



PLANNING COMMISSION MINUTES

October 7, 1999

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

1. CALL TO ORDER

The special meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Smith.

A. Pledge of Allegiance

The Pledge of Allegiance was led by Jeff Seymour.

B. Roll Call

Commissioners Present:

Brad Crowe, Donald DeLuccio, Harriet Segal, Steve Smith, Bradly Torgan, John Altschul

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Hassan Haghani, Senior Planner; Tim Foy, Senior Planner; Liz Bar-El, Associate Planner; Terry Blount, Assistant Planner; Elinor Aurthur, Contract Planner; Erika Fleming, City Attorney's Office; Bruce Robertson, Staff Assistant; Tony Leyva, Acting Administrative Assistant.

Others Present:

C. Approval of Agenda

Action: To amend the Agenda (move item 6B to end of Agenda) and approve the Agenda as amended.

Motion: Altschul

Second: Crowe

Votes: All Ayes

Absent: Anderson

Motion carried.

D. Posting of Agenda

This 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. **Jeanne Dobrin, West Hollywood** Commented on deterioration of building located at Santa Monica Boulevard and Doheny (gateway).

(approved) for 99 years.

- Sought clarification on condition (i.) regarding the tenants objecting to public access of the property/building.

Public Comment

Jeanne Dobrin, West Hollywood Commented on CUP approval methods, Art Deco Society.

Commissioner Altschul

- Thinks that the applicant has pushed the envelope a little too far, cannot support stretch due to failure to apply for change of tenancy and other direct violations of the permit given to them in good faith. Although the City does encourage entertainment industry and film production, but not in residential areas, finds the tenancy inappropriate.

Commissioner DeLuccio

- Supports request that in the possible uses (section 8.k.) of the property, it does use the word "art" which on that basis enables him to see the tenancy being there.
- Expressed concern over the applicant not coming forward to apply for a change of use, especially when condition (a.) reads that this resolution was to be recorded with the County Recorder.
- Clarified with staff whether the applicant had a copy of the resolution.

Commissioner Torgan

- Concurs with Commissioner Altschul and feels it is a stretch from a design-related studio to an entertainment industry-related office.

Commissioner Crowe

- Also feels it is a stretch and expressed concern over future tenants.
- Thinks Commission needs to find a way to follow-up land-use actions to make them more prominent in all documents.
- Commented that although using motion picture art as art might be a stretch, we are the Creative City.

Chair Smith

- Chair commented and shared opinions stressed by all the Commissioners and wanted to note one key thing, although he was on the Commission when this was voted and wished the Council had agreed on the Commission's findings and although they did not, the Commission's intent was certainly to limit having businesses with large crowds of people and to allow for a design-related business, not a business that attracted large crowds.

Commissioner Altschul

- The document is recorded, states what the limitations are and the applicant and moreover, the City, are bound by it.
- Commented on the issue of the "stretch" and design concept, to something called "art," and if the design is not art-related, it should not be included, otherwise we're opening up to future stretches to include having businesses that might as well be

- commercial properties.
- Cannot support project.

Action: To approve Resolution No. 99-245.

Motion: DeLuccio

Second: Crowe

Roll Call:	Crowe	Aye
	Altschul	No
	DeLuccio	Aye
	Segal	No
	Torgan	No
	Smith	No

Absent: Anderson

Motion failed.

6. PUBLIC HEARING

A. Minor Conditional Use Permit 99-11: Allow service of beer, wine and distilled spirits in conjunction with food at new 2,774-square-foot full-service restaurant. (Continued from PC meeting September 16, 1999)

Applicant:	Alain Bally for Adolpho Suaya
Location:	8288 Santa Monica Boulevard (AKA Fried Bananas)
Planner:	Elinor Aurthur
Recommendation:	To approve the request subject to the findings and conditions in the proposed resolution.

Elinor Aurthur presented staff report.

Commissioner Crowe

- Expressed concern and questions regarding the restaurant becoming a bar and alcohol service.

Commissioner Altschul

- Commented on restriction of hours of operation.
- Question/clarification regarding a change in policy.

Commissioner Segal

- Questioned how/who monitors if customers drink only (food/liquor ratio), (as opposed to food).
- Questioned parking requirement
- Questioned parking pertinent to number of employees increasing.

Commissioner Torgan

- Question regarding valet parking.

Commissioner DeLuccio

- Questioned total number of parking spaces and if all parking was for all business residing in the entire building/property.

- Sought clarification on two-year parking review, six-month review for the operation.

Commissioner Altschul

- Commented on change in policy, question regarding neighboring residential area.

Public Comment

Alan Bally, Long Beach On applicant's behalf, presented applicant's report.

Commissioner Crowe

- Question regarding time limit.

Public Comment

Jeanne Dobrin, West Hollywood Spoke regarding property which Fried Bananas is on, parking issues.

Commissioner Altschul

- Commented on form for the parking lease, beneficial if signatures had typewritten names below the signatures so it's clear who signed the document, and suggested having signatures notarized so Commission knows for a fact that the person who signed is actually the name printed, although there is no requirement to record this document.

Commissioner Torgan

- Commented regarding the bar area, and the valet/parking being next to residential areas.

Commissioner DeLuccio

- Suggested condition that kitchen remain open at all times when alcohol is served.
- Recommended adding amendment/condition regarding alcohol service, requiring permit to have time limit.

Commissioner Crowe

- Questioned applicant's potential extension of operating hours.

Commissioner Altschul

- Asked assistant city attorney's comment on permit entitlement of 10 years.

Erika Fleming answered to that request.

Ray Reynolds addressed expiration (10 years) of permit.

Commissioner Torgan

- Suggested addressing this issue in Zoning Ordinance meeting.

Commissioner DeLuccio

- Suggested removing time limit from motion.

Action: To approve Resolution 99-223 with an amendment to include a 10-year time limit.

Motion:	DeLuccio	Second:	Torgan
Roll Call:	Crowe		Aye
	Altschul		Aye
	DeLuccio		Aye
	Segal		Aye
	Torgan		Aye
	Smith		Aye
Absent:	Anderson		Motion passed.

C. Development Permit 99-45: Evening use of parking lot to serve an Acting School located at 7846 Fountain Avenue, which is affected by the elimination of rush hour parking on Fountain Avenue due to reconstruction of Santa Monica Boulevard.

Applicant: City of West Hollywood
Location: 1300 N. Crescent Heights Boulevard
Planner: Tim Foy
Recommendation: To approve the request subject to the findings and conditions in the proposed resolution.

Commissioner Crowe

- Question regarding parking hours.

Commissioner DeLuccio

- Question verifying hours with the school.

Public Comment

Elizabeth Reese, Los Angeles In favor of approving project.

Jeanne Dobrin, West Hollywood In favor of project, question regarding parking in perpetuity.

Action: To approve Resolution 99-275.

Motion:	Crowe	Second:	DeLuccio
Votes:	All Ayes	Absent:	Anderson
Motion passed			

D. Conditional Use Permit 99-16: Construction, use and maintenance of a wireless telecommunications facility, including antennas and related equipment.

Applicant: Morey, Seymour & Associates
 AT&T Wireless Services
Location: 8300 Sunset Boulevard (Standard Hotel)
Planner: Wes Joe
Recommendation: To approve the request subject to the findings and conditions

in the proposed resolution.

Commissioner Altschul
Recused himself from this item.

Commissioner Torgan
Requests recusal due to conflict of interest.

Mr. Joe
Presents staff report.

Jeff Seymour, Westlake Village presents applicant's report.

Action: To approve Resolution 99-248.
Motion: Crowe **Second:** DeLuccio
Votes: All Ayes **Absent:** Anderson
Motion passed

E. Conditional Use Permit 97-04: One-year review of previously issued conditional use permit for sale of alcohol for off-site consumption.

Applicant: Roger Watson c/o L.E.A.D.S., Inc.
Location: 8491 Santa Monica Boulevard (AKA Sav-On Drug)
Planner: Terry Blount
Recommendation: To approve the request subject to the findings and conditions in the proposed resolution.

Rejoined by Commissioners Altschul and Torgan.

Mr. Blount presents staff report.

Roger Watson, Orange presents applicant's report/presentation.

Public Comment

Jeanne Dobrin, West Hollywood Speaks on alcohol permit, lack of contact with ABC (Alcohol & Beverage Control) in staff report presentation.

Action: To approve Resolution 99-246.
Motion: Smith **Second:** DeLuccio
Votes: All Ayes **Absent:** Anderson
Motion passed

Recess

B. Appeal of Director's Denial of MCUP 98-08, Development Permit 99-10 & Parking Use Permit 99-02: To allow expansion of existing

restaurant with alcohol and beverage sales and change of floor plan with off-site parking. – **(Continued from PC meeting on August 5, 1999.)**

Applicant: Loren Dunsworth
Location: 945-947 and 949 Fairfax Avenue, (AKA Lola's)
Planner: Liz Bar-El
Recommendation: To uphold the Director's decision and deny the appeal.

Ms. Bar-El presents staff report.

Commissioner Altschul

- Recommends taking ten-minute break to read the report.

Commissioner DeLuccio

- Seeks clarification on what "Gallery" is.

Commissioner Altschul

- Question regarding occupancy maximum.

Public Comment

Hilary Roberts, West Hollywood Opposes Lola's as restaurant.

Charles Kilbride, West Hollywood Opposes Lola's.

Cathy McAuley, Los Angeles In favor.

Cesar Sánchez, Los Angeles Works at Lola's as a chef, in favor of Loren; also commented on cleaning company that cleans around the block every morning picking up bottles, cups, that are delivered to him, and do not belong to Lola's.

Michael B. Scott, Los Angeles Presenting applicant's report.

Loren Dunsworth, Los Angeles Applicant presenting her report.

Commissioner Crowe

- Requests contrast and explanation between bar and restaurant, how is bar different from "full service area?"
- Question regarding "changing of clientele" over time (night).
- Question regarding complaints from neighboring residences, particularly that nothing has changed since previous neighborhood meetings occurred.
- Suggests phone number/contact at the restaurant.

Commissioner Altschul

- Asks for restaurant (maximum) occupancy.
- Requests clarification of office space, how many square feet of space have been added?
- Question regarding retrieving trash earlier than what's being done now (good neighbor policy service).

Commissioner Torgan

- Question regarding practical effect of upholding the Director's decision would be.

Public Comment

Sgt. Harms, West Hollywood Sheriff's Station In charge of Special Problems Unit, Commission asked to comment on security provided in the neighborhood and other questions.

Steve Wayland, West Hollywood Urges Commission to grant the appeal of the Director's denial and approve Lola's expansion.

Ryan Fitzgerald, West Hollywood For restaurant.

Hillary Olson-Demme, Los Angeles Supports restaurant.

Terri Davis, West Hollywood Supports Lola's/Loren.

Roy Grillo, West Hollywood For restaurant.

Rachel Janowitz, Los Angeles In favor of restaurant.

Ruta Lee, Los Angeles For restaurant.

Barbara Stewart, Los Angeles For restaurant.

Thomas P. Rispoli, West Hollywood Against restaurant.

Susana Miller, West Hollywood For restaurant.

Sherrie Rose, West Hollywood Against restaurant.

James Valinski, West Hollywood For restaurant.

Felix Chan, Los Angeles For restaurant (employee).

Westin Scott Hernandez, West Hollywood For restaurant.

Erin Donnell, Los Angeles For restaurant (employee).

Aimee Scott, West Hollywood For restaurant.

Eric Burke, (Toluca Lake) Los Angeles For restaurant.

Justine Priestley, Los Angeles For restaurant.

David Block, West Hollywood Expressed concerns regarding the neighborhood.

William Conklin, Los Angeles For restaurant.

Sherry Kaufman, Los Angeles For restaurant.

Stuart Weisfeld, Beverly Hills For restaurant.

Kimberly Basili, Los Angeles For restaurant.

Laurie Pesce, Santa Monica For restaurant.

Mark Nordike, West Hollywood For restaurant.

Robert Balakrishnan, Los Angeles For restaurant.

Kristen McDonald, Los Angeles For restaurant.

Colleen Grillo, San Diego For restaurant.

Ken Radcliff, Los Angeles For restaurant.

Greg Huebner, West Hollywood For restaurant.

Laurence C. Smith, West Hollywood In favor of expansion.

Jeff Haskins, West Hollywood In favor of restaurant.

Phyllis Francis, Los Angeles For restaurant.

Jeanne Dobrin, West Hollywood Commented, made suggestions on restaurant operations.

Sgt. Harms, Sheriff's Station Answered questions for Commission.

Michael B. Scott, applicant's rebuttal (report)

Commissioner Torgan

- Question regarding use of bar.

Terminate public testimony.

Commissioner DeLuccio

- Questioned staff regarding what they witnessed on their visits to the restaurant.
- Asked staff if there is a compromise that could be reached with the applicant.

Mr. Reynolds commented on issues going on in the neighborhood being the reason for denial, suggested a six-month review and noise mitigation.

Commissioner Altschul

- Acknowledged Ms. Dunsworth's willingness to correct problems.
- Requests in depth request for neighbor cooperation.

Mr. Reynolds

- Adds comment on neighborhood meeting

Commissioner Crowe

- Also comments/adds on periodic neighborhood meeting.
- And on conditions of approval, i.e. parking fee.

Commissioner Torgan

- Suggested that at some point restaurant can become a bar.

Commissioner Smith

- Very concerned with neighbor nuisances.

Commissioner Crowe

- Commented that neighborhood nuisance to be number one priority.
- Convinced that back bar is a bar.
- Possible early closure of back bar.

Commissioner Altschul

- Recommends phone hot-line (posted).
- Cleaning the trash as-we-go program.
- Reduction of service (of alcohol).

Ms. Heep

- Recommends looking at occupancy in back room.

Commissioner DeLuccio

- Suggested limiting back bar only and not hours of restaurant operation.

Commissioner Altschul

- Continue until December 2, amend Motion to direct staff to return with additional floor plan and operational conditions perhaps including hours of alcoholic beverage service, and other conditions discussed, with granting of appeal.

Commissioner Smith

- Commission will continue to discuss this issue until staff reports back.

- Termination of public testimony.

Action: To approve Resolution No. 99-247

Roll Call: Crowe: Aye Altschul: Aye
 DeLuccio: Aye Segal: Aye
 Torgan: Aye Smith: Aye
 Absent: Anderson Motion passes.

Commissioner Crowe

- Requests Director's Monthly Status Report.

Commissioner DeLuccio

- Requests report on Rock, Paper, Scissors.

Next Zoning Ordinance meeting: November 22.

Lisa Heep

- Rock, Paper, Scissors update.
- Owner of the business agreed to allow inspection of premises.
- Edison's fallen power lines.

Commissioner Torgan

- Requested copy of staff report going to City Council regarding Rock, Paper, Scissors update/inspection.

7. PUBLIC COMMENT

8. ITEMS FROM COMMISSIONERS

9. ITEMS FROM STAFF

10. ADJOURNMENT

Action: To adjourn to a regular session of the Planning Commission to October 21, 1999 at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Altschul Second: Segal
 Votes: All Ayes Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF _____, 1999.

CHAIRPERSON: _____

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: _____