot sign and two new illuminated signs to be installed within the project site adjacent to Horn Avenue. All of which are not permitted without the approval of a Creative Sign Permit pursuant to the provisions of the Zoning Code.

Vice-Chair Hamaker questioned and asked for clarification if the signs fronting Sunset Boulevard (facing the sidewalk) are part of the signage.

Commissioner DeLuccio questioned Exhibit C in the packet.

Vice-Chair Hamaker asked for an explanation of the two signs fronting Horn Avenue; specifically questioning why they are replacing two illegal signs.

Commissioner D'Amico questioned the current landscaping on the parking lot and would like to see the lot at Horn Avenue and Sunset Boulevard with a permeable surface and landscaping.

**Commissioner DeLuccio motioned for approval of Resolution No. PC 04-521, incorporating Commissioner D'Amico's request that there be a dedication of a [certain amount of land] for permeable space at the approval of the Urban Designer.**

Vice-Chair Hamaker questioned the current fence and aesthetics of the property on Horn Avenue.

ROD OLSEN, SACRAMENTO, representing Tower Records stated that the plan is to remove the chain length fence and use the existing foundations for a [clean] sign.

Commissioner Bartolo questioned the City's policy of non-permanent signs.

Commissioner DeLuccio questioned the percentage of illegal signage.

Vice-Chair Hamaker suggested staff report back to the Commission (with possible photographs) once the project has been completed.

Chair Altschul read into the record the motion on the floor: approve the application, with the addition of adding some permeable space to the satisfaction of the Urban Designer.

**ACTION:** 1) Adopt Resolution No. PC 04-521 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CREATIVE SIGN PERMIT CSP 2003-003, FOR THE PROPERTY LOCATED AT 8801 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Commissioner D'Amico and carried on a Roll Call Vote:**

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

**NOES:** None.

## 10. PUBLIC HEARINGS

### A. 1204 N. CLARK STREET.

This item was continued from the Planning Commission meeting of Thursday, December 4, 2003.

Francie Stefan, Associate Planner presented the staff report. She stated staff recommends granting the appeal based on additional information provided by the appellant and the new property owner. The new information provided establishes the existence and use of the unit as a separate dwelling unit as of January 1, 2000; in compliance with Section 19.36.270.A of the West Hollywood Zoning Ordinance.

Commissioner Thompson commented on the parking situation and would like to see adequate parking provided.

Commissioner Bartolo questioned the layout of the unit and whether adequate parking would be provided on-site. She suggested the elimination of the bedroom unit; thereby providing a third parking space.

Commissioner Guardarrama was opposed to this idea. He stated the new owner bought the property knowing the amnesty program existed and for this particular site, parking is not (was not) an issue for this property.

Commissioner D'Amico agreed with Commissioner Guardarrama and believes the city does not want to take housing away and make room for vehicles.

Commissioner DeLuccio questioned the time limit for legalizing illegal units.

Allyne Winderman, Director of Rent Stabilization and Housing for the City of West Hollywood stated staff has decided to leave the program open-ended (at this time) and allow the process to continue. She recommended staff come back and report on the process of the actual legalization(s).

Chair Altschul questioned the number of units that have been approved (legalized) at staff level.

John Berndt, Residential Code Compliance Officer for the City of West Hollywood stated the city has completed (legalized) a total of five (5) units to date and there are currently eighty (80) units in the process.

**ACTION:** 1) Adopt Resolution No. PC 04-520 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD UPHOLDING THE APPEAL BY ILIA LERNER AND REVERSING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S ACTION DENYING ADMINISTRATIVE PERMIT 2002-75 TO LEGALIZE ONE (1) ILLEGAL DWELLING UNIT (1204 ½ CLARK STREET) AT THE PROPERTY LOCATED AT 1204-1206 CLARK STREET, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner D'Amico, seconded by Vice-Chair Hamaker and carried on a Roll Call Vote:**

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

**NOES:** None.

**B. DEVELOPMENT PERMIT 2003-008, DEMOLITION PERMIT 2003-010, TENTATIVE TRACT MAP 2003-002.**

Terry Blount, Associate Planner presented the staff report. He stated the applicant is requesting to demolish a single-family residence on one (1) lot (8121 Norton Avenue, West Hollywood, California) and two (2) detached single-family residences on another lot (8127-8129 Norton Avenue, West Hollywood, California) and construct a four-story, 16-unit condominium building over a subterranean garage.

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:10 PM AND RECONVENED AT 7:15 P.M. TO REVIEW THE PROJECT MODEL.**

Chair Altschul opened the Public Hearing:

RODNEY V. KHAN, GLENDALE, gave the applicants report. He gave a brief history on the design process and commented on the concerns brought forward by a neighborhood meeting held on August 19, 2003; which included construction, dust and noise issues.

Vice-Chair Hamaker questioned if the current evergreens on the property

would be saved.

It was stated for the record that they would not be saved for this project.

**ACTION:** Close the Public Hearing. **Motion carried by consensus of the Commission.**

Vice-Chair Hamaker questioned when and by which governmental agency the zoning for the area was conceived.

**ACTION:** 1) Approve the application; and 2) Adopt Resolution No. PC 04-514 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2003-008 AND DEMOLITION PERMIT 2003-010 ON AN APPLICATION OF RODNEY KHAN FOR ALLEN AND CAROLINE BABAKHANLOO TO PERMIT THE DEMOLITION OF A SINGLE-FAMILY RESIDENCE ON ONE (1) LOT AND TWO (2) DETACHED SINGLE-FAMILY RESIDENCES ON ANOTHER LOT AND THE CONSTRUCTION OF A FOUR-STORY, 16-UNIT CONDOMINIUM BUILDING OVER A SUBTERRANEAN GARAGE; and 3) Adopt Resolution No. PC 04-515 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2003-002 (MINOR LAND DIVISION 60100) FOR THE PROPERTY LOCATED AT 8121-8129 NORTON AVENUE, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

**THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:20 PM AND RECONVENED AT 7:35 P.M.**

**C. ZONING TEXT AMENDMENT.**

Emmeline Elzin Harrigan, Associate Planner presented the staff report recommending the City Council amend the Zoning Ordinance to allow kiosks in commercial zoned properties. She indicated that kiosks are proposed to be located on private property, fixed in place and would require an Administrative Permit approval to ensure that the design was adequate.

Commissioner D'Amico questioned which shopping centers are currently using kiosks and/or are in the process of approval.

Commissioner DeLuccio questioned staff if they have arrived at a finite number of kiosks, which would be allowed per 1,000 square feet of open space.

Chair Altschul opened the Public Hearing:

MILTON SWIMMER, LOS ANGELES, representative for J.H. Snyder & Company; developer of the West Hollywood Gateway, gave an update and status of the current project. He spoke in support of the proposed amendments to the West Hollywood Zoning Ordinance to permit the use of kiosks on commercially zoned properties.

DEBORAH S. KRAVITZ, SHERMAN OAKS, spoke in support of the proposed amendments to the West Hollywood Zoning Ordinance to permit the use of kiosks on commercially zoned properties.

TAMMY MC KERRON, LOS ANGELES, spoke in support of the proposed amendments to the West Hollywood Zoning Ordinance to permit the use of kiosks on commercially zoned properties. She briefly outlined the design and dimensions of the kiosks planned for the West Hollywood Gateway project.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the proposed amendments to the West Hollywood Zoning Ordinance to permit the use of kiosks on commercially zoned properties.

STEVE SMITH, WEST HOLLYWOOD, spoke in support of the proposed amendments to the West Hollywood Zoning Ordinance to permit the use of kiosks on commercially zoned properties.

**ACTION:** Close the Public Hearing. **Motion carried by consensus of the Commission.**

Commissioner Thompson would like to see Resolution No. PC 04-519; 19.36.155 Kiosks, Section B.1. changed to include language stating “not on the right-of-way” and Section E. changed to reflect that actual kiosk owner(s) deal with their individual trash.

Milt Swimmer, representative for J.H. Snyder & Company; developer of the West Hollywood Gateway, stated the Gateway Project is in charge of disposing of the trash; which would cover all the individual kiosks.

Emmeline Elzin Harrigan, Associate Planner indicated that staff would like to clarify the language in Section G.; indicating that signage may be permitted on the roof(s) of kiosks.

**ACTION:** 1) Adopt Resolution No. PC 04-519 as amended: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONING CODE TEXT AMENDMENT 2003-006 TO ALLOW KIOSKS IN THE CITY'S COMMERCIAL ZONING DISTRICTS OF WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner Thompson, seconded by Vice-Chair Hamaker and unanimously carried.**

## 11. NEW BUSINESS

### A. 508 N. DOHENY DRIVE.

Emmeline Elzin Harrigan, Associate Planner presented the staff report update and status of operational issues related to Petco.

Chair Altschul opened the Public Hearing:

KARI WHITMAN, WEST HOLLYWOOD, representing Ace of Hearts Dog Rescue, spoke in support of her agency and volunteers, which uses the Petco facility for animal adoptions. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

JANET COLE, WEST HOLLYWOOD, has concerns regarding this item. She commented on the additional noise in the neighborhood. She urged the Commission to review Petco's Conditional Use Permit and come up with some realistic solutions that will benefit everyone involved.

BEN LEHRER, SANTA MONICA, has concerns regarding this item. Representing Kitten Rescue, he spoke regarding the influx of pedestrian traffic with dogs in the area and stated that we need to work with the causes for homeless animals.

RANDE STERN, LOS ANGELES, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

JAY BLUMBERG, HOLLYWOOD HILLS, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. He spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of the Ace of Hearts Dog Rescue, which uses Petco facility for animal adoptions. She would like to see the adoptions continue, however, it should be better managed by Petco management.

MELANIE POSEZ, HOLLYWOOD, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She would like to see the pet adoptions continue at this facility.

ANDREA LEWIS, LOS ANGELES, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

KAMERON SEAGREN, BEVERLY HILLS, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

ROSLYN KRAUSE, WEST HOLLYWOOD, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She urged the Commission to allow the adoptions to continue.

STAN LOTHIDGE, WEST HOLLYWOOD, has concerns regarding this item. He requested that Commissioner DeLuccio recuse himself from this item. He stated this item should be a Code Compliance issue and should not be heard in this type of forum.

Chair Altschul stated for the record that it is the responsibility of each Commissioner to recuse themselves in such circumstances to which the law requires.

Commissioner DeLuccio stated for the record he does not live within the 500-foot radius and is capable of hearing this item subjectively.

DAN SIEGEL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood. He requested the Commission change the zoning of the neighborhood to disallow pet shops next to private residences.

TOM HUME, DUARTE, District Manager for Petco Animal Supply, representing the West Los Angeles area. He commented on the operational issues that have been brought forward and spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions.

Chair Altschul questioned the parking lot security of Petco.

Tom Hume responded the parking lot would be locked (chained) after hours beginning on Friday, January 16, 2004.

LAUREN MEISTER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood. She stated this is a land use issue and listed several alternatives to resolving this issue.

LESLIE JORDON, WEST HOLLYWOOD, Vice-President of West Hollywood West Resident's Association, has concerns regarding this item. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

DEBBIE KASTE, WEST HOLLYWOOD, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. She spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

CRAIG WINCHESTER, WEST HOLLYWOOD, spoke in support of the Ace of Hearts Dog Rescue, which uses the Petco facility for animal adoptions. He spoke regarding the (implied) issues of animal defecation, noise and increased traffic and parking in the surrounding neighborhood.

**ACTION:** Close the Public Hearing. **Motion carried by consensus of the Commission.**

Chair Altschul stated the facts of living in an urbanized area. He spoke regarding issues of animal defecation, noise and increased traffic and parking in his surrounding neighborhood. He stated this is not a land use issue. This is a Code Compliance issue. He hopes staff will work with the residences', Petco and the Ace of Hearts Dog Rescue to come to an amicable solution.

He thanked Kari Whitman for her work with the Ace of Hearts Dog Rescue.

Vice-Chair Hamaker thanked the Ace of Hearts Dog Rescue for their work with animal adoptions. She suggested the volunteers find alternate parking (i.e. Pacific Design Center) that would alleviate some of the parking issues on Doheny Drive.

