



## PLANNING COMMISSION MINUTES

October 16, 2003

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 6:40 P.M.

**2. PLEDGE OF ALLEGIANCE:** Jeffrey Seymour led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Jack McGee, Contract Planner, Anne Browning McIntosh, Interim Director of Community Development, Francie Stefan, Associate Planner, Christi Hogin, Assistant City Attorney; Susan Healy Keene, Planning Manager and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, October 16, 2003 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, October 2, 2003 as presented. **Motion by Commissioner DeLuccio seconded by Vice-Chair Hamaker and unanimously carried.**

**6. PUBLIC COMMENT:** None.

**7. ITEMS FROM COMMISSIONERS:**

Vice-Chair Hamaker stated for the record the grand opening for the Target® store in the West Hollywood Gateway Project would be Tuesday, March 2, 2004.

Commissioner DeLuccio commented on Cabo Cantina and requested staff to prepare a report coming back to the Planning Commission at a future meeting.

Commissioner Chase announced he would be recusing himself from Agenda Item 9.A.: Minor Conditional Use Permit 2003.02 (8570 Sunset Boulevard, West Hollywood, California). He also stated the City of West Hollywood has granted his reinstatement as Urban Designer and his resignation to the Planning Commission is forthcoming.

Chair Altschul thanked Commissioner Chase for his tenure on the Planning Commission and is pleased to have him back on staff.

**8. CONSENT CALENDAR.** None.

**9. PUBLIC HEARINGS**

Commissioner Chase recused himself from the dais at this time.

**A. MINOR CONDITIONAL USE PERMIT 2003-02.**

Jack McGee, Contract Planner presented the staff report to allow the sales, service and consumption of alcohol in conjunction with a new restaurant; Norman's, located on the West Parcel of the Sunset Millennium Project at 8570 Sunset Boulevard, Suite 3.1, West Hollywood, California.

Commissioner DeLuccio questioned staff as to why this item was not first heard by the Director of Community Development. He also questioned if there was a neighborhood meeting held on October 8, 2003.

Staff informed him that this item moved forward at the Director's discretion and there was a neighborhood meeting held on October 8, 2003.

Vice-Chair Hamaker questioned staff about the [possible] staggered closing times [of other West Parcel restaurants]; in regards to the valet parking.

Commissioner D'Amico questioned staff regarding the sunshade and if it was brought before the current Urban Designer for review.

Chair Altschul opened the Public Hearing.

WAYNE AVRASHOW, ENCINO, representing the owner of Norman's, presented the applicant's report. He gave a brief history of Norman's and current locations throughout the country. He detailed the floor plan of the restaurant and bar as well as noise mitigation in regards to the surrounding neighborhood. He requested approval of this item.

Commissioner Thompson disclosed for the record that he took a tour of the site and was in communication with one of the attorney's representing the owner.

Chair Altschul disclosed for the record that he took a tour of the site.

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

**ACTION:** 1) Adopt Resolution No. PC 03-507 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING MINOR CONDITIONAL USE PERMIT 2003-02, APPROVING FULL ALCOHOL SALES, SERVICE AND CONSUMPTION AS AN ACCESSORY TO A NEW RESTAURANT USE FOR NEW WORLD LOS ANGELES, LLC, FOR NORMAN'S RESTAURNAT AT PROPERTY LOCATED AT 8570 SUSNET BOULEVARD, SUITE 3.1, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner DeLuccio, seconded by Vice-Chair Hamaker and unanimously carried.**

**THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 6:55 PM AND RECONVENED AT 7:10 P.M.**

Commissioner Chase returned to the dais at this time.

**B. DEMOLITION PERMITS 2003-20 AND 2003-21.**

Susan Healy Keene, Planning Manager, presented the staff report requesting demolition of two (2) vacant residential structures and consideration of adoption of a Negative Declaration for property located at 354-356 Sherbourne Drive, West Hollywood, California.

Commissioner Thompson disclosed for the record that he had a conversation with the applicant's attorney.

Chair Altschul disclosed for the record that he had a conversation with the applicant's attorney.

Commissioner DeLuccio disclosed for the record that he received a fax from the applicant's attorney.

Anne Browning McIntosh, Interim Community Development Department gave a brief history of this property.

Vice-Chair Hamaker questioned staff if these units can be picked up and moved. She would like to see these relocated to some vacant lots on Formosa Avenue.

Chair Altschul opened the Public Hearing.

JEFFREY HABER, LOS ANGELES, representing Cedars-Sinai Medical Center, presented the applicants report. He presented a brief history of this property for incoming Commissioner's. He indicated that there have been ongoing meetings with the neighborhood group of West Hollywood West Resident's Association. In response to Vice-Chair Hamaker's request, he stated the buildings would be difficult to move due to their age.

Commissioner DeLuccio asked the applicant if they plan to extend the fifteen-foot buffer along Sherbourne Drive.

Chair Altschul asked the applicant if an entity is found to remove and relocate the buildings, if this would be acceptable.

The applicant stated it would be acceptable, but cautioned that it should not delay the demolition if no one is found within a reasonable amount of time.

ART LAWRENCE, LOS ANGELES, has concerns regarding this item. He spoke regarding the possible vermin if not treated properly before demolition.

JANET COLE, WEST HOLLYWOOD, has concerns regarding this item. She requested the buildings be donated to her if the Demolition Permit is not granted.

LAUREN MEISTER, WEST HOLLYWOOD, opposes this item. She stated the West Hollywood West Resident's Association opposes any demolition that does not have an approved development plan in place.

JEFFREY HABER, LOS ANGELES, representing Cedars-Sinai Medical Center, gave the applicant's rebuttal. He reassured the Commission that all concerns regarding vermin and asbestos would be handled appropriately. He also stated they would comply with all state codes.

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

Commissioner DeLuccio stated that he favors demolition. He would like to see the correspondence continued between the West Hollywood West Resident's Association and Cedars-Sinai Medical Center. He spoke briefly about the hotel overlay and future re-zoning of the property. He also understands if the demolition is approved, his concerns would be the landscape buffer, the fifteen-foot setback and continued fencing [provision of].

Vice-Chair Hamaker would like to find someone to take the buildings before they are demolished and believes the setback buffer is acceptable.

Commissioner Chase noted that there is not a public need for these buildings and there is a sizable difference between a building that is occupied versus non-occupied.

Commissioner Thompson spoke in favor of the demolition; however, he had concerns regarding the enforcement of the conditions set forth.

Commissioner D'Amico moved this item for approval; however, he would like to see four (4) additional in-fill trees along the Sherbourne Drive frontage.

Vice-Chair Hamaker seconded this motion with the condition that Cedars-Sinai Medical Center would be willing to help in the relocation of these buildings.

Chair Altschul stated the relocation of the buildings is not to be incumbent upon the applicant and should not be part of the original motion by Commissioner D'Amico.

Commissioner DeLuccio agreed that this should not be in the motion for approval.

Vice-Chair Hamaker agreed to this omission.

Jeff Haber, representing Cedars-Sinai Medical Center stated that he would be willing to work with staff on this prerequisite.

**ACTION:** 1) Adopt Resolution PC 2003-505 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING DEMOLITION PERMIT 2003-20 AND 2003-21 ON AN APPLICATION BY CEDARS-SINAI MEDICAL CENTER, LOCATED AT 354-366 SHERBOURNE DRIVE, WEST HOLLYWOOD, CALIFORNIA". **Motion by Commissioner D'Amico, seconded by Vice-Chair Hamaker and carried on a Roll Call Vote:**

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

**NOES:** None.

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:40 PM AND RECONVENED AT 7:50 P.M.**

**C. ZONING ORDINANCE TEXT AMENDMENT 2003-05.**

Anne Browning McIntosh, Interim Director of Community Development presented the staff report to modify Article 19-4; Section 19.58; Cultural Heritage Preservation.

She presented a brief history of this item, along with the conditions, which has brought it forward to this point.

The name Cultural Heritage Commission has been officially changed to the Historic Preservation Commission and therefore needs to be changed throughout the Zoning Ordinance to reflect this.

Commissioner DeLuccio questioned staff if anyone has contacted the State Office of Historic Preservation.

Staff indicated they have, but as of this date, no response has been acknowledged.

Commissioner Chase stated the changes brought forward will instill the City Council's confidence in the Historic Preservation Commission and believes it will make it more difficult for someone to stop a project by using the nomination process as a tool.

**ACTION:** 1) Adopt Resolution PC 2003-506 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL, ADOPTION OF ZONING CODE TEXT AMENDMENT 2003-05 CHANGING "CULTURAL HERITAGE" TO "HISTORIC PRESERVATION" THROUGHOUT SECTION 19.58 WITH ADDITIONAL AMENDMENTS TO SECTION 19.58.070 (A) 1 AND 3". **Motion by Commissioner DeLuccio seconded by Vice-Chair Hamaker and unanimously carried.**

**10. NEW BUSINESS:** None.

**11. UNFINISHED BUSINESS:** None.

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

**13. ITEMS FROM STAFF:**

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

**A. UPDATE ON 24 HOUR HEALTH AND FITNESS.**

Francie Stefan, Associate Planner presented the staff report and update of the Code Compliance actions for 24 Hour Fitness, located at 8612 Santa Monica Boulevard, West Hollywood, California.

She summarized the following:

1. Fitness classes have been permanently canceled in the pool area.
2. Outdoor activity by the pool deck, outside of operating hours is currently an ongoing issue.
3. A 24-hour telephone number has been made available to one resident and is available to the public by request.
4. A revised exterior lighting plan has not been received as of this date.
5. Noise from the HVAC units is currently an ongoing issue.

Vice-Chair Hamaker questioned staff how many HVAC units there are and asked if there is a standard cover for this type of equipment. She also questioned the legalities of closing and locking the doors by the pool area.

Commissioner DeLuccio questioned the time frame of the parapet around the HVAC units and who the contact person is at 24 Hour Fitness. He requested staff to provide the 24-hour contact telephone number.

Chair Altschul opened the Public Hearings.

NINA RAEY, TUSTIN, representing 24 Hour Fitness, gave the applicants report. She stated that she has just been retained by 24 Hour Fitness and apologized that she is not fully up to date on all the violations that are in question. She provided a brief update to the following:

- In regards to the use of the pool, she indicated that efforts have been made with signs and notices to members, but unfortunately not all members can be reached or notified about this.
- Phone numbers are in the process of being made available to the general public.
- She stated the lighting situation is a problem of the parking garage. 24 Hour Fitness does not own the parking structure and so unfortunately is not able to resolve this matter.
- An electrical engineer has been hired in regards to the noise from the HVAC units and that is currently being looked into.

Chair Altschul reminded Ms. Nina Raey that these issues have been brought before the Planning Commission many times before and to date, have not been properly resolved.

DENISE MC CANLES, WEST HOLLYWOOD, has concerns regarding this item. She spoke in support of the pool at 24 Hour Fitness and urged the Commission to keep the pool open.

ROSLYN KRAUSE, WEST HOLLYWOOD, has concerns regarding this item. She commented on the noise coming from the gym in the early morning hours and indicated something really needs to be done.

JAMES LITZ, WEST HOLLYWOOD, has concerns regarding this item. He stated that 24 Hour Fitness has addressed most issues of concern, however there are two (2) items that still need to be corrected: 1) HVAC units and 2) telephone number(s).

JOHN D'AMICO, WEST HOLLYWOOD, has concerns regarding this item. He spoke on this item as a citizen of West Hollywood and not as a Planning Commissioner. He gave examples of running a "sloppy operation".

Commissioner DeLuccio stated the issues he had with the noise and questioned why they couldn't be better neighbors over simple items. He questioned staff for their recommendation.

Chair Altschul questioned the City Attorney regarding the different courses of action currently available.

Commissioner Chase would like to see this item come back to the Planning Commission as an update at a later date.

Commissioner Thompson urged 24 Hour Fitness to correct the problems.

Vice-Chair Hamaker believes that a deadline needs to be set for these issues to be corrected.

ALEXA CANTU, WEST HOLLYWOOD, representing 24 Hour Fitness, gave the applicant's rebuttal. She stated that the HVAC units are currently on timers from 10:00 PM to 6:00 AM. 24 Hour Fitness believes the noise is coming from the pool pumps, not the HVAC units, and is currently having engineers investigate this. They now currently have monitors patrolling the area(s) in question. She also indicated that an 800-telephone number would be connected to a human voice, which can provide management and executive numbers 24 hours a day.

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

Chair Altschul suggested this item return the Planning Commission in ninety (90) days for review.

**ACTION:** 1) Continue this item for review and 2) bring back to the Planning Commission meeting of Thursday, January 15, 2004.  
**Unanimously carried.**

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

**B. DISCUSSION OF UPCOMING PLANNING COMMISSION MEETING: SCHEDULING.**

Susan Healy Keene, Planning Manager reiterated the following dates the Planning Commission will be meeting for the remainder of this calendar year:

- Thursday, November 6, 2003
- Thursday, November 20, 2003
- Thursday, December 4, 2004

She also stated the following dates have been cancelled due to a lack of quorum:

- Thursday, December 18, 2003
- Thursday, January 1, 2004

**14. PUBLIC COMMENT:** None.

**15. ITEMS FROM COMMISSIONERS:**

Chair Altschul suggested the property at 8969 Keith Avenue come before the Planning Commission for a staff report update at the next available Planning Commission meeting of Thursday, November 20, 2003. He further requested that neighborhood watch groups, neighbors within the standard radius and the owner of the property in question be notified of this meeting.

Chair Altschul questioned the City Attorney regarding the legalities of amending the Administrative Permit while it is currently in process; in regards to 8969 Keith Avenue.

Christi Hogan, City Attorney, indicated if there are issues, they can be referred back to the Director of Community Development for review. **Motion carried by consensus of the Commission.**

Chair Altschul requested staff to prepare an initial report on Cabo Cantina, to come before the Planning Commission at the next available meeting of Thursday, November 6, 2003.

Commissioner DeLuccio congratulated Chair Altschul on getting a Lifetime Achievement Award from the West Hollywood Chamber of Commerce, which will be presented on Thursday, November 6, 2003.

Vice-Chair Hamaker acknowledged contract planner Jack McGee. This was his last meeting with the City of West Hollywood and he will be missed.

Chair Altschul acknowledged Jack McGee and thanked Commissioner Chase for his time on the Planning Commission.

16. **ADJOURNMENT:** The Planning Commission adjourned at 8:45 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, November 6, 2003 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 6<sup>TH</sup> DAY OF NOVEMBER, 2003.

  
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CHAIRPERSON

ATTEST:

  
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Community Development Director