



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**February 2, 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:** Valerie Kunz 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: Melodie Bounds-Frisby, Associate Planner, Jennifer Noel, Associate Contract Planner, David Gardner, Landscape Maintenance Supervisor, John Keho, Planning Manager, Mike Jenkins, City Attorney and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA:**

**ACTION:** Approve the Planning Commission Agenda of Thursday, February 2, 2006 as presented. **Motion by Commissioner Guardarrama, seconded by Commissioner DeLuccio and unanimously carried.**

**5. APPROVAL OF MINUTES.**

**A. January 19, 2006.**

**ACTION:** Approve the Planning Commission Minutes of Thursday, January 19, 2006 as presented. **Motion by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried.**

**6. PUBLIC COMMENT.**

TOM DEMILLE, WEST HOLLYWOOD, commented on parking issues.

**7. ITEMS FROM COMMISSIONERS.** None.

**8. CONSENT CALENDAR.** None.

## **9. PUBLIC HEARINGS.**

### **A. 840 N. Larrabee Street. Administrative Permit 2005-046.**

Continued from Thursday, January 5, 2006 and Thursday, January 19, 2006. Melodie Bounds-Frisby, Associate Planner, presented the staff report. She gave a history of the property and stated the applicant is requesting to amend the landscape plan approved by Administrative Permit 2003-045.

The previously approved landscape plan included the removal and replacement of six (6) Mexican Fan Palm trees and two (2) Ficus trees located in the courtyard of the Mediterranean Village Apartments. The applicant proposes to amend the landscape plan to allow replacement of the Mexican Fan Palm trees with six (6) Queen Palms and replacement of the Ficus trees with two (2) Tupidanthus trees.

Staff recommends denial of the request of the amendment and require the installed Queen Palms and Tupidanthus trees to be removed and replanted with the landscape specified in the approved plans. Additionally, staff recommends that a final landscape and irrigation plan be submitted for review and approval by the Director of Community Development prior to installation of the required landscaping and a site inspection be required to verify the size and species of plants on-site prior to installation.

Commissioner Altschul questioned if there had been any major changes [from the original public hearing on this item] regarding the issues that were originally brought forward.

Commissioner Hamaker questioned the differences between the Queen Palm trees and the Mexican Fan Palm trees, and the growth rate of Tupidanthus trees versus Ficus trees.

Commissioner Bartolo questioned the chronological history, and the changes made from the previous public hearing.

Melodie Bounds-Frisby, Associate Planner, stated staff found on the final inspection of the property, the applicant did not plant what was directed by the Planning Commission's final resolution at the last public hearing.

Chair Thompson disclosed for the record he met with the property owner/representative, property manager, asset manager and a couple of residents of the apartment complex.

Commissioner DeLuccio disclosed for the record he made a site visit and met with Westin Harris, resident, and the property manager.

Commissioner Hamaker disclosed for the record she made a site visit to the property with staff.

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

VALERIE KUNZ, ALISO VIEJO, Portfolio Manager for Mediterranean Village Apartments, presented the applicant's report. She gave a detailed history of the property, landscaping issues, maintenance problems, damage that was incurred by the previous Ficus trees and timelines of the outstanding issues.

Commissioner DeLuccio questioned why the applicant did not contact the City of West Hollywood earlier in the process, when they were experiencing obstacles regarding the landscaping issues.

Chair Thompson questioned if the applicant's experts on landscaping, were made aware of the Conditions of Approval for the final landscaping plan.

Commissioner Altschul questioned the applicant, was it was not their responsibility to advise their own experts of the Conditions of Approval that were granted in the final resolution.

GREG APPLGATE, TUSTIN, registered consulting arborist for the applicant, continued presentation of the applicant's report. He commented on the current landscaping.

ED SCIONMERI, RIVERSIDE, Project Manager for the applicant, stated they had the proper city permits to plant the trees.

Commissioner Bartolo questioned the timelines and lack of response regarding the applicant's failure to obtain the proper and/or amended permits.

MICHELLE BOWSER, LOS ANGELES, Business Manager for Mediterranean Village Apartments, continued presentation of the applicant's report. She commented on management's cooperation regarding tenants that were inconvenienced during this project.

ANGEE BECKETT, WEST HOLLYWOOD, Executive Director of the West Hollywood Tree Preservation Society, has concerns regarding this item. She commented on the beneficial quality trees provide to the environment.

ELIZABETH AMINI, LOS ANGELES, spoke in support of staff's recommendation.

COE HOBROOK, WEST HOLLYWOOD, spoke in support of staff's recommendation.

WESTON HARRIS, WEST HOLLYWOOD, spoke in support of staff's recommendation.

CONSTANTINA VELLIOS, WEST HOLLYWOOD, spoke in support of staff's recommendation.

