



PLANNING COMMISSION MINUTES
Regular Meeting
April 20, 2006

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

1. CALL TO ORDER:

Chair Thompson called the meeting of the Planning Commission to order at 6:35 P.M.

2. PLEDGE OF ALLEGIANCE: James Litz led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Altschul, Bartolo, DeLuccio, Guardarrama, Hamaker, Vice-Chair D'Amico, Chair Thompson.

Commissioners Absent: None.

Staff Present: Jennifer Noel, Associate Contract Planner, Melodie Bounds-Frisby, Associate Planner, Rachel Heiligman, Associate Planner, John Chase, Urban Designer, John Keho, Planning Manager, Michael Jenkins, City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move Agenda Item 6. (Public Comment) before Agenda Item 5.A. (Approval of Minutes: April 6, 2006)

ACTION: Approve the Planning Commission Agenda of Thursday, April 20, 2006 as amended. **Motion by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried.**

The following was heard out of order as part of the amended agenda:

6. PUBLIC COMMENT.

LAURA BRILL, WEST HOLLYWOOD, commented on inconsistencies of the Planning Commission minutes of Thursday, April 6, 2006.

ELLEN EVANS, WEST HOLLYWOOD, deferred her comments regarding 8914-8916 Rangely Drive, West Hollywood, California.

TOM DEMILLE, WEST HOLLYWOOD, commented on the world wide AIDS crisis and services.

DAVID NASH, WEST HOLLYWOOD, commented on the Metropolitan Transit Authority bus yard, stated his support of a subway system under Santa Monica Boulevard, green buildings and the status of local emergency room services.

ROSYLN KRAUSE, WEST HOLLYWOOD, commented on the hedge height on the corner of Rugby Drive and Westbourne Avenue, West Hollywood, California.

The following was heard out of order as part of the amended agenda:

5. APPROVAL OF MINUTES.

A. April 6, 2006

Commissioner Altschul stated there are several items that should be included in the minutes of Thursday, April 6, 2006, as notated in the written comments submitted by Laura Brill and Ellen Evans.

Commissioner DeLuccio noted the incorrect Roll Call Vote of Item 12.B. (1257 N. Detroit Street). NOES should reflect: 1) Commissioner DeLuccio; and 2) Commissioner Hamaker.

ACTION: 1) Amend the Planning Commission Minutes of Thursday, April 6, 2006; and 2) continue to Thursday, May 4, 2006. **Motion carried by consensus of the Commission.**

7. ITEMS FROM COMMISSIONERS.

Commissioner Altschul commented on the hedge height on the corner of Rugby Drive and Westbourne Avenue, and suggested residential Code Compliance look into this issue. He stated perhaps the Certificate of Occupancy should not be issued until compliance is met.

Commissioner Altschul would like to see an item agendized regarding the use of interior courtyards as it relates to Floor Area Ratio; in the particular zone(s) where .5 is mandated.

8. CONSENT CALENDAR.

A. 8914-8916 Rangely Drive.

Demolition Permit 2005-021, Development Permit 2005-029:

On Thursday, April 6, 2006, the Planning Commission held a public hearing on the appeal of Laura Brills and Ellen Evans, the Planning Commission voted to deny, in part, the appeal, and to affirm, in part, the approval allowing the demolition of an existing duplex and the construction of a new duplex. Resolutions have been prepared for adoption.

ACTION: 1) Moved to Excluded Consent Calendar. **Motion by Commissioner Altschul and unanimously carried.**

9. PUBLIC HEARINGS.

A. 723 N. Huntley Drive. (West Hollywood Huntley Preschool) Conditional Use Permit 2005-012, Negative Declaration:

Jennifer Noel, Associate Contract Planner, presented the staff report. She made a notation to a printing error in the agenda and mailing notice regarding the description of the project. It should state they are currently allowed to have twelve children during the school day, up to fourteen children after school.

She acknowledged that there is an ongoing need for child-care in the region. The facility is currently operating as a Large Family Day Care Home; which is permitted by the State of California to provide care for up to fourteen children at one time. The City of West Hollywood does not issue permits for a Large Family Day Care Home; but a Conditional Use Permit is required for a Child Care Facility providing care for more than fourteen children.

She spoke on the background and project proposal, operations, traffic, parking and loading, need for child care services in the City of West Hollywood, noise, the neighborhood meeting and neighborhood input.

She noted Section 4 of Draft Resolution No. PC 06-671 was deleted since an Environmental Review is not needed for a project denial.

Staff recommends denial of the application.

Commissioner Altschul questioned the number of children currently being housed and the number of rotations as allowed by State guidelines.

Questions were recapitulated regarding the number of children, trip drop-offs, and local jurisdiction versus State guidelines.

Commissioner Guardarrama questioned the rationalization of the requirements of living on-site.

Michael Jenkins, City Attorney, reiterated state guidelines versus local jurisdiction.

Commissioner Guardarrama disclosed for the record, he made a site visit, met with the applicant and applicant's representatives; Gene Smith and James Litz.

Commissioner Hamaker disclosed for the record, she made a site visit, met with the applicant and applicant's representatives; Gene Smith and James Litz.

Vice-Chair D'Amico disclosed for the record, he made a site visit.

Commissioner Altschul disclosed for the record, he met with the applicant and applicant's representatives; Gene Smith and James Litz.

Commissioner DeLuccio, disclosed for the record, he made a site visit, met with the applicant and property owners.

Chair Thompson, disclosed for the record, he met with the applicant

Chair Thompson opened public testimony for Item 9.A.:

GENE SMITH, WEST HOLLYWOOD, representing the applicant, presented the applicants report. He offered statistics regarding current child care facilities locally and state-wide. He spoke on the demographics of West Hollywood, neighboring support for this project, scheduling, drop-off issues, traffic mitigation, drainage, carriage lanes, parking, interior space expansion, handicap accessibility, parking circulation and detailed the requested number of additional children.

Commissioner Altschul questioned if the applicant is prepared to pay for a carriage lane, if granted.

GENE SMITH, applicant's representative, stated the applicant is willing to pay for this addition.

Commissioner Altschul questioned if the persons signing the petition (and at the neighborhood meeting) were made aware of the actual population of the school, and the proposed increase in children.

GENE SMITH, applicant's representative, stated he did not recall if he made this information available.

Commissioner Altschul questioned the percentage of space currently in use by the day care school.

Commissioner DeLuccio questioned how many different students attend the day care center and questioned the usable space.

GENE SMITH, applicant's representative, stated they currently have twelve students in the morning and fourteen in the afternoon.

JUANITA ELLIS, WEST HOLLYWOOD, applicant, confirmed they have twelve children enrolled in the morning program (five are full time students), and twelve in the afternoon. She also confirmed the usable space.

Commissioner Bartolo questioned how many children will physically be on site in a given day.

JUANITA ELLIS, WEST HOLLYWOOD, applicant, confirmed [probably] four in the morning and all full time students would remain in the afternoon.

REVEREND PAT LANGLOIS, FULLERTON, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

ROBIN D.G. KELLEY, PH.D., LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

STEVE MARTIN, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

MINDY BRADISH, BURBANK, Executive Director of the West Hollywood Chamber of Commerce, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

TOM DEMILLE, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the diversity of the City of West Hollywood and the residential neighborhood. He questioned the safety of the children.

ELIOT MITCHELL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding traffic and parking issues.

GEORGE CREDLE, WEST HOLLYWOOD, has concerns regarding this item. He spoke on the commercialization of the residential area.

ANGELA ELLIS, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

Commissioner Bartolo questioned the amount of children allowed by state guidelines and asked about noise mitigation measures.

LANDA ERSKINE, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

PHILLIP SANCHEZ, NORTH HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

KIMBERLY ROSE, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

CHRIS MALEKI, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

CHRIS SMARD, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

ALISON SMARD, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

LAURA CAYOUILLE, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

BRUCE TRAUB, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

BARBARA SHULMAN, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

GAIL SANES, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

DON FREY, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

DONALD ELMBLAD, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

DAMIAN LON, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

JANET CHAPMAN, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

LAURA TANNER, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

TAMARA HAMILTON, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

MELISSA REYNAUD, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

DONNA FEINSTEIN, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

RICK BICANOVSKY, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

LINDSAY, OTIS, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

SARAH MC KEE, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

JONATHAN NOBLE, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

CAROL KOMO-NOBLE, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

ROBERT NANKIN, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

CANDACE WELLS, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

ALBERT NEJAT, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

ROBERT LAFTA, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

RICHARD DANIELSON, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

JOAN GREENBERG, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

ANN CROWELL, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding additional traffic congestion.

JACK CARLISLE, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

AMMAL ALSREE, ENCINO, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

MICHAEL KING, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise issues and state guidelines.

LOIS LUGER, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

ROCHELLE ABRAMSON, ENCINO, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

JOSEPH CLAPSADDLE, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

PHILIP HOSKINS, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

SHALLOM, BERKMAN, LOS ANGELES, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

SMAYME ABRAMSON, ENCINO, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

TONY D'AGUANNO, WEST HOLLYWOOD, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding noise issues and the commercialization of a residential neighborhood.

BETH LEMBERGER, WEST HOLLYWOOD, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

DEBRA KASIRER, LOS ANGELES, spoke in support of staff's recommendation. (Opposes West Hollywood Huntley Preschool)

LARRY BLOCK, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding school expansion and child safety.

LARYL GARCIA, BEVERLY HILLS, opposes staff's recommendation of denial. (Supports West Hollywood Huntley Preschool)

GENE SMITH, WEST HOLLYWOOD, representing the applicant, presented the applicants rebuttal. He spoke and detailed trip generations; and stated they have agreed to limit the current number of trips to forty-four per day and improving the pick-up and drop-off times.

Commissioner Hamaker questioned the times of drop-off and pick-up.

Commissioner DeLuccio questioned the amount of students attending throughout the day and if this would trigger the need of a traffic impact analyses.

Terri Slimmer, Transportation Manager, stated that it is possible it could trigger a traffic impact analyses.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 9:20 P.M. AND RECONVENED AT 9:35 P.M.

Terri Slimmer, Transportation Manager, responded to further questions posed by the Planning Commission on residential loading zones, street schematics, traffic flow, traffic counts, carriage lanes, on-site parking, and the feasibility of enforcement issues. She had concerns regarding the enforcement of the forty-four vehicular trip maximum.

Vice-Chair D'Amico questioned the difference between passenger and material loading zones. He inquired about the legalities of bus and loading zones.

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

Commissioner Altschul stated his support for early education. He stated his concerns for the safety of the children during drop-offs and pick-ups.

Commissioner Altschul motioned: 1) grant a Conditional Use Permit with the addition of three (3) additional students; 2) approval is contingent upon, and the use may only start when, the Director of Community Development and the Transportation Manager arrive at an acceptable pick-up and drop-off plan (taking into consideration the applicant's offer of the daily trip maximum of forty-four (44)); 3) no pick-up after 6:00 P.M. 4) the three (3) additional students, shall be full-time; 5) applicant shall double-pane any windows at the property owners request (in the two adjacent buildings to the north and south of the property); 6) a minimum of four (4) hours attendance required by all students; 7) a six (6) month review following the start of the Conditional Use Permit.

No second to the motion.

MOTION DOES NOT PASS.

Commissioner Hamaker stated she could not support the motion. She commented on the applicant's proposal of the forty-four daily trip maximum, but questioned the monitoring process.

Commissioner Hamaker motioned: 1) deny the staff report; 2) approve the request with the following conditions: a) daily trip maximum shall be forty-four (44); b) twenty-four (24) full time students (no trade-offs of children coming and going in shifts shall apply); c) subject to a transportation study; d) a three (3) minute time limit shall apply to the loading zone; and e) to hold a neighborhood meeting.

Commissioner DeLuccio questioned if she would include the condition of double-paned windows for the neighbors who make a request.

Commissioner Hamaker stated the double-paned windows should be utilized in the actual school house.

Seconded by Commissioner Altschul.

Staff had concerns and asked for clarification regarding the transportation study and the three minute loading zone. **It was decided to change the three minute parking time limit to a five minute parking time limit accessible to the public at all times.**

Commissioner Guardarrama stated he could not support the motion. He questioned and summarized if a commercial business actually belongs in a residential zone.

Commissioner DeLuccio stated his concerns with granting a Conditional Use Permit and the effects a commercial entity would have on the future neighborhood.

Commissioner Bartolo commented on the State of California guidelines and legislation. She requested Commissioner Altschul's original motion be added to the second motion by Commissioner Hamaker. **She would like the following added: 1) a noise mitigation plan for the back yard.**

Commissioner Altschul reiterated his conditions: **1) no pick-up after 6:00 P.M.; 2) a six (6) month review following the start of the Conditional Use Permit; and 3) applicant shall double-pane any windows at the property owners' request (in the two adjacent buildings to the north and south of the property).**

Commissioner Hamaker agreed to the added conditions to her motion.

Commissioner Altschul commented on the number of students.

Commissioner DeLuccio questioned whether an increase in students would trigger a need for a transportation study.

John Keho, Planning Manager had concerns with the transportation study regarding the amount of children present (coming and going). He stated the way the current motion reads (regarding the number of students), there would not need to be another transportation study conducted.

Commissioner Altschul questioned if the original verbiage would suffice: **1) all of the Conditional Use Permit shall be conditioned upon: a) acceptable drop-off and pick-up plan acceptable to the Director of Community Development and Transportation Manager (and/or Transportation Director), and the Conditional Use Permit shall be in effect at that point.**

Commissioner Hamaker agreed to this amendment.

Chair Thompson commented on the need to strike a balance.

John Keho, Planning Manager requested a clarification on the six month review.

Commissioner Altschul stated it shall be reviewed by the Commission in six months as a public hearing.

John Keho, Planning Manager, reiterated the Zoning Ordinance does require all loading must be done on-site. In this case, all loading would be done off-site in a public street; therefore, the motion should include waiving this requirement.

Commissioner Guardarrama recapped his disapproval of a commercial business in a residential area.

Michael Jenkins, City Attorney, clarified the motion to include: 1) direct staff to return with a draft resolution that would approve the Conditional Use Permit subject to the aforementioned conditions.

John Keho, Planning Manager, re-stated the conditions for the record: **1) twenty-four (24) full time students (children); 2) daily trip maximum shall be forty-four (44); 3) loading zone shall not be paid for by the applicant, since it is not specific to the business; 4) neighborhood meeting shall be held by the applicant; 5) a noise mitigation plan shall be prepared; 6) no pick-up after 6:00 P.M.; 7) there shall be a six (6) month review at a public hearing by the Planning Commission; 8) applicant shall double-pane any windows at the property owners' request (in the two adjacent buildings to the north and south of the property); 9) acceptable drop-off and pick-up plan acceptable to the Director of Community Development and Transportation Manager (and/or Transportation Director); and 10) the loading requirements in the Zoning Ordinance are waived.**

Commissioner Altschul added to the motion: 1) at all times during the hours the school is open, a telephone number shall be provided to the neighbors for contact and communication.

Commissioner Hamaker agreed to this amendment.

