



PLANNING COMMISSION MINUTES

January 3, 2002

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

1. CALL TO ORDER

Chair DeLuccio called the meeting of the Planning Commission to order at 6:30 PM.

A. Pledge of Allegiance

The Pledge of Allegiance was led by Lauren Meister.

B. Roll Call

Commissioners Present:

David Behr, Brad Crowe, Donald DeLuccio, Barbara Hamaker, Barbara Hewitt and Brad Torgan.

Commissioners Absent:

John Altschul

Staff Present:

Mark Persico, Community Development Director; Susan Healy Keene, Planning Manager; Christi Hogin, Assistant City Attorney; Jennifer Davis, Senior Planner; John Keho, Senior Planner; Terry Blount, Associate Planner, Emmeline Elzin Harrigan, Associate Planner, Jack McGee, Contract Planner; Elinor Aurthur, Contract Planner; and Jennifer Diaz, Administrative Staff Assistant.

C. Approval of Agenda

Action: Approve the Agenda with the following amendment: move the Consent Calendar item to the Excluded Consent Calendar.

Motion: Crowe Second: DeLuccio

Vote: All Ayes

Motion passes

D. Posting of Agenda

The agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. PUBLIC COMMENT

A. Lauren Meister, West Hollywood, requested her comments in the minutes of November 15, 2001 be corrected. Also commented on the Cedars parking lot hearing proceedings.

- B. Craig Ritchie, West Hollywood, spoke on the outdoor dining of restaurants on Sunset that have expanded into the sidewalks forcing pedestrians into the street.

3. ITEMS FROM COMMISSIONERS

Crowe - Commented on the Cedars parking lot hearing and stated that he asked if the GIS system reflected if his property was within 500 feet from the Cedars Lot and found that his property is approximately 600 feet away from the lot per a county engineers map.

DeLuccio - Stated that he has requested new radius maps from staff for the Commission.

Torgan - Inquired if the Cedars Lot will be agendized to include the two commissioners who were excluded from the hearing and have since been determined not to be within 500 feet of the Cedars Lot.

Christi Hogin - Clarified that at the time the two commissioners were excluded, there was not enough time to dispute the findings presented. Agreed that better maps need to be provided.

Behr - Inquired about an attempt to put up billboards on the MTA lot.

4. ITEMS FROM STAFF

Mark Persico - Informed the Commission that the MTA tried to erect two signs in their maintenance yard. Two code enforcement officers were at the site until midnight on New Years Eve.

Christi Hogin - Clarified that a Bill that went into effect January 1, 2002 that required the MTA to get local permits prior to erecting any billboards, therefore the MTA was trying to put up the signs before midnight.

5. CONSENT CALENDAR

Move to Excluded Consent Calendar.

6. EXCLUDED CONSENT CALENDAR

A. Minutes - November 15, 2001

Action: Review the public comment's and Amend the Minutes of November 15, 2001 accordingly and bring back on January 17, 2002.

Passed by a consensus of the Commission.

7. COMMISSION CONSIDERATION

None.

8. PUBLIC HEARINGS

A. Creative Billboard Permit 2001-54: Use of a creative billboard for 6 months.

Applicant: Regency Outdoor

Location: 8285-8295 Sunset Boulevard

Planner: Jack McGee

Recommendation: Deny the request subject to the findings and conditions in the proposed Resolution.

Chair DeLuccio opened the public hearing.

Jack McGee presented the Staff Report.

Bonnie Kingry, Regency Outdoor, presented the applicant's report.

Action: Close the Public Hearing

Motion: Torgan Second: Behr

Motion passes by a consensus of the Commission

Action: Adopt Resolution No. PC 2002-402, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING CREATIVE BILLBOARD PERMIT 2001-54 TO ALLOW A CREATIVE BILLBOARD AT 8285-8295 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

Motion: Behr Second: DeLuccio

Votes: All Ayes

Motion Passes

B. Conditional Use Permit 2001-20: Tall Wall Sign for the east-side of the building at 9201 Sunset Boulevard.

Applicant: Regency Outdoor

Location: 9201 Sunset Boulevard

Planner: Jack McGee

Recommendation: Conditionally approve the request subject to the findings and conditions in the proposed resolution.

Chair DeLuccio opened the Public Hearing.

Jack McGee presented the Staff Report.

Bonnie Kingry, Regency Outdoor, presented the Applicant's Report.

Public Comment:

1. Scott Forbes, Los Angeles, stated that the tall wall sign is one of the largest signs and asked the resolution include that the applicant try to prevent overflow of lighting into residential units.

Action: Close the Public Hearing

Motion: Crowe Second: DeLuccio

Motion passes by a consensus of the Commission

Commission Deliberation/Comments

Torgan - Suggested implementing a condition for proof of a sufficient amount of wall space in the City of West Hollywood be submitted to the satisfaction of the Community Development Director prior to the issuance of the permit. The intent is that the applicant must have at least 5,000 square feet within the City of West Hollywood.

Behr - Stated that his interpretation was that 5,000 square feet of the wall must be within the City and not the graphics and wants to make sure the applicants provide proof from the City of Los Angeles.

Jack McGee clarified that a tall wall sign must have a minimum image area of 5,000 square feet within the City of West Hollywood.

Action: Adopt Resolution No. PC 2002-411, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING AN APPLICATION BY REGENCY OUTDOOR FOR CONDITIONAL USE PERMIT 2001-20 TO ALLOW A TALL WALL SIGN AT 9201 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA."

Motion: Crowe Second: Torgan

Votes: Ayes: Crowe, Hamaker, Torgan, Behr

Nays: Hewitt, DeLuccio

Motion Passes

Action: Include the following amendment in Resolution No. PC 2002-: Prior to the issuance of the permit, proof must be shown to the satisfaction of the Community Development Director that there is sufficient amount of space within the City of West Hollywood's jurisdiction to place the tall wall.

Motion: Torgan Second: Behr

Votes: Ayes: Crowe, Hamaker, Torgan, Behr

Nays: Hewitt, DeLuccio

Motion Passes

C. Conditional Use Permit 2001-15: Placement of recycling facility (small collection) within parking area of existing service station.

Applicant: Armond Abramian

Location: 7564 Santa Monica Boulevard

Planner: Elinor Aurthur

Recommendation: Conditionally approve the request subject to the findings and conditions in the proposed resolution.

Chair DeLuccio opened the Public Hearing.

Elinor Aurthur presented the Staff Report.

Armond Abramian presented the Applicant's Report.

Public Comment

1. Donny Cacy, Los Angeles, stated that the surrounding businesses need the recycling center.
2. Craig Ritchie, West Hollywood, spoke in support of the recycling center.
3. Mark Amiri, Beverly Hills, concerned with the price being offered for recyclable goods and the time of pick up from the facility.

Armond Abramian presented a rebuttal.

Action: Close the Public Hearing

Motion: Behr Second:

Motion passes by a consensus of the Commission.

Action: Adopt Resolution No. PC 2002-405, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2001-15 FOR A MOBILE RECYCLING FACILITY AT AN EXISTING SERVICE STATION AT 7564 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA," with the following amendments: 1) A six month review, from the time of initiation, to be followed by an annual review, and 2) Maintenance of the design of the facility.

Motion: DeLuccio Second: Crowe

Votes: All Ayes

Motion passes

- D. Development Permit 2001-30, Demolition Permit 2001-15 and Modification for front and rear yard set back: Demolish 6-unit apartment building and construct new 8 unit condominium complex with 10% modifications for portions of the front and rear yard.***

Applicant: Giovanni Uriu

Location: 8609 West Knoll Drive

Planner: Emmeline Elzin Harrigan

Recommendation: Conditionally approve the request subject to the findings and conditions in the proposed resolution.

Chair DeLuccio opened the Public Hearing.

Emmeline Elzin Harrigan presented the Staff Report.

Giovanni Uriu presented the applicant's report.

Public Comment

1. Ina Bliss, West Hollywood, commented on the property owner and the poor maintenance on his other properties and is concerned that the building will be in poor condition in the years to come.
2. Allen Riberdy, West Hollywood, stated the condominium complex will decrease

the property values in the neighborhood.

3. Matt Gammel, West Hollywood, concerned with the height of the proposed building and the views of the neighbors that it will obstruct.

Giovanni Uriu presented a rebuttal.

Action: Close the Public Hearing.

Motion: Torgan Second: DeLuccio

Votes: All Ayes

Motion passes

Commission Deliberation/Comments

Torgan - The building might impact the views of neighbors but the owner has a right to build within the property. The owner cannot be forced to change the design of the building so that his project will not affect the neighbors' view.

Crowe - The Design Review Sub-Committee worked with the applicant on the design of the project in accordance to the guidelines in the Zoning Ordinance and the General Plan. There is not a view protection ordinance in the City and the design of the building was created within the perimeters of the code.

Hamaker - Although there are not very many "views" in the City, and the ones that are here are compromised due to the lack of view protections in the Zoning Ordinance.

Action: Adopt Resolution No. PC 2001-406 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2001-30 AND DEMOLITION PERMIT 2001-15 FOR THE DEMOLITION OF AN EXISTING SIX (6) UNIT APARTMENT BUILDING AND THE CONSTRUCTION OF A NEW EIGHT (8) UNIT CONDOMINIUM PROJECT ON AN APPLICATION BY GIOVANNI URIU, FOR THE PROPERTY LOCATED AT 809 WEST KNOLL DRIVE, WEST HOLLYWOOD," with the following amendments: to condition 1.4 of the Resolution and the Tentative Tract Map, change to read "30 days prior to the expiration date" instead of 45 days; In the Landscape section, add additional language, referencing the three Juniper Trees, to indicate "should these Juniper Trees be damaged to the point that they are unable to be sustained at that location that any replacement trees be approved by the Landscape Division."; and raise the bond to \$25,000.00.

Motion: Hamaker Second: Crowe

Votes: All Ayes

Motion Passes

E. Minor Conditional Use Permit 2001-03 and Development Permit 2001-07:

Appeal of Director's approval of an expansion in the outdoor dining area and alcohol service and an existing restaurant.

Applicant: *St. Trop for Sushiya Restaurant*

Appellant: *Planning Commission*

Location: 8650 Sunset Boulevard
Planner: Jennifer Davis
Recommendation: Discuss the appeal and provide direction to staff.

Chair DeLuccio opened the Public Hearing.

Public Comment

1. Mark Montgomery, Los Angeles, spoke on behalf of items E, F, and G. Stated the outdoor dining of the three restaurants adds to the ambiance of the City. Voiced his concern about the fees from the Sunset Bid because he is currently spending \$400,000.00 a year in a clean and safe program.
2. Ina Bliss, West Hollywood, stated that the City can re-acquire the portion of the sidewalk used for outdoor dining and the City was created to be a livable city for residents.
3. Jean Mathison, West Hollywood, opposed to additional hours of restaurants and the extension of liquor service and believes the City should follow the policy of the ABC to stop liquor service at midnight.
4. Robert Knotek, Los Angeles, neighbor of the Sunset Strip and stated the noise is constant and loud 24 hours a day and is opposed to the extension of alcohol service for restaurants.
5. William Condin, Burbank, CLR Enterprises, Inc., represents all three restaurants in the Sunset Plaza. Reviewed concerns of the restaurants with the Sunset BID fees.

Action: Close the Public Hearing

Motion: Hamaker Second: Crowe
Passed by a consensus of the Commission

Commission Deliberation/Comments

Torgan - The reasons for requesting the three restaurant's come before the Commission were due to concerns with policy problems with encroachment into public space, which, at the time of the request, it was not known that the sidewalk was privately owned. Would like an additional finding under section 4 to limit the precedential value of the expansion of seating because it is on private property. Would like to see the following amendments: Cease outdoor alcohol sale at 12 Midnight; and to Section 6.A.a (provision regarding the fees) would like this section removed and no additional fees should be paid by Sushiya for the Clean and Safe Program.

Crowe - The Montgomery's were miles ahead of the City when it incorporated. The sidewalk dining effort was based upon what the Montgomery's had done before cityhood as far as aesthetics, maintenance, security and the operations of their outside dining. They set the goal standard of how to operate a business and the fewer constraints put on Mr. Montgomery the better the City will be and others restaurateurs will learn how to operate first class sidewalk dining and operations.

Behr - Agrees with Comm. Torgan regarding charging the restaurants additional fees as outlined in the Sunset BID, but is uncomfortable with tables in front of other

businesses because it will block the displays of the business. Another concern is that the hours of operation should be consistent between all three restaurants with the alcohol service ceasing at 2:00 A.M.

Hewitt - The Montgomery's have always operated their property very well and she fully trusts' that they will continue to operate in a professional manner.

Hamaker - Inquired if the clothing stores objected to tables in front of their stores.

DeLuccio - Comfortable with four feet wide clearance for a pedestrian right of way, and would like to prohibit all outdoor activities after Midnight with indoor hours ceasing at 1:30 A.M.

Mark Persico - Clarified that the resolution approved by the Director stated that sidewalk dining was not allowed during lunch hours.

Action: Uphold the Decision of the Community Development Director approving and adopting Resolution No. CD 2001-87: "A RESOLUTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT OF THE CITY OF WEST HOLLYWOOD APPROVING MINOR CONDITIONAL USE PERMIT 2001-03 AND DEVELOPMENT PERMIT 2001-07, TO UPGRADE TO FULL ALCOHOLIC BEVERAGE SERVICE, TO EXTEND BUSINESS HOURS AND TO EXPAND THE OUTDOOR DINING AREA IN AN EXISTING RESTAURANT KNOWN AS SUSHIYA, LOCATED AT 8650 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" with following amendments: to section 4.e, an additional finding to state "That it is not detrimental to public health, safety, and interest because the expansion takes place solely on private property and does not expand in the public right of way or other private property."; to section 4.e., remove everything after 2:00 A.M. which states "The hours of alcoholic beverage service are limited to the hours of 11:30 A.M. to 12 Midnight in the outdoor dining areas and 2:00 A.M any other night."; to section 6.x., add " at any time during it's operating hours."; to 6.y. include "4 feet in width and 8 feet high."; and to eliminate section aa.

Motion: Torgan Second: Crowe

Votes: Ayes: Crowe, Hamaker, Hewitt, Torgan, Behr

Nays: DeLuccio

Motion Passes

F. Minor Conditional Use Permit 2001-06 and Development Permit 2001-11:

Appeal of Director's approval of an expansion in the outdoor dining area and alcohol service and an existing restaurant.

Applicant: Bram, LLC for Le Petit Four Restaurant

Appellant: Planning Commission

Location: 8654 Sunset Boulevard

Planner: John Keho

Recommendation: Discuss the appeal and provide direction to staff.

Chair DeLuccio opened the Public Hearing for items 8.F and 8.G.

All testimony given in the Public Hearing of 8.E will incorporate into the Public Hearings of items 8.F and 8.G.

John Keho presented the staff report.

Public Comment:

1. Robert Knotek, Los Angeles, stated that he can hear all of the noise from the Sunset Strip.
2. William Condin, Burbank, has signed statements from the clothing store owners giving permission to additional dining tables at night.
3. Eric Margerte, West Hollywood, spoke in support of the items.
4. Mark Montgomery, Los Angeles, stated that the restaurants have to get permission to have outdoor dining in front of clothing stores. Also stated that the crowd has changed because of the clubs.

Action: Uphold the Decision of the Community Development Director approving and adopting Resolution No. CD 2001-88 "APPROVING MINOR CONDITIONAL USE PERMIT 2001-11 AND DEVELOPMENT PERMIT 2001-06 FOR EXPANDED ON-SITE SALE OF ALCOHOLIC BEVERAGES INCLUDING THE HOURS OF OPERATION AND AN EXPANDED OUTDOOR DINING AREA AT LE PETIT FOUR LOCATED AT 8654 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" with the following amendments: to section 4.e. to state the expansion is solely on private property; to section 7.z. add "4 feet in width and 8 feet in height"; add a condition identical to section 6.x. in Resolution CD 01-87; and to remove an language regarding additional fees.

Motion: Torgan Second: Crowe

Votes: Ayes: Crowe, Hamaker, Hewitt, Torgan, Behr

Nayes: DeLuccio

Motion Passes

G. Minor Conditional Use Permit 2001-07 and Development Permit 2001-12:

Appeal of Director's approval of an expansion in the outdoor dining area and alcohol service and an existing restaurant.

Applicant: Daniel Benhamou for Clafoutis Restaurant

Appellant: Planning Commission

Location: 8630-8632 Sunset Boulevard

Planner: John Keho

Recommendation: Discuss the appeal and provide direction to staff.

Chair DeLuccio opened the Public Hearing for items 8.F and 8.G.

All testimony given in the Public Hearing of 8.E will incorporate into the Public Hearings of items 8.F and 8.G.

John Keho presented the staff report.

Action: Close the Public Hearing.

Motion: Torgan Second: Crowe

Motion passes by a consensus of the Commission.

Action: Uphold the Decision of the Community Development Director approving and adopting Resolution No. CD 2001-89 "APPROVING MINOR CONDITIONAL USE PERMIT 2001-07 AND DEVELOPMENT PERMIT 2001-12 FOR EXPANDED ON-SITE SALE OF ALCOHOLIC BEVERAGES INCLUDING THE HOURS OF OPERATION AND AN EXPANDED OUTDOOR DINING AREA FOR CLAFOUTIS LOCATED AT 8630-32 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" with the following amendments: to section 4.e., and identical finding on expansion as in Resolution CD 01-87; change hours from 11:00 A.M. to 1:00 A.M. to 11:00 A.M. to 12 Midnight; to section 6.m., change the hours to 11:00 A.M. to 12 Midnight; eliminate any condition regarding additional fees; include a condition similar to 6.x and 6.z. in Resolution CD 01-87; and

Motion: Torgan Second: Crowe

Votes: Ayes: Crowe, Hamaker, Hewitt, Torgan, Behr

Nays: DeLuccio

Motion Passes

9. PUBLIC COMMENT

None.

10. ITEMS FROM COMMISSIONERS

None.

11. ITEMS FROM STAFF

None.

12. ADJOURNMENT

Action: To adjourn to the next regular meeting of the Planning Commission on Thursday, January 17, 2002, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion carried by a consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS DAY OF April 18, 2002.

CHAIRPERSON: Donald DeLuccio

ATTEST:

COMMUNITY DEVELOPMENT DIRECTOR: [Signature]