VALERIE KUNZ, ALISO VIEJO, Portfolio Manager for Mediterranean Village Apartments, presented the applicant's rebuttal. She clarified the issues surrounding the Tupidanthus trees and commented on the picture in the promotional material for the Mediterranean Village Apartments. She also spoke regarding the issues surrounding tenant's concerns.

David Gardner, Landscape Maintenance Supervisor, commented on current landscaping issues and the intrusion Ficus trees generate.

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

**Vice-Chair D'Amico motioned to: 1) offer sunshades and/or all windows exposed with a glazing to all affected resident's in Building No. 4 (where the excavation took place); 2) hire a licensed landscape architect to prepare a planting plan and a potted plant plan (which will be irrigated), which shall be submitted to the city; and 3) all current trees on the property shall not be changed or removed.**

**Seconded by Commissioner Bartolo.**

**Commissioner Altschul amended the motion to include: 1) uphold staff's recommendation to deny the application.**

Vice-Chair D'Amico and Commissioner Bartolo agreed to this amendment.

Commissioner Hamaker commented on the current landscaping of the property.

Commissioner Bartolo commented on and questioned the course of action the applicant's pursued regarding this application.

Commissioner Guardarrama commented on the thwarting of the process by the applicant. He would like to preserve the trees that are currently there and stated that could be accomplished by actually approving the application. He could not support the motion as currently amended.

Commissioner DeLuccio commented on the application process.

**Commissioner Bartolo withdrew her support for Commissioner Altschul's amendment.**

**Melodie Bounds-Frisby, Associate Planner, confirmed the motion on the floor: 1) deny staff's current recommendation; 2) approve an amendment to the originally approved plan with the following additional additions and conditions: a) provide sunshades to the porch; b) a landscape and irrigation plan shall be submitted and prepared by a licensed landscape architect for staff review; c) potential ferns or additional plants shall be planted in-ground; d) additional potted plants shall be provided to the affected (three) residential units for their patios and balconies (preferably Tupidanthus in pots); and e) what is currently planted shall remain.**

**Commissioner Hamaker added she would like to see the south in-ground planted area (where a Queen Palm was planted to replace a Mexican Fan Palm); she would like to see a Tupidanthus tree placed in that area.**

**Melodie Bounds-Frisby, Associate Planner, added staff would like a condition added: 1) a site inspection shall be required prior to final inspection by planning staff and prior to the plants going in-ground and in the planters, to verify the plants match what is on the approved plan(s).**

**Commissioner DeLuccio added a timeline for completion: 1) ninety (90) days.**

**Vice-Chair D'Amico agreed to this change and unanimously agreed.**

**Melodie Bounds-Frisby confirmed: 1) the landscape and irrigation plan (to be provided by a licensed landscape architect) shall be submitted to staff for approval by the Director of Community Development.**

Chair Thompson questioned if the residents have been included in this process.

Commissioner DeLuccio requested the resolution return to the Planning Commission at the next meeting on Thursday, February 16, 2006.

Chair Thompson stated he cannot support the motion. It appears it's rewarding the developer for disregarding what the original permit stated and doesn't believe the residents have been properly incorporated.

**Vice-Chair D'Amico added to the condition: 1) the licensed landscape architect shall hold a community meeting for the residents.**

**Commissioner Bartolo agreed to this added condition.**

**ACTION:** 1) Deny staff's recommendation; 2) approve an amendment to the original application, with the following additions and conditions: a) provide sunshades and/or all windows that are exposed with a glazing to all affected resident's in Building No. 4; b) a landscape and irrigation plan shall be submitted to staff for review and shall be prepared by a licensed landscape architect; c) potential ferns or additional plants shall be planted in-ground; d) potted plants shall be provided to the affected (three) residential units for their patios and balconies (preferably Tupidanthus trees in pots); e) (preferably) a Tupidanthus tree planted in the south in-ground planted area of the property (originally where a Queen Palm was planted to replace a Mexican Fan Palm); f) a site inspection shall be required prior to final inspection by planning staff, and prior to the plants going in-ground and potted in planters, to verify the plants match what is on the approved plan(s); g) ninety (90) day completion deadline; h) the landscape and irrigation plan shall be submitted to staff for Director of Community Development approval; 2) Adopt Resolution No. PC 06-645 as amended "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD DENYING STAFF'S REQUEST TO AMEND THE LANDSCAPE PLAN APPROVED BY ADMINISTRATIVE PERMIT 2003-045 AT MIDITERRANEAN VILLAGE APARTMENTS, LOCATED AT 840 N. LARRABEE STREET, WEST HOLLYWOOD, CALIFORNIA"; AND 3) Close Public Hearing Item 9.A. **Motion by Vice-Chair D'Amico, seconded by Commissioner Bartolo and passes on a Roll Call Vote:**

**AYES: Commissioners Altschul, Bartolo, Guardarrama, Hamaker, Vice Chair D'Amico.**

**NOES: DeLuccio, Chair Thompson.**

**ABSENT: None.**

**B. 1048 N. Curson Avenue.**

**Demolition Permit 2005-024, Development Permit 2005-036, Modification 2005-021, Tentative Tract Map 2005-010, Negative Declaration.**

Request to demolish an existing structure and construct a five-unit condominium building, with a modification for 10% reduction of required common open space.

Due to an error in officially noticing this item to the public, staff requested that the public hearing be continued to the next regularly scheduled Planning Commission Meeting.

**ACTION:** 1) Continue to Thursday, February 16, 2006. **Motion carried by consensus of the Commission.**

**10. NEW BUSINESS.** None.

**11. UNFINISHED BUSINESS.**

**A. 7316 Santa Monica Boulevard (Little New York).  
Minor Conditional Use Permit 2004-002.**

Jennifer Noel, Associate Contract Planner, presented the staff report. On November 17, 2005, the Planning Commission held a public hearing regarding the revocation of Minor Conditional Use Permit 2004-02. At that time the Commission continued the hearing for ninety (90) days. The period of continuance was to be an opportunity for Little New York restaurant to demonstrate compliance with all conditions of approval as well as City of West Hollywood codes and regulations.

During the last ninety (90) days, Little New York Restaurant has not been issued any code violation citations, and the City OF West Hollywood has received no complaints regarding this location. The Community Development Department finds Little New York has demonstrated the ability to comply with applicable restrictions and regulations.

At this time, the City of West Hollywood withdraws its official request for revocation of Minor Conditional Use Permit 2004-02.

Commissioner Altschul questioned if the numerous code violations have been satisfied.

Michael Jenkins, City Attorney, stated for the record the past code violations have not been satisfied and are currently in collections. He reminded the Commission the code violation issues are unrelated to what is being affirmed this evening.

Commissioner Hamaker questioned the implications of a continuance.

Commissioner Altschul questioned and brought forward the implication of alcohol being brought into the restaurant and served after the hours of 2:00 A.M.

DAVID CARLAT, LOS ANGELES, representing Little New York, presented the applicant's response. He provided an update, stating Little New York has complied and met all the terms that had been requested of them from the last public hearing. A security company has successfully been monitoring the behavior of the club and enforcing the conditions that were placed on Little New York.

He commented on the citations in question, and stated the owners are attempting to resolve these issues with the City of West Hollywood, but it appears that it may be handled through legal litigation.

He reiterated Little New York is complying with the restrictions set-forth and hopes to come back in the future for an after-hours permit.

Commissioner DeLuccio supports staff recommendation. He encouraged Code Compliance staff to follow-up with on-site visits.

Commissioner Altschul commented on the numerous past violations and stated his satisfaction with the terms of the conditions they have complied with to date. **He motioned: 1) extend review period for six (6) months by the Director of Community Development; and 2) site visits shall be made by Code Compliance after-hours, to insure there is no illegal consumption of alcohol.**

**Seconded by Commissioner Guardarrama.**

**ACTION:** 1) Accept the withdrawal of the revocation request; 2) direct the Community Development Director to review Minor Conditional Use Permit 2004-002 after six (6) months; 3) direct Commercial Code Compliance to inspect the subject site after-hours; and 4) close Unfinished Business Item 11.A. **Motion by Commissioner Altschul, seconded by Commissioner Guardarrama and unanimously carried.**

**12. EXCLUDED CONSENT CALENDAR.** None.

**13. ITEMS FROM STAFF.**

John Keho, Planning Manager, questioned the Commission if they are amicable to receiving e-mails for any last minute items that could not be included in the Planning Commission packets.

Commissioner Altschul requested any e-mails forwarded to him should be included in the text of the actual e-mail; not as an attachment.

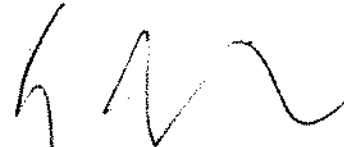
14. **PUBLIC COMMENT.** None.

15. **ITEMS FROM COMMISSIONERS.**

Vice-Chair D'Amico stated for the record, he will be absent from the Planning Commission meeting on Thursday, March 2, 2006.

16. **ADJOURNMENT:** The Planning Commission adjourned at 8:28 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, February 16, 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 16<sup>TH</sup> DAY OF FEBRUARY, 2006.



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CHAIRPERSON

ATTEST:



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COMMUNITY DEVELOPMENT DIRECTOR