



PLANNING COMMISSION MINUTES

July 19, 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 6:40 PM.

A. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Catherine Hahn.

B. ROLL CALL:

Commissioners Present: Altschul, Behr, Crowe, DeLuccio, Hamaker, Hewitt and Torgan

Commissioners Absent: None.

Staff Present:

Liz Bar-El, Associate Planner; John Chase, Urban Designer; Jennifer Davis, Senior Planner; Tim Foy, Senior Planner; Emmeline Elzin Harrigan, Assistant Planner; Christi Hogin, Assistant City Attorney; John Keho, Acting Planning Manager; David Gillig, Administrative Staff Assistant to the Planning Manager and Carlo Aceytuno, Assistant to Planning Staff.

C. APPROVAL OF AGENDA: Approve the Planning Commission Agenda of Thursday, July 19, 2001 as amended: 1) move Agenda Item 7.D. after Item 7.A. and 2) move Agenda Item 7.G before Item 7.F. **Motion Commissioner Altschul, seconded by Commissioner Behr and unanimously carried.**

D. REPORT ON POSTING OF AGENDA:

John Keho, Acting Planner Manger stated 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:

CATHERINE HAHN, WEST HOLLYWOOD, expressed concerns about possible illegal signage at Tower Records on Sunset Boulevard.

DON BRUHNKE, WEST HOLLYWOOD, commented on the inadequacies of the City of West Hollywood's web-site and asked the Commission to contact the proper personnel for rectifying the problems encountered.

ACTION: Close the Public Comment to public speakers. **Motion carried by consensus of the Commission.**

ITEM 5.A

3. ITEMS FROM COMMISSIONERS:

Chair DeLuccio requested that all Commissioners enunciate and speak clearly into the microphones. He also reminded the public at this time to turn off all cellular phones and pagers

Commissioner Torgan followed up on Catherine Hahn's comments and directed staff of the Code Compliance Division to follow-up with Ms. Hahn's concerns. He also directed staff to bring this item back to the Planning Commission meeting of August 16, 2001 under Commission Consideration. He also commented on the City's web-site.

Commissioner Altschul commented on the neighborhood's concerns regarding the restaurant known as Felt and suggested staff look into a possible neighborhood meeting to address their concerns. He also commented on the construction of The Desmond and their permanent encroachment permit, which is valid through November, 2001.

Terry Slimmer, Transportation Manager briefly responded to Commissioner Altschul's concerns regarding the closure of Cynthia and San Vicente Boulevard

Commissioner Behr followed up on Commissioner Altschul's concerns regarding the restaurant known as Felt and would like to see some type of report come back from staff regarding this property. He also commented on complaints about the property at 7969 Santa Monica Boulevard, formally known as Peanuts, and would also like to see some type of report to follow. He would like to see his Zip Code corrected on mailings from the City from 90069 to 90046

Chair DeLuccio noted for the record that Notices he receives from the City for neighborhood meetings, are usually not received in time for the planned meeting. He also requested that the Director of Community Development be present at future Planning Commission meetings.

Commissioner Torgan requested a list of upcoming Minor Conditional Use Permit projects, with the dates of scheduled Public Hearings listed.

4. CONSENT CALENDAR

A. APPROVAL OF MINUTES:

ACTION: Approve the Planning Commission Minutes of Thursday, June 21, 2001 as amended: 1) edit comments by Jean Dobrin and 2) correct the spelling of Morris Kight's name under Commissioner Comments. **Motion Chair DeLuccio, seconded by Commissioner Behr and unanimously carried.**

Chair DeLuccio moved Item 4.B to the Excluded Consent Calendar for separate

5. EXCLUDED CONSENT CALENDAR

Zoning Text Amendment 2001-05, Sunset Specific Plan Amendment 2001-02, Modification to the Sunset Millennium Development Agreement, Billboard Permits 2001-16, 2001-20 & 2001-26, Creative Billboard Permit 2001-22:

Jack McGee, Contract Planner presented corrections and provided an update for the Resolution related to the Amendment to the Sunset Specific Plan for new billboards in area 5-C, to correct the listed height of an existing building, to modify the Sunset Millennium Development Agreement and for permits for three new V-shaped billboard structures for a total of six new billboard faces and one creative billboard-tall wall.

Commissioner Torgan questioned the letter that was submitted by Latham and Watkins; specifically Section 4.E.; Resolution No. PC 01-377.

Commissioner Behr stated he had concerns on Resolution No. PC 01-378; Section 2.1. He stated the way it is currently worded, it appears the Commission did approve the billboard permit(s). When in actuality the Commission did not approve the billboard permit(s).

Jack McGee noted the error and would make the necessary corrections to Resolution No.: PC 01-378; Section 2.1.

Commissioner Altschul asked City Attorney Hogan to elaborate on the Sunset Specific Plan; that it does not specifically prohibit new V-shaped signs.

City Attorney Hogan gave an in-depth description and clarified the Sunset Specific Plan on V-shaped signs.

ACTION: 1) Approval as revised by Jack McGee, Contract Planner, and 2) striking the words noted by Commissioner Behr in Resolution No. PC 01-378, Section No. 2.1. and 3) to adopt Resolution Numbers PC 01-376, PC 01-377, PC 01-378 and PC 01-379 subject to the findings and conditions in the proposed resolutions, and 4) approving Creative Billboard 2001-22 (tall wall) and 5) modifying the Sunset Specific Plan to correct the height listed for the Playboy Building and 6) denying the remaining requests. **Motion Commissioner Altschul, seconded by Commissioner Crowe and carried on a Roll Call Vote:**

Crowe:	Aye
Altschul	Aye
Hewitt	Aye on PC 01-378 and 01-376 Nay on PC 01-377 and 01-379
Torgan	Aye
Hamaker	Aye
Behr	Aye
DeLuccio	Aye on PC 01-376 and 01-378 Nay on PC 01-377 and 01-379

6. COMMISSION CONSIDERATION

A. Creative Sign Permit 2001-02:

John Chase, Urban Designer presented the staff report on the erection of a creative sign integrated with façade renovations for The Empty Vase.

ACTION: 1) Approve the application with revisions suggested by staff and 2) Adopt Resolution No. PC 01-375 "RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CREATIVE SIGN PERMIT 01-02 FOR 9033 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion Commissioner Crowe, seconded by Commissioner Altschul and unanimously carried.**

B. Creative Sign Permit 2001-03:

Erect a pole sign and two wall signs.

ACTION: 1) Continue this item and 2) bring back to the Planning Commission meeting of Thursday, August 2, 2001. **Unanimously carried.**

7. PUBLIC HEARINGS

A. Development Permit 2001-14 and Demolition Permit 2001-03:

Demolish a single-family home and construct a new single family home.

ACTION: 1) Continue this item and 2) bring back to the Planning Commission meeting of Thursday, September 6, 2001. **Unanimously carried.**

The following agenda item was moved and heard out of order as part of the amended agenda.

D. Development Permit 2001-15:

Liz Bar-El, Associate Planner presented the staff report and details about adding a 500 square-foot enclosure in place of open entrance and planter area at front of the building to bring commercial use closer to the sidewalk for Koontz Hardware.

Commissioner Torgan questioned if this allows the applicant who was compliant with the old West Hollywood Zoning Code, to become compliant with the new West Hollywood Zoning Code; the F.A.R. issue aside.

Chair DeLuccio opened the Public Hearings:

RUSS WILSON, NEWPORT BEACH gave the applicants report.

DON BRUHNKE, WEST HOLLYWOOD, spoke in support of this item.

ACTION: Motion to close the Public Hearings to public speakers. **Motion Commissioner Crowe, seconded by Commissioner Behr and unanimously carried.**

ACTION: 1) Approve the application and 2) Adopt Resolution No. PC 01-371 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD APPROVING DEVELOPMENT PERMIT 2001-15 FOR A 500 SQUARE-FOOT ADDITION TO A NON-CONFORMING PROPERTY, WITHOUT ADDITIONAL PARKING, AT KOONTZ HARDWARE AT THE PROPERTY LOCATED AT 8914 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA". **Motion Commissioner Altschul, seconded by Commissioner Crowe and unanimously carried.**

B. Development Permit 2000-10, Demolition Permit 2000-04, Conditional Use Permit 2000-05, and Tentative Tract Map 2000-02:

Emmeline Elzin Harrigan, Assistant Planner presented the staff report to demolish a single-family residence and construct a four-unit condominium residence over a semi-subterranean parking lot.

Commissioner Torgan reiterated and questioned that the jacuzzi has been removed, and the roof is still used as a terrace/deck.

Commissioner Behr questioned staff about the proposed changes.

Commissioner Crowe had concerns about use of the jacuzzi and/or roof area and believes that there needed to be conditions prohibiting use of the recreation area on the roof and lighting after 10:00 PM. He indicated that this could be detrimental to the surrounding neighbors.

Staff indicated those changes would be made and incorporated into the final Resolution.

Chair DeLuccio opened the Public Hearings:

JACQUES MASHIHI, BEVERLY HILLS representing the owner gave the applicants report.

RUSSELL LATHAM, WEST HOLLYWOOD opposes this item. He is concerned that his property will lose value if his view is impaired by this project.

DENNIS TRIPLETT, WEST HOLLYWOOD opposes this item. He stated his concerns over the demolition of a single-family home to build a multi-story building and that his previous concerns had not been addressed in the revised staff report. He also spoke of improper noticing of the property.

MARSHALL DAVIS, WEST HOLLYWOOD opposes this item. He commented on the aesthetic design of this project and indicated that it does not belong in West Hollywood.

ACTION: Motion to close the Public Hearings to public speakers. **Motion Commissioner Altschul, seconded by Chair DeLuccio and unanimously carried.**

Commissioner Crowe questioned the applicant about the height and roofline of this project.

Commissioner Altschul motioned to approve the project with staff recommendations. **Motion Commissioner Altschul, seconded by Commissioner Crowe.**

Commissioner Crowe stated that he would like to see staff add conditions regarding lighting, screening and activities to the rooftop.

Chair DeLuccio re-stated and added the conditions to the original motion and Commissioner Altschul agreed to the proposed changes.

Commissioner Torgan commented on rooftop activity becoming problematic, but indicated that the design of this roofline diminishes the problem. He also stated that lighting and activity after certain hours should be conditioned, but had concerns regarding screening.

ACTION: 1) Approve the application with changes brought forward by staff and conditions set-forth by the Commission and 2) Adopt Resolution No. PC 01-361 "RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING DEVELOPMENT PERMIT 00-10, DEMOLITION PERMIT 00-04, CONDITIONAL USE PERMIT 00-05 AND MODIFICATION 01-03 FOR THE DEMOLITION OF AN EXISTING SINGLE FAMILY RESIDENCE AND THE CONSTRUCTION OF A NEW FOUR UNIT CONDOMINIUM PROJECT ON AN APPLICATION BY JACQUE MASHIHI, FOR THE PROPERTY LOCATED AT 849 WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA" and 3) Adopt Resolution No. PC 01-364 "RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE PARCEL MAP 25907 (TENTATIVE TRACT MAP 00-02) FOR THE PROPERTY LOCATED AT 849 WEST KNOLL DRIVE, WEST HOLLYWOOD, CALIFORNIA". **Motion Commissioner Altschul, seconded by Commissioner Crowe and unanimously carried.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:50 PM AND RECONVENED AT 8:00 P.M.

C. Conditional Use Permit 2001-07 (Amending Conditional Use Permit 99-20):
Jennifer Davis, Senior Planner presented the staff report on expanding an existing veterinary center into the second level of a building.

Commissioner Torgan had concerns about the square footage that the CUP was amending.

Commissioner Altschul stated his concerns regarding noise that could affect the residents to the north of the property.

Chair DeLuccio opened the Public Hearings:

TODD ELLIOT, WEST HOLLYWOOD representing the owner of TLC Veterinary Center gave the applicants report.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in favor of this Item.

NADIA SUTTON, WEST HOLLYWOOD, spoke in favor of this Item.

DON BRUHNKE, WEST HOLLYWOOD, spoke in favor of this Item.

ACTION: Motion to close the Public Hearings to public speakers. **Motion Chair DeLuccio, seconded by Commissioner Crowe and unanimously carried.**

ACTION: 1) Approve the Conditional Use Permit 01-07 (amending CUP 99-20) for the proposed expansion of the TLC Veterinary Center located at 8723 – 8725 Santa Monica Boulevard, subject to the findings and conditions contained in Resolution No. PC 01-370. **Motion Chair DeLuccio, seconded by Commissioner Hewitt and unanimously carried.**

E. Parking Use Permit 2001-04, Development Permit 2001-25, and Conditional Use Permit 2001-06 (Amendment to permits):

Liz Bar-EI, Associate Planner presented the staff report on the request to substitute off-site parking instead of paying an in-lieu fee to expand the Grafton Hotel by 22 guest rooms along with other changes to the hotel's plans and operations.

Commissioner Altschul recused himself from the meeting at this time.

Commissioner Crowe had concerns regarding the parking situation and use of city streets for the valet service.

Terry Slimmer, Transportation Manager responded to Commissioner Crowe's concerns and stated the Department of Transportation is currently working on alternatives.

Commissioner Behr stated that he is not comfortable granting any type of future approval or implication that the use of Olive Drive is okay. He also stated that he had concerns about whether neighbors of the parking lot properties would receive any notice.

City Attorney Hogan and staff reviewed the new Zoning Ordinance and realized that there are new noticing requirements that were not followed. She suggested that this Item be continued, so as proper noticing could be done for this project.

Chair DeLuccio stated his concern in the use of residential streets and opened the Public Hearings:

JEFFREY S. HABER, LOS ANGELES, of Latham and Watkins, representing the owner and operator of the Grafton Hotel gave the applicants report. He also stated in detail, how and where the parking and access for the hotel will occur.

Commissioner Crowe stated his concerns with the agreement with the Sunset Millennium developer and questioned what happens after the expiration date of ten (10) years?

Commissioner Torgan stated his concerns of how noticing has been done in the past for Parking Use Permits.

Liz Bar-El indicated that all previous Parking Use Permits were processed under the old Zoning Code and the new Zoning Code is now in effect. This permit falls under the new, revised code. However, unfortunately, the section regarding new noticing requirements was overlooked when the noticing was done for this project.

JEANNE DOBRIN, WEST HOLLYWOOD opposes this item. She indicated and referenced other cities, in regards to how they process their Parking Use Permits, in comparison to the City of West Hollywood.

ACTION: Motion to close the Public Hearings to public speakers. **Unanimously carried.**

ACTION: 1) Re-notice this project as required by the new Zoning Code, and 2) Continue this Public Hearing to the Planning Commission meeting of Thursday, August 16, 2001. **Motion Commissioner Crowe, seconded by Chair DeLuccio and unanimously carried.**

Commissioner Altschul returned to the meeting at this time.

The following agenda item was moved and heard out of order as part of the amended agenda.

G. General Plan Amendment 2001-02 and Zoning Text Amendment 2000-04:

Tim Foy, Senior Planner presented the staff report on the legalization of illegal dwelling units and minor changes to the regulations regarding commercial, residential and mixed-use projects.

Commissioner Behr had concerns and relayed that most people would not be able to comply with a five-foot side-yard setback. He then noted the Zoning Code indicates a three-foot minimum and in the Non-Conforming Section it indicates a four-foot minimum.

Commissioner Crowe noted that the Building Codes are largely governed by State Law and the City of West Hollywood cannot waive any of its requirements, but noted that the City of West Hollywood can certainly interpret the State Codes.

Commissioner Hamaker questioned the noticing for a public information session on Tuesday, July 10, 2001; - how many people received the noticing for this meeting and if it was an actual citywide mailing?

Tim Foy, Senior Planner indicated that it was not a citywide mailing. The mailing went out to various individuals who expressed interest, Neighborhood Watch Organizations, Project Area Committee Members and was handed out at the Project Area Committee staff meeting.

Commissioner Torgan acknowledged staff for their hard work on this item.

Allyne Winderman, Director of Rent Stabilization and Housing, thanked the Committee who worked on this project, introduced staff and gave a brief overview of the entire project, which will be funded with a three-year grant from the State of California.

Commissioner Behr had concerns regarding the seven-day noticing period for Administrative Permits and indicated that he doesn't think this is adequate time.

Commissioner Torgan recommended the Posting and Noticing requirements for Administrative Permits be increased from seven (7) days to fourteen (14) days.

ACTION: 1) Approval as amended to include the posting and noticing requirements be increased from seven (7) days to fourteen (14) days and 2) Adopt Resolution No. PC 01-374 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF ZONING TEXT AMENDMENT 2000-04 AND GENERAL PLAN AMENDMENT 2001-02 CONCERNING ILLEGAL DWELLING UNITS". **Motion Commissioner Crowe, seconded by Chair DeLuccio and unanimously carried.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 9:20 PM AND RECONVENED AT 9:25 P.M.

F. General Plan Amendment 99-05 and Zoning Text Amendment 2001-03:

Tim Foy, Senior Planner presented the staff report of the seismic element and related Zoning Code section.

Commissioner Hamaker had concerns regarding structures that are at risk in the City of West Hollywood, which have not been identified.

Commissioner Behr had concerns about the accuracy of the fault lines and questioned if there were recent studies showing this.

Tim Foy, Senior Planner noted that the City of West Hollywood currently does not have any studies for public record that show active faults.

Commissioner Crowe requested language be added to Item No. 3 regarding re-building rights.

Discussion was held regarding the maximum size of a development that could be exempt from Earthquake Fault Studies and if it should be increased up to eight (8) units.

It was unanimously decided that development up to eight (8) units shall be exempted from earthquake studies.

ACTION: 1) Approval as amended that language be added to Item No. 3 regarding the building rights, 2) development up to eight (8) units shall be included in the Ordinance and 3) Adopt Resolution No. PC 01-363 "RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL ADOPTION OF GENERAL PLAN AMENDMENT 99-05 AND ZONING TEXT AMENDMENT 01-03". **Motion Chair DeLuccio, seconded by Commissioner Altschul and unanimously carried.**

8. PUBLIC COMMENT

None.

9. ITEMS FROM COMMISSIONERS

None.

10. ITEMS FROM STAFF

John Keho, Acting Planning Manager stated that the Neighborhood Visioning Workshop for Cedar-Sinai Medical Center Parking Lot has been re-scheduled for Monday, August 6, 2001 at the West Hollywood Park Auditorium at 6:30 PM. He also stated that staff will be bringing forward text amendments to do with the recently adopted West Hollywood Zoning Code and suggested a Text Amendment Sub-Committee be formed.

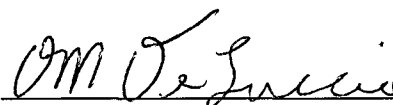
The following Commissioners were appointed to the Text Amendment Sub-Committee: Commissioners Behr, Crowe and DeLuccio.

He also stated that Liz Bar-El, Associate Planner will be leaving the City of West Hollywood on August 3, 2001 and going to the City of Santa Monica.

11. ADJOURNMENT

The Planning Commission adjourned at 10:00 P.M. to the next regularly scheduled meeting of the Planning Commission, which will be on Thursday, August 02, 2001, at the 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 16TH DAY OF AUGUST, 2001.



CHAIRPERSON

ATTEST:



Community Development Director