Commissioner DeLuccio asked for clarification on the number of pets currently allowed inside Petco. He stated there should be no changes to the Conditional Use Permit. Staff needs to continue to monitor the situation in conjunction with Code Compliance and work with the residences', Petco and the Ace of Hearts Dog Rescue.

Commissioner Bartolo commented on the operations of Petco Animal Supply and traffic in the surrounding area. She also indicated the noise from (six dogs) barking could not be found egregious.

Commissioner Thompson stated there have been valid property owner concerns brought forward. However, he does not believe this is a land use issue. He moved and suggested the Director of Community Development work with both residences', Petco and the Ace of Hearts Dog Rescue, so that all concerns are heard and met.

Commissioner Guardarrama supports the motion by Commissioner Thompson to work with the residences', Petco and the Ace of Hearts Dog Rescue. He supports directing the Director of Community Development to modify the operational plans if the exchange between the parties is unsuccessful.

**THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 9:20 PM AND RECONVENED AT 9:35 P.M.**

Commissioner D'Amico recused himself from the dais at this time.

**12. UNFINISHED BUSINESS:**

**A. 24 HOUR FITNESS.**

This item was continued from the Planning Commission meeting of Thursday, October 16, 2003.

Francie Stefan, Associate Planner presented the staff report update and status of compliance with the Conditions of Approval contained in the Conditional Use Permit for 24 Hour Fitness, which included 1) the outdoor activity on the pool deck; 2) the 24-hour contact telephone number available to area resident's; 3) a revised exterior lighting plan; and 4) noise from the HVAC units.

JAMES LITZ, WEST HOLLYWOOD, spoke in support of this item. He stated all items of concern have (currently) been addressed. He appreciates the work done by 24-Hour Fitness. He suggested the City of West Hollywood look to the City of Beverly Hills to model and create a Commercial and Residential Transitional Zone Ordinance, which would address residential properties within commercial areas.

ROSLYN KRAUSE, WEST HOLLYWOOD, stated the issues of concern have (currently) been met and hopes it continues throughout the summer months.

Commissioner D'Amico returned to the dais at this time.

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

**14. ITEMS FROM STAFF:**

Susan Healy Keene, Planning Manager announced Emmeline Elzin Harrigan, Associate Planner would be moving out of state and this would be her last public meeting. She thanked her for her years of service to the City of West Hollywood and she would be missed.

She gave an update of Cabo Cantina, which was held on Tuesday, January 13, 2004 at the Director's Hearing. Ray Reynolds upheld staff recommendations that Cabo Cantina provide further sound proofing within the outdoor area and when there were sporting events the awning shall be closed over the patio. She indicated that if this item is appealed, it might come before the Planning Commission at some time in the future.

She also reminded the Commissioners of the upcoming Planning Commission Workshop, which will be held at City Hall, Community Conference Room at 9:30 A.M. on Saturday, January 24, 2004.

Commissioner DeLuccio officially excused himself from the dais and left the meeting at 9:45 P.M.

**15. PUBLIC COMMENT:**

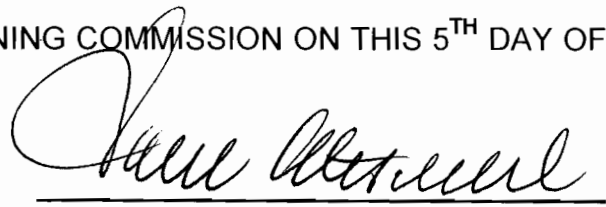
JEANNE DOBRIN, WEST HOLLYWOOD, commented on the recent Director's Hearing regarding Cabo Cantina and made additional comments on Petco Animal Supply.

**16. ITEMS FROM COMMISSIONERS:**

Vice-Chair Hamaker asked staff to look into the City of Beverly Hills' Commercial and Residential Transitional Zone Ordinance and relate how it might be applied to the City of West Hollywood.

**17. ADJOURNMENT:** The Planning Commission adjourned at 9:50 P.M. to a specially scheduled meeting of the Planning Commission, which will be on Saturday, January 24, 2004 at 9:30 A.M. at West Hollywood City Hall, Community Conference Room, 8300 Santa Monica Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

APPROVED BY A MOTION OF THE PLANNING COMMISSION ON THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2004.

  
CHAIRPERSON

ATTEST:

  
Community Development Director