ACTION: 1) Return with draft Resolution No. PC 06-671 with the following conditions: a) maximum enrollment of twenty-four (24) full time students (children); b) daily vehicular trip maximum shall be forty-four (44); c) loading zone shall not be paid for by the applicant, since it is not specific to the business; d) neighborhood meeting shall be held by the applicant; e) a noise mitigation plan be prepared; f) no pick-up after 6:00 P.M.; g) there shall be a six (6) month review at a public hearing by the Planning Commission; h) applicant shall double-pane any windows at the property owners' request (in the two adjacent buildings to the north and south of the property); i) acceptable drop-off and pick-up plan acceptable to the Director of Community Development and Transportation Manager (and/or Transportation Director); j) at all times during school hours, a telephone number shall be provided to the neighbors for contact and communication; and 3) waive the loading requirements in the Zoning Ordinance; and 4) Close Public Hearing Item 9.A. . **Motion by Commissioner Hamaker, seconded by Commissioner Altschul and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Bartolo, Hamaker, Vice-Chair D'Amico, Chair Thompson.
NOES: Guardarrama, DeLuccio.
ABSENT: None.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 10:25 P.M. AND RECONVENED AT 10:35 P.M.

B. 807 N. Huntley Drive.

Demolition Permit 2005-034, Development Permit 2005-042, Tentative Tract Map 2005-016, Negative Declaration:

Melodie Bounds-Frisby, Associate Planner, presented the staff report. She stated the applicant is requesting to demolish an existing duplex, and construct a two-unit condominium building that is two-stories with an additional mezzanine level and at grade, street facing parking garage.

She read into the record, two conditions that have been added to draft Resolution No. 06-669: 1) *"the driveway shall be no wider than sixteen (16) feet as measured from the north property line to the satisfaction of the Department of Transportation"*, and 2) *"the existing south driveway apron shall be removed and curb and gutter shall be installed to the satisfaction of the Department of Transportation."*

John Chase, Urban Designer, commented on the overall design of the building. He stated staff has found the contemporary design of the building is exemplary, therefore, is not subject to the setback of six feet on the second story.

Commissioner Bartolo disclosed for the record, one of the two applicants, has recently come to work for the KOR Group, and feels confident she will be able to accurately judge the merits of this project without bias.

Chair Thompson opened public testimony for Item 9.B.:

BRUNO BONDANELLI, LOS ANGELES, applicant, presented the applicant's report. He commented on the green building characteristic's that have been incorporated into this building and detailed the loft style units.

Commissioner Altschul confirmed with the applicant if he was in agreement with the added conditions as set-forth by staff.

BRUNO BONDANELLI, applicant, stated for the record the added conditions are acceptable.

DAVID CUTLER, WEST HOLLYWOOD, spoke in support of staff's recommendation.

MAZDA HOGHOUGH, LOS ANGELES, spoke in support of staff's recommendation.

BRUCE TRAUB, WEST HOLLYWOOD, opposes staff's recommendation.

DONALD ELMBLAD, WEST HOLLYWOOD, opposes staff's recommendation.

GEORGE CREDLE, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding proposed height and parking

ROBERT LATTA, WEST HOLLYWOOD, opposes staff's recommendation.

LOIS LUGER, LOS ANGELES, spoke in support of staff's recommendation.

ROBERT SEELOFF, WEST HOLLYWOOD, spoke in support of staff's recommendation.

BRUNO BONDANELLI, LOS ANGELES, applicant, presented the applicant's rebuttal. He commented on height, the modern design of the project, and bulk and massing.

Commissioner Bartolo questioned the height of a neighboring building and inquired about a landscaping plan.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MASSING MODEL AT 11:05 P.M. AND RECONVENED AT 11:10 P.M.

BRUNO BONDANELLI, applicant stated for the record he is willing to work with staff on a solution regarding landscaping.

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

Vice-Chair D'Amico motioned: 1) approve staff's recommendation.

Seconded by Commissioner Guardarrama.

Commissioner DeLuccio stated his support of this project.

Commissioner Hamaker commented on the design of the project.

Commissioner Altschul commented on the sensational architecture of the project.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 06-669 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A NEGATIVE DECLARATION AND APPROVING DEMOLITION PERMIT 2005-034 AND DEVELOPMENT PERMIT 2005-042, FOR THE DEMOLITION OF AN EXISTING DUPLEX AND THE CONSTRUCTION OF A NEW TWO-UNIT CONDOMINIUM STRUCTURE, FOR THE PROPERTY LOCATED AT 807 N. HUNTLEY DRIVE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 06-670 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2005-016, FOR THE PROPERTY LOCATED AT 807 N. HUNTLEY DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close Public Hearing Item 9.B. **Motion by Vice-Chair D'Amico, seconded by Commissioner Guardarrama and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Bartolo, DeLuccio, Guardarrama, Hamaker, Vice-Chair D'Amico, Chair Thompson.

NOES: None.

ABSENT: None.

C. 714 Westbourne Drive.

Demolition Permit 2005-042, Development Permit 2005-062, Modification 2005-029, Tentative Tract Map 2005-020, Negative Declaration:

Rachel Heiligman, Associate Planner presented the staff report. She stated the applicant is requesting to demolish an existing single-family dwelling, and construct a two-unit condominium building, with two-stories and a mezzanine.

Additionally, the request includes a ten percent modification of development standards to reduce the street facing requirements from forty feet to thirty-six feet where a two-car garage is proposed that is integrated with the façade.

She read into the record, one condition, which has been added to draft Resolution No. PC 06-666: 1) *“the driveway shall be no wider than 16-feet, designed to maximize on-street parking to the satisfaction of the Department of Transportation.”*

John Chase, Urban Designer, commented on the overall design of the building. He stated this project is very similar in design to the last project, which staff has found the contemporary design of the building as exemplary.

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

BRUNO BONDANELLI, LOS ANGELES, applicant, presented the applicant's report. He commented on the character of the architecture and the modification regarding the narrow size of the lot.

BRUCE TRAUB, WEST HOLLYWOOD, opposes staff's recommendation.

LOIS LUGER, LOS ANGELES, spoke in support of staff's recommendation.

GEORGE CREDLE, WEST HOLLYWOOD, has concerns regarding this item. He commented on height averaging.

BRUNO BONDANELLI, LOS ANGELES, applicant, presented the applicant's rebuttal. He detailed the height of the building.

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

Commissioner DeLuccio motioned: 1) to approve staff's recommendation.

Seconded by Commissioner Bartolo.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 06-666 as presented "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD ADOPTING A NEGATIVE DECLARATION AND APPROVING DEMOLITION PERMIT 2005-042, DEVELOPMENT PERMIT 2005-062, AND MODIFICATION 2005-029, FOR THE DEMOLITION OF AN EXISTING SINGLE-FAMILY DWELLING AND THE CONSTRUCTION OF A NEW TWO-UNIT CONDOMINIUM STRUCTURE LOCATED AT 714 WESTBOURNE DRIVE, WEST HOLLYWOOD, CALIFORNIA"; 3) Adopt Resolution No. PC 06-667 "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING TENTATIVE TRACT MAP 2005-020, FOR THE PROPERTY LOCATED AT 714 WESTBOURNE DRIVE, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close Public Hearing Item 9.C. **Motion by Commissioner DeLuccio, seconded by Commissioner Bartolo and passes on a Roll Call Vote:**

AYES: Commissioners Altschul, Bartolo, DeLuccio, Guardarrama, Hamaker, Vice-Chair D'Amico, Chair Thompson.

NOES: None.

ABSENT: None.

D. 7922 Santa Monica Boulevard. (I-Candy)

Conditional Use Permit 2006-001, Development Permit 2006-025:

Rachel Heiligman, Associate Planner presented the staff report. She presented a detailed history of the property and business. She stated the request is for an intensification of land use for an existing restaurant to become a nightclub, currently known as I-Candy.

She spoke on the queuing of patrons, entertainment, alcohol, restrooms, hours of operation, outdoor dining and smoking areas, noise, parking issues and neighborhood impacts.

She stated for the record the following modifications to draft Resolution No. PC 06-668:

- 1) Condition No. 7.4 is duplicative and shall be removed; and
- 2) Condition No. 9.17 shall be amended: *"the security services are additionally required to patrol the surrounding area and off-site parking lot"*; and
- 3) Letter h) shall be added to Condition 9.17 to read: *"security procedures and techniques"*; and
- 4) Condition No. 9.22 shall be added: *"to require all security personnel shall have received PC 832 Training or obtain a California Guard Card from the California Department of Consumer Affairs"*; and

- 5) Condition No. 9.23 shall be added: *“A doorman shall be required at the main entrance to keep an accurate count of the number of patrons inside the nightclub at all times”*; and
- 6) Condition No 6.10 shall be amended to include: *“the applicant shall maintain all off-site parking, and should the off-site parking become unavailable to the applicant, a modification to the Parking Use Permit shall be submitted to provide the required eighteen parking spaces elsewhere”*.

Staff support's the applicant's request for an intensification of land use for an existing restaurant to become a nightclub.

Commissioner Altschul questioned who owned the off-site parking lots, the type of alcohol permit currently granted and if in fact food is being served.

Chair Thompson disclosed for the record, he spoke to the applicant to acquire clarification of the operation of the business.

Commissioner Guardarrama disclosed for the record, he has made visits to the establishment on several occasions.

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

TYLER ROBUCK, ENCINO, owner and applicant, presented the applicant's report. He detailed the history of the business, clientele, profitability, compliance issues, club capacity and operations, and community involvement.

YAWUR CHARLIE, WEST HOLLYWOOD, applicant, presented the applicant's report. He detailed the operations of the club, fund raising and extensive community involvement.

Commissioner Altschul questioned if the applicant has applied for a change in alcohol permit, from Type 47 to Type 48.

TYLER ROBUCK, ENCINO, owner and applicant, stated for the record he is unable to apply until this Development and Conditional Use Permit are approved. It will be applied for, at that time.

Commissioner Altschul questioned if there is a condition in the current resolution stating it is not effective until the Type 48 license is issued.

Rachel Heiligman, Associate Planner, stated for the record, Section 9.2 of Resolution No. PC 06-668 states: *“prior to issuance of a certificate of occupancy, applicable licenses shall be obtained and maintained from the State Alcoholic Beverage Control Board”*.

After discussion, it was decided to include the wording and define applicable licenses as Type 48 in Resolution No. PC 06-668.

Commissioner Altschul asked if there are any outstanding violations from the State Alcoholic Beverage Control Board.

Rachel Heiligman, Associate Planner, stated for the record, there were no violations or citations on the State Alcoholic Beverage Control Board records.

Commissioner Hamaker stated this establishment is in the Redevelopment Project Area and suggested the applicant contact staff liaison Allyne Winderman, for participation in the Project Area Committee.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on staff's contact with the State Alcoholic Beverage Control Board, entrepreneurial opportunities and the Eastside redevelopment area.

ED BUCK, WEST HOLLYWOOD, has concerns regarding this item. However, his concerns regarding entitlements, security, parking and parking leases were addressed by the additional conditions added by staff and agreed to by the Applicant.

GEORGE CREDLE, WEST HOLLYWOOD, has concerns regarding this item. He commented on entitlements.

KATHY BRAY, WEST HOLLYWOOD, spoke in support of staff's recommendation.

BRITT SAANS, WEST HOLLYWOOD, spoke in support of staff's recommendation.

BERNADETTE GUCHIN, LOS ANGELES, opposes staff recommendation.

Chair Thompson suggested staff get crime statistics for her neighborhood and that she correspond with staff on those issues.

TYLER ROBUCK, ENCINO, owner and applicant, presented the applicant's rebuttal. He commented on security, entitlements, and continuing to work with the community.

Commissioner DeLuccio questioned if there is any residential behind the building.

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

Commissioner Guardarrama commented on the public's perception of this establishment, which appears to be currently operating as a nightclub. He cannot support staff's recommendation.

Chair Thompson commented on the previous uses of this location and stated this is a benefit to the surrounding neighborhood.

Chair Thompson motioned: 1) to approve staff's recommendation.

