



PLANNING COMMISSION MINUTES
Regular Meeting
September 7, 2006

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

1. CALL TO ORDER:

Chair D'Amico called the meeting of the Planning Commission to order at 6:40 P.M.

2. PLEDGE OF ALLEGIANCE: Buck Buchanan led the Pledge of Allegiance.

3. ROLL CALL:

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

Commissioners Absent: None.

Staff Present: Patrick Clarke, Contract Planner, Adrian Gallo, Assistant Planner, David DeGrazia, Senior Planner, John Chase, Urban Designer, John Keho, Planning Manager, Gregg Kovacevich, Acting Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA:

Move Agenda Item 12. (Excluded Consent Calendar) to be heard after Agenda Item 8. (Consent Calendar).

ACTION: Approve the Planning Commission Agenda of Thursday, September 7, 2006 as amended. **Moved by Commissioner Altschul, seconded by Commissioner Hamaker and unanimously carried.**

5. APPROVAL OF MINUTES.

A. August 3, 2006 (*verbatim transcription*)

ACTION: Approve the Planning Commission Minutes of Thursday, August 3, 2006 as presented. **Moved by Commissioner Altschul, seconded by Vice-Chair Guardarrama and unanimously carried; notating the abstention of Commissioner Hamaker.**

B. August 17, 2006

ACTION: Approve the Planning Commission Minutes of Thursday, August 17, 2006 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Hamaker and unanimously carried; notating the abstention of Commissioner Altschul.**

6. PUBLIC COMMENT.

JIM KAZAKOS, WEST HOLLYWOOD, commented and questioned the blighted, empty lot on Sunset Boulevard, between Hilldale Avenue and Hammond Drive regarding the proposed development of the James Hotel.

STEPHEN MARTIN, WEST HOLLYWOOD, commented on the Ellis Act and the loss of affordable housing.

MINDY BRADISH, WEST HOLLYWOOD, Executive Director of the West Hollywood Chamber of Commerce, commented on Zone Text Amendment 2006-005 (Supper Clubs) and stated her support.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on the Ellis Act, affordable housing and the current condominium market.

7. ITEMS FROM COMMISSIONERS.

Commissioner Altschul requested staff contact Steven Afriat, representative of the James Hotel, and asked for appropriate action taken in regards to the blighted lot on Sunset Boulevard.

He suggested the Commission take a look at some disincentives that may be brought into the Zoning Code to Ellising out properties in favor of condominiums: a) affordable, mandatory on-site no-tandem parking, b) courtyard standards, where no extra units can be equated; c) height averaging; and d) resident parking spaces. He asked staff to look into the advisability of this.

Commissioner Bartolo commented on condominium conversion, the mixed-use ordinance, and the Ellis Act.

Commissioner DeLuccio requested Floor Area Ratio for residential properties added to the discussion of Zoning Code additions. He requested an update of the James Hotel development and site.

8. CONSENT CALENDAR.

A. Demolition Permit 2006-010, Development Permit 2006-014, Negative Declaration: Revised Resolution as directed by the Planning Commission on Thursday, August 17, 2006. Conditionally approve the demolition of three dwelling units and the construction a four-story, eight-unit condominium building with a subterranean garage, located at 1217 N. Horn Avenue, West Hollywood, California.

ACTION: Pulled and moved to Excluded Consent Calendar. **Moved and requested by Commissioner Bartolo.**

Commissioner Altschul recused himself from the dais at this time. His residence is within five-hundred feet of the proposed development.

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

12. EXCLUDED CONSENT CALENDAR.

- A. Demolition Permit 2006-010, Development Permit 2006-014, Negative Declaration:** Revised Resolution as directed by the Planning Commission on Thursday, August 17, 2006. Conditionally approve the demolition of three dwelling units and the construction a four-story, eight-unit condominium building with a subterranean garage, located at 1217 N. Horn Avenue, West Hollywood, California.

[VERBATIM TRANSCRIPTION]

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D'Amico: Is there any discussion about the item on the consent calendar?

Bartolo: Yes, I would request it be taken off of consent and have it set up for consideration on the regular agenda.

D'Amico: Okay, and just to check in John, we don't have to vote on that, that's something that any Commissioner can do and so it's done.

Keho: Correct.

D'Amico: Okay, and since we amended the agenda we can now have discussion as part of Item 12, excluded consent, excluded consent calendar item, so the opportunity to speak about the approval of the application, the adoption of the resolution and other item that's on the consent calendar can be discussed, so....

Keho: That's a question, we're talking about the content of the resolution, whether or not it complied with the Motion that was made by the Commissioners.

D'Amico: That's right. And Kate, I guess since you pulled it, why don't you begin our discussion.

Bartolo: I am formally requesting, I was requesting that it be removed from consent and presenting it back to the Commission for its consideration based on this this issue which is that I believe that we can do better with regard to its design. I believe that the appropriate place to send it and I happen to have voted for it, and it's something that I, I've reconsidered and I believe that from a market, on a market basis, and I believe that from the perspective of the standards that we are setting in West Hollywood that we can do better and I'm

requesting that it be sent back to Design Review, but my understanding in talking to our legal counsel is that it first also needs to go to a, or it also needs to go to a public hearing so that it will be reconsidered by the City Council. Again, the basis for revisiting is, that I believe that there are some massing and articulation issues that can be better achieved with a re-review that will frankly benefit all.

D'Amico: So, is that a...

Bartolo: I make a Motion on that basis.

D'Amico: And for purposes of discussion, I'll second that motion.

Thompson: I, I just have a question.

D'Amico: Sure absolutely, we're just discussing that.

Thompson: I'm just, I'm just confused this, this in terms of the scope of an item that's on consent, we've already voted, we already, well in this case we voted for it and so I thought the scope of, and I don't know Kate, I don't under...and this is actually a question for you as well. I thought the scope of consent was to consider whether the language of the proposed resolution fit the vote. In other words, not to reopen the issue substantively. Is that correct or incorrect?

DeLuccio: Well, that I actually have asked John this question in anticipation of this question....

Thompson: I really don't mind if (TALKING OVER) so lay it on me.

D'Amico: I'm going to answer half of it. And then we're going to turn it over to John and the City Attorney, but you can pull an item from an consent calendar only to consider just what you've said and then it can be reconsidered in a public hearing and then other items can be considered at that point. So, we're not considering items that, that deal with anything other than the, the resolution on the table. What we are considering is whether or not we want to pass that through the consent calendar, that's all. So if we don't want to, then we would have to take it back to a public hearing. Is that, is that pretty much the, the case?

Keho: That's correct and the Motion last time was to direct staff to come back with a resolution and where the final decision hadn't been made and so...

Thompson: I get it, okay.

Keho: Right.

D'Amico: So this is giving us an opportunity to assign this back to a public hearing and design review subcommittee meeting and this is our opportunity to vote on that if you, there's a Motion on the table which we can discuss at, at whatever length, and then eventually we'll vote on that motion or take a substitute motion if that were the case, but vote on that Motion about whether or not to rehear this as part of the process of the, of this project.

Keho: And I want to clarify that the public hearing will be before the Planning Commission.

D'Amico: Right.

DeLuccio: Okay, that's where I got confused.

DeLuccio: So, well I actually voted against the original resolution so, you know where I stand on this. I will be voting against it this evening also. Eric or Barbara?

Hamaker: I, this doesn't make any sense to me. Tell me, tell me what you want to do, what are you doing? I'm, I'm being told that all we're doing is voting on whether the resolution fits what we voted on, and now you're telling me we can bring it back for a public hearing.

D'Amico: Maybe John you can explain it again, 'cause I think I wasn't clear and I want to make sure that it's clear, I don't think I was.

Hamaker: Or the City Attorney, yeah, because legally, I don't understand.

Kovacevich: You can do a couple of different things tonight. If you're gonna vote on this project up or down, your discussion is limited to whether or not the resolution presented to you tonight accurately reflects the direction that you gave to staff after your last public hearing. If you don't want to take an action on the project, you can alternatively reschedule it for another public hearing and the process will start over again. Because you haven't acted on this process yet. And that was what the Motion was to do is...

Hamaker: Okay, I got it.

Kovacevich: ...hold the process all over again.

Hamaker: Got it, thanks.

Thompson: I do have one comment to make. About Kate, I actually, I'm sorry we couldn't speak earlier, I understand your concerns but it's more of a policy comment. You know, due process works the other way as well. When you make someone and come down and go through their presentation and yes, Jeanne it does, I just would caution us, and I, I actually agree with what's going on up here tonight, but I would caution us from a policy perspective, you know, that we should only, I, I think it's prudent that we only do things like I think we're about to do, if I'm counting correctly, in extraordinary circumstances. And that's my point. Because I think there is an inherent unfairness in making someone come down and get a yes vote and then having it essentially reversed on consent. I get procedurally that we're allowed to do it, it's purely a, a comment that is rooted in policy and I just would, I just would caution us as a, as a group to only do it in the most extraordinary of circumstances, which may be this. I'm not saying it's not, but that's my comment.

D'Amico: Barbara?

Hamaker: John, the neighbors still have the right to appeal this or is the appeal date passed?

Keho: The appeal period hasn't started yet.

Hamaker: Oh, okay. Because we haven't voted on it.

Keho: Because the final...

Hamaker: Okay, got ya. So, in other words, the neighbors could appeal it to the City Council?

Keho: If, only if the Commission voted on the resolution.

Hamaker: Tonight.

Keho: Tonight. If the Commission votes to reschedule it for public hearing they would have another opportunity to come and talk at the public hearing. Decision would be rendered and then they could appeal it if they didn't agree with it.

D'Amico: John, I have a procedural question, I have a speaker slip here where in this process does this speaker speak? Before or after we vote?

Keho: Before.

D'Amico: Okay, I just want to be...everything churning in the right direction. Kate, you were next and then if no one else has anything to say we're gonna hear from the member of the...

Bartolo: Very briefly I think that Eric raises an extremely important point and I'm someone who consistently argues in favor of, of due process and, and consistency of application. So I, I say this not lightly, I weighed it seriously. What I am hopeful of is that if there is to be reconsiderations that it be done in the most expeditious manner possible. But I, I say this, that I do believe it's extraordinary. I think that we, I was uncomfortable at the time, I want my vote to be reconsidered, and I believe that we can do better and that is the basis for my request.

D'Amico: All right, we're gonna hear from the public and I have one, oops, after I speak you can speak while the public is coming up. But I want to also say that anyone can speak on this item, applicant or otherwise, and that's correct right? Anyone can put in a speakers slip and speak for three minutes on this item. So, if the applicant wishes to speak or the camera man or anyone there. Welcome to speak. Joe?

Guardarrama: This is a really hard issue for me because I believe that a, just like Eric said, I believe that, that applicants have the right to rely on our process and, and the votes we take and consider carefully. I also very much respect my colleague, because I, she does have a very consistent record of upholding process and consistency. But, I don't really think that that this case is, is so extraordinarily egregious that it would...a reversal of a decision that we made at a public hearing. I do believe that the upcoming Housing Summit and the comments that were made during Commissioner comments tonight will be helpful in going forward to creating a policy where buildings are designed to a higher standard where construction mitigations happen and where perspective property buyers are informed ahead of time of what neighborhood considerations are, so these concerns are addressed at the front end rather than the back end.

D'Amico: Thank you. Why don't we hear from the public. Jeanne Dobrin followed by no one. So if anyone else would like to speak, let me know.

Dobrin: That was well said followed by no one unaccustomed as I am to public speaking. The time was working out. I'm Jeanne Dobrin, resident of West Hollywood. I believe that I have been attending City Council meetings longer, I hesitate to say because they've, they look quite young. Eric Thompson and Joseph Guardarrama. They are both attorneys, one is engaged in the act of practice of law, the other one is not, but they still have passed the bar. Both of them, so ordinarily I would defer to them, but I have been in this room or the previous council hearing room, when we were at 8611 Santa Monica Boulevard when the council had just a situation as this. There was a passage of a, of a ratification whatever it was of some kind of an issue and it the consent calendar had to come back because of several changes and one of the city council persons, in fact, that person was Helen Albert who realized that she had not thought in the wrong way, and as a result the hearing was held all over again. So due process, schmu process. I respect both Mr. Thompson and Mr. Guardarrama but that has existed in West Hollywood before and I, I really think a lot of Mr. Thompson so I don't want it to be construed that I'm telling him that he doesn't know what he's talking about, but fair schmair, what is fair about the law? Everyday we read in the newspaper about murderers and whatever who get off on technicalities. There isn't anything fair about the law. As long as it is allowed, we have to go along with it, and I certainly want to give kudos to Commissioner Bartolo because she realized that maybe she thought too hastily. Actually what I think is going to happen, Cassandra again looking into the future, is there will be three people against the motion and three people for it. So therefore, it will fail. Let's see what happens. Thank you.

D'Amico: Thank you Ms. Dobrin. Hamlet Zohrabians, you're next.

Zohrabians: Well, Mr. Chairman and, and Commissioners I appreciate it and staff. My name is Hamlet Zohrabians from the Architect, Project Architect for the project. I'm somewhat speechless because we went through vigorous meetings and sub-committee meetings and everything and we waited so long and I was not expecting this outcome today, but whatever, whatever your decision is, it is. I mean, I'm not disputing your decision. I appreciate it, and the only thing is that it's, this is going to be so hard on us, on the project itself and it's gonna cause so much of scheduling and time, and, and cost and everything to the developer. And they're not here. They weren't expecting this at all. So, I would appreciate it

at the same time if you were to choose that route and direct the staffing in such a way, I would appreciate that at least you can expedite it. I mean this is gonna be, I'm speechless I don't know what to say. I mean because this was a open public hearing and we were here and we answered the, all the questions that we were asked. That they were, my understanding was we were coming back on the consent calendar just to reiterate whatever the conditions of the poll were and we were supposed to get that approved. So, I would just ask that you would expedite as much as possible and don't let us come back for many months and if we have to wait for another two or three months to come to a, to a hearing that's going to be really hard. That's it. I just wanted to express that.

D'Amico: Thank you very much. Thank you. All right, of course, Barbara?

Hamaker: Is there a, is it possible as a third option that we add something to this resolution to the effect that...he's shaking his head no.

Kovacevich: You can only add something to this resolution if it was something that was discussed at the last meeting that you all agreed on and came to a collective concurrence on. You can't make any more decisions on this project tonight other than whether or not the resolution before you accurately memorializes the direction that you gave last time...

Hamaker: Okay, that we can't, I was gonna...

Kovacevich: ...or we have to start the process over again because it has to be public from beginning to end.

Hamaker: Okay, I, what I was going to suggest was that we ask the architect to meet with the Design Review Committee and the Urban Designer one more time. Without coming back to the Planning Commission, but you're saying that's not....

Kovacevich: You can ask him that you can't ask him that collectively as a group.

Hamaker: He can't be part, it can't be part of the approved (TALKING OVER)...

Kovacevich: You can ask him after the meeting if you want or you can all ask him, but we can't put that as a condition of the resolution.

Hamaker: Okay.

D'Amico: All right. Kate?

Bartolo: I think Barbara is raising an outstanding idea because the intention is not to slow the process, I'm very sensitive to market conditions, softening market conditions but I, I actually happen to also believe that it merits a re-review of, for reasons that I think also relate to the value that will establish in the market, which frankly is a part of our role on the Planning Commission and so if the, the representative representing the applicant would be willing to voluntarily send it back to Design Review, that would be far, absolutely my preference. I was simply following legal descriptive that you had also go through

the Planning Commission. So it's really a voluntary act, but I think it would achieve your objective of expedited treatment.

D'Amico: Wait. So I guess what, before you speak, what we're asking cannot be, you can't be made to do this. He can say yes he'll do it and then not show up, at this point, can we table this to a date certain and hear about whether or not he did show up or do we need to vote on this today?

Keho: Yes, you can continue it, we're still within the permits streamlining act because we have a negative declaration.

D'Amico: All right, so this is for purposes of having something for you to respond to and for us to hear, if we tabled this until two meetings from now, the first meeting in the month of October, thank you, and give you an opportunity to come to a Design Review Subcommittee meeting then we would hear this consent item again.

Zohrabians: Absolutely.

D'Amico: All right.

Zohrabians: There would be...we would really appreciate it.

D'Amico: Thank you. Okay, that sounds like sort of the idea...

Bartolo: Yes.

Zohrabians: We appreciate the suggestion of the Commissioner.

Kovacevich: Excuse me, let me throw in one more little wrinkle...

D'Amico: Absolutely.

Kovacevich: ...the problem is that if something in the design changes of any significance, then effectively next time you're voting on a different project than what was before. It may be something that substantially conforms to what you've already had a public hearing on but you don't know at this point. So it may be that he goes to Design Review, they make some changes that they're not in substantial conformance. It may be you know it's substantially different, or significantly different than what you've already talked about. In which case you'd be voting on something that wasn't aired publicly at a public hearing and then you'll have a problem again.

D'Amico: Thank you.

Bartolo: If I'm, if I may....

D'Amico: Well, I'm having dueling if I may.

Bartolo: Sorry, no, no, go ahead.

D'Amico: So let's do this alphabetically. Kate?

Bartolo: Okay. Very briefly, the, I can only state intent, I cannot state or guarantee outcome with regard to Design Review, but I am very familiar with this under CEQA is that my area of focus I would request that it be limited solely to areas that would not in any way trigger a reconsideration or i.e. substantial change of project that rather it would be a façade, certain façade and design changes.

D'Amico: Barbara?

Hamaker: And my thought was I'm, I'm perfectly happy to, I'm being, I'm perfectly happy to approve this resolution as it is, it sounds as though, oh, that was my question. I'm sorry I was doing two things at once. If we approve this as it is, we approve the project basically, and he does go to Design Review as we've asked anyway and does make some changes, that's, that are changed from this project, can it be approved by the Urban Designer? Or does it have to come back here?

Keho: Right.

Hamaker: Who determines if it's substantially different.

Keho: That happens by the planning staff.

Hamaker: Okay.

Keho: And so typically what happens is it's not uncommon for projects to be...

Hamaker: Exactly.

Keho: ...have some changes after the Planning Commission. We always review them to see if they are substantially in compliance.

Hamaker: Right.

Keho: If they're not, the first route we go is usually to the Design Review Subcommittee and they would say that yes, it's in substantial compliance or not. And if they say it's not then we would say they have to request an amendment and then going back to the Planning Commission.

D'Amico: Well, here's what I would like to do. Thank you very much. What, what I think because this is beginning to become slightly more confusing than I think is appropriate, what I'd like to do is vote on the motion on the table. And if that motion on the table passes, it passes. If it fails then we can consider other options.

Guardarrama: What was the motion again?

D'Amico: And the motion on the table and I will speak it unless you wish too, Kate, the motion on the table is to reconsider this item through it's process, have a public hearing and prior to the public hearing have it go to the Design Review Subcommittee for further consideration. That's the motion the table, it's been stated and seconded by me and why don't we have a vote. David?

Gillig: I'm sorry who first and seconded it?

D'Amico: Kate's motion and I, it was seconded by myself.

Bartolo: The original motion.

D'Amico: Yes.

Bartolo: Not anything further subsequent discussion.

D'Amico: That's right.

Bartolo: Unless I can withdraw the motion.

Thompson: Wait. I don't want to vote on something I'm not clear on. Without, without a bunch of fancy words, this is, this is the option that is starting over with additional direction to go to Design Review?

D'Amico: Which is...

Bartolo: No.

D'Amico: ...basically to, to have another public hearing and have a Design Review Subcommittee meeting as part of...

Thompson: As part of that process.

D'Amico: ...as part of that process to consider the design.

Bartolo: And if I may state it, the, if I could, I would withdraw that motion in favor of the subsequent, in the direction of the subsequent conversation, so I guess I want to state at the outset that it's not now my intention in terms of proceeding with the motion.

D'Amico: Okay.

Hamaker: So I will move to approve the, is that appropriate to make notice?

D'Amico: Yes.

Hamaker: I will move to approve the, the item that has been pulled from the consent calendar as is but with the request that another meeting be held with the Design Review Subcommittee, but not as a legal part of anything that we vote on.

Bartolo: I will second that motion.

D'Amico: So we have a motion on the table to approve the consent item and ask the applicant to go to the Design Review Subcommittee and in order to get the speaking off to a start, I have concerns that we're basically asking them to change the shade of the color or the brick or, or paint the doors blue instead of green. I, I'm, I'm not in, I'm not convinced that we would have an opportunity to visit the design in any real way given that any substantial change that we, that might be asked of the applicant, could not, whether we wanted it to or not, be added to this motion. So, we're, we basically, we're basically asking them to do nothing. As I understand it.

Guardarrama: I basically agree with Barbara's motion and this is an applicant that went to more than one Design Review Subcommittee, has had several interactions with the Urban Designer and came before this Commission and had his design approved. I, I feel even the request that he go back to Design Review Subcommittee is unfair. But I can support the motion.

Bartolo: If I may speak?

Hamaker: So I'm in agreement with you but it's, it's a, I agree think it was really hard for Kate to come to that decision. I, I've had feelings like that and I've never actually brought them forward on various projects and, and I think it would be great if Kate could go to that if they, if this works, if she go to that meeting and, and talk it out. And so, this is, you know, this is an aside, it's not, doesn't have anything to do with what we're voting on but it would, it's you know we're all residents of the City of West Hollywood who want the best for the City. And, and I think that's what we're trying to do.

D'Amico: Kate?

Bartolo: My understanding and this, this really is a part of the issue is the definition of what constitutes a substantial or material change. My experience, and again it's related to the City of Los Angeles not the interpretations of City Attorney of the City of West Hollywood, but I could say that I was personally involved as a developer on a project in which we as the developers elected to completely change the façade, far more than purely stylistic it was a change of façade from a tech industrial look to an art deco look. The, but the basic characteristics of the project, i.e., the number of units, size, all parking, all of that did not change. And for our purposes, it did not trigger a new public hearing and the, that was not considered a constitute in material change. So I, again it's, so much of the code is interpretative, it is not my intent as Chair D'Amico indicated to just have it reconsidered for purposes of the, the equivalent of changing paint color, but rather to make some substantive changes as it relates façade massing, articulation.

Keho: I'd just like to provide some input as for how our practice has been in the past and we may be a little bit more strict than maybe the City of Los Angeles, but we have if someone is changing the architectural style of a project we have said that's a substantial change. And we've had instances in which people, for example, a project in which you know a material type was used on a building that was a character defining feature of that project and if they wanted to change that material type we might consider that a substantial change because the Commission would have looked at something and felt that was an

appropriate style and so we don't want to have a totally different looking building be constructed where the staff level has approved it. And so what we do is, if we're not sure we can approve it at the staff level, the first place we take it is the Design Review and so then that's one step and that's not a public hearing and a Design Review Subcommittee might say we agree it's not substantial and so then it can go on to the building permit process. But if the Design Review committee feels that the change in material, slightly change in the roof, that type of thing is, is substantial then we'd say okay, we now have to go back to the Planning Commission so there's a two, two levels in which we can look at a, not a substantial change and avoid a public meeting.

D'Amico: So I return to, my, my question to the City Attorney that any review of this would, would necessarily have to be a substantial change, or when a, or we could not enforce any substantial that were amended to the project. Both because it would not have been a public, heard publicly and the applicant would not be required to make that change.

Kovacevich: That and any change is purely voluntarily because if you approve the project it's approved. Absent an appeal to the City Council and the different outcome there, so it wouldn't matter what your Design Review Subcommittee said. You would still be working on a good faith basis at that point.

D'Amico: So, would that...

Kovacevich: But would that be up to them to change their project and whether they're changes substantially conform and not John and his staff determination. That's the issue.

Keho: And if the applicant agreed to a substantial change then there would be agreeing to saying okay let's go back to the Planning Commission and have that approved.

Kovacevich: That's right.

D'Amico: Not that I want to go into the land of what ifs' too far but if some neighbor said this is a substantial change that was not publicly vetted, and I live next door and I was expecting a four story brick building and now I have a four story stucco building, that's not the building that we were promised publicly.

Kovacevich: Right.

Keho: Right. And that's why we're careful about what those changes are. And that's why we look at it first at the staff level and then the Design Review Subcommittee.

D'Amico: So the Motion on the floor, which unless we don't want to vote, but I think we should vote on it, is to approve this and ask the applicant to come to a Design Review Subcommittee meeting with all the information we've heard about what outcome might be possible from that.

Kovacevich: Right.

D'Amico: Fair enough to say it that way, and we have a motion and a second by...

DeLuccio: May I say something before I vote.

D'Amico: Of course, I'm sorry.

DeLuccio: I'm actually going to be consistent and I'm voting against the resolution this evening, I appreciate you bringing this before us, and I actually would like to see, I think, if it passes I'd like to see the developer go forward even though I would not vote for it, and again, there will be, could be an appeal process if somebody from the public wants to appeal it. But what you're describing, initially what you said, did not sound like they were minor changes you were looking for in the design. They sounded like they were substantial changes when you're talking about the massing of the building you were talking about, what other, what other word, words were you using? Articulation and massing, those don't sound like simple, simple fixes that would not trigger substantial changes.

Bartolo: Depends on what jurisdiction you're in clearly.

DeLuccio: Well, I'm talking about West Hollywood you know.

Bartolo: Yes, I understand.

DeLuccio: I just wanted to bring that before us on the table, but I'm, again maybe we need to move forward.

D'Amico: I hear you. Okay, so we have a Motion on the table. Everyone knows what the Motion is. David?

Gillig: Commissioner Hamaker?

Hamaker: Aye.

Gillig: Commissioner Bartolo?

Bartolo: No.

Gillig: Commissioner Thompson?

Thompson: Yes.

Gillig: Commissioner DeLuccio?

DeLuccio: No.

Gillig: Vice Chair Guardarrama?

Guardarrama: Yes.

Gillig: Chair D'Amico?

D'Amico: No.

Gillig: Motion fails.

D'Amico: Can I get some direction from the City Attorney?

Kovacevich: Well, now you have no motion.

D'Amico: So the consent calendar item has failed? Correct?

Kovacevich: Correct.

D'Amico: The consideration of the consent calendar item has failed. What opportunity do we have to move this forward, or is the item dead?

Kovacevich: Well, you have to take to some kind of action on this item at some point because you're going to have a streamlining action, if you don't have that tonight, then you may not have that you know for some point in time in the future. I don't know what date that is, but you have to take some kind of action.

D'Amico: Okay.

Kovacevich: If you can't approve it tonight then you may have to reschedule it for another hearing and have further discussion of the merits of the project itself. If the streamlining act affords you that time.

D'Amico: Thank you. Is there a recommendation from John Keho?

Well, numerous...I mean the motion that failed had the additional condition of additional Design Review, you could eliminate that as the condition and just go back to the original consent agenda item. You know, that would be an alternative that doesn't even request any additional work by the applicant. You know, I can't really think of any other scenarios.

D'Amico: Thank you.

DeLuccio: I have a question. When does the streamlining act run out.

Keho: Because this has a negative declaration attached to it, I will go over to the resolution and take a quick look at that. 'Cause that has, I believe a six month period for the negative declaration to be reviewed, and I think we have several months left because I think it was deemed completed on July 24th of '06. So, so we have at least six months from July.

D'Amico: So as I see it, we have two immediate options. One is to table this item the other is to accept another motion from a Commissioner at this table.

Thompson: I think we're, we're within the realm if we make a motion to continue the item, right?

Kovacevich: Sure, I think it would be less time in the long run.

Keho: Yeah.

Kovacevich: Schedule a public hearing.

Keho: And we need to have a date specific to bring it back for some consideration. You wouldn't want to just continue it indefinitely 'cause they we'd have to renotice.

Kovacevich: That's what I meant, we can, we can continue it 'till the next meeting or two meetings away, I wouldn't want to go much further because the applicant (TALKING OVER)...

Thompson: Okay, I'll make a motion that we continue....

Kovacevich: All you can discuss is the same thing that you can discuss tonight which is whether or not this resolution conforms to your direction the last time you had a, a public hearing on this item.

Thompson: That's right.

Kovacevich: Nothing is going to change between now and then and you're not going to get another member up there.

D'Amico: Exactly.

Kovacevich: You may lose one if somebody doesn't show up and that could change things.

D'Amico: Well, I will make a motion. I will move that we go back to our original motion to take this to a public hearing and have a design review subcommittee meeting prior to that and rehear this item. And I'm making this motion because if we vote on it and it doesn't pass we'll know how we all feel about it. But if we don't vote on it, and we wait until our next meeting to have this, we won't, we'll find out then. So, there's a motion on the table, is there a second.

Bartolo: I second it.

D'Amico: Been moved and seconded. Is there discussion?

Hamaker: I have a question.

D'Amico: We can vote on it or we can call the question, if we call the question...

Hamaker: Call the question.

D'Amico: ...we have to vote on calling the question, so why don't we, I mean to follow parliamentary procedures, is it all right if we go right to a vote Barbara?

Hamaker: Yes.

D'Amico: Okay. We have a motion on the table to reconsider this item and have a Design Review Subcommittee Meeting prior to the reconsideration of that and have this item agendized and have it turn in a public hearing if that's the correct restatement of that.

Keho: Right.

D'Amico: David, if you would call the roll. It's been moved by me and seconded by Kate.

Gillig: Chair D'Amico?

D'Amico: Yes.

Gillig: Commissioner Bartolo?

Bartolo: Yes.

Gillig: Vice Chair Guardarrama?

Guardarrama: No.

Gillig: Commissioner DeLuccio?

DeLuccio: Yes.

Gillig: Commissioner Hamaker?

Hamaker: No.

Gillig: Commissioner Thompson

Thompson: No.

Gillig: Motion failed.

D'Amico: Motion failed. Oh, thank you. Direction from the City Attorney? Same? Before you speak, I will move that we table this to the next Commission Meeting of the Planning Commission and in that two week period we all have a chance to think through what we'd like to say....

Thompson: I will second that motion and I, there is value in a slight continuance and it's exactly that.

D'Amico: Okay.

Thompson: Which is that it give, you know, people a chance to understand what's substantial, what's not, etc., etc.

D'Amico: Excellent.

Thompson: *So I will second that motion.*

D'Amico: *Anyone mind if we go to a vote?*

Hamaker: *Call the question.*

D'Amico: *The date certain is our next meeting which is...*

Keho: *September 21st.*

D'Amico: *Barbara, December 21st. (INAUDIBLE). Can we have a vote. Okay, can we move to a vote?*

Hamaker: *Yes.*

D'Amico: *Excellent. David, would you call the roll please.*

Gillig: *Chair D'Amico?*

D'Amico: *Yes.*

Gillig: *Commissioner Thompson?*

Thompson: *Yes.*

Gillig: *Commissioner Hamaker?*

Hamaker: *Yes.*

Gillig: *Commissioner DeLuccio?*

DeLuccio: *No.*

Gillig: *Commissioner Bartolo?*

Bartolo: *Yes.*

Gillig: *Vice Chair Guardarrama?*

Guardarrama: *Yes.*

Gillig: *Motion carries four to two, there's no votes for Hamaker and Thompson, and Altschul is recused.*

D'Amico: *No, no, no, no, no.*

Bartolo: *DeLuccio. Thompson was yes.*

Thompson: *Yes.*

D'Amico: *Hamaker and DeLuccio.*

Gillig: No vote was Commissioner DeLuccio and Commissioner Altschul is recused.

D'Amico: Thanks, David. Thank you everyone. Let's move on. Can someone, here he comes. Excellent.

[VERBATIM TRANSCRIPTION ENDS]

Certification by Transcriber Kimberly McVay, EXECUTED this 12th day of September, 2006, at Chatsworth, California by Written Communications, Inc.

ACTION: Continue to Thursday, September 21, 2006. **Motion carried by consensus of the Commission.**

Commissioner Altschul returned to the dais at this time.

9. PUBLIC HEARINGS.

A. 148 N. Swall Drive.

Demolition Permit 2005-008, Development Permit 2005-013:

Patrick Clarke, Contract Planner, presented the staff report. He presented the history and detail of the project. He stated an appeal was filed by Sheri Burke, for the approval allowing the demolition of an existing single-family house with detached garage and the construction of a new three-unit apartment building.

The appellant based the appeal on the adequacy of the Initial Environmental Study and not on the requirements contained within the West Hollywood Municipal Code. He stated the appellant brought forward the following concerns: geology and soil, hazardous materials, cumulative effects, ambient noise level, cultural resources and landscaping.

Staff recommends the Planning Commission deny the appeal and affirm the approval.

Chair D'Amico opened public testimony for Item 9.A.:

SHERI BURKE, WEST HOLLYWOOD, appellant, presented the appellant's report. She spoke on the design and architectural features of the project. She stated her concerns regarding the CEQA report; which included issues surrounding liquefaction, environmental issues, hazardous substances, ambient noise levels, traffic mitigation, parking, street closures, public safety, trash pick-up, on-site construction services and the landscaping along the north perimeter of the site.

HAMLET ZOHRABIANS, project architect, presented the applicant's report. He detailed the project and architectural style. He presented a current rendering and color board of the project. He stated they are requesting no variations, variances or modifications. He commented on the landscaping, massing, neighborhood ambiance, and parking.

MURRAY FISCHER, BEVERLY HILLS, attorney, representing the developer, continued with the applicant's report. He spoke in support of staff's recommendation. He spoke on construction issues, parking, traffic mitigation [offering to provide a flagman during this time], landscaping and requested the denial of the appeal and approve the project as presented.

Chair D'Amico questioned if the applicant would be willing to accept a provision stating there would be no visitor parking permits allowed for residents and a landscape buffer shall be placed at the north edge of the property, which shall be reviewed by city staff. He also questioned if they would be willing to prepare a toxins and hazards report, which shall be delivered to the city and all neighboring residents, showing abatement.

MURRAY FISCHER, BEVERLY HILLS, attorney, could not specify, but would recommend that as appropriate conditions. He stated they would be willing to look at the possibility of a landscaped buffer, but stated there is a driveway abutting a commercial property on the north side and notated that there would be no issues involved with providing a toxins and hazards report as requested.

Commissioner Altschul stated his concerns with tandem parking and reiterated that no visitor parking permits shall be granted. He stated the option is still available to redesign the project for single space parking.

Commissioner DeLuccio stated his concerns and questioned if this project will be brought back in the future as condominiums.

MURRAY FISCHER, BEVERLY HILLS, attorney, stated the condominium market at this time is overbuilt and not moving forward. He stated they are constructing a quality building at market rate. If the market changes, they would not preclude anyone from the opportunity to change this in the future.

Commissioner Altschul had concerns with the possibility of this project being converted to condominiums in the future. He would like to see in the sales material and/or CC&R's [12 point] stating parking is tandem and no visitor permits shall be allowed.

CAROL PAULUS, LOS ANGELES, has concerns regarding this item. She commented on parking concerns, traffic mitigation and landscaping.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on tandem parking, preferential parking permits, street parking and hazardous cleanup.

SHERI BURKE, WEST HOLLYWOOD, appellant, presented the appellant's rebuttal. She stated her concerns with the CEQA report, parking and access for emergency vehicles.

MURRAY FISCHER, BEVERLY HILLS, attorney, presented the applicant's rebuttal. He spoke on landscaping issue brought forward and parking concerns.

Commissioner Hamaker questioned the construction time-line and construction coordination.

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

Commissioner Altschul moved to: 1) direct staff to bring back a Resolution to deny the appeal with the following conditions: a) no preferential permit parking shall be accorded to the residents of this project; b) the landscape buffer shall be maintained on the north side of the property (or installed); c) a hazardous and toxins mitigation report shall be given to the city and neighbors; and d) in the event a tentative tract map is sought, tandem parking shall be divulged in 12 point type in all sales materials, CC&R's and rental brochures.

Seconded by Commissioner DeLuccio.

Commissioner Bartolo stated her concerns with policy and parking issues and indicated parking requirements need to be reformed over time.

Commissioner Altschul spoke on tandem parking and the architectural design.

Commissioner Hamaker had concerns with trash coordination between the City of Los Angeles and the City of West Hollywood and questioned if these two agencies can work together.

ACTION: 1) Return with draft Resolution No. PC 06-697 on Thursday, September 21, 2006 as amended: a) no preferential permit parking shall be accorded to the residents of this project; b) the landscape buffer shall be maintained on the north side of the property (or installed); c) a hazardous and toxins mitigation report shall be given to the city and neighbors; and d) in the event a tentative tract map is sought, tandem parking shall be divulged in 12 point type in all sales materials, CC&Rs and rental brochures; and 3) Close Public Hearing Item 9.A. **Moved by Commissioner Altschul, seconded by Commissioner DeLuccio, and passes on a Roll Call Vote:**

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

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:25 P.M. AND RECONVENED AT 8:35 P.M.

B. 1256 N. Flores Street.

Administrative Permit 2006-013:

Adrian Gallo, Assistant Planner presented the staff report. He stated an appeal was filed by Lionel McPherson regarding the Director of Community Development's denial on an application to legalize one (1) illegal dwelling unit at 1256 N. Flores Street, Apartment "A".

He detailed the history of the property and spoke on the legalization process, site area and conditions, staff's denial of the application and the legalization criteria satisfied by the application and the legalization criteria not satisfied by the applicant.

Staff recommends the decision to deny the applicant's request to legalize one dwelling unit be upheld.

Commissioner Altschul questioned if this unit complies with all requirements of the current West Hollywood Zoning Code.

Adrian Gallo, Assistant Planner, stated for the record it does comply.

Chair D'Amico opened public testimony for Item 9.B.:

LIONEL MC PHERSON, BEVERLY HILLS, appellant, presented the appellant's report. He detailed the history of the rental property. He stated this rental unit meets all other requirements. It has adequate parking and is an affordable rental unit. The only issue is the [somewhat] arbitrary date January, 2000.

Commissioner DeLuccio questioned if any of the tenants could verify this as a rental unit.

JEANN DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on affordable housing and commented on the actuality of checking all legal records of a property before you acquire.

LIONEL MC PHERSON, BEVERLY HILLS, appellant, presented the appellant's rebuttal. He stated he checked all legal records for this property, he has done nothing to the property to alter it in anyway and is not attempting to hide anything regarding this property and/or rental unit. He requested a variance of a legalization.

Commissioner Hamaker questioned the amount of windows in the unit.

Commissioner Bartolo questioned the prior use of the unit and the history of the previous owner's use.

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

Chair D'Amico moved to: 1) deny the appeal without prejudice; 2) uphold staff's denial of Administrative Permit 2006-013; and 3) direct staff to return with a Zone Text Amendment, changing the text of §19.36.270.A to; a) January 1, 2006; b) including any units found would be made affordable units and would be put on the city's affordable housing roster, and c) and those residents [tenants] population would be chosen by the city once the unit was vacated and rents could be fixed by HUD for medium income residents.

Seconded by Commissioner Hamaker.

Commissioner Altschul stated he would like to grant the appeal on the basis the appellant has presented anecdotal evidence, which has not been controverted that the prior owner has used it as his personal residence.

Commissioner DeLuccio stated his support of the Zone Text Amendment. He stated his concerns with the direction and conciseness of the text amendment(s). He would like to see it more “open ended”, that it would return directionally for the text amendment(s). He would like further discussion on how to craft the text amendment(s) before it is forwarded to City Council.

Chair D’Amico amended the motion regarding the Zone Text Amendment section: 1) shall return at a further date for discussion and amendment before it is sent to the City Council, however, the rest of it would be: a) any unit that would be approved would in some way be affordable.

Commissioner Hamaker agreed to this amendment.

Commissioner DeLuccio commented on his site visit and was impressed with the amount of parking spaces currently provided.

Commissioner Altschul amended the motion to: 1) direct staff to bring back a resolution granting the appeal.

Chair D’Amico agreed to this amendment.

Commissioner Hamaker agreed to this amendment.

ACTION: 1) Return with draft Resolution No. PC 06-696 on Thursday, September 21, 2006 as amended to: 1) grant the Appeal; 2) direct staff to return at a further date with a Zone Text Amendment: a) changing the text of §19.36.270.A to January 1, 2006; b) including any units found would be made affordable units and would be put on the city’s affordable housing roster, c) those residents [tenants] population would be chosen by the city once the unit was vacated and rents could be fixed by HUD for medium income residents; d) further discussion and amendment before it is sent to the City Council, however, the rest of it would be any unit that would be approved would in some way affordable; and 3) Close Public Hearing Item 9.B. **Moved by Chair D’Amico, seconded by Commissioner Hamaker, and passes on a Roll Call Vote:**

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

**C. 7237 Santa Monica Boulevard.
Conditional Use Permit 2006-013:**

David DeGrazia, Senior Planner presented the staff report. He provided a detailed history of the property and stated the applicant is requesting to convert an existing 3,333 square-foot media production facility to a public service facility which will provide ambulance service for the City of West Hollywood. The proposed hours of operation are twenty-four (24) hours a day, seven (7) days a week. The station will be staffed with four emergency medical technicians and one emergency medical technician field supervisor.

He spoke on the site and area conditions, background and project proposal, public facilities standards, parking, public comments to date and stated staff is recommending the following conditions:

- Hazardous materials shall not be stored at this location at any time. (Condition 3.1);
- Crews shall not activate emergency warning devices until one (1) block east or west of Poinsettia Place, depending on the location of the emergency call. (Condition 3.2); and
- The facility shall not be open to the general public. (Condition 3.3).

Staff supports the applicant's request. The ambulance service's location in a commercial district on Santa Monica Boulevard makes an appropriate location for a public facility. As conditioned, the proposed use will not create any significant adverse impacts to adjacent businesses or residents, and is permitted by the West Hollywood Municipal Code in Commercial, Community Zone.

Staff recommends approval of this project.

Commissioner DeLuccio questioned if the applicant is currently operating out of this location.

Commissioner Hamaker questioned if the emergency services operation will include surrounding areas or just the City of West Hollywood, the average number of calls within a twenty-four hour period, and what is a typical call for service.

David DeGrazia, Senior Planner, stated the emergency service will be provided only within the boundaries of the City of West Hollywood, the average number of calls are 4 to 5 calls from the facility, however additional calls are responded to from the field.

Chair D'Amico opened public testimony for Item 9.C.:

AMIT THAKKER, LOS ANGELES, representing Westmed Ambulance Services, presented the applicant's report. He detailed the history of the company and spoke on the current conditions and application.

JOE CHIDLEY, Vice-President Westmed Ambulance Services, continued the applicant's report. He provided additional history of the company with the County of Los Angeles and provided statistical data regarding emergency service calls.

Commissioner Hamaker questioned where the previous emergency services operated from and asked for clarification how emergency calls are disseminated from original 911 callers.

CHARLES FITZER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

VINCENZO AMORELLI, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JENNIFER PODINA, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ROBERT DURBIN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

DAVID GARDNER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

Commissioner Bartolo questioned the impact on the surrounding neighborhood in regards to the siren activation one block away.

KLAUDIA MARDER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

PETER SCHOLL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JAMES ANDERSON, WEST HOLLYWOOD, opposes staff's recommendation of approval.

STEVE HENDRIX, WEST HOLLYWOOD, has concerns regarding this item. He spoke on noise, medical waste and quality of life issues on surrounding neighborhood.

IRIS GOULD, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MARK WEITMAN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MARVIN GREENHOUSE, WEST HOLLYWOOD, opposes staff's recommendation of approval.

CONRAD A. CORRAL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke on the impact to the surrounding neighborhood.

AMIT THAKKER, LOS ANGELES, representing Westmed Ambulance Services, presented the applicant's rebuttal. He detailed the circumstances surrounding the Conditional Use Permit process and the operation of this business, site location searches, parking and noise.

JOE CHIDLEY, Vice-President Westmed Ambulance Services, continued the applicant's rebuttal. He spoke on the medical waste issues, noise and number of emergency calls responded to from the facility.

Chair D'Amico questioned if they had a site secured when the emergency services contract was secured from Los Angeles County.

Commissioner Altschul questioned the site location and questioned if additional traffic mitigation onto Santa Monica Boulevard is possible.

Commissioner DeLuccio questioned the time frame of finding a site location and if any outreach was attempted to the surrounding neighborhood.

Commissioner Thompson requested clarification on the medical waste.

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

Commissioner Bartolo had concerns there was not proper public outreach in regards to this public hearing. She does not believe the Conditional Use Permit is ready for approval at this time.

Commissioner Bartolo moved to: 1) postpone the hearing with the following conditions: a) the applicant shall hold a neighborhood outreach meeting to discuss potential mitigation measures; b) the Department of Transportation shall become involved to put together an appropriate transportation plan; c) consideration shall be given by the applicant as to the feasibility regarding the siren activation and using other measures, perhaps that are longer than a city block; and d) applicant shall report back to staff with requested conditions.

Seconded by Commissioner Hamaker.

Commissioner Hamaker added the following condition: a) emergency vehicles shall not have access to Poinsettia Place or Poinsettia Drive.

Commissioner Altschul added the following condition: a) applicant shall explore moving to another location that would be more appropriate; and b) the applicant shall police itself.

Chair D'Amico added the following conditions: a) postpone to Thursday, November 16, 2006; and b) re-notify the public hearing with a 1,000 foot radius mailing, which includes all public speakers.

Commissioner DeLuccio could not support this item as amended.

Vice-Chair Guardarrama commented on the amount of people who will be adversely affected if this is not allowed to go forward. Emergency service providers need to be allowed to take whatever steps are necessary in order to preserve life. He is concerned that the health and safety of all the residents of the City of West Hollywood will be drastically compromised if emergency vehicles are prohibited from accessing certain streets.

Vice-Chair Guardarrama stated he is in support of a continuance as long as the company is allowed to operate in the interim. He would like the company to continue operation throughout the duration of their lease, however, at the end of their lease term, they must vacate.

Commissioner Bartolo would not accept the added condition which states the company must move at the end of their lease.

Commissioner Hamaker would not accept the added condition which states the company must move at the end of their lease.

Chair D'Amico reiterated the motion on the floor: 1) continue the public hearing, discussion and review to Thursday, November 16, 2006; 2) the applicant shall hold a neighborhood outreach meeting to discuss potential mitigation measures; 3) the Department of Transportation shall become involved to put together an appropriate transportation plan; 4) the applicant shall utilize sirens as little as possible following (at least) a minimum of one block; 5) to the best of their ability, the applicant shall not use Poinsettia Place or Poinsettia Drive; 6) the applicant shall police itself; 7) applicant shall review additional locations for relocating their building and to provide a date of intended move; and 8) a 1,000 foot radius mailing shall be noticed for the public hearing.

Commissioner Thompson stated his concerns with the applicant's approach to this application and stated a member of the Public Safety Commission should be involved.

ACTION: 1) continue to Thursday, November 16, 2006 with the following requested conditions: a) applicant shall hold a neighborhood outreach meeting to discuss potential mitigation measures; b) the Department of Transportation shall become involved to put together an appropriate transportation plan; c) applicant shall utilize sirens as little as possible following (at least) a minimum of one block; d) to the best of their ability, the applicant shall not use Poinsettia Place or Poinsettia Drive; e) the applicant shall police itself; f) applicant shall review additional locations for relocating their business and to provide a date of intended move; and g) a 1,000 foot radius mailing shall be noticed for the public hearing, including public speakers. **Moved by Commissioner Bartolo, seconded by Commissioner Hamaker, and passes on a Roll Call Vote:**

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

NOES: DeLuccio.

ABSENT: None.

D. Supper Clubs.

Zone Text Amendment 2006-005:

Continued from Thursday, June 15, 2006. To consider an amendment of the City of West Hollywood Zoning Ordinance to develop a new land use category and regulation for supper clubs. The proposed land use category amendment expands the opportunities for diversified land uses in the Commercial Zoning Districts and clearly defines standards for operations of supper club establishments in these permitted districts.

Commissioner Altschul stated and requested the clause which states: 1) any agenda item not initiated by 10:30 P.M. may be continued to a subsequent Planning Commission agenda.

ACTION: 1) Continue this item to a subsequent Planning Commission agenda. **Motion carried by consensus of the Commission.**

Vice-Chair Guardarrama requested when this item does return, that it shall be placed first on the agenda.

10. NEW BUSINESS. None.

11. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR.

A. Demolition Permit 2006-010, Development Permit 2006-014, Negative Declaration: Revised Resolution as directed by the Planning Commission on Thursday, August 17, 2006. Conditionally approve the demolition of three dwelling units and the construction a four-story, eight-unit condominium building with a subterranean garage, located at 1217 N. Horn Avenue, West Hollywood, California.

ACTION: This item was moved and heard after Agenda Item 8. (Consent Calendar) as part of the amended agenda. **Motion carried by consensus of the Commission.**

14. ITEMS FROM STAFF.

John Keho, Planning Manager, provided an update on the James Hotel.

15. PUBLIC COMMENT. None.

15. ITEMS FROM COMMISSIONERS.

Commissioner Thompson reiterated the need to have the radius mailings labels available with projects at the public hearings.

Commissioner Altschul questioned the time frame for the Draft Environmental Impact Report for 365 N. San Vicente Boulevard.

Commissioner Hamaker questioned the dates for the Housing Summit.

Commissioner Deluccio announced he will be absent from the Planning Commission meeting on Thursday, November 2, 2006.

Chair D'Amico announced he will be absent from the Planning Commission meeting on Thursday, November 2, 2006.

- 16. ADJOURNMENT:** The Planning Commission adjourned at 10:35 P.M. to a regularly scheduled meeting of the Planning Commission, which will be on Thursday, September 7, 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 21ST DAY OF SEPTEMBER, 2006.



CHAIRPERSON

ATTEST:



COMMUNITY DEVELOPMENT DIRECTOR