



PLANNING COMMISSION MINUTES
Regular Meeting
September 20, 2007

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

1. CALL TO ORDER:

Chair Guardarrama called the meeting of the Planning Commission to order at 6:37 P.M.

2. PLEDGE OF ALLEGIANCE: Jeff Seymour led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, D'Amico, DeLuccio, Hamaker, Yeber, Chair Guardarrama.

Commissioners Absent: Vice-Chair Bartolo.

Staff Present: Francisco Contreras, Associate Planner, John Chase, Urban Designer, Susan Healy Keen, Community Development Director, John Keho, Planning Manager, John Cotti, Acting City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Consent Calendar Item 8.A. (8410 Sunset Boulevard) was requested to be officially continued to Thursday, October 4, 2007.

ACTION: Approve the Planning Commission Agenda of Thursday, September 20, 2007 as amended. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Vice-Chair Bartolo.**

5. APPROVAL OF MINUTES.

A. September 6, 2007

ACTION: Approve the Planning Commission Minutes of Thursday, September 6, 2007 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Altschul and unanimously carried; notating the abstention of Chair Guardarrama.**

6. PUBLIC COMMENT. None.

7. ITEMS FROM COMMISSIONERS. None.

8. CONSENT CALENDAR.

A. 8410 Sunset Boulevard. (Jumbotron) Creative Sign Permit 2005-003.

On Thursday, July 19, 2007, the Planning Commission directed staff to work with the applicant to revise the proposal and associated resolution to permit the project in two phases. The first phase is to be constructed and reviewed by the Director of Community Development prior to the construction of the second phase.

Conditions 6.4 and 6.5 of Resolution No, OC 07-759 were jointly developed by the applicant and staff. The first phase will cover the portion of the façade facing Sunset Boulevard that is below the roofline of the restaurant. The second phase will include areas above the roofline around the exiting larger videotron screen, and on the west-facing portion of the façade.

ACTION: 1) Continue to Thursday, October 4, 2007. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda; notating the abstention of Vice-Chair Bartolo.**

9. PUBLIC HEARINGS.

A. 1211 N. Vista Street. Conditional Use Permit 2006-015:

Continued from Thursday, June 21, 2007. Applicant is requesting to expand an existing Large Family Day Care Home which currently accommodates twelve children during the daytime and up to fourteen children after school, into a Child Day Care Center with the ability to accommodate up to thirty children at all times.

Applicant was in the process of preparing a revised plan and narrative. There was not adequate time for staff to review the materials and prepare an updated report and recommendation.

ACTION: Continue to Thursday, October 4, 2007. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda; notating the abstention of Vice-Chair Bartolo.**

B. 1026 N. Ogden Drive.

Demolition Permit 2006-018, Development Permit 2006-023:

Applicant is requesting to demolish an existing single-family home with guest house and construct a four-story, five-unit condominium structure with subterranean parking, utilizing the Courtyard Design Standards and Incentives.

Applicant has requested a continuation.

ACTION: Continue to Thursday, October 4, 2007. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried as part of the amended agenda; notating the abstention of Vice-Chair Bartolo.**

C. 9200 Sunset Boulevard. (Luckman Plaza).

Administrative Permit 2006-050, Development Permit 2006-069, Minor Conditional Use Permit 2006-011, Negative Declaration:

Francisco Contreras, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, September 20, 2007.

Applicant is requesting to enclose the ground floor plaza of the Luckman Plaza property for restaurant use with full alcohol service, new office space, lobby renovation, as well as the conversion of an existing residential penthouse into a commercial office.

He detailed the history of the property and spoke on the underground parking facilities, proposed ground floor enclosure, ground floor restaurant, outdoor patio dining, commercial office space, central lobby, residential penthouse into commercial office space, full alcohol service, facade remodel, traffic impacts, on-site parking, valet operation plan, noise impacts, acoustical shielding, and hours of interior and exterior restaurant operations.

Staff recommends approval.

Commissioner Hamaker requested clarification of the requested restaurant hours and questioned the verbiage regarding "loudspeakers" and music. She stated her concerns with sound levels and amplified sound.

John Keho, Planning Manager, clarified outdoor amplification standards.

Commissioner Yeber requested clarification of the lobby floor plan.

Commissioner Altschul disclosed for the record he made a site-visit, met with the applicant and applicant's representatives.

Commissioner DeLuccio disclosed for the record he made a site-visit and received a phone call from the applicant's representative.

Commissioner D'Amico disclosed for the record he made a site-visit and spoke with the applicant.

Commissioner Yeber disclosed for the record he made a site-visit and received a phone call from the applicant. He was not able to return the phone call.

Commissioner Hamaker disclosed for the record she received a phone message from the applicant. She stated there was no verbal contact.

Chair Guardarrama disclosed for the record he made a site-visit, met with the applicant and applicant's representatives, and representatives of the restaurant.

Chair Guardarrama opened public testimony for Item 9.C.:

JEFF SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicant's report. He detailed the history of the property.

He requested the following modification to Resolution No. PC 07-761; Section 11.2) to read: *"to allow outdoor dining from 11:00 A.M. to 1:00 A.M. Sunday through Wednesday, and 11:00 A.M. to 2:00 A.M. Thursday through Saturday."*

He requested the following modification to Resolution No. PC 07-761; Section 12.3) to read: *"to allow alcoholic beverage sales outdoors from 11:00 A.M. to 12:00 A.M. Sunday through Wednesday, and 11:00 A.M. to 1:00 A.M. Thursday through Saturday; and "to allow alcoholic beverage sales indoors from 11:00 A.M. to 2:00 A.M., seven days a week."*

STEPHEN KANNER, LOS ANGELES, applicant's representative, continued the applicant's report. He spoke and detailed the building location, curtain wall, columns, materials, corner patio with glass wall, windows, landscaping, signage, connectivity, renovation of all parking levels, ground floor aesthetics, and overall lighting plan.

LEE MAEN, LOS ANGELES, of Innovative Dining Group, continued the applicant's report. He spoke and detailed the proposed ground floor restaurant space, noise issues, hours of operation and parking concerns.

Commissioner Altschul questioned residential buffering.

Commissioner Hamaker questioned the outdoor layout of the restaurant.

PAUL ZUCKERMAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JOHN CARPENTER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JEFFREY RABIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke on parking and traffic issues.

NICOLAS RAMNICEANU, MANHATTAN BEACH, opposes staff's recommendation of approval.

MICHAEL SPENCER, BURBANK, spoke in support of staff's recommendation of approval.

MAURICE AMAR, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

LOUISE KRAKOWER, WEST HOLLYWOOD, has concerns regarding this item. She had concerns with the noise levels of the automatic parking gates.

JEFF SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicant's rebuttal. He spoke on neighbors concerns regarding traffic ingress and egress.

RON HIRSCH, SANTA MONICA, Hirsch Green Transportation Consulting, continued the applicant's rebuttal. He spoke and detailed traffic and parking issues, and proposed impacts. He clarified the valet parking operations plan.

Commissioner Hamaker requested clarification regarding the number of parking spaces.

Commissioner Altschul questioned and requested clarification of the lunch hour valet parking plan.

Commissioner Yeber questioned the traffic study and visibility issues regarding the glass wall.

JERRY CHRISTOFF, SANTA MONICA, acoustical consultant, continued the applicant's rebuttal. He detailed the history of sound and sound patterns. He spoke on sound measurements, sound levels, sound barriers, background noise levels, noise decibels, bass frequencies, and ambient noise levels. He stated the background music would not be objectionable.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 7:50 P.M. AND RECONVENED AT 8:05 P.M.

Commissioner D'Amico stated his support for the project.

Commissioner D'Amico moved to: 1) approve the application; with the following amendments: a) Resolution No. PC 07-761; Section 12.3) to read: i) *“allow outdoor dining from 11:00 A.M. to 1:00 A.M. Sunday through Wednesday, and 11:00 A.M. to 2:00 A.M. Thursday through Saturday;”* and ii) Resolution No. PC 07-761; Section 12.2) to read: *“allow alcoholic beverage sales outdoors from 11:00 A.M. to 12:00 A.M. (midnight) Sunday through Wednesday, and 11:00 A.M. to 1:00 A.M. Thursday through Saturday; and “to allow alcoholic beverage sales indoors from 11:00 A.M. to 2:00 A.M., seven days a week;”* and b) the sound study to be revisited in 90 days and 180 days to the satisfaction of the Director of Community Development.

Seconded by Commissioner DeLuccio.

Commissioner Altschul requested the following conditions added to the original motion: a) applicant and staff shall come up with an appropriate discount rate for parking at the off-site parking location, located at 9201 Sunset Boulevard, West Hollywood, California, for existing tenants of the office structure; and b) noise levels of the parking garage gates which open and close to provide access to 9200 Sunset Boulevard, West Hollywood, California, to be at a decibel level to be determined to be acceptable, so as not to in any way adversely impact neighboring residences.

Commissioner D'Amico agreed to the added conditions.

Commissioner DeLuccio agreed to the added conditions.

Commissioner Hamaker requested the following condition added to the amended original motion: a) music shall only be background music [not amplified and no live music].

Commissioner Hamaker suggested once the restaurant is complete, the acoustical consultant run another test to check the original noise levels. Once they determine the set level it should not go above, there should be a governor put on the controls.

Commissioner D'Amico did not agree to the word "amplified" in the requested amendment. He did agree to the added condition regarding "no live music".

Commissioner D'Amico re-read the requested amendment for the record: a) The sound shall be at the appropriate levels as discussed in the study; and b) there shall be no live music.

Commissioner Hamaker requested another condition to the amended motion: a) there shall be a 3-month and 6-month overall review.

Commissioner Hamaker stated her support of the architecture of the building.

Commissioner Altschul commended Mr. Stephen Kanner on the sensational job in crafting a new look for the Luckman Building.

Commissioner Yeber stated his support of the exterior lighting scheme. He had concerns regarding the parking. He had concerns with the new design (glass wall) at the intersection of Cory Avenue, stating possible glare issue(s) and other obstacles.

Commissioner Yeber requested an amendment to the motion to include: a) the intersection shall be looked at carefully regarding the potential impacts the glass wall and contents may have on that intersection.

Discussion was held regarding alternatives concerning the glass wall.

Commissioner D'Amico did not agree to the requested amendment.

Commissioner D'Amico suggested the vision of this architecture should be able to be manifested. If there are issues, then landscaping or film could be looked into for any possible impacts.

Chair Guardarrama called Jeanne Dobrin, West Hollywood, to the podium and questioned her regarding "loud speakers".

JEANNE DOBRIN, WEST HOLLYWOOD, spoke on amplified sound.

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

Chair Guardarrama stated his support of the project and architecture.

Commissioner Hamaker had concerns with handicapped parking spaces used as storage. She requested staff to look into this.

Commissioner D'Amico reminded to the tenants and owner of the building regarding Resolution No. PC 07-761; Section 11.4) stating that "West Hollywood" shall be used as the business address on stationary, advertising and business material.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 07-752 as amended: a) Section 12.3) shall read: *"allow outdoor dining from 11:00 A.M. to 1:00 A.M. Sunday through Wednesday, and 11:00 A.M. to 2:00 A.M. Thursday through Saturday;"* b) Section 12.2) shall read: *"allow alcoholic beverage sales outdoors from 11:00 A.M. to 12:00 A.M. (midnight) Sunday through Wednesday, and 11:00 A.M. to 1:00 A.M. Thursday through Saturday; and "allow alcoholic beverage sales indoors from 11:00 A.M. to 2:00 A.M., seven days a week;"* c) applicant and staff shall come up with an appropriate discount rate for parking at the off-site parking location, located at 9201 Sunset Boulevard, West Hollywood, California, for existing tenants of the office structure; d) noise levels of the parking garage gates which open and close to provide access to 9200 Sunset Boulevard, West Hollywood, California, shall be at a decibel level to be determined to be acceptable, so as not to in any way adversely impact neighboring residences; e) the sound study shall be revisited in ninety (90)-days and one-hundred-eighty (180)-days to the satisfaction of the Director of Community Development; d) there shall only be background music; f) there shall be no live music; g) sound shall be at the appropriate levels as discussed in the study; h) there shall be a three (3)-month and six (6)-month overall review; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A NEGATIVE DECLARATION, AND CONDITIONALLY APPROVING ADMINISTRATIVE PERMIT 2006-050, DEVELOPMENT PERMIT 2006-069, MINOR CONDITIONAL USE PERMIT 2006-011, FOR THE ENCLOSURE OF A GROUND FLOOR PLAZA FOR A RESTAURANT USE WITH FULL ALCOHOL SERVICE, NEW OFFICE SPACE AND LOBBY RENOVATION, AS WELL AS THE CONVERSION OF AN EXISTING RESIDENTIAL PENTHOUSE INTO A COMMERCIAL OFFICE FOR THE PROPERTY LOCATED AT 9200 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.C. **Moved by Commissioner D'Amico, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, D'Amico, DeLuccio, Hamaker, Yeber, Chair Guardarrama.

NOES: None.

ABSENT: Vice-Chair Bartolo.

RECUSED: None.

D. 8240 Sunset Boulevard. (Sunset Beach)

Six-Month Operational Review:

Francisco Contreras, Associate Planner, provided a graphic presentation and background information as presented in the staff report dated Thursday, September 20, 2007.

He detailed the required six-month operational review of a previously issued Minor Conditional Use Permit (MCP 2004-010) for the sale, service, and consumption of alcoholic beverages and Administrative Permit (APO 2005-021) permitting two outdoor dining Areas for a restaurant.

He spoke on the findings regarding the West Hollywood Sheriff's Department, the Alcoholic Beverage Control Board (ABC), and the Code Compliance Division.

Staff recognizes that since the restaurant has only operated sporadically and mainly on weekends, a full assessment of the impacts during full operations cannot be adequately reviewed. Since the permits issued will require annual review, a more detailed analysis may be performed at a year's time.

Nevertheless, staff is concerned with the number of citations that the restaurant has received from the City's Commercial Code Compliance Division. Since starting operations in October of 2006, it has already received seven citations for MCUP violations, some which remain outstanding.

Although these issues are a concern to staff, at this time, the circumstances under which the permits were granted have not changed and the establishment is not routinely operating in a manner contrary to the peace, health, safety and general welfare of the public.

Staff recommends Code Compliance continue monitoring the situation to ensure that the Sunset Beach remains in compliance with the City's Municipal Code and the conditions of their existing approvals.

Chair Guardarrama opened public testimony for Item 9.D.:

STEVE MARLTON, WEST HOLLYWOOD, operator of Sunset Beach, spoke in support of Sunset Beach.

BARRON KIDD, WEST HOLLYWOOD, spoke in support of Sunset Beach.

DAVID GEORGE, LOS ANGELES, has concerns regarding this item. He spoke on traffic issues and neighborhood compatibility.

LISA ARDEN, LOS ANGELES, has concerns regarding this item. She spoke on traffic, noise, parking issues and neighborhood compatibility.

Commissioner D'Amico had concerns with the traffic issues. He questioned if a traffic study could be prepared into the upcoming staff report.

ALLAN WILION, WEST HOLLYWOOD, has concerns regarding this item. He spoke on alcoholic beverage licenses, outdoor patios and neighborhood compatibility.

ROBERT HOTLER, LOS ANGELES, has concerns regarding this item. He spoke on noise issues, vermin infestation and neighborhood compatibility.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on alcoholic beverage control licenses and code compliance issues.

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

Commissioner D'Amico questioned the operator of Sunset Beach their current operating hours.

STEVE MARLTON, WEST HOLLYWOOD, operator of Sunset Beach, stated they are currently open seven days a week.

Commissioner Altschul moved to: 1) Receive and file; and 2) continue the reviews on a six-month, semi-annual basis.

Seconded by Chair Guardarrama.

ACTION: 1) Receive and file; 2) continue operational reviews on a six-month, semi-annual basis; and 3) Close Public Hearing Item 9.D. **Moved by Commissioner Altschul, seconded by Chair Guardarrama and unanimously carried; notating the abstention of Vice-Chair Bartolo.**

10. NEW BUSINESS.

A. Planning Commission Meeting Amendment.

ACTION: Officially cancel the Planning Commission meeting of Thursday, January 3, 2008. **Moved by Commissioner Altschul, seconded by Chair Guardarrama and unanimously carried; notating the abstention of Vice-Chair Bartolo.**

11. UNFINISHED BUSINESS. None.

12. EXCLUDED CONSENT CALENDAR. None.

13. ITEMS FROM STAFF.

Director's Report.

Susan Healy Keene, Director of Community Development, reported on items heard at the Director's Hearing on Tuesday, September 11, 2007. 1) 8566 Sunset Boulevard (944 Magazine), requesting accessory business activities; and 2) 8224-8226 Sunset Boulevard (Hadaka Sushi); requested to modify their existing minor conditional use permit for full alcohol with modified hours.

Planning Manager's Update.

John Keho, Planning Manager, provided an update of upcoming projects tentatively scheduled for Planning Commission.

14. PUBLIC COMMENT.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on 8224-8226 Sunset Boulevard (Hadaka Sushi), alcoholic beverage licenses, and parking issues.

15. ITEMS FROM COMMISSIONERS. None.

16. ADJOURNMENT: The Planning Commission adjourned at 9:00 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, October 4, 2007 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 4TH DAY OF
OCTOBER, 2007.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR