



PLANNING COMMISSION MINUTES

October 18, 2001

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:

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

Commissioners Absent:

None

Staff Present:

Mark Persico, Community Development Director; Hassan Haghani, Acting Planning Manager; Christi Hogin, Assistant City Attorney; John Keho, Senior Planner; Terry Blount, Assistant Planner; Jack McGee, Contract Planner; and Jennifer Diaz, Administrative Staff Assistant

C. Approval of Agenda

Action: Approve the Agenda with the following amendments: Pull Item 5.A. (minutes) and bring back at the November 1st meeting; Switch Items 8.C.1 and 8.C.2; and Move item 5.C to the Excluded Consent Calendar.

Motion: Crowe Second: Altschul

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. Jean Mathison, West Hollywood, spoke in opposition of Sunset Millennium.

B. Richard Kaleh, West Hollywood, spoke on down zoning in West Hollywood West overlay district.

C. Colin Booker, West Hollywood, spoke in support of the removal of hedge height

limits.

- D. Jane Cole, West Hollywood, spoke in support of the removal of hedge height limit.
- E. Lauren Meister, West Hollywood, spoke on the CUP's in regards to alcohol and the City of West Hollywood should place an independent civil administrator to handle this issue.
- F. Don Bruhnke, West Hollywood, spoke in opposition of the Sunset Millennium project.
- G. Neil Zaslavsky, West Hollywood, spoke in support of the Sunset Millennium project.

3. ITEMS FROM COMMISSIONERS

Behr - Inquired about when the Sherbourne Triangle zoning issue will come before the Commission.

Hamaker - Stated that she did not authorize her name on the Sunset Millennium ad and wrote to the Independent about it.

Torgan - Asked Mark Persico to address the steps in the approval of the MCUP's at the Director's Hearing.

Hewitt - Spoke on the petitioners regarding the Sunset Millennium.

DeLuccio - Asked when the height limits in the West Hollywood West overlay zone will be before the Commission.

4. ITEMS FROM STAFF

Hassan Haghani - Stated that issues of conservation of the overlay zone and the height limits on Doheny will be addressed during the visioning process for the General Plan.

Marc Persico - Announced that the Business License Commission will meet at the West Hollywood Park Auditorium on Tuesday, October 23rd at 6:30 P.M. The Commission will hold a public hearing on club 7969 and possible revocation of their operating permits.

Presented the points covered in the decision of approving the three MCUP's at the Director's hearing. The approval's included conditions limiting the hours to outdoor sales of alcohol until midnight and food service until 2:00 AM. There is also a requirement for the businesses to pay into the City's Clean and Safe Program to provide additional Sheriff security on the Boulevard. The appeal period for these items starts from October 18, 2001.

5. CONSENT CALENDAR

A. Minutes - September 20, 2001

Continued to November 1, 2001.

B. Conditional Use Permit 2000-19: Review and possible modification or revocation of previously issued conditional use permit for the operation of a pet grooming business within a pet supply store.

Applicant: Petco

Location: 508 N. Doheny Drive

Planner: Terry Blount

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

Action: Approve and adopt Resolution No. PC 01-390: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD MODIFYING CONDITIONAL USE PERMIT 2000-19 TO PERMIT THE OPERATION OF A PET GROOMING BUSINESS AT 508 N. DOHENY DRIVE, WEST HOLLYWOOD, CALIFORNIA".

Motion: Crowe Second: Torgan

Votes: All Ayes

Motion passes

6. EXCLUDED CONSENT CALENDAR

A. Zoning Text Amendment 2001-06 and Conditional Use Permit 2001-11: Change the tall wall regulation in relation to percentage of windows within a wall area, and a permit for a tall wall conditional use permit.

Applicant: Hillcrest Realty

Location: 8440 Sunset Boulevard

Planner: Jack McGee

Recommendation: Deny the request subject to the findings in the proposed resolutions.

Commissioner Behr had the following amendments to Resolution 2001-394, section 3.A.1: insert "be" after the word "must" on the seventh line down; to section 3.A.2: the second paragraph should be changed to read "Since the proposal does not comply", adding the word does.

Commissioner Torgan had the following amendments to Resolution 2001-393, section 4.E recommended adding to the last sentence the words "non-commercial" after the word suggested.

