



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**February 2, 2012**

West Hollywood Park Public Meeting Room – Council Chambers  
625 N. San Vicente Boulevard, West Hollywood, California 90069

**1. CALL TO ORDER:**

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

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

**3. ROLL CALL:**

Commissioners Present: Aghaei, DeLuccio, Huebner, Meister, Yeber\*, Vice-Chair Buckner, Chair Bernstein.

\*Commissioner Yeber arrived after Official Roll Call at 6:45 p.m.

Staff Present: Elias Valencia, Planning Intern, Antonio Castillo, Associate Planner, John Keho, Current and Historic Preservation Planning Manager, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA.**

**ACTION:** Approve the Planning Commission Agenda of Thursday, February 2, 2012 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Aghaei and unanimously carried.**

**5. APPROVAL OF MINUTES.**

Vice-Chair Buckner stated on page 12 of 15 under the final Action; it should read as follows: *d) "Sky Park hours of operation shall be 8:00 A.M. to 10:00 P.M. weekdays, 8:00 A.M. to 11:00 P.M. Fridays and Saturdays."*

**A. January 19, 2012**

**ACTION:** Approve the Planning Commission Minutes of Thursday, February 2, 2012 as amended. **Moved by Vice-Chair Buckner, seconded by Commissioner DeLuccio and unanimously carried.**

**6. PUBLIC COMMENT.**

JULIA GOLDBERG, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation.

STEPHANIE HARKER, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation. She passed out informational files regarding historical aspects of Plummer Park.

CATHY BLAIVAS, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation.

GEOFF BUCK, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation.

**7. ITEMS FROM COMMISSIONERS.**

Commissioner Yeber clarified that someone who is engaged in modern architecture cannot be engaged in a project that involves historic preservation. He stated this notion is invalid.

Commissioner DeLuccio encouraged participation regarding the Plummer Park renovation at the next City Council meeting on Monday, February 6, 2012.

Commissioner Meister stated the commission approved low income units that were smaller than 600 square feet for the SMB20 (Walgreens) Mixed-Use Project at the last meeting. She commented on a previous development where the developer wanted smaller low income units and the commission brought forward issues stating it was substandard. She encouraged a discussion in the future relating to low income units and square footage issues and would like to see a standard met and applied to all developments.

She stated at the last public hearing, it would have been motivating to have true deliberation. However, a motion was immediately made, seconded and she believes that precludes further discussion. She encouraged some consideration in the future to not to push through a motion when they are the first person to speak and allow the other commissioners to speak and deliberate.

The Economic Hardship Package is on the City Council agenda on Monday, February 6, 2012. She stated the recommendation is to recommend against what the Planning Commission originally recommended. She stated her disappointment.

Commissioner Yