



PLANNING COMMISSION MINUTES

November 1, 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 Wade Davenport.

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; Tim Foy, Acting Planning Manager; Christi Hogin, Assistant City Attorney; Terry Blount, Associate Planner; and Jennifer Diaz, Administrative Staff Assistant

C. Approval of Agenda

Action: Approve the Agenda.

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. Ken Savage, West Hollywood, spoke in opposition of the liquor licenses approved at the Director's Hearing.
- B. Hillary Selvin, Los Angeles, spoke in support of the three restaurants under Commission Consideration.
- C. James Furman, West Hollywood, spoke in opposition of liquor licenses in the City.
- D. Jerome Cleary, West Hollywood, spoke in opposition to liquor licenses in the City.
- E. Lauren Meister, West Hollywood, stated that the City needs a zoning administrator and more code enforcement.

- F. Neal Zaslavsky, West Hollywood, stated that the commission shows a lack of confidence in City staff and procedures and recommends that the commission proceeds with caution.

3. ITEMS FROM COMMISSIONERS

Altschul - Reported that Jeanne Dobrin is recovering from her surgery and doing well.

4. ITEMS FROM STAFF

None.

5. CONSENT CALENDAR

None.

6. EXCLUDED CONSENT CALENDAR

A. Minutes - September 20, 2001

Action: Approve the Minutes of September 20 with the following amendments: 1) On page 8, insert the word "just" to read "modification is for just three parking spaces."; 2) change space to "requests" to read "Since the zoning ordinance requests"; 3) to page 9, under the second action, add the words alternative and modification to read "Move approval of staffs alternative recommendation for a modification without the screening".

Motion: Altschul Second: Hamaker

Votes: All Ayes

Motion passes

B. Minutes - October 4, 2001

Action: Approve the Minutes of October 4, 2001 with the following amendments: 1) on page 5, added the findings of facts to the action to reflect the language in the resolution, and 2) on page 6, Commissioner Hamaker voted no on the motion.

Motion: Crowe Second: Hamaker

Votes: All Ayes

Motion passes

7. COMMISSION CONSIDERATION

A. Request filed by Chair DeLuccio for reconsideration of:

1. Resolution No. CD 01-87 for the sale of alcoholic beverages, expanded hours of operation, and an increase in outdoor dining in an existing restaurant and outdoor dining area known as Sushiya restaurant located at 8650 Sunset Boulevard.

2. *Resolution No. CD 01-88 for the sale and service of alcoholic beverages, expanded hours or operation, and an increase in outdoor dining at an existing restaurant and outdoor dining area known as Le Petit Four restaurant located at 8654 Sunset Boulevard.*
3. *Resolution No. CD 01-89 for the sale and service of alcoholic beverages, expanded hours or operation, and an increase in outdoor dining at an existing restaurant and outdoor dining area known as Clafoutis restaurant located at 8630-32 Sunset Boulevard.*

Pursuant to Municipal Code Section 19.76.020b1a

Action: Appeal the Community Development Director's approval of Resolutions CD 01-87, 01-88, and 01-89 being that the intensification of uses, these MCUP's represent and raise policy issues that should be reviewed and resolved at the Planning Commission level.

Motion: DeLuccio Second: Altschul

Commissioner Comments & Deliberation

Altschul - There appears to be gaps in the zoning code. The policy issue should also include how much of the sidewalk that the dining area will take up.

Crowe - Inquired what the policy issues are. Also stated that when the Commission reviewed the Sunset Specific Plan there was a unanimous vote to provide an advisory recommendation to the City Council.

Torgan - Stated that deferral was requested in part because of the information received on the proliferation abuses and the issue of expansion in front of adjacent businesses.

DeLuccio - Stated that the three restaurants will be expanding to 1,950 square feet. The outdoor seating, combined, will expand by 234 seats. Recommended to review the three restaurants as a broader issue before moving forward with the permits.

Hamaker - Stated that the staff report did not appear to give any intensification of use and does not think that the intensification of use is a problem. Inquired if all three restaurants will have to come back to the Commission at the same time.

Public Comment

1. William Cowdin, Burbank, spoke on the serving of alcohol permitted by each restaurant and stated the request's are for expansion with approval of surrounding businesses.
2. Robert Bigonnet, Los Angeles, stated that the three restaurants pay for security and street clean up of the surrounding area.

The Question was called

Votes: All Ayes

Motion passes on a roll call vote

8. PUBLIC HEARINGS

A. Development Permit 01-29, Demolition Permit 01-14 and Tentative Tract Map 01-09: *Demolish two existing duplexes, construct six condominium units and tentative tract map.*

Applicant: *Farzad Shooshani/Shooshani Developers*

Location: *914-920 West Knoll Drive*

Planner: *Elinor Aurthur*

Recommendation: *Continue to December 6, 2001.*

Action: **Continue to December 6, 2001.**

Motion moved by a consensus of the Commission.

B. 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: *Deny the request subject to the findings in the proposed resolution.*

Chair DeLuccio opened the public hearing.

Terry Blount presented the staff report.

Christi Hogin - Stated that a neighborhood meeting should have taken place before the application was submitted. The neighbors should voice any concerns at the current public hearing. Informed the Commission that the best time for a decision with no legal question would be at this current public hearing.

Gene Smith presented the applicant's report and requested a continuance of the hearing.

Torgan - Asked if the permits can be approved by operational law per the permit streamlining act.

Christi Hogin - Clarified that the 60 days permit streamlining act begins when the CEQA determination is made, which was June 30, 2001. The Commission can continue the hearing until November 15, 2001 and can also deny the application without prejudice, which would allow the applicant to re-apply at any time.

Gene Smith withdrew the application.

9. PUBLIC COMMENT

- A. Lynda Lowy, West Hollywood, stated that the continuances is a hardship for the elderly neighbors of the Spike Club who come to the public hearings to speak against the club.
- B. Mody Moalem, Los Angeles, stated that the applicant is operating outside the law. Urged the City attorney to enforce all laws and the licenses should be revoked.
- C. Charles Tharpe, West Hollywood, stated he has found drug paraphernalia and has received threatening phone calls.
- D. Paul Provinzane, West Hollywood, stated that the patrons do drugs behind the club and throw trash throughout the neighborhood.

10. ITEMS FROM COMMISSIONERS

Torgan - Stated that the representatives of Spike should take the comments from Code Compliance and clean up their act so that when they re-appear before the Commission the neighbors will not have negative comments to say.

11. ITEMS FROM STAFF

12. ADJOURNMENT

Action: To adjourn to the next regular meeting of the Planning Commission on Thursday, November 15, 2001, at the West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion carried by consensus of the Commission.

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

CHAIRPERSON: Donald M. DeLucia

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: [Signature]