



PLANNING COMMISSION MINUTES
Regular Meeting
February 19, 2009

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

1. CALL TO ORDER:

Chair Altschul called the meeting of the Planning Commission to order at 6:38 P.M.

2. PLEDGE OF ALLEGIANCE: Bruce Robertson led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Bernstein, Buckner, Guardarrama, Hamaker, Yeber, Vice-Chair DeLuccio, Chair Altschul.

Commissioners Absent: None.

Staff Present: Michael Barney, Assistant Planner, Laurie Yelton, Associate Planner, Francisco Contreras, Senior Planner, Susan Healy Keene, Community Development Director, John Keho, Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move Item 9.A. (8950 Sunset Boulevard) to Consent Calendar at Item 8.A.

ACTION: Approve the Planning Commission Agenda of Thursday, February 19, 2009 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. January 29, 2009 (Special Meeting)

David Gillig, Commission Secretary, read into the record; Page 1, Item 5.A. Approval of Minutes should read January 15, 2009 and the Action should read January 15, 2009.

ACTION: Approve the Planning Commission Minutes of Thursday, January 29, 2009 as amended. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

B. February 5, 2009

ACTION: Approve the Planning Commission Minutes of Thursday, February 5, 2009 as presented. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

6. PUBLIC COMMENT.

TOM DEMILLE, WEST HOLLYWOOD, commented on the upcoming West Hollywood General Municipal Election and urged voter participation on Tuesday, March 3, 2009.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on over development, the General Plan and on the upcoming West Hollywood General Municipal Election and urged voter participation on Tuesday, March 3, 2009.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR.

**A. 8950 Sunset Boulevard. (James Hotel)
Extension Request Permit 2009-002:**

Applicant is requesting to extend the entitlements which are due to expire October 18, 2009, for a period of twenty-four months.

John Keho, Planning Manager, read into the record the following amended Section 8 of Resolution No PC 09-885: *“On January 20, 2009, Robert Kalonian, on behalf of the property owner, requested a fifth two-year extension on the original permits and an extension of the 2007 permits described above in Section 7”.*

ACTION: 1) Approve the application; and 2) Adopt Resolution No. PC 09-885 as amended “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING EXTENSION REQUEST 2009-002; EXTENDING THE APPROVAL OF CONDITIONAL USE PERMIT 99-03, CONDITIONAL USE PERMIT 99-15, CONDITIONAL USE PERMIT 20058-013, CONDITONAL USE PERMIT 2005-014, DEVELOPMENT PERMIT 2009-06, DEVELOPMENT PERMIT 2005-032, MINOR CONDITIONAL USE PERMIT 99-07, MINOR CONDITIONAL USE PERMIT 99-08, MINOR CONDITIONAL USE PERMIT 99-09, MINOR CONDITIONAL USE PERMIT 2005-016, MINOR CONDITIONAL USE PERMIT 2005-017, MINOR CONDITIONAL USE PERMIT 2007-012, MINOR CONDITIONAL USE PERMIT 2007-013, MODIFICATION PERMIT 99-09, VARIANCE PERMIT 99-12, VARIANCE PERMIT 99-14, PARKING REDUCTION PERMIT 99-03 AND SPECIFIC PLAN AMENDMENT PERMIT 2005-002, UNTIL OCTOBER 18, 2011, AT THE REQUEST OF ROBERT KALONIAN, FOR THE PROPERTY LOCATED AT 8950 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA.” **Moved by Commissioner Bernstein, seconded by Commissioner Hamaker and unanimously carried.**

9. PUBLIC HEARINGS.

A. 8950 Sunset Boulevard. (James Hotel)

Extension Request Permit 2009-002:

Applicant is requesting to extend the entitlements which are due to expire October 18, 2009, for a period of twenty-four months.

ACTION: Move to Consent Calendar as Item 8.A. **Moved by Vice-Chair DeLuccio, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda.**

B. 1317 N. Crescent Heights Boulevard.

(Iranian-American Jewish Temple)

Conditional Use Permit 2008-005, Development Permit 2008-026, Variance Permit 2008-004:

Applicant is requesting to construct a 23,397 square-foot parking garage and legalize and existing non-conforming religious facility.

[VERBATIM TRANSCRIPTION]

Provided and certified by Written Communications, Inc.

Altschul: *Item 9.B., Conditional Use Permit 2008-05, Development Permit 2008-026, Variance 2008-004. The subject property is 1317 N. Crescent Heights Boulevard. It's the Iranian American Jewish Temple. Michael Barney is the Planner. Michael, the staff report please?*

Barney: *Thank you, good evening Chair, Commissioners. The proposal before you this evening is for the property located at 1317 N. Crescent Heights Boulevard, the Iranian American Jewish Center. The subject site is the...as you can see here in the picture, is the northernmost parcel of the entire lot located at the northwest corner of Fountain and Crescent Heights Boulevard. The Applicant is proposing to construct a three-level parking structure with one level being subterranean with 112 parking spaces. The area contains mostly high density multi-family structures in the R4 Zone. The Temple has existed prior to the City's incorporation and is considered Legal Non-Conforming. A variance is being requested to go outside the required setbacks of the Zoning Ordinance and a Development Permit, let's see, a Development Permit is being requested for the construction of the parking garage. Religious facilities are permitted within R4 Zones with a Conditional Use Permit. The request for a variance and for a Development Permit do not meet the findings as stated in the Staff report and the Resolution as there is nothing about the parcel where there are special circumstances applicable including location, shape, size, surroundings or topography or where the strict application of the Zoning Ordinance would deny the property owner privileges enjoyed by other property owners in the vicinity in the same zoning district for a variance and the proposed construction...excuse me. And that the proposed construction does not comply with all other applicable provisions of the Zoning Ordinance regarding setbacks for a Development Permit and therefore we are recommending denial. If the Commission believes that this item has merit, a CEQA analysis would need to be conducted as well as additional analysis for the Conditional Use Permit. There is also a considerable amount of neighborhood opposition to the proposed project. I received additional correspondence from the neighbors in opposition to the project and included them in the Supplemental that briefly describes the neighborhood meeting, which was held on February 11th. It should be in front of you. Thank you very much. I'm available for questions you may have.*

Altschul: Questions of staff?

DeLuccio: I have a question.

Altschul: Donald?

DeLuccio: I'm a little confused. This item has come back to us this evening. Nothing...I don't...I read...nothing new has been presented to me when I got my staff report. And now I got all these minutes from the neighborhood meeting, just got these just now. So how do you expect me to absorb all this information and why is this item before us again this evening?

Keho: Well, the item was continued from the last meeting to this meeting and one of the things that was...from a previous meeting, it was continued. The Commission, my recollection was it didn't do any discussion of that item, just continued it, and so we're bringing forward the very same staff report that...and information that was in that report, so it's the same information that was previously presented. And then in addition, we had a neighborhood meeting. Because of the timelines, the neighborhood meeting was held last week on the 11th and so it was a short timeline to get those minutes together and so that's what we brought forward. The last time we were recommending denial. We're still recommending denial of the request. If the Commission feels that there's merit to the requests, that there might be some validity to the variances, then staff would recommend that the Commission continue the item, so that way we can bring back a full analysis including the CEQA analysis, also bring back more discussion about the non-conformity of the religious facility, bring back information on possible conditions to remedy issues, but that's if the Commission feels that there's merit on the variance. Staff felt fairly strongly that the variance was fairly, in our point of view, fairly clear that no, you can't support the variance, so there was no need to move forward.

DeLuccio: I recall at the last meeting that the Applicant presented some correspondence that evening and I thought staff was going to take the time to do an analysis of that additional....

Altschul: Hang on second. Whose mic is buzzing? Okay, go ahead.

DeLuccio: I thought staff was going to do an analysis of the additional correspondence received from the Applicant and we received and also comment on that and to give...to help us...help me personally, I can't speak for my other Commissioners, you know, determine what direction I'd want to go in this particular project.

Altschul: Any other questions? Oh, go ahead.

DeLuccio: Yeah, I don't...obviously they didn't do any analysis.

Altschul: I thought that was a statement.

DeLuccio: That they, that they have shared with us this evening. Is that true?

Keho: I apologize for that. I guess I, I should've checked up on that after I came back.

Altschul: It's always been my understanding that when there's a use that has been illegal nonconforming, that requests changes to their, to their status, that at that point everything else has to be brought up to conforming state, is that correct still?

Keho: *Everything doesn't have to be brought up to conforming state, but we have to get them...they have to apply for a Conditional Use Permit and that's when we can apply conditions to the establishment, regulate the hours and that type of thing. We wouldn't necessarily make them, you know, eliminate setbacks that were not in compliance, but the use needs to have a Conditional Use Permit.*

Altschul: *In other words, it wouldn't have to chop off the (TALKING OVER).*

Keho: *Correct. They wouldn't have to chop....*

Altschul: *(TALKING OVER).*

Keho: *Right, exactly.*

Altschul: *But other things would have to be looked at like parking standards.*

Keho: *And hours of operations. We'd have to look at the events that take place, the, you know, the capacity, that type of thing, to see if the use is....*

Altschul: *So they haven't applied for a CUP?*

Keho: *They have applied for the CUP.*

Altschul: *Have applied.*

Keho: *And because staff...the reason why they applied for the CUP was because of the variance and the parking structure. Because staff felt fairly strongly that the variance can't be supported, we wanted to bring that to the Commission before we went through all the other analysis and the costs for the Applicant on doing a traffic study and all of that, and see if the Commission felt there is merit to this and then we would do all of that if the Commission agreed.*

Altschul: *So this is kind of a reverse situation where we're asked to comment on whether or not a variance is likely before a CUP is even considered, granted or studied?*

Keho: *Well, there would be no need for the CUP if the variance isn't going to take place, because we can't force them to apply for a CUP. The only reason the CUP would be involved is because of the parking structures being proposed.*

Altschul: *Anybody else have any questions? Barbara?*

Hamaker: *John, under the Zoning Ordinance, because they're illegal nonconforming, are there any standards of behavior and rules and regs about hours and that Code Enforcement can use to enforce certain infractions or not?*

Keho: *They would be just the normal City Municipal Code regarding noise issues from any business, any operations, the normal nuisance issues, nuisance complaints.*

Hamaker: *And are they required to get special event permits to have events?*

Keho: *If the events are related to the religious organization, then no, they don't need any special event permits for that.*

Hamaker: *But if they have some sort of off-site event happening on on-site?*

Keho: They have obtained special event permits when they've had events that have used the public right of way for valet operations.

Hamaker: And do they apply for...how do they park...if they have an event that has 200 people coming, how do they deal with their parking now?

Keho: And that's one of the things that, because it's nonconforming, we don't have a parking plan for them that will tell us....

Hamaker: So they can do whatever they want to.

Keho: As long as they're not impacting the public right of way. If they're using on-site valets that are causing a problem that result in backup on the street, then of course the City would get involved, but if they're parking all the cars on their property and they're not causing any potential problem to the public right of ways....

Hamaker: Okay, so they could tandem park quite a few more cars on there without an infraction.

Keho: Right.

Hamaker: Okay, thanks.

Altschul: Is there a Permit Streamlining Act issue here?

Keho: Let's take a look here.

Altschul: There's been no application....

Keho: It deadline is...yeah, is March 19th.

Altschul: The deadline for a decision on whether or not the variance...

Keho: No.

Altschul: ...should be considered?

Keho: No, the decision to deny it. If the Commission however chose to extend it, to have us do additional analysis, then the CEQA would kick in and the Permit Streamlining Act would be postponed.

Altschul: But it...the decision to deny the variance or the decision to deny the....

Keho: The variance, the decision to deny the variance would be by March 19th.

Altschul: I see. But the decision to deny...consideration of the variance, is that...

Keho: That could...if you say go do a CEQA analysis, then that would be postponed until after we do the CEQA analysis and there would be time to act on it in six months or more.

Altschul: I see, so option number one is to grant the variance.

Keho: No, option number one is to...option number one would be to deny the variance and the project is over with. Option number two is to continue the item so that a full CEQA analysis can take place.

Altschul: And there is no option number three.

Keho: And option...right.

Altschul: So, okay. So I don't understand how there is a Permit Streamlining deadline on something that can't...on something that can't be granted. We can't grant the variance.

Keho: You...there's still a Permit Streamlining Act that applies even if you continue it because after the CEQA analysis, then the Permit Streamlining Act kicks in, but the deadline changes with the CEQA.

Altschul: Okay.

DeLuccio: I have a question. Is another option, if we cannot grant...the grant variance recommendation is denial, would another option be to continue it so they can have the opportunity to come back and compose something that would not require a variance to build...they would build the parking structure within the standards of the Zoning Ordinance?

Keho: Right. Yeah, they can...as the City Attorney was saying, they can do that. If the, if the variance is denied, they can then...then they can....

DeLuccio: They'd have to reapply for that?

Keho: Yes.

DeLuccio: Or...we could...or we can give that direction?

Keho: Yeah, you can give that direction, but it would still be a denial on the variance.

DeLuccio: Okay.

Altschul: Are there any disclosures? Barbara?

Hamaker: Yes, I ran into David Carlat at an event and we had a discussion about this project. I had not read the staff report at the time so it was rather a one-sided conversation.

Altschul: So you listened.

Hamaker: I listened.

Altschul: Any other disclosures? All right, any other questions?

Yeber: I have a quick question. I know that the...it seems like the plans slightly changed from the first set of plans that we saw when it came before us and I guess what I'm trying to figure out, is this...are the decks of the garage open or closed? Is it a total enclosure?

Barney: *The decks still as proposed are open.*

Yeber: *So how is that possible from a Building and Safety standpoint for what's being proposed? I mean, that can't legally happen even if we pass the variance, so how is that happening?*

Keho: *They are telling us that they will deal with that at the Building Permit time.*

Yeber: *Well, but that's a state...you can't break a state law.*

Keho: *They're...they've told...and they're here and they can explain it to you, but we've had this conversation with them and they've said that they can modify their plans or do something that would bring the project into compliance with the Building Code.*

Yeber: *Okay, thank you.*

Altschul: *Has it been suggested to them that they might want to do that before we consider the variance?*

Keho: *Yes, we suggested that.*

Altschul: *And their response?*

Keho: *They wanted to keep on this agenda.*

Altschul: *Any other questions? All right, we will open the public hearing. The first two speakers are David Carlat and Adby Khorramian. You are the Applicants and the Applicant's representative and together you will have 10 minutes.*

Carlat: *Thank you, Commissioners. I have a little prepared speech, but let me just respond quickly to a couple things that have been said that are misleading this evening. It is not true that we have not offered to modify the plans to be in compliance with Code. In fact, we've stipulated both in writing, which I will give you copies of since you do not have as part of your staff report, and verbally at a number of meetings that we acknowledge that that change has to be made. What we have told them is....*

Altschul: *He did.*

Carlat: *David Carlat is my name. At any rate, let me just be clear, our position has been very simple. There will be by the time this Commission has before it, assuming you find enough merit in this case to direct staff this evening to continue with our application, which is what we're requesting you do, there will be many changes that will need to be made, I'm sure. There has been letters written by the City, which you don't have copies of, which we'll make available to you, addressing what some of the concerns of the staff was and regarding this project and our response and I have copies here for you to have as part of your packet. And in that addressing of concerns, this is one of the items that was listed. We've made it clear all along that we intend, when this project comes before this Commission ready for full consideration, which it cannot do tonight since the Conditional Use portion of this application isn't even before you, and it's not before you because staff's position is that they cannot even proceed until there's been some finding by this Commission that we should proceed with this application. It's a bit strange, but we're accepting that premise. So our position is that when you see this proposal before you completed, with all the issues that staff brings before us and with our responses to all of them, we will have modified plans. What we didn't want to do was continually re-modify these plans time and time again. Now from a historic standpoint, we started this project over two and a half years ago and originally the application was for a*

much more extensive project across the street on another lot owned at the corner, northeast corner of Fountain and Crescent Heights by the Temple. That project was way too extensive and very costly and frankly staff made it clear that to get that approved would be a very complicated and convoluted project, so we abandoned that idea and came up with a much more scaled down project, which is the one before you today. In that context, let me just briefly say, the Temple has been suffering along with the neighbors for many years from the lack of adequate parking on this site. As the staff report I'm sure tells you, there's only 39 parking spaces on site at this Temple. When this Temple was built in the 50's, clearly the need of parking that we have today was not apparently as severe. Parking conditions were different because a lot of Temple members walked to the Temple and obviously the parking crisis in West Hollywood at that time was not what it is today. To supplement their parking, the Temple has purchased and uses another parking lot across the street at the corner of Fountain and Temple, which has 85 parking spaces and currently what happens is, cars park on the on-site parking lot and are then valet shuttled back and forth between the other lot and although this does provide additional parking, it also adds to the chaos and the congestion by having all those cars moved from the one lot to the other and then back again when the Temple activities are completed. I don't think many people understand how large this synagogue is. The square footage of the buildings on that site exceed 30,000 square feet and it consists of a sanctuary that has seating for over 1,500 members. It has a separate chapel, two large banquet halls, a K-8 school and a rabbinical college on site. So needless to say, with some occupancy in the 3,000 member with over 30,000 square feet, the 39 parking spaces are clearly inadequate and everybody in the community and the members of the Temple suffer because of it. So our offer to take the existing parking lot to create three levels of parking, one underground, one at ground level, and a roof parking level is a substantial improvement adding 100...well, adding about 79 spaces to the existing 39 for 112 on-site. That should solve much of the parking crisis at this site. I want to point out a few quick points. There's been a lot of concern of course about the impact this parking structure would have on surrounding neighbors and we took that very much into consideration when this application was submitted. The building to the north, the apartment building to the north at the highest point of the proposed parking structure, the lowest window in the adjacent buildings will not be obstructed. To the west, the other apartment building is already shielded by substantial growth and vegetation on both sides of the property and the proposal, our new proposal will be maintain and actually increase that shielding so the ability of anyone on the west side to even see the parking structure will continue to be impossible. There's no way to see through the vegetation. So in terms of visual impact at least, the impact of this parking structure will be minimal on the surrounding community. At the highest point, the parking structure is lower than the existing Temple facility. Tonight what we're asking you to do is to find enough merit in our proposal to try to solve this parking crisis, to ask staff to complete the Conditional Use Permit application, to work with us to try to address the many different variance and other code issues that they brought to our Temple...to our attention, and at some point in the future when that is completed, processed, to come back to you with a full and complete proposal for your consideration and hopefully at that time it'll have the answers to your questions that you've had tonight addressed by both staff and ourselves. And we appreciate your attention. I would also like to submit this evening some 700 signatures from Temple members in support of our proposal. Thank you.

Altschul: *Could you...David, stop the clock please. Mr. Carlat, you...I think you implied at the beginning of your presentation that you are prepared right now to file a request for a CUP, an application to....*

Carlat: *We've always been. In fact, we have strongly, strongly urged staff to accept such an application. We are eager to move forward with such an application and we have always stipulated that we are accepting the fact that such a CUP is required as part of this application.*

Altschul: *I didn't know that an acceptance of a CUP was an option. That...I thought you came up to the counter with the application for a CUP, it got stamped and the process started.*

Carlat: *Well, we filed it and paid the fees. They just have not completed the report.*

Altschul: *In other words, they're saying that the application is incomplete?*

Carlat: *No, they're saying the application should not proceed because there's no merit to the application on the Zone variance standards. Our position is that until the application is completed in the full and complete report is before you that that's a preliminary and in our opinion inaccurate assessment by staff, that we believe that when the full and complete report is before you, including the Conditional Use Permit, that it will address the issues that'll let you make a decision on the merit of the case.*

Altschul: *John, have they come forth with a completed application for a CUP?*

Keho: *Yes, they've submitted the CUP as part of this application.*

Altschul: *Okay, Christi, could you explain please how we got to this point when there's a pending CUP application?*

Hogin: *Hi, this is as I understand it, and John you correct me if I'm wrong, but there's a project that is reliant on a variance, that the project can only be built if there's a variance. Because there is this project, this expansion of the use, that is what kicks in the requirement of also having a CUP. If they weren't going to build the project then they wouldn't need to also get the CUP. In the discussion with staff about the project, staff has said that they don't see any support evidence that would support the findings to...for the variance. So the variance is something that the staff wouldn't recommend, but the rest of the project can't be designed without the variance. And so, that becomes, you know, a point of contention between the two so the variance has been peeled off and brought to you. If you deny the variance, that sends a signal to the Applicant that they have to design a project within the Development Code as it is and that...if they do that, it will come to you with a CUP. They would also have an option of doing nothing. If you say tonight to staff, no, we don't agree with you that this has to be denied, we think that there may be evidence to support a variance, take it back, do the environmental analysis, then the next time you see the variance, it will come with all of the development permits and the CUP.*

Altschul: *Well, I can recall instances where the Applicants have requested that sort of a temperature be taken as to whether or not a variance can be granted before they file a CUP and they were told they couldn't. So how does this coincide with that?*

Hogin: *Well, it's not exactly a temperature. I understand what you're saying because you, you're thinking of it like a preliminary vote and that is only true in retrospect and that is if the Commission finds that there may be a basis to grant the variance. The issue for the Applicant is that it costs a lot of money to put together a complete application, do all the plans, all the renderings, and to be told...*

Altschul: *Yes, and that's my point. That all of that is so and I can recall at least two instances where Applicants have said, it cost a lot of money. It costs...the plans, the fees and all that kind of stuff, can we get the reading on whether or not we're going to get a variance and the City has said no.*

Hogin: *Well...*

Altschul: You have to come in with the full package before we determine whether or not you can get a variance.

Keho: I guess what I would say is, the full package is in. We, as staff, have said that because the variance is so critical to the project, that we don't feel that staff wants to move forward on all that analysis when we come back with a recommendation of denial and then the Commission also denied it and then the Applicant would've spent thousands of additional dollars on a traffic study and other things that might not be needed if the Commission agrees that a variance needs to be denied. This is not unsimilar to what staff has done on a couple of other occasions. There is a development project on Sunset Boulevard, 9016 Sunset Boulevard, where we brought that application without the CEQA analysis and said that we didn't feel that was appropriate at that time. So this isn't very common that we do this, but on occasion when staff has a strong enough point of view on a particular case, that we'll bring it to the Commission before the CEQA analysis is done.

Altschul: Okay, anybody else have any questions at this time? Donald?

DeLuccio: Yeah, I actually have a question of...first I have a question staff. We have correspondence in front of us this evening that I just got from the Applicant and one of the pieces of correspondence is from staff. So, and there's also a piece, a response from the Applicant. How come that was not given to us this evening? Why did it take the Applicant to give us this, give us this information and not staff?

Keho: The Applicant requested that we write that letter to them.

DeLuccio: Okay and so if you write....

Keho: So, so the letter was written to them. It wasn't....

DeLuccio: But isn't it part of the record?

Keho: We have a lot of documents in the record and we don't give every piece of paper that's in our files to the Planning Commission.

DeLuccio: It just feels like we're getting...I feel like I'm getting spotty information here. I'm getting pieces of information....

Keho: Well, that was a specific letter requested....

DeLuccio: I don't think I'm getting complete record here. I'm getting some information and I'm not getting others. I have a question actually for the Applicant. Staff is recommending denial of the variance. I'm reading from your correspondence that you're looking for us obviously to make a decision if we agree with staff or if we would grant a variance. What I find missing here is usually an Applicant will offer in their testimony, which I don't know if I've heard this, maybe you need to refresh my memory, why do you think that we should give you a variance? You know, you're looking to us to decide and staff is saying no. I haven't heard from the Applicant, you know, reasons why we should, you know, should consider a variance.

Carlat: I apologize for not adding that kind of a statement in my testimony, but let me just tell you one of the reasons that we didn't come before you with a full presentation tonight and it's because frankly we did not expect tonight nor do we understand that that is the purpose of tonight for you to determine whether or not this project should or should not be approved, merely whether or not there's merit to our application to add parking on this site with a parking structure. And to the extent that we are prepared to continue to work with staff to design a project that is as much in compliance with codes as possible.

Altschul: *And I think you've answered his question.*

Carlat: *Right.*

Altschul: *To the extent that as I interpret your answer is that you think that it's meritorious to add parking, therefore you think the request for a variance should be taken into consideration...*

Carlat: *Correct.*

Altschul: *...and you can move further.*

Carlat: *Correct.*

Altschul: *That's the answer. Thank you.*

Carlat: *Correct.*

DeLuccio: *I...well, hold on one second. I didn't get an answer and that's fine and I'm willing...I feel like this evening, I just feel like I don't know why this issue is before us. I just don't feel like there's anything new for us to look at, but at all respect, I know the public is here and I really want to apologize for the public keeps coming out to give their testimony and, and I think we need to hear their testimony this evening, but I really, really, I'm just like really frustrated. I'm really sorry, but I am.*

Altschul: *Any other questions? Barbara?*

Hamaker: *To John Keho, could this project be redesigned so that they did not need a variance?*

Keho: *It's certainly possible that they could redesign it. I would presume they would lose parking spaces and that's something that the Applicant might want to address.*

Hamaker: *So they could go up another layer within the Zoning Ordinance?*

Keho: *Yeah, they....*

Hamaker: *And add that?*

Keho: *That's correct.*

Carlat: *Okay, my response to that is we have looked at many, many alternative designs to this particular parking structure. All of them to take into consideration not only the cost to the Temple, but its visual impact and its ability to create as much maximum parking space as physically possible. One of the recommendations by neighbors, for instance, at the neighborhood meeting was that maybe all the parking be underground and, you know, in an ideal situation, that would be fantastic, but from a purely engineering standpoint, it's almost impossible because of the Temple and the surrounding buildings and the cost would be so outrageous that it wouldn't be possible. But of course, if all three layers of parking could be underground at a similar cost or even a moderate additional cost, we would've immediately applied for such an application. So we've looked at many numerous alternatives and are still prepared to have staff and/or the Commission or anyone else in the City make recommend, constructive recommendations to help us solve this problem, but we're not even there yet because unfortunately, in our opinion, staff hasn't even completed the report. We've paid \$12,000.00 for a Conditional Use*

Permit application and we don't even have a staff recommendation one way or another on our application and we feel that we're at least entitled to a completed thorough report from the City that we've paid for and then at that point we feel we'd be in a position to argue the merits of the case on a completed and thorough report and that's what we're asking to be able to do, come back to you with a completed and thorough report that we've paid for.