Seconded by Commissioner DeLuccio.

Commissioner DeLuccio would like a condition added: 1) a six (6) month review by the Director of Community Development.

Chair Thompson agreed to this amendment.

Chair Thompson added: 1) if the parking lot lease changes location, the security of the parking lot shall travel to the new location (including valet services).

Commissioner Hamaker had concerns with noise, regarding the back door. She would like the applicant to be aware of that issue.

Commissioner Bartolo commended the applicant's for coming forward at this time for the proper permits. She had concerns regarding noise and disc jockeys. She requested a condition added: 1) to set a noise level (predetermined by the City), that would have to be adhered to at all times and consistently maintained.

Michael Jenkins, City Attorney, stated the City of West Hollywood currently has a Noise Ordinance. The City does not have the capability (facilities or equipment) and does not specifically use decibel levels.

Commissioner Bartolo stated her concerns with patrons exiting the club and indicated there needs to be a level of vigilance regarding that.

Commissioner Altschul commented on entitlements and abuse. He could not support this item.

Chair Thompson reiterated the motion: 1) approve staff's recommendation; 2) a six (6) month review by the Director of Community Development; 3) if the parking lot lease changes location, the security of the parking lot shall travel to the new location (including valet services); 4) include the wording and define applicable licenses as Type 48 in Resolution No. PC 06-668.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 06-668 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING CONDITIONAL USE PERMIT 2006-001 AND DEVELOPMENT PERMIT 2006-025 ON AN APPLICATION OF TYLER ROBUCK OF I-CANDY FOR AN INTENSIFICATION OF LAND USE FOR AN EXISTING RESTAURANT TO BECOME A NIGHTCLUB AT 7929 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close Public Hearing Item 9.D. **Motion by Chair Thompson Thompson, seconded by Commissioner DeLuccio and passes on a Roll Call Vote:**

AYES: Commissioners DeLuccio, Hamaker, Vice-Chair D'Amico, Chair Thompson.

NOES: Altschul, Bartolo, Guardarrama.

ABSENT: None.

10. **NEW BUSINESS.** None.

11. **UNFINISHED BUSINESS.** None.

12. **EXCLUDED CONSENT CALENDAR.**

A. **8914-8916 Rangely Drive.**

Demolition Permit 2005-021, Development Permit 2005-029:

On Thursday, April 6, 2006, the Planning Commission held a public hearing on the appeal of Laura Brills and Ellen Evans, the Planning Commission voted to deny, in part, the appeal, and to affirm, in part, the approval allowing the demolition of an existing duplex and the construction of a new duplex. Resolutions have been prepared for adoption.

ACTION: 1) Continue to Thursday, May 4, 2006. **Motion by Commissioner Altschul and unanimously carried.**

13. **ITEMS FROM STAFF.**

John Keho, Planning Manager, updated the Commission on the tree removal at 1426 N. Laurel Avenue, West Hollywood, California.

He stated at the next meeting, an item will be brought forward as a policy discussion item regarding nuisance properties and demolition.

He stated the City of West Hollywood received a Green Building Award on the recent work done regarding the Green Building Ordinance.

14. PUBLIC COMMENT.

BERNADETTE, GUCHIN, WEST HOLLYWOOD, commented on the inconvenient length of the Planning Commission meetings and order of items scheduled.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on noise issues and restaurants serving alcohol.

15. ITEMS FROM COMMISSIONERS.

Chair Thompson commented on competing interests and the actual order of items heard by the Commission.

Commissioner Hamaker suggested and recommended the possibility of some type of advert on cablevision, signifying which item the Commission is currently speaking on, for the television audience.

Commissioner Bartolo suggested staff look into density verses floor area ratio and would like staff to look into development strategy: 1) where we are and where we are going.

16. ADJOURNMENT: The Planning Commission adjourned at 12:28 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, May 4, 2006 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 MAY, 2006.



CHAIRPERSON

ATTEST:


COMMUNITY DEVELOPMENT DIRECTOR