Action: Approve and adopt Resolution No. PC 01-393: "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING DENIAL OF ZONING TEXT AMENDMENT 2001-06 TO MODIFY THE REQUIREMENTS FOR THE PERCENTAGE OF WINDOW AREA WITHIN WALLS USED FOR TALL WALL SIGNS WITH THE SUNSET SPECIFIC PLAN AREA" and to incorporate the above amendments.

And Approve and adopt Resolution No. PC 01-394: "A RESOLUTION OF THE CITY OF WEST HOLLYWOOD DENYING CONDITIONAL USE PERMIT 2001-11 TO ALLOW A TALL WALL SIGN AT 8440 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA" and to incorporate the above amendment.

Motion: Crowe Second: Behr

Votes: All Ayes, noting the abstention of Altschul

Motion passes

7. COMMISSION CONSIDERATION

None.

8. PUBLIC HEARINGS

A. Conditional Use Permit 2001-05, Development Permit 2001-22 and Parking Use Permit 2001-03: *Enclosure of back patio in existing bar, addition of a dance floor, and provision of off-site parking.*

Applicant: *Gene Smith for Spike*

Location: *7746 Santa Monica Boulevard*

Planner: *Terry Blount*

Recommendation: *Continue to November 1, 2001.*

Action: **Continued to November 1, 2001.**

Motion moved by a consensus of the Commission.

B. Conditional Use Permit 93-37 and Conditional Use Permit 91-10: *Review of the Key Club's operations over the past six months in compliance with the terms of the Conditional Use Permit approved by the Planning Commission in March 2001.*

Applicant: *Key Club*

Location: *9035-9039 Sunset Boulevard*

Planner: *John Keho*

Recommendation: *Hold the public hearing and provide staff direction in preparation of a modified resolution.*

John Keho presented the staff report.

Lt. Buddy Goldman presented a report from the Sheriff's Department.

Steve Afriat presented the applicant's report.

Public Comment

1. Pat Godfrey, Los Angeles, spoke in support of the Key Club.
2. Malcolm Shore, West Hollywood, spoke in support of the Key Club.
3. David Jenison, West Hollywood, spoke in support of the Key Club.
4. Harvey Levin, Los Angeles, reported on his involvement with the bus incident and stated that Deputy Bishop would have been a source of the facts from that evening.
5. Neil Zaslavsky, West Hollywood, stated that the Key Club has been a good neighbor and has less incidents and more responsive to it's neighbors than other clubs on Sunset.
6. Hillary Selvin, Los Angeles, spoke in support of the Key Club and other Sunset businesses.
7. Scott Forbes, Los Angeles, commended the Key Club on the improvements from a year ago and pointed out problems with the security guards, the parking lot at the 9000 building, and the problems with the under 21 crowd.
8. Lauren Stalnecker, West Hollywood, spoke in support of the Key Club.

9. Dan Beam, Los Angeles, spoke in support of the Key Club for improving over the past year and recommended a six-month review of the club.

Steve Afriat presented a rebuttal.

Action: Close the public hearing.

Motion: Torgan Second: Altschul

Motion passes by a consensus of the Commission.

Commissioner Comments

DeLuccio - Modify the CUP, require a six month review by the Director, and forward the report to the Planning Commission to be placed on the consent calendar, incorporate bus arrivals into the Key Club's CUP. A 500-foot radius notice will be required for the six- month review.

Altschul - Would prefer to see the six-month review at the Commission level and include a condition to prohibit bus arrivals for 30 days. The Key Club must provide evidence 30 days from this date regarding the 100 parking spaces available on Sunday nights at 9000 Sunset building. Echoed the thoughts that the Key Club has improved conducting business within the past year

Torgan - Agrees with a six-month Director review rather than a Commission review. Does not believe the Key Club should be punitively singled out from the rest of the clubs on Sunset. Does not agree with the 30-day no bus rule and moves to remove that amendment be stricken from the motion.

Hamaker - Impressed with how organized the Key Club has become and hoped that it will become a model to other clubs in the future.

Behr - The Key Club needs to read the project description and the conditions put on their alcohol license.

Roll Call vote to leave in the condition prohibiting bus arrivals for 30 days.

Ayes: Altschul, Crowe,

Nayes: Hewitt, Torgan, Hamaker, Behr, DeLuccio

Action: Modify the Key Club's Conditional Use Permit by requiring a six month review by the Director of Community Development and forward the report to the Planning Commission on the consent calendar, notice the review with a 500-foot mailing and to the public speakers of the October 18th meeting, incorporate bus arrivals, and The Key Club must provide evidence 30 days from this date regarding the 100 parking spaces available on Sunday nights at 9000 Sunset building.

Motion: DeLuccio Second: Hewitt

Votes: All Ayes

Motion passes on a roll call vote.

C. Zoning Ordinance Clean-up Items

1. Conditional Use Permit Requirement for tall walls.

Applicant: N/A

Location: Length of Sunset Boulevard

Planner: Jack McGee

Recommendation: The Zoning Ordinance not be modified in relation to tall wall signs.

Chair DeLuccio opened the public hearing.

Jack McGee presented the staff report.

Action: Close the public hearing

Motion: Crowe Second: Altschul

Motion passes by a consensus of the commission

Action: Move approval of the staff recommendation of not modifying the Zoning Ordinance in relation to tall wall signs.

Motion: Crowe Second: DeLuccio

Votes: All Ayes

Motion passes

2. Hedge Height Limits, Zoning Text Amendment 2001-07

Applicant: N/A

Location: City-wide

Planner: Hassan Haghani

Recommendation: Recommend that the City Council adopt new regulations and guidelines for hedge height limits.

Chair DeLuccio opened the staff report.

Hassan Haghani presented the staff report.

Public Comment

28 Residents spoke in opposition to limits on hedge heights.

Action: Close the public hearing

Motion: Crowe Second: Altschul

Votes: All Ayes

Motion passes

Commissioner Comments

DeLuccio - Concerned with maintenance and safety issues of the hedges.

Torgan - Inquired how the administrative permit fee was calculated. Agrees with trying to strike a balance between privacy and streetscapes, however, does not agree with no restrictions on hedges. Appalled by residents opposing hedge height limits but are agitating for a neighborhood overlay district, they want

another property regulated but not their own. Agrees with the concerns of hedges reaching the 3rd and 4th story floor of apartment buildings and believes the fences and walls should be treated differently than hedges. The issue of back and side yards should be separated from front yards since the balance is privacy versus streetscape and streetscape has no relevance to a side or back yard. Believes that seven feet hedges are a reasonable height and if a single family home is directly across the street from a two-story or more apartment building, then 10 feet hedges should be allowed with out a \$480 permit.

Hassan - Stated that provisions were included in the resolution for vehicular and pedestrian traffic and a procedure for the Department of Transportation to can make a determination of any hazards to be dealt with.

Clarified that the administrative permit is being charged because it is the least expensive and the simplest process for the Planning Division. The report presented is a recommendation to liberalize the existing regulations.

Hewitt - Inquired about the tallest hedges in the City and how many are over ten feet. Does not agree with denying residents the right to see greenery from their homes.

DeLuccio - Safety concerns to look into are: hedges interfering with utility poles, blocking vehicles, and hazardous to pedestrians.

Behr - Concerned that allowing hedges to grow 30 to 45 feet creates a burden on the adjacent properties to have to trim the hedges. Stated that Ficus hedges are potential hazards for damage and the question of who would be responsible for damages of adjacent properties arises. Also foresees people living in apartment buildings complaining of hedges blocking sun light into their 3rd or 4th floor apartments.

Crowe - Does not believe there should be limits on hedges, but there should be regulations on maintenance of the hedges and regulations to protect neighbors from the hedges. Stated that he is in favor of limits on fences.

Action: Recommend to the City Council to remove limits on hedge heights only.

Motion: Altschul Second: DeLuccio

Votes: Ayes: Altschul, Crowe, Hewitt, Behr, DeLuccio
Naves: Torgan, Hamaker

Motion passes.

Action: Recommend to the City Council to leave the code as it is regarding fences and walls.

Motion: Torgan Second: Altschul

Votes: All Ayes

Motion passes.

9. PUBLIC COMMENT

10. ITEMS FROM COMMISSIONERS

Behr - Encouraged the residents who spoke in opposition to hedge height limits to attend the November 19th City Council meeting.

11. ITEMS FROM STAFF

12. ADJOURNMENT

Action: To adjourn to the next regular meeting of the Planning Commission on Thursday, November 1, 2001, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Crowe Second: DeLuccio
Motion carried by consensus of the Commission.

PASSED, APPROVED AND ADOPTED THIS DAY OF December 6, 2001.

CHAIRPERSON: Donald M. DeLuccio

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: 