Altschul: Marc?

Yeber: I have two questions. The first one is, you mentioned early on in your testimony that you have a congregation of about 1,500 people?

Carlat: No, I said that the sanctuary alone has 1,500 seats in the sanctuary. Fixed seating of 1,500 in that one building alone, the total occupancy of that building is over 3,000 with over 30,000 square feet of building space.

Yeber: And then my second question back to the later issue you were just discussing about filing a CUP and not really getting a response from staff, I thought I read in the report somewhere that staff had asked for additional information and have not gotten it from the Applicant in connection with not only the variance but the CUP and other aspects of it. So I'm trying to figure out what's going on here in terms of....

Carlat: Well, well, since full disclosure is what we're supposed to be doing tonight, let's have some full disclosure. After our last meeting where this matter was continued until tonight, I requested on behalf of the Mayor a meeting with the Mayor, the City Manager, the Head of Community Development, the Head of Building & Safety and the Head of Planning. That meeting occurred within a week of that last meeting. One of the things that was said in that meeting was that many things have been requested of us for which our position was we knew nothing about those requests. As a result, it was agreed upon in that meeting that all further requests by the City would be put in writing and our responses would be in writing, and what you have before you tonight that we've given you is the only correspondence we've had from the Planning staff since that meeting and our only response, which we still do not have any reply from staff from. So I will tell you that there is a great amount of discrepancy between what staff feels they've told us and what we believe we've been asked in terms of information and to prevent that from happening in the future, we would like all of our correspondence with Planning to be in writing and our responses will be in writing.

Yeber: Thank you.

Altschul: Barbara?

Hamaker: John Keho, I'm kind of surprised at the number of seats and the size of the organization. If they get the CUP, is the amount of parking that they are wanting to provide enough to cover the size of this organization?

Keho: No, I don't believe it would bring it into compliance.

Hamaker: And if they got the CUP, would they have to come into compliance?

Keho: No, I don't believe we can force them to with the CUP find or construct all the parking spaces. The Conditional Use Permit would be to try to regulate, maybe fix the membership at the current level so it doesn't go beyond it, those type of things to make sure it doesn't expand further and make sure that hours are set and the number of events are set so that way it doesn't expand, but since it's an existing facility and they come into compliance, that's the point of getting the CUP is to set those parameters.

Hamaker: Okay, got you. Thank you.

Carlat: John, and I...

Altschul: Has there been....

Carlat: Sorry, go ahead.

Altschul: Just one second, has there been an extension at all on this hearing on the so-called or the proposed, is the variance viable? Has there been an extension or not?

Keho: I guess I'm not following that question.

Altschul: Can there be an extension of the March 19th date on the...on this issue as to whether or not the...

Keho: Yes.

Altschul: ...variance is viable?

Keho: Yes.

Altschul: Because there has been, as Donald pointed out, an enormous amount of information that was not given to us until tonight.

Keho: Right.

Altschul: There's apparently an enormous amount of information that isn't in the packet at all including the request for the CUP and....

Keho: The CUP request, that's one of the, it's one of the permits that's listed and in the resolution itself, we've identified the CUP and why we're recommending denial.

Altschul: So there's still, there's still an enormous amount....

Keho: But, but yes, you can continue the item and direct us to do a full analysis and we will bring it all back after we do the full analysis of the project.

Altschul: Then...well, that's anti...is there a possibility of a continuance of just this particular issue as to whether or not the variance is viable?

Keho: Right.

Altschul: In order to...

Keho: Yeah.

Altschul: ...in order to number one, have staff work with the Applicant I think on a reasonable basis and number two, for us to digest it.

Keho: If the Applicant agrees to waive the Permit Streamlining Act, then that will give us additional time. I don't remember off the top of my head how many more...90 days.

Altschul: *Is that something...is that a consideration, Mr. Carlat?*

Carlat: *We would in fact anticipate that if you made a determination tonight that it should go back to staff, that we would have to waive to a date certain. We would not want it to be infinitum. It's already been almost a year since we started this process, so we would certainly agree to a date certain.*

Altschul: *You're not responding to the question.*

Carlat: *The answer is yes, we would accept an extension of time.*

Altschul: *On the issue of whether or not the variance is viable?*

Carlat: *If that's what the Commission feels it needs to do tonight in order to get further information, it's fine with us. We don't believe it really changes anything, but at some point, there's going to have to be hopefully a completed application and we're eager to go forward and get that application completed.*

Altschul: *You answered the question yes in...*

Carlat: *Yes.*

Altschul: *...the beginning, is that your answer?*

Carlat: *Yes.*

Altschul: *Are there any other questions?*

Buckner: *I am just wondering because you said you have considered other options that would perhaps not require a variance, but you have determined to not consider those and you want to go forward with this variance. Have you considered other options which might've reduced the number of actual parking spaces where you would still be able to get more on-site parking without requiring this variance, which....*

Carlat: *Well, I can only tell you without giving you a very long diatribe about the many, many conversations we've had among ourselves and with staff for now two and a half years on this whole issue about parking, about the many different potential variations on this and the answer is, sure there are other less successful proposals that would accomplish less than what we're trying to accomplish. As staff has just told you, even with 112 parking spaces on-site, we're still going to be woefully short of the kind of parking that this facility needs. The very large four-story high and two-story basement proposal, which was six floors of parking we proposed across the street initially over two and a half years ago may very well have provided enough parking but it created many other issues in terms of traffic and the staff was pretty clear that it would be a very long arduous project to get that ever approved so we abandoned that idea for a much smaller scaled down proposal to try to mitigate this problem. Now unfortunately, I don't know what the City's long term goal and objective here is. This Temple has been here for more than 50 years. It will probably be there 50 years from now and it will continue to be an enormous impact on the local community and it will continue to be a severe inconvenience to both the members and to the neighbors...*

Altschul: *Thank you, I think...*

Carlat: *...if we don't solve this problem.*

Altschul: *Has your question been answered, Sue?*

Buckner: *Yes.*

Altschul: *Thank you Mr. Carlat.*

Carlat: *You're welcome.*

Altschul: *Let's not have a soliloquy.*

Carlat: *Thank you.*

Altschul: *Are there any other questions of Mr. Carlat at this time? All right, and how much time does the Applicant have left?*

Gillig: *Three minutes 50 seconds.*

Altschul: *Mr. Khorramian, did you wish to speak during...*

Carlat: *Mr. Khorramian is the architect and Adby is here to answer any questions regarding the architecture and any of our time left over we reserve for comment at the end, thanks.*

Altschul: *Then we'll continue with the public hearing, thank you.*

Carlat: *Thank you very much.*

Altschul: *George Eshaghian to be...and by the way, with the number of speakers here, without objection we will limit the speaking time for each speaker to two minutes. George Eshaghian to be followed by Mr. Moghimi or Mrs. Moghimi, whatever the case is. Yes, sir?*

Eshaghian: *Hi, my name is George Eshaghian and I'm a member of the Iranian Jewish community. I just want to say something. My father passed away six months ago in August and they had a ceremony that people came to respect him and although we hire a big valet company that there are 22 people valet and we even rented spaces even on Sunset Boulevard, people had a lot of difficulty and I think the community even the neighbors suffered because of that situation that a lot of people came to give their respect and although we try our best, still because of shortage of parking, we had a lot of problems. So I think to allow the, allowing the building, the additional parking not only help the community...I mean, our synagogue and our Temple for this situation, it going to help the community, the neighbors and we're going to have less problem for the parking area because we have our own parking so we don't want ever put pressure on the neighborhood.*

Altschul: *Mr. Moghimi to be followed by Violet Sassooni.*

Moghimi: *Good afternoon, I'm a member of the...that synagogue for many years and....*

Male: *City of residence?*

Altschul: *Not necessary. Please proceed.*

Dobrin: *Name?*

Altschul: He said his name.

Moghimi: And as far as any event that going on there, we do have a lot of congestion and it's not going to be in favor of the audience there that they are coming as a custom or religious relative and to avoid of any kind of the headache for the neighbors, that they all there and this congestion make a problem, I would like that really I'm asking that you are going to be in favor of the approval of the project.

Altschul: Violet Sassooni to be followed by Julie Summers.

Sassooni: Good evening, my name is Violet Sassooni. I'm here to ask for the approval of additional parking space for the Temple. We attend the Temple many times a year on different occasions, Saturday services, high holidays, memorials for the people who pass away and lots and lots of people come to these services and unfortunate, unfortunately it's a big dilemma finding a parking space. Many people can't even find a parking space and have to leave without even getting into the Temple. And I believe this big problem exists. We need to find a solution. The solution is additional parking space. I'm sure it solves the problem for the neighborhood because this confusion of the cars looking for the parking and the noise and the burden on the traffic all the time, you see the traffic is just stopped. They can't even move, so I believe that denial of this project is going to be just against solving the problem. We need a solution to the problem and I think additional parking space is going to be the solution and it makes everybody happy, the Temple members, the neighborhood and the people who come and need to have a parking space to park and get into the Temple.

Altschul: Thank you.

Sassooni: Thank you.

Altschul: Julie Summers to be followed by Harry Rebhuhn.

Summers: Good evening, my name is Julie Summers and I want to state my appreciation to the City of West Hollywood for its concern for its residents and our current way of life. I'm requesting the Commission to deny the application for the proposed parking structure due to increased traffic, noise and parking. Thank you.

Altschul: Harry Rebhuhn to be followed by A. Cartter Evans.

Rebhuhn: Good evening, Harry Rebhuhn, I'm counsel for Crescent Management, which owns the property at 1341 North Crescent immediately north of the Temple's parking lot. The staff report methodically goes through the requirements of the Ordinance, which are mandatory to get a variance, to get a Conditional Use Permit, to get a Development Permit. None of those requirements...well, many of those requirements have not been met by Applicant and by the proposed project. It was the position of Mr. Carlat at a community meeting that the requirements of the Zoning Ordinance are discretionary and mere guidelines that this Commission can disregard. I do not believe so. I believe it is binding legislation that binds the Commission, that binds the City and that was enacted through the legislative process with free opportunity of all to contribute. One matter of particular concern to my client is that they propose zero feet setback on the northern edge of the parking lot where they plan on building their structure. That would put the wall immediately next to my client's property and subject my client's property to the risk of contagion by fire, to collapse, from earthquake, to injury, to property damage. The requirement of a setback in the State Building Code is there for very specific reason to protect the health and safety of occupants on both sides of the property line and I do not believe it can possibly be legitimately waived for any reason whatsoever. Thank you.

Altschul: A. Cartter Evans to be followed by Sarah Lippman.

Evans: Good evening, I'm A. Cartter Evans and I live at the building directly north of the Temple and the parking structure and I live on the first floor. My bedroom window looks directly out into the parking lot and they...the Temple has events going on almost every night until at least 3:00 in the morning. I've been woken up by noises and car honking and roughhousing in the parking lot and music from the Temple itself. The events are not all religious based and I, I know that I...people deserve to have a good time and I don't like infringing on anyone's right to celebrate, but I chose not to live on the Sunset Strip. I made a choice to live here in this residential area next to a Temple and I...it seems more like a nightclub than a place of worship and they may...maybe it can hold 3,000 people, you know, up to the fire limit, but what kind of place of worship packs everyone to the limit? That seems more like a nightclub and as just the late night music and loud noises coming from the building and even though, you know, I try myself to deal with it, but it's just eating away and I feel like the parking structure being built would just further encourage the Temple to continue prostituting itself each night. So I hope that you deny it. Thank you.

Altschul: Sarah Lippman to be followed by Ann Thorne.

Lippman: Hello, my name is Sarah Lippman. My request is also to deny the building of the parking structure. I also live in the north building to the lot or the lot, the building to the north of the lot. And on the notion that it is run like a nightclub, I just wanted to add to that. Pretty much seven nights a week I'm kept up 'til 3:00 or 4:00 in the morning with the constant noise, the music, the honking of cars, the yelling of people coming and going. They have no respect for the neighborhood. I...on several occasions I've gone outside in the middle of the night, which I don't feel is safe and I've asked for, you know, I live next door, can you please keep it down? I've been met with sneers and snide remarks and just really abusive comments. So I don't see how that would solve a problem by bringing in even more traffic to park next door there. In addition, I just wanted to add that there is the litter. They litter. It drags over to our, you know, parking area. There's constant litter in our own driveway. The streets, I've seen cars with, you know, tossing out the window and it just seems really unfair that that should be invited into our neighborhood. Thank you.

Altschul: Ann Thorne followed by Marla Miller.

Thorne: My name is Ann Thorne and I've lived across from the Temple for at least 21 years. We have never had any problems with the Temple until this group moved in. We call it the Temple Nightclub. There's a huge parking lot down the street which the former tenants used when there was an overflow. It holds 80 cars. I don't see any need to mess up everybody's view from their window, from their apartment window to look on a garage, to have to smell fumes from a car when they can use the parking lot down the street. And the noise is awful. It's almost every night, seven nights a week 'til 3:00 in the morning and this is a residential area. You know, I don't think it's fair to the people who live on that block to have some garage stuck there because they want it there. It's not necessary. They have the other...that's three parking lots. Thank you.

Altschul: Marla Miller to be followed by Jeanne Dobrin.

Miller: Hi, my name is Marla Miller and I live at 1341 North Crescent Heights. And I feel that the Temp...and I've lived there for more than 40 years. The Temple has more than enough parking lot for their members and all the other businesses that rent from them. In fact, they closed their Temple club this week prior to this hearing and the parking lot has been virtually empty. We were told last week that...by David Carlat that

the members don't like to use the lot on the east side of the street because they don't like to cross the street and that's why they're going to spend two and a half million dollars to build this structure. They have...that's absurd and I feel it is a lie because they're renting out their banquet hall, which they turned into a club 24/7, two to three parties a day. The first caterers show up between 5:30 a.m. and 8:00 a.m., unloading, honking, engines running and that noise continues for 15 to 18 to 20 hours per day until the last caterer leaves at 3:00 a.m. There are kids that go to school there that are in the parking lot listening to hip hop with the windows rolled down and we can't say anything during the day, but no one understands that this goes on from seriously 5:30 in the morning 'til 3:30 the next morning. The Temple has taken absolutely no responsibility for the parking lot. The neighborhood meeting three years ago, they made promises that they were going to have a guard, just one person to limit the noise, to regulate it, they said that they would get new rolling carts that were virtually silent. No, not none of that. What else did...oh, no, complete...they have been completely disingenuous. They've only locked their gate one time in the three years since that meeting when they told us they were going to lock the gate every night. They even have a sign that says visitors close at 8:00 p.m. No, the parking lot's 24/7.

Altschul: Thank you, ma'am, your time is up. Jeanne Dobrin to be followed by Phillip Roth.

Dobrin: Jeanne Dobrin, a resident of West Hollywood. I have read the voluminous correspondence in the file especially from Marla Miller over the past three or four years and many other people and I am absolutely shocked at the behavior of this particular group which bought this Temple, which as he said was built 50 years ago, which had an entirely different bunch of congregants from what they have now. I would venture to say that the 700 signatures that Mr. Carlat says he has from people supporting this are from people not living in West Hollywood or the nearby communities. That doesn't mean that this is wrong with one exception. That Temple was built and it was...the congregants came from West Hollywood and the nearby communities, but right now, the majority, the tremendous majority of the congregants are from other communities and most of them are from the Valley. Now that doesn't make the place a bad place except that these people have no respect for the City of West Hollywood or its residents. The people who are running it are the people who are the congregants. I...if the Planning Commission read what I read about the things that happen at 3:00 in the morning and about the caterers and what they do, it is absolutely shocking. Now that does not really change the idea of the points that Mr. Barney has done in voluminous correspondence. The last meeting it was this thick and what Mr. Keho has said, it doesn't change that, but it shows that these people are really not people who deserve extra consideration or what is it, I can't think of the right word, but something extra over and above what the law says. I have known Mr. Carlat by the way for about 30 years. In fact, he slandered me tremendously because he didn't like that I was a realtor and have sold property (TALKING OVER).

Altschul: Thank you, Ms. Dobrin, your time is up. Thank you, your time is up.

Dobrin: Don't believe Mr. Carlat in what he says.

Altschul: Thank you, your time is up Ms. Dobrin. Phillip Roth to be followed by Daniel Jeffers. Love your books, Mr. Roth.

Roth: Thank you. Good evening, my name is Phillip Roth. The Iranian American Jewish Center repeatedly states that they wish to have good relations with their neighbors, but have been entirely unresponsive to their neighbors' requests that they limit hours to something reasonable to a residential community. At last week's community meeting in response to such requests, the synagogue's representative told residents that if we want peace and quiet than we should "move to the country or a quiet city like

Westlake Village.” I request that the Planning Commission deny the synagogue’s request for a variance until the synagogue takes action to show us that they want to be part of the local community rather than suggesting that West Hollywood residents move to the country. The synagogue can show us that they want to be good neighbors by writing a letter to the City Council committing to ending all Sunday to Thursday night events by 9:00 p.m. and ending all Friday and Saturday night events by 10:00 p.m. and committing to have guests, caterers, valets and staff out of the parking and surrounding areas within an hour of the end of their events. I request that the synagogue do this immediately and voluntarily whether or not they’re required to do so by law and not because they want a parking structure, not because they want a variance and not because the City forces them to limit their hours through a Conditional Use Permit, but rather to live up to their words and show us that they’re not just saying they want good relations with their neighbors. I further recommend that the Planning Commission consider the synagogue’s request for any variance only after two years of voluntarily reduced event hours, noise abatement and improved community relations and that the synagogue re-approach staff to consider a joint venture parking structure with the City of West Hollywood across from the synagogue that would serve not only synagogue members but also the businesses on Fountain Avenue between Laurel and Hayworth that have no parking and the residents in the 6R and 7R districts that have inadequate parking. Thank you.

Altschul: Daniel Jeffers to be followed by Erin Lynch.

Jeffers: Good evening, my name is Daniel Jeffers. I am also a resident at 1341 North Crescent Heights, which is located north of the parking lot. I am...my apartment is located on the first floor.

Dobrin: I can’t hear you. (INAUDIBLE) speak into the microphone?

Altschul: Will you please speak into the microphone. He has been, Ms. Dobrin.

Female: You can use the taller one.

Jeffers: Use this one? All right. Thank you, sorry about that. My apartment is located on the first floor at 1341, again north just of the parking lot. Since my time moving in, which was around mid August, I’ve experienced numerous times of noise, constant, constant...basically complete nuisance of events that have lasted late into the evening. I work late, early mornings and quite a bit of weekends, so this has definitely affected my sleep. Some of my concerns with the parking structure being built would be additional noise from cars as well as restricting light in the apartment and by doing so, that’s going to increase my electric cost as well as my heating bills as the light actually helps to heat our apartment. It’s kind of sad because I feel like I’m actually a problem and I’m actually a resident of that facility. I live in the facility and I feel like I’m actually being the problem when I complain about the noise levels and it’s a frustration I know to all of us. So my recommendation, or I hope your recommendation too is to not allow the parking structure to be built. Thank you very much.

Altschul: Erin Lynch to be followed by Len Greco.

Lynch: This one’s for the shorter people. I wanted to say thank you to the West Hollywood Commission and staff for your time. I do live on 1341 as well on the first floor and my bedroom faces the parking lot and again we’re constantly woken up sometimes three, four in the morning with nuisance, noise and finding out that a lot of these events are actually not religious, not part of the Temple, it’s pretty upsetting, also the fact that there is no consideration for the neighborhood for the people that live there. I moved from a loud apartment on Fountain to a residential area that I’m paying rent for to live in a residential area and have a place of residence and to be able to sleep through the night

without having to call the local police office to have, you know, them go over and handle the noise and the traffic issues that we're having, it's...I just hope that you guys will fight against the parking. So thank you very much.

Altschul: Sheri Lin? Sheri Lin?

Lin: You have Len Greco before me.

Altschul: No, I don't.

Lin: That's what you said.

Altschul: Sorry, I do, Len Greco.

Lin: Thank you.

Greco: Good evening, I'm Len Greco. I live at 1328 Havenhurst and I would like to add my voice to those opposed to the Temple's plan. As a homeowner and we are homeowners, Mr. Carlat implied that it was an apartment. It actually is all homeowner. I will be most affected by this structure. My condo butts up right against the wall that we share with the Temple. We share the property line. Legal issues and variances aside, I have little faith that the Temple will act in a neighborly fashion. For the last three years, that's how long I've lived there, we've endured raucous parties with amplified music well into the wee hours. We have put up with stench and vermin from their trash. It's literally piled up against the common wall. Why should I now feel that the Temple will consider the impact the structure will have in our peaceful and beautiful neighborhood? Contrary to Mr. Carlat's assertion, I do not believe a tree, and it is a large tree, will protect us or shield us from their impact. I suspect the neighbors are not part of the immediate community and consider the property solely from the perspective of its utility. I consider the Temple as a part of the whole. I sincerely wish to retain the charm and relative calm of this urban neighborhood. Contrary, I'm sorry. Mr. Carlat on one hand complains about the urban problem of parking then dismisses my complaint of noise simply as a consequence of city life. I do not have a diluted sense that I'm living in a bucolic country setting. I know it's not Westlake Village. I chose city life. I tolerate traffic and its impact. I do expect my neighbors to obey basic laws concerning noise and its impact, whether or not they are a religious organization. Thank you.

Altschul: Sheri Lin, and thank you for your courtesy.

Lin: Sheri Lin, I'm a 23 year resident of the City of West Hollywood and I've lived for nine years on the piece of property that is directly to the west, same property that Len lives in. I've had problems in years past with the Temple and having loud parties go on late at night. I used to call the Sheriff's Department on a regular basis to complain about the noise and it really didn't do much good at all. Going over and complaining about it to them resulted in nothing. At some point they did build a cinderblock wall that has helped with that noise abatement. I do have to say that it's kind of funny for them to talk about they don't want to be a burden to the neighborhood and this parking structure will thus help that out when us, as the neighbors, feel exactly the opposite. In the building directly to the west of them, their rooftop would be over our second story building, an open structure being able to look over into our building, our common area. People are going to come back late at night, they're going to be drunk, they're going to be loud, there's going to be car alarms. We don't want this. The property value will decrease and Len was correct in terms of the vegetation that's right back there, that's not high enough to block people on an open structure looking out or block noise. So, I...you know actually, the guy who spoke before, Roth, about a joint venture with the City on the northeast corner of Fountain and Crescent Heights, I think that's a really good idea. So that's not up to me to decide, but anyway, I obviously am with the staff recommendation of not allowing this project to go forth. Thank you.

Altschul: Thank you. Ben Hua Chang and Ebon Alabastur. Now is, is he going to interpret for you?

Chang: No, no, he's going to talk for me.

Altschul: And are you also going to talk for yourself?

Alabastur: Yes, I am. Unless you'd like him to talk. He has a very heavy accent.

Altschul: Do you speak his language?

Chang: No, I write a statement here.

Alabastur: Okay, do you want him to start to read it and (INAUDIBLE)?

Altschul: Well, if he speaks it in his language, can you interpret it?

Alabastur: No, I can't. But what I'm saying is, his accent is as such that you might not understand what he wants to say.

Altschul: All right, let's, let's go. Let's go, come on.

Alabastur: (TALKING OVER) a microphone.

Altschul: Read his statement.

Alabastur: Okay, I'll do his then. I own two apartment....

Altschul: Your name please?

Alabastur: Ebon Alabastur, resident of Havenhurst Drive.

Altschul: And you are reading a statement written by?

Alabastur: Ben Hua Chang.

Altschul: Thank you.

Alabastur: I own two apartment complexes, one at 1332 and the other at 1340 Havenhurst Drive and I have a great idea. If a parking structure is granted for the Iranian American Temple, I am contemplating converting one of my properties to a Temple and then tear down my other contiguous property and replace it with a parking structure that is three stories underground with a park on the top. Then I could have enough parking, not only for my congregants, but I could also rent out surplus parking spaces on Havenhurst Drive, which is in desperate need of additional parking. I would satisfy the need for a Buddhist Temple within the City of West Hollywood and give relief to the neighbored parking problem and beautify the neighborhood all at one time. This would be a win-win for the residents of West Hollywood and I could also rent out some spaces to the Iranian American Temple too and help solve their perceived problem as well. Okay, that was Ben Hua Chang. Now should I say mine?

Altschul: Yes.

Alabastur: *Okay, Ebon Alabastur. I live on Havenhurst Drive and I concur with Mr. Roth. We do get noise, we do get vermin and we're on Havenhurst. Nobody has ever tried to help us. Whenever we've called the Temple to ask them about the vermin, they said they would take care of it. It's never taken care of. I've had people come to try to get rid of them and they say that it's not your property, they're coming from elsewhere. So they have not been able to stand up in the past and do the good neighbor thing so what makes us think that they're going to change their position now? Furthermore, furthermore, the Temple has been part of our community since before we were a City and it is only in recent years that the Temple has expanded into a multi-use secular business venture that is not in keeping with the original religious purpose of the Temple. And also, these parties that they have after the religious affair is not holitically correct. That's Jewish Law. The religious things that happen in the Temple and in the sanctuary have nothing to do with the party. The party is totally separate and when you say it's one thing, it's two different things. Jewish Law will show you that. Thank you for your time.*

Altschul: *Bolen High to be followed by Don Studt.*

High: *Good evening, I am Bolen High. I live at 1341 North Crescent Heights. My apartment is on the second floor and I have the privilege of having a 60-foot balcony that looks out on Crescent Heights and down on the proposed garage. I have lived there for five years and I have watched over this period of time the Temple turn from a place of worship to a commercial entity. They have added to the kitchens, they have expanded their common house, and they have exponentially increased their rental of the property to groups outside of the Temple, and this has created a gargantuan traffic problem, which no one has really discussed, but because I have the privilege of listening and watching the traffic back up every night when they have an event that starts at 6:30, which is usually the time every event begins as all the traffic goes up Crescent Heights and down Crescent Heights at rush hour and the cars are trying to pull into this little parking lot that they want to turn into a big parking lot because everyone wants to park next to the Temple, as opposed to across the street, we have cars turning from the lanes going up Crescent Heights trying to get into the Temple, stopping traffic going down Crescent Heights, the cars backup all the way up to Sunset. I have watched three traffic accidents happen at this specific time for these very same reasons. You cannot imagine the amount of traffic congestion that happens every time there's an event at 6:30 at night and God forbid that it should rain, which I just photographed and sent to Michael Barney, which I believe the photographs are in the...in your packet of people turning and trying to turn and cars backing up and it's just a nightmare. So you can imagine what will happen because they're now going to be hundreds of cars or however many cars, 70 or 80 cars turning into that.*

Altschul: *Thank you, sir, your time is up.*

High: *Right, thank you very much.*

Altschul: *Don Studt to be followed by Lynn Russell.*

Studt: *My name is Don Studt on Havenhurst. I will not address the legality of the proposed parking structure. That's up to the City of West Hollywood. But I will address the morality of a commercial building in a designated residential zone. Last June after searching for a location for a new home, I finally found a condo in an ideal residential neighborhood. It was on a very quiet street with attractive surroundings. I think I speak for all of us in this meeting room and also those members of the synagogue that to find something like this is so fortunate. Now the question becomes, how then would you, each of you feel if a multi-story parking garage was built directly opposite your home destroying the view and serenity of your residential dream? The most prominent view from my condo's kitchen, sun porch and living room, whose east wall is all, are all glass doors,*

would be that commercial structure. Can you just imagine sitting in your home with that as a background and especially at night when I understand the law requires 10 to 12 foot high light posts on top of the upper floor. How devastating that would be. Your privacy, lovely landscaping and view of the past would be gone and taken over by a nightmare, a nightmare of human and motorized noises, air pollution and bright lights corrupting much preferred beauty of the night, dark night sky, the brightness of the stars and moon. Yes, it would certainly be a nightmare that would destroy the peacefulness we all expect while we are in our homes. I assume that most members of the synagogue live in their ideal or perfect residents. Thus I believe they really didn't give the proper thought to what they were doing to others. I'm quite sure that if they were in my situation, they too would be devastated and would be appearing with me here tonight and protesting the parking structure. I could have paid far less for a condo that was near a commercial center, but I didn't. How can anyone or any organization blatantly create a financial disaster for others?

Altschul: Thank you, sir, your time has expired.

Studt: Was that finished?

Altschul: Yes.

Studt: Oh, okay.

Altschul: Thank you.

Studt: I was going to say (TALKING OVER).

Altschul: Lynn Russell to be followed by Grafton Tanquary.

Russell: Good evening, Lynn Russell, West Hollywood. Unfortunately it's been my experience that the management of the Temple has shown little regard for their neighbors. On several occasions I voiced concern to them regarding the extreme traffic congestion and related incidents resulting from their inept parking control. The traffic backup accompanied by incessant horn blowing for hours, abusive comments, behavior and innumerable incidents and accidents appear to be acceptable to them, but not to the neighbors. Their failure to be responsible has led to many calls to the West Hollywood Sheriff's Station for help in controlling this resulting mess. The folks...these folks also own the parking lot on the northeast corner which has become a distinctive community eyesore. Apparently their congregation doesn't mind walking through the unkempt lot, but many of us do walk past it on a daily basis and believe that it could use improvement. Incidentally, I live on the top of a historic building just north of the Temple and have a bird's eye view of all these events. Their proposed structure, which doesn't really actually gain them many more parking spaces than currently available, would plant another white elephant in our community. Much of it composed of lovely historic buildings that their owners and residents take pride in. Please refrain from approving their proposal and the potential can of worms it may additionally open. Thank you.

Altschul: Grafton Tanquary to be followed by David Yocum.

Tanquary: Good evening, I'm Grafton Tanquary, I live at La Fontaine. I've lived there about four years and I would like to remind the Commission that a year or so ago the City Council put a moratorium on any development in West Hollywood. One of the principle reasons was that they were concerned about the construction of large residential buildings in our residential area. Now we're talking about a parking structure in a residential area. Crescent Heights is a very beautiful street, one of the most beautiful in West Hollywood. It's a wide boulevard, tree lined. There are many beautiful old buildings, a number of which are courtyard buildings, and on it there are three large beautiful old

buildings built in the 1920's. If you look at the map, the...or the one in your packet made by staff, you will note that the parking structure will extend on the west on Crescent Heights Boulevard. I'm sorry, the east on Crescent Heights Boulevard all the way to the sidewalk and will therefore be about 15 feet in front of all the other buildings on that street. What we do not need in Crescent Heights is a beetle browed block of concrete becoming the focus of attention for everybody going up and down that street. It's a beautiful residential area and we do not need this kind of destruction in it. So I'm very strongly opposed to this proposition. Thank you.

Altschul: *Jim Nowain to be followed by Allen Nazarian.*

Yocum: *Isn't David Yocum first?*

Altschul: *Sorry, go ahead.*

Yocum: *Okay. My name is David Yocum, I'm a resident of West Hollywood and I live at La Fontaine as well. And I just wanted to kind of add to some of the commentary that you've heard tonight, which is that during especially the weeknights is when I am home to hear it. There's endless hours of honking horns and the lanes that are northbound and southbound are often blocked by one or even from the second lane trying to pull into the parking lot at the northwest...I'm sorry, northeast corner. You know, and I'm sort of dismayed by what I hear tonight from all of these people and I just...I'm grateful that I'm living in the City of West Hollywood and that you're giving it the kind of attention that you are and I'm asking that hopefully in all agencies that aggressive enforcement can be enacted because this should not be an event space. That's not what it was designed to be. And I'm happy that from what I'm hearing that you're not rewarding bad behavior here tonight, so thank you.*

Altschul: *Jim Nowain to be followed by Allen Nazarian.*

Nazarian: *Hello, thank you for letting me speak. My name is Allen Nazarian. You know, it's truly disappointing for me to be here today. I'm not upset because it was hard to find parking here, but because I found the need to help defend the place that has done so much for me and our community. It's rather surprising to hear that some people here especially living in West Hollywood may not understand the importance of having a place for a minority to freely practice their religious and cultural ceremonies and celebrations. I am very well in tune with what goes on at the Jewish Center and they are all religious. If you don't understand why they're religious, then you don't understand Judaism and you don't understand the Persian culture. It is all religious. They're Bar Mitzvahs, they're weddings, they're circumcisions, that's all they do there all day long. Not all day long. Friday night, it's the Sabbath. Friday night, we don't do anything. There's nothing going on. So they say seven days a week? Who does a wedding on a Tuesday or a Wednesday or Monday? It's only a couple days a week and the noise that you hear may be people drunk leaving from Sunset or somewhere else. But just today, it shows me that people are just...they get a chance to come up to the podium and talk and talk and soliloquy as you say and they don't know what they're talking about. Because this is religious and that is the truth. I have testimony from one of our associate rabbis that I'd like to submit that will agree to this, Rabbi Steven Robbins and you know, the center has always had a problem for parking. And everyone here agrees that there is a problem. Everyone here agrees, everyone, the problem is parking. That's what's causing your...no one is giving a solution for the problem. Nobody. Everyone is crying about the parking, crying about the traffic and no one is giving a solution. The solution is the parking lot that is trying to be (TALKING OVER).*

Altschul: *Thank you, sir, your time is up.*

Nazarian: *Thank you.*

Altschul: *Did we have Allen Nazarian? No, that was.... All right, did we have Jim Nowain? Jim Nowain? Not here. That's why. Angela Debibi? To be followed by Mehry Tahery.*

Debibi: *Hi, my name is Angela Debibi. I've been going to this synagogue for over 20 years now. I'm 30 years old. The problem during the week that people were saying, there's a Hebrew school there, so from like 7:30 'til about 3:00, 4:00 in the afternoon, you've got parking issues with the school. And then after the school, you have...like Allen was saying, during the week we don't do weddings. We do either circumcisions or there's funerals and yes, they do start at 6:30 and they'll finish maybe by 10:00. What I've seen, I have seen people come, you know, from Sunset, they're all drunk. There's a club right on the corner of Sunset and Crescent Heights. You know, people are walking and they're screaming and they're littering. There's littering everywhere all over the cities. There is littering all over the cities and the main problem here that I've noticed every time that I've tried to come to the synagogue, yes there is honking, yes there is screaming and foul mouth, but there's no parking. The valet has to take the car from across the street, take it to the other lot, go park it on Havenhurst or any other of the streets that are around the surrounding areas. If there was a parking structure, there would be some uniformity. There would be...like the mall, you go to the mall, there's a parking. You go and you park in your spot. I mean, it's very simple. I feel that these people that are here, I do feel for them and yes, their condos are going to lose sight of some...I don't even know what they're looking at. They're looking at a parking structure, they're looking at other cars parking. If you put a parking structure there, it would definitely help the community in a sense where there would be no accidents happening during the rain, there'd be a civil way of parking and yes, we'd probably have valet also, but I do feel that the people in the community are looking at it as a negative thing because it's just going to block their view and instead they're not looking at how to solve the problem, they're just trying to not fix the problem. And I think that I would love to have a parking structure there. It'd be a lot easier for me to park. Thanks.*

Altschul: *Mehry Tahery...sorry if I botched that.*

Tahery: *Hi, I am Mehry Tahery. I'm President of Iranian Jewish Women Organization. We would like to have our meetings most of the time in Jewish Federation, but unfortunately any time we have a one-hour meeting, we have to search for a parking to park our car for more than an hour. So this is really a burden on us and as a minority like they said, we have to have a place that we can, you know, park our cars and I think that's the idea that to build a parking lot will dissolve all the problems for the opposition and for us. That's all.*

Altschul: *Thank you. And Shahla Javdan, who is our last speaker.*

Javdan: *Hello, my name is Shahla Javdan. I serve as the President of the Women's Division for the Federation. I'd like to tell you how important this Temple and this Federation is for us. I've lived in this country upstate New York for 38 years and we just recently moved here because I wanted my family to have a taste of the culture to be able to see how my father, my grandfather prayed. Besides that, we are involved with many, many helpful charitable events and the events are not only for people from our community, it's from our community from West Hollywood as well. I have...I could show you that recently we had a health fair and we offered free mammogram and I have to tell you, we were thrilled, we were sad, but we were thrilled that how many people from this area came and we checked and we realized that they needed help. They needed to go and be checked and I have all these documented. I could show you. I think this is a wonderful, wonderful organization. We love this country. We love this city. We're sorry if there is a problem, but believe me, our best witnesses were the people who were against*

it. Our only problem is the parking. If we have parking, if people could come and like how John was explaining, the parking being...the cars being in the line for so long, if we had enough parking, people would go in and we won't bother and we will be good neighbors as we wish to be and we like to be. Thank you very much.

Altschul: *Thank you and now rebuttal up to five minutes, Mr. Carlat.*

Carlat: *Thank you Commissioners and if I may ask also for my three minutes from the beginning that I....*

Altschul: *No, you may not.*

Carlat *Okay. Let me just quickly try to respond to a number of the comments made. Obviously the two largest concerns by the community, legitimate concerns involve noise and involve the parking condition created by the lack of parking spaces. The parking structure as designed is designed with the purpose of eliminating almost all of the noise now created by the loading, unloading and by the trash containers and by the events coming and going by placing all of those facilities, the loading, unloading zones, the trash containers, and the access to the Temple in the first story enclosed, sound proofed parking structure. That should eliminate almost all of the existing noise problems. But I must tell you, for those neighbors who seem to feel that there's been no outreach by the Temple to try to alleviate some of this problem, I just think that maybe the tenants need to know that the property owner to the north who was so eloquently represented by his attorney tonight has turned down the Temple's offer for a number of years to at their expense double pane window all of the units that face the parking structure. And that offer again was made at the community meeting and still stands. I do want to correct though the attorney, I'm not an attorney, so I appreciate his knowledge of law, but I disagree fundamentally with his perception of your rights and your authority. He believes you don't have any discretion, that you're bound by code and therefore your purpose is merely to rubber stamp projects and do not have discretion. It's my understanding you do have discretion, that's the very reason there's a Commission and so he and I just fundamentally disagree about whether you do or do not have the right to consider variances and to determine whether or not deviations from the code are appropriate if they're mitigating other circumstances or in the community interest. I just want to also say that I reiterate what was said by one of the Temple members. It is slanderous and untrue and frankly the irony of it is a Conditional Use Permit could codify for all time in the record that all events are religious related and it is not being rented out to any other commercial venture. A Conditional Use Permit could in fact ensure that that never happened and it's sad that there seems to be this myth that the Temple is using that venue for some kind of commercial venture. I might add that sadly this became an issue even for City staff last week when unfortunately there was a funeral service and when Code Enforcement came out, there was reference to the Temple only being interested in making money in a memo sent to the supervisor for the Code Enforcement. That was painful I know to the Temple members and specifically to the Temple President whose aunt died because in fact the Temple never charges its members for funeral services. But again, that seemed to perpetuate this myth that somehow this is a moneymaking venture by the Temple and it's just sad that that's continued to be repeated tonight. And I must tell you, I know there was concern by the neighbors that this existing longstanding venue was somehow now more active than it had been as Temple membership over the 70's and 80's had diminished, but unfortunately the Temple was there long before many of the residents were and will be there long after all of us in this room are gone and so the solution is not to chastise I believe the membership of this Temple, but to try to work with the Temple members to figure out ways to solve the problem. And that is exactly why the Temple has come before you with this proposal and it's exactly what has motivated them to try to determine what best solution other than not having a Temple there to solve the problem of the impact to this Temple and its traffic and noise on the local community and the problem it*

creates for the membership currently. So in conclusion, I just want to say that the many allegations that were made tonight just aren't true. One of them was that the building's going to protrude to the sidewalk. The truth of the matter is if you look up there, you'll find that it's my understanding that the face of the parking structure is the same distance from the street as the building to the north, for instance, and it's our goal and objective to come up with a solution to the problems that the neighbors have brought up tonight and to work with the community and the Council and the Commission to try to resolve these issues. Thank you so much.

Altschul: There are some questions, David. Barbara?

Carlat: Oh, yeah, sure.

Altschul: Joe first and then Barbara.

Guardarrama: Mr. Carlat, are you familiar with the findings that we must make in order to grant a variance?

Carlat: I am.

Guardarrama: Okay. Then you're familiar with the finding that we have to find something irregular with the physical plot of land on which the parking lot or the Temple sits that would somehow prejudice it in relation to its other neighbors.

Carlat: I understand.

Guardarrama: How do you propose that this lot is prejudiced?

Carlat: Would you suggest that we tonight argue the merits of the zone variance or to let staff and us work together to come back with you, which? Because I believe if we're going to argue that merit tonight, that frankly it's unfair to us since we're not prepared to, but more importantly, it's also I think unreasonable before you have all the proposals to consider because whenever you look at any variance, you have to look at the mitigation that that particular project brings to you as part of your consideration and we've not had an opportunity to show how we will mitigate many of the other impacts as part of our CUP.

Guardarrama: Staff, I have a question. Aren't we considering tonight whether the variance possibly has merit or not?

Keho: Yeah, we're debating whether or not there's...to deny the variance of staff's recommendation and we presented our reasoning in the staff report and in the resolution, which the Applicant had, and if there's possibly merit, to do more consideration.

Guardarrama: Okay. I'm just asking whether you have....

Hogin: Commissioner? I'm sorry. Can I just add to that just because it is a confusing...usually you say yes or you say no, and let me just add a piece of information to explain why we're in this unusual posture. Usually when you're asked to say yes or no, it's after we have done the Environmental analysis that gives you all the information you need to know about what the potential impacts of the project are should you say yes. In this case, the staff was so sure that they didn't have the information that you could say yes about, that they skipped doing the environmental analysis and have just come to you and said, you know, we think you should say no. Under the California Environmental

Quality Act, if you are going to deny a project, it isn't necessary to undergo that Environmental analysis because who care what the environmental impacts would be if you approve it, if you know you're going to deny it. So that's why we're in this situation. It's because we haven't done the CEQA analysis. So you're asked, should we deny it? Yes, we should deny it then it's denied. No, we should not deny it necessarily then it comes back to you after there's Environmental review.

Altschul: *So the choice is no or maybe.*

Hogin: *Exactly.*

Altschul: *Barbara?*

Carlat: *Would you like me to expand on your question and try to address it?*

Altschul: *No. Not unless you....*

Guardarrama: *Yes, I would like you to offer some evidence that this lot has the characteristics necessary in order to grant a variance.*

Carlat: *Well, let me just start by saying that the answer to your question is complicated, but I'll address it as best I can in a theoretical manner tonight more than I will a specific. The problem in the City of West Hollywood is that they define things as commercial or residential only. Most jurisdictions have an ordinance in their Zoning Code that talks about schools and churches and addresses those as something other than commercial or residential. What we have here is a noncommercial, nonresidential use on a commercial piece of property adjacent to an existing lot that's an R4 lot. As a result, the City has found itself in a dilemma. And the dilemma is, how do you look at the development of that R4 lot adjacent to commercial with noncommercial, nonresidential use on it? And frankly, the City Code doesn't really address that. Our position is that as a religious facility that has certain rights that extend both by its by-right status but more importantly by its use, that really transcend the current code when it comes to commercial use and certainly is not applicable as it applies to residential use because clearly it's not a residential use and it's not a commercial use. And so our position has always been that when we come to you with a full and complete application, that will be part of our argument as to the merits of applying the exceptions of the code to the consideration of this project.*

Guardarrama: *Thank you.*

Altschul: *Barbara?*

Hamaker: *Mr. Carlat, a couple of questions. A couple of the speakers alluded to something changing hands about five years ago when there was an intensification of use. To your knowledge, has that happened? The ownership of the church?*

Carlat: *Well, there is...there is no doubt that at some point several years ago and I believe it was more than five that the Jewish Iranian Federation did purchase interest in the Temple and now shares it with the previous Rabbi and the congregation and that of course did add new membership. And it is also true that the membership in the 70's, 80's and 90's diminished from what it was in the 50's and 60's when the Temple was originally built for the size of the congregation at that time. So we're not denying that there has been new vitalization, new vitality at the center with the new membership, but that should not be used to penalize the Temple. In fact, the reality of it is, all they're doing is using a venue that already existed. The question now is, how does that use negatively impact not only the community but its membership and what is a reasonable and practical solution so that everyone benefits instead of everybody having this really miserable condition that was expressed by all tonight.*

Hamaker: Okay, thank you. And also, can you explain, does the church own the surface parking lot across the street...

Carlat: Yes, we do.

Hamaker: ...on Crescent Heights? So they own that too?

Carlat: They, they do own that lot, yes.

Hamaker: Okay. Thank you.

Altschul: Mr. Carlat, so if, if a CUP is considered, it could also regulate the hours that the post religious rites and ceremonies can convert into a party? Is that correct?

Carlat: Well, you're an attorney as you very well know and I'm not, so I'm not going to suggest tonight that we debate the subject of constitutional law and rights of free association...

Altschul: It's not a question of constitutional law.

Carlat: ...and religion.

Altschul: It's a question of land use.

Carlat: But the, but the answer is that we're...our position has been and will be that it is perfectly reasonable for the City of West Hollywood to request from the Temple what activities they have, when they have them and make sure that those activities are within the realm of religious practice and/or affiliated behavior...activities and to the extent that those activities are consistent with other religious centers, that we be bound by a Conditional Use Permit that regulates that activity for which we've always agreed to do.

Altschul: Okay, that...in not being in answer to the question is in fact an answer to the question. And also, do you serve liquor at these events?

Carlat: I believe that at times...I don't know. They don't have a liquor license so I do believe that from time to time they've had catering services that have liquor licenses and have for weddings and others have been able to serve alcohol under those catering permits, yes.

Altschul: Could you address that, Christi? Can you serve alcohol without a permit on the present...without a permit on the premises?

Hogin: Yes.

Altschul: You can bring in...okay. You're quite adamant in the fact that using...having this parking lot is going to address the parking problem, but if you have a 1,500 seat sanctuary and you have say Yom Kippur, which of course is only once a year, but if you have a large wedding, a large Bar Mitzvah, I hate to say a large circumcision but...and you're adding 79 parking spaces, you know, roughly two percent or so more than the capacity of the building which you characterize as 3,000, how does this make more than just a small dent?

Carlat: *Well, I'll remind you that minimum without even considering any other impact, it will eliminate what already exists as 147 trips per event from the existing parking lot to the lot across the street, so the first 147 overflow spaces that now exist after 39 cars are parked would immediately be eliminated until after 121 parked cars were parked. So to the extent that that will on many occasions, but not all, you're right, on large holidays it will not solve all the problems, but on most evenings, most events solve the major problems. It will eliminate we believe maybe 80 to 90 percent of the impact that parking now has. Now clearly the City believes a parking study will be in order and if such a parking study is done, we believe that we can demonstrate that this parking structure will substantially alleviate the problem with parking.*

Altschul: *Okay, I think that...I think you made that point. So the question is going to ultimately come down to, can a CUP effectively make life livable for the neighbors to whatever extent possible versus can Code Enforcement solve the problems that are obviously existent in the fact that the Temple somehow or in some occasions at least refuses to be responsive to the neighbors' dilemmas.*

Carlat: *Well, I, I don't know that I'm willing to let you use the word refuse without rebuttal. The reality of it...*

Altschul: *I'll stipulate the fact that you, that you disagree with the word refuse.*

Carlat: *Yeah, I, I don't think the Temple is refusing to do anything, on the con...other than to stop being a Temple. They, they did reject that suggestion which was made by the community at the community meeting when it was suggested...*

Altschul: *Well, I think that's a...*

Carlat: *...that they move.*

Altschul: *I think that's a ridiculous suggestion.*

Carlat: *I know, but I'm just telling you, it was a suggestion that we move.*

Altschul: *I think it's ridiculous.*

Carlat: *And so other than that suggestion that we move and no longer be a Temple, I can tell you there's nothing but high motivation by all the people at the Temple I've worked with over the last two and a half years to help find solutions and work with the neighbors and the City Council through a CUP process to get that operation in sync with the community and, and more in control.*

Altschul: *You've made your point and I think your, I think your response to the question about how it revitalized itself was a very correct response and I think what happened was there was a moribund Temple there that this particular community came into and did revitalize and I think that's a perfectly wonderful thing. Any other questions?*

DeLuccio: *I have one question.*

Altschul: *Donald?*

DeLuccio: *Just...in looking as far as possibly to...what's before us is the variance if we go forward this evening to decide if we would grant one or not. If we go along with staff's recommendation not to grant a variance or if we, or we may decide perhaps this evening to continue this matter to bring it back with more information. Right now, you're proposing to build this structure without rights to property line to the north, is that correct?*

Carlat: Well, it is true in the literal sense, meaning....

DeLuccio: Is it, is it...are you or not?

Carlat: Well, but I have to answer the question because it's a little bit deceiving. The answer is that the parking structure goes to the property line in the basement and therefore it's called to the property line, but I believe on the, on the first level we have a planting, proposal for planting between the property line and the exterior wall and then there's a second level of planting on the...and a setback on the roof. So the answer is technically it's considered to the property line, but in terms of actual function, I believe it sets back three feet on the ground level and six feet on the second floor.

DeLuccio: You're saying the ground level sets back three feet, but it goes to the property line with the landscaping?

Carlat: Correct, and I believe the, the City considers the building and the underground hits the property line that the structure is to the property line. That's my understanding.

DeLuccio: What is the setback to the building to the north? What is their setback?

Carlat: Existing setback?

DeLuccio: Their...yes.

Carlat: I think at probably at their closest point they're only two or three feet from the property line. It may be three.

DeLuccio: Okay, you...

Carlat: But it's two at the most.

DeLuccio: ...you, you answered my question. Thank you.

Keho: Commissioner DeLuccio?

DeLuccio: Yes?

Keho: On sheet A4 of the Plans, there's a cross section that shows, that's section BB that shows how the parking structure would be constructed adjacent to the property and it shows the, the multi-family building next to it and there are portions of the multi-family building that are I think virtually built on the property line. There's some blank walls that are built on the property line.

DeLuccio: And is what the Applicant is testifying to right now, is that accurate as far as their (TALKING OVER)?

Keho: They also show in another plan some previous pages before that, they do show some planting beds that would move the parking, the cars further away from the property line.

DeLuccio: But is there, there still...with the proposal before us this evening, there's still issues with Building & Safety, is that correct? That, or with the State Code, State Building....

Keho: *As the plans are in the packet, yes.*

DeLuccio: *Yes?*

Carlat: *And I, and I must....*

DeLuccio: *Can I ask you a question now please?*

Carlat: *Sure, please do.*

DeLuccio: *We're not, we're not...it's not a rebuttal right now.*

Carlat: *I understand.*

DeLuccio: *It's just we have questions. So you're aware that there are, there are issues with...State issues as far as the structure goes?*

Carlat: *Well, I, I'm aware that there's been vague reference to State Code violations and when we've asked in writing for the State Code sections that they believe were in violation, we've not received a reply from Building & Safety.*

DeLuccio: *Now as your due diligence as an Applicant, you, you don't...do you have access to the State Code yourself in order to...*

Carlat: *I can tell you....*

DeLuccio: *...to review those and possibly, you know, conform to what, what the exact Code is?*

Carlat: *Well, I can, I can tell you that it's our understanding and always has been that regardless of any approvals by this body, that the building would have to be built to State Code regardless. I'm sure there are many times when projects come before you, I know in other jurisdictions where land grants or use grants are given by the City and yet there are Building & Safety conformity issues that may cause modification to the proposal in some manner. To that extent, we've always said we're going to be in complete compliance. We'd have to be. We couldn't pull permits. So obviously, it goes without saying that there's no purpose in us moving forward with the project that can't pass Building Codes, so clearly it's our intention that when the final project is complete, when the final modifications are made and when the City identifies those portions of the Code that they believe were in violation, we'll modify the plans accordingly and that's what you'll see and hopefully that's what you'll approve.*

DeLuccio: *Okay, thank you.*

Altschul: *Anything further at this time? Go ahead.*

Hamaker: *Let me ask Michael Barney something. Michael, we've heard a lot of complaints and read a lot of things in the staff report about the caterers and people rolling stuff back and forth, trays of food and things like that. In the proposal for this parking structure, would all of that kind of activity happen within the parking structure to the building directly south of the parking structure rather than happen on a surface parking lot?*

Barney: *It's, excuse me, it's my understanding that the loading and off-load, the loading and unloading of the structure...I mean, excuse me, in the parking garage would happen at grade level to the...on the west property side, on the...to the west.*

Hamaker: Not....

Barney: So in this, in this image, it would be at the top of the image to the buildings, towards the buildings to the west.

Hamaker: Okay and not, but not on the...because there's going to be one level underground parking.

Barney: Correct.

Hamaker: But that...there's no building underground, so it would have to be at grade level.

Barney: Correct.

Hamaker: Okay. Thank you.

Altschul: Any other questions? If not, thank you Mr. Carlat.

Carlat: Thank you, I'd just like to help clarify her question if I may?

Altschul: No, no, no.

Carlat: Okay. Thank you.

Altschul: And that'll conclude the public testimony portion of the public hearing. Discussion? Comments? Donald?

DeLuccio: I just...mine are really brief at this point. Obviously I think we need a continuation this evening of this matter to a date certain and when staff does come back, I would like to see, I would like to see them process the CUP and bring that forward because I think a lot of the concerns we, we've heard here this evening from the residents would be addressed through the CUP process. It doesn't mean we can mitigate those concerns, but when it came forward, we would at least...it would be on, everything would be on the table. And also, obviously staff and the Applicant need to work further on as far as the project that would come before us, but I also...staff is...I'm sure staff will come back to us and say they cannot make the findings for a variance. So, I think it's to your due diligence as the Applicant if you...not to see if you can make the findings. You need to come to us and, and if you don't agree with staff, you need to come to us and convince us or convince me, I cannot speak for the other members of this Commission, why we should grant you a variance. Lack of being able to grant a variance, I think would, to me, would save my time if you came forward with a project that conforms to what's in the Zoning Ordinance as far as the building standards go. I haven't seen a backup option or I think you've alluded to that you've looked at that and it's not feasible, but I would need to be con...I would need to be convinced of that also. And so those are my comments.

Altschul: Are there any outstanding citations or have there been any citations for Code violations in the last couple of years?

Barney: I'm getting a nod from the Code Enforcement Manager yes.

Altschul: Yes, there have been?

Keho: Yes....

Altschul: *Can the Code Enforce Man, Enforcement Manager come forward and assess that?*

Keho: *So, I'm....*

Altschul: *Thank you, Jeff.*

Aubel: *You're asking if there's outstanding citations, I mean unpaid or...?*

Altschul: *No, not exactly. I....*

Aubel: *There have been citations.*

Altschul: *I'm sure whatever citations have been issued have been paid.*

Aubel: *I'm not....*

Altschul: *State your name please?*

Aubel: *I'm sorry, Jeffery Auble, the Code Compliance Manager for the City.*

Altschul: *Thank you.*

Aubel: *Yes, there have been citations issued to the Temple over the past several years.*

Altschul: *And approximately how many?*

Aubel: *Off the top of my head, I'd have to say five to six. Some of them have been issued to the valet operator itself who operates at the Temple.*

Altschul: *Okay and....*

Aubel: *But there had been one....*

Altschul: *...and what types of citations have been issued to the Temple itself?*

Aubel: *Special event permit requirement, I believe there were some for trash. I'm not sure. I can't...I don't want to state for the rest of them. I believe they're all in the staff report. We'd given all that information to Michael Barney.*

Altschul: *Any other questions for Mr. Auble?*

DeLuccio: *I'd like to make a motion if I may for discussion that we, can you help me, Chair Altschul that we continue this to a date certain. So staff, how long do you think we, we would need to continue....*

Altschul: *Continue for what purpose, Donald?*

DeLuccio: *Well....*

Altschul: *For the purpose of?*

DeLuccio: *Well, the purpose of getting, getting more information. I don't feel like I have all the information in front of me this evening that I would want to make a decision.*

Altschul: *Well, in my opinion, there's enough decision to make a...there's enough information to make a decision of no or maybe and that's all we're being asked to do.*

DeLuccio: *Right.*

Altschul: *So, you know, I would, I would prefer that we go forward with our either a no or maybe.*

DeLuccio: *Right.*

Altschul: *The only thing that we haven't been able to do is read quite a few pages of all of the materials that have been submitted here, but I would posture and suggest that most of what we haven't read we've heard orally. Is that possibly true, Michael?*

Barney: *Yes, that's correct.*

DeLuccio: *Well, I haven't, I haven't really read all the comments that...I have not read the staff, staff's report that they wrote to the Applicant or the comments the Applicant wrote to staff. I'm maybe. I'm at a maybe right now.*

Altschul: *All right, any...let's everybody else weigh in, Joe?*

Guardarrama: *There's a motion on the floor. I don't know if there's going to be a second. I don't know if there's going to be a second.*

Altschul: *Well, I didn't hear anything in the form of a motion. He said he was going to make a motion...*

DeLuccio: *Yeah.*

Altschul: *...but I don't know what the motion is.*

DeLuccio: *Yeah, I've...well, I definitely, I definitely feel we need to continue this matter. I....*

Altschul: *So you're making a motion for a continuance?*

DeLuccio: *Right. A continuance and....*

Altschul: *Is there a second to the motion for continuance? Motion fails for lack of a second.*

Bernstein: *John?*

Altschul: *Alan?*

Bernstein: *First of all, I think the, the success of the Temple, of the Jewish Center is commendable. I think that's a wonderful thing. I remember the congregation several years back being rather moribund. I also do recall though that it wasn't that complicated to access the parking lot on the northeast and I'm a little confused, though I don't think it's completely relevant to this, about why it seems so complicated to get that parking structure used. The people, the Applicants are represented by people who spoke on in favor of the construction seemed to think that it was going to help the community. The community doesn't seem to feel that they're going to be helped. It seems like there was community outreach work that still needs to be done, but I have to say, when everything is said and done, what we're being asked really is, I think, is there grounds for a variance? Joe asked that question and he really asked the question that was on my mind and I have to say that I've not heard anything sufficient to make me think that there's a finding of a variance here and the community stuff is of concern, the conditional use stuff is of interest, but fundamentally the question I think is can we find for a variance and with what we've been given, I don't see that we can, and that's what I wanted to say.*

Guardarrama: *I agree with Alan. I understand why the staff brought this to us. The staff brought this to us because the Applicant has asked for a variance, but there doesn't seem to be...well, in order to get a variance, you have to prove four specific things. And one of them is that there needs to be something specific about this piece of land with regard to its physical characteristics, not with regard to who owns it or how it's operated, but regard to is there a huge boulder in the middle of it that would prevent it from being developed in a certain way. Something like that in order for us to say the rules don't apply to you like they apply to everybody else and the reason I asked Mr. Carlat is there something physical about this particular piece of land that would justify a variance is because I wanted to hear it from the Applicant himself or from the Applicant's representative and at this point, I haven't heard even anything that would be even, even an offer of evidence that there is something physically different from this particular piece of land. And for that reason, I can't find that, that we have the authority to grant a variance and if we did grant a variance, I feel that it could be challenged and reversed by a court. So that being said, I understand that this is a wonderful place for people to gather and I understand that it has angered some people that live around it, but putting all that aside, I don't think that the law is there for us to grant a variance and that's why I agree with staff's recommendation and I move that the application be denied.*

Bernstein: *I'll second that.*

Altschul: *Is...there's no application here. So the proper motion is....*

Keho: *Yes.*

Hogin: *No, that's right.*

Keho: *Yes.*

Altschul: *What? That the application....*

Hogin: *The application for a variance.*

Altschul: *The application for the variance be denied. It's been moved by Joe, seconded by Alan that the application for the variance be denied. Further discussion? Barbara?*

Hamaker: I also do not see grounds for a variance. However, I think the bigger picture is getting a CUP to bring this organization into compliance. And I think that everybody is at the table here and we've heard, you know, some...about some pretty bad behavior on the part of people using this facility, whoever they are, and I would, I would hate to lose this opportunity to move forward in a better way because as was stated, this organization is not going away and I would hope that somehow we can come up with some sort of movement either to do...to bring about the CEQA study and come back. I mean, for instance, I don't think an open parking structure is even talkable. I mean, it has to be enclosed. I don't think it can extend to the property line on the north side. That's ridiculous. It has to have a setback. So there are lots of changes that need to be made, but I would like to again say I think the CUP would be really valuable for, for bringing this together. So...Marc?

Yeber: Yeah, I'm actually...I was troubled by some of the testimony today, tonight. I keep hearing that, you know, the Temple's willingness to work with the community, but I actually live on Fountain Avenue and I have to take the route of Crescent Heights quite frequently and I've experienced what the neighbors have experienced. It isn't an occasional event. It is a regular occurrence and it does happen late at night and I can't imagine what the nearby residents have been going through the last several years and I've lived in, in this area for 20, over 20 years and I have seen a change in its intensification. So I find that the comment from Mr. Carlat about the willingness to work with the community quite disingenuous since the impacts are self-induced. You're talking about a capacity of 3,000 people? You know, that's a greater impact than any place on Sunset Boulevard and I just find that amazing to be situated right in the middle of a residential zone. The...it would seem that, you know, that the real culprit here is the increased occupancy and certainly 112 spaces is not going to solve the need for parking for 1,000 plus congregants. So I would also support the motions on the table, which would deny the variance.

Altschul: Anything?

DeLuccio: Well, I have to say something, yeah.

Altschul: Donald?

DeLuccio: Yeah, I...well, I...it's obvious that the variance, the findings cannot be made. So I do agree with staff on that. I have agreed with staff on that. And the Applicant has not articulated this evening, you know, that the findings can be made. If Applicant would come back and, and tell us later, later. So I guess the only reason I was hesitant and why I wanted to continue this hearing was because I'm on the same page as Barbara where we need to...this is a bigger issue here obviously that's come about this evening. There's...this is a...you do not have a CUP and this would've been an opportunity to put a CU...a Conditional Use Permit in place. So I have to ask staff, if we...it looks like we will probably deny this this evening, the vari...we'll agree with staff and not be able to make the findings for a variance, so what...if that's the case, what is the next steps with this? What happens? They can appeal it to the Council?

Keho: Correct, so the Applicant will be able to appeal it to the Council and then the Council can affirm the Planning Commissioner on....

DeLuccio: Is there anything we can do be...and not to let it go to Council yet in order to, to work this issue out further? If, you know, if we decide they cannot be granted a variance, is there something we can do in order to, you know, to make it come back here at a future date?

Keho: *I'm not sure about that, but it's safe....*

DeLuccio: *Maybe Christi can answer that question.*

Hogin: *There, there...the Applicant...if you were to adopt the staff recommendation, if that's what you ended up doing, the Applicant would have...would be entitled to have the Council review that decision, so they're entitled to that appeal. They're not required to appeal it. The other option would be for the Applicant to reconsider the configuration and see how they might approach the development without the variance and then we would do the CEQA review and it would come back to you as a full development application with the CUP.*

DeLuccio: *So that'd be at the option of the Applicant if they wanted to do that.*

Hogin: *Yes.*

DeLuccio: *And then obviously if it goes to Council, if...we would see what Council would have to say, but it could obviously...it could end up coming back to us anyway if there's a future development on that site.*

Hogin: *It will come back to you if there's future development on that site.*

DeLuccio: *And then at that time we could address this Conditional Use Permit process.*

Hogin: *You will...yes, it will always come with a CUP if there's going to be development there, yes.*

DeLuccio: *Okay, thank you.*

Altschul: *The sort of dilemma here is whether a CUP, which the Applicant I guess is ultimately seeking, is going to benefit everybody or just benefit the Applicant. I think, I gather the Applicant is saying a CUP has got to be extremely permissive because this is a religious organization and you've got some constitutional issues here and they're, you know, the specter of these issues being resolved in a court seem quite real. But the narrow issue here today is, is...well, the overall issue, is Code Enforcement sufficient to have this particular use go forward with some kind of guarantee or some kind of assurance to the neighbors that they are going to have peaceful enjoyment of their property too. Or does the Applicant's kind of loose contention that a piece of property and a use that goes back to the 40's, the 50's, the 30's, whenever this was built and granted it was way in the mid-Century of the 20th Century, does the fact that it has outgrown its use in terms of parking and in terms of the way things were back then justify a variance? And I think what other people assert here is that no, it does not. This conclusion doesn't solve anybody's problem, but nevertheless I don't think they're findings for a variance. Any other comments?*

DeLuccio: *Do we have to do this without prejudice as it has nothing to do with (TALKING OVER)?*

Altschul: *Oh, one of the things I would like to inquire, is there a way to do this so that whatever the Applicant decides to do in the future in terms of bringing back a revised project so that whatever fees that he's paid, that they've paid so far would apply?*

Keho: *We could, we could look into that. I mean, typically an ap...once an application has had a decision, then we've taken care of it, but we could, we could....*

Altschul: *And I would, I would request an amendment to the motion that a resolution be brought back denying the application for a variance with whatever consideration can be given to the application fees paid, any future applications.*

DeLuccio: *We don't have to do that without prejudice, that have anything to do with this? No. I mean, they....*

Altschul: *Is that acceptable to the maker of the motion?*

Guardarrama: *Yes, it's acceptable to me.*

Bernstein: *It's accept....*

Hogin: *We have a resolution in front of you to deny the variance.*

Altschul: *Oh, you can add that?*

Hogin: *Yeah, yes.*

Altschul: *Okay.*

Hogin: *This Commission doesn't control what fees are paid or not paid. I mean, we'll take that as direction and go back and talk to the City Manager and see how he wants to do that because if they don't...if the Applicant doesn't pay the fees, the taxpayers, the City does. Somebody has to pay for staff's time. And the fee resolutions are set by the Council and I don't, I don't know that the Commission has any authority to decide when fees are or not paid.*

Altschul: *Maybe it doesn't, but I think a recommendation that the Applicant not have to pay duplicate fees when they filed an application for a CUP and staff decided no, let's cut them off at the pass, then I think it's, it's unreasonable to (TALKING OVER).*

Hogin: *Right, we...because we can take that as direction. It's...I think it's reasonable for us to look and see what the net effect of this decision is. If you deny the variance, then if they wanted to reapply for a variance, they may have to pay variance fees, but to the extent that this denial of the variance doesn't affect the other portions of the application that are pending that haven't come back before you, those things, they are still pending and those fees are paid and they wouldn't have to repay fees. This isn't like hitting the reset button. This is like taking one section out of what they proposed.*

Guardarrama: *And just to clarify, my motion was to deny the variance with prejudice.*

Hogin: *The variance, not the....*

Bernstein: *And that was how I understood it as well.*

Hogin: *(TALKING OVER).*

Altschul: *Okay.*

DeLuccio: *That makes sense.*

Altschul: *If there's no further comments, David, a roll call?*

Gillig: *Commissioner Guardarrama?*

Guardarrama: **Yes.**

Gillig: Commissioner Bernstein?

Bernstein: **Aye.**

Gillig: Commissioner Yeber?

Yeber: **Yes.**

Gillig: Commissioner Hamaker?

Hamaker: **Aye.**

Gillig: Commissioner Buckner?

Buckner: **Yes.**

Gillig: Vice Chair DeLuccio?

DeLuccio: **Yes.**

Gillig: Chair Altschul?

Altschul: **Yes, and we'll take a five minute break.**

Gillig: **Motion carries, unanimous.** *The resolution of the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within 10 calendar days from this date to the City Clerk's Office. Appeals must be in writing and accompanied by the required fees. The City Clerk's Office can provide appeal forms and information of waiver of fees.*

//wci:rg

(ITEM 9.B. OFFICIAL RECORDING ENDS).

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:45 P.M. TO VIEW THE MASSING MODEL AND RECONVENED AT 8:55 P.M.

Commissioner Hamaker recused herself from the dais at this time due to living within the 500' radius of the project site and left the meeting.

- C. 1257 N. Detroit Street
Development Permit 2007-050, Modification Permit 2009-002,
Tentative Tract Map 2007-020, Negative Declaration:**
Francisco Contreras, Senior Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 19, 2009.

He stated the applicant is requesting to construct a seven-unit condominium project on vacant land, including one on-site affordable dwelling unit, with affordable housing and green building incentives.

He detailed easements, landscaping, front-yard setback, green building incentives, common open space, urban design components, parking and neighborhood compatibility.

Staff recommends approval.

Commissioner Yeber requested clarification regarding the requested modifications and incentives. He questioned and had concerns regarding the parking stall width, transition and driveway slope, trash enclosure, machine room access to the elevator, egress, guest parking space, and inadequate staging and circulation.

Chair Altschul opened public testimony for Item 9.C:

ENRIQUE MELCER, IRVINE, applicant, presented the applicant's report. He spoke regarding the history of the project site and detailed lot size, setbacks, landscaping, architecture and project challenges.

CARLOS FLOREZ, WEST HOLLYWOOD, designer, continued the applicant's report. He detailed neighborhood compatibility, interior circulation, private space, and rooftop access.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She objected to the compact parking spaces and questioned the number of bedrooms. She commented on the color palette and design.

ACTION: Close public testimony for Item 9.C: **Motion carried by consensus of the Commission.**

Commissioner Yeber questioned the trash enclosure and if there was a licensed architect or engineer for the project.

Commissioner DeLuccio requested clarification regarding the ten percent modification width of the parking stalls.

Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval.

Seconded by Chair Altschul.

Commissioner Yeber had concerns with the scale in relation to neighborhood compatibility and questioned the parking stalls.

Commissioner Bernstein had concerns with the overall design, but supports the motion.

Chair Altschul requested an addendum to the motion: a) all sales brochures shall have a caveat stating that current parking may not accommodate all vehicles comfortably and prospective purchasers should make every effort to park their cars prior to purchasing.

Vice-Chair DeLuccio agreed to this addendum.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-857 as amended: a) all sales brochures shall have a caveat stating that current parking may not accommodate all vehicles comfortably and prospective purchasers should make every effort to park their cars prior to purchasing; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A NEGATIVE DECLARATION AND CONDITIONALLY APPROVING DEVELOPMENT PERMIT 2007-050, MODIFICATION PERMIT 2009-002 AND MODIFICATION PERMIT 2009-003, FOR THE CONSTRUCTION OF A SEVEN-UNIT CONDOMINIUM PROJECT ON VACANT LAND, INCLUDING ONE ON-SITE AFFORDABLE DWELLING UNIT, WITH AFFORDABLE HOUSING AND GREEN BUILDING INCENTIVES, FOR THE PROPERTY LOCATED AT 1257 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;" 3) Adopt Resolution No. PC 09-858 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2007-020 (MAJOR LAND DIVISION NO. 70630), FOR THE PROPERTY LOCATED AT 1257 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;" and 4) Close Public Hearing Item 9.C. **Moved by Vice-Chair DeLuccio, seconded by Chair Altschul and passes on a Roll Call Vote:**

AYES: Bernstein, Buckner, Guardarrama, Vice-Chair DeLuccio, Chair Altschul.

NOES: Yeber.

ABSENT: None.

RECUSED: Hamaker.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 9:25 P.M. AND RECONVENED AT 9:30 P.M.

D. Zone Text Amendment 2008-002:

Laurie Yelton, Associate Planner, provided a visual presentation and background information as presented in the staff report dated Thursday, February 19, 2009.

She stated the request is to amend the City of West Hollywood Zoning Ordinance to permit the sales, service and consumption of alcoholic beverages (beer and wine only) as an accessory use to theaters and community centers with a minor conditional use permit. Currently theaters and community centers are not permitted to sell alcohol as an accessory use.

The West Hollywood's Zoning Ordinance does not currently allow the sale, service, and on-site consumption of beer and wine in theaters or community centers.

Proposed Zone Text Amendment- Alternative #1

The text amendment recommended by staff will allow the sales, service, and consumption of alcoholic beverages (beer and wine only) as an accessory use to theaters with a minor conditional use permit, but not community centers.

Proposed Zone Text Amendment- Alternative #2

The text amendment proposed by the applicant will allow the sales, service, and consumption of alcoholic beverages (beer and wine only) as an accessory use to theaters and community centers with a minor conditional use permit.

The applicant contends that West Hollywood is the only city in the area with this prohibition. The applicant also states that being able to sell beer and wine during plays/performances at the Macha Theater will help in contending with other venues in the city that are allowed to sell beer and wine. From a regulatory perspective, the sale, service, and on-site consumption at a theater during a play/performance is a commonly requested service of patrons.

Staff does not recommend approval of this accessory use at community centers through the minor conditional use permit process.

Commissioner Buckner questioned why "movie theaters" are included.

Chair Altschul opened public testimony for Item 9.D:

ODALYS NANIN, WEST HOLLYWOOD, Producing Artistic Director of Macha Theater and applicant, presented the applicant's report. She detailed the history of the non-profit Macha Theater and spoke regarding sales and service of beer and wine in theaters and requested approval.

ANTHONY DEUGENIO, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. She has concerns regarding the hours of alcohol sales and service.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. She has concerns regarding alcohol sales in community centers.

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval. He has concerns regarding alcohol sales in community centers.

ODALYS NANIN, WEST HOLLYWOOD, Producing Artistic Director of Macha Theater and applicant, presented the applicant's rebuttal. She stated the hours of the theater. She requested approval.

Chair Altschul questioned the applicant if 10:00 P.M. would be amicable to stop serving alcohol at Macha Theater.

ODALYS NANIN, WEST HOLLYWOOD, Producing Artistic Director of Macha Theater, stated that would be permissible.

ACTION: Close public testimony for Item 9.D: **Motion carried by consensus of the Commission.**

Chair Altschul moved to: 1) approve staff's recommendation of approval regarding alcohol sales and service for (live) theaters (motion picture theaters excluded); 2) approve staff's recommendation regarding denial of alcohol sales and service for community centers; and 3) cessation of alcohol service shall be at 10:00 P.M. Sunday through Thursday, and 11:00 P.M. Friday and Saturday.

Seconded by Vice-Chair DeLuccio.

Discussion was held regarding hours of operation in regards to alcohol sales and service.

Commissioner Bernstein had concerns imposing hours of restrictions.

VICE-CHAIR DELUCCIO WITHDREW HIS SECOND TO THE MOTION.

Commissioner Guardarrama seconded the original motion.

Commissioner Yeber had concerns imposing hours of restrictions. He suggested approval of hours by the Director of Community Development on a case by case basis.

Commissioner Buckner had concerns imposing hours of restrictions.

CHAIR ALTSHCUL WITHDREW THE ORIGINAL MOTION.

Commissioner Bernstein moved to: 1) approve staff's recommendation of approval regarding alcohol sales and service for [live] theaters (motion picture theaters excluded); and 2) approve staff's recommendation regarding denial of alcohol sales and service for community centers.

Seconded by Vice-Chair DeLuccio.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 09-854 as amended: a) motion picture theaters shall be excluded; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL PARTIAL APPROVAL OF ZONE TEXT AMENDMENT 2008-001, TO PERMIT THE SALES, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES (BEER AND WINE ONLY), AS AN ACCESSORY USE TO THEATERS WITH A MINOR CONDITIONAL USE PERMIT, BUT DENYING THE SALES, SERVICE, AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT COMMUNITY CENTERS, LOCATED CITY-WIDE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.D. **Moved by Commissioner Bernstein, seconded by Vice-Chair DeLuccio and unanimously carried; notating the recusal of Commissioner Hamaker.**

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

A. General Plan Update. None.

B. Director's Report.

Susan Healy Keene, Director of Community Development, stated 514 N. La Cienega Boulevard (Agura), was conditionally approved for alcohol sales, service and consumption until 12:00 midnight.

C. Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission. He stated an appeal regarding 9015 Sunset Boulevard (Ace Outdoor Advertising), West Hollywood, California, has officially been filed and will be forwarded to the City Council for final action. He reminded the commission the next Planning Commission meeting on Thursday, March 5, 2009 has been cancelled.

14. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD, commented on the lack of forums regarding the upcoming General Municipal Election.

LAUREN MEISTER, WEST HOLLYWOOD, commented on the upcoming General Municipal Election, to be held on Tuesday, March 3, 2009.

15. ITEMS FROM COMMISSIONERS.

Commissioner Yeber questioned the status of the property located on Hacienda Place, which requested an after-the-fact variance.

Commissioner Bernstein stated his concerns with code enforcement.

- 16. ADJOURNMENT:** The Planning Commission adjourned 10:10 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, March 19, 2009 at 6:30 P.M. at 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 19TH DAY OF MARCH, 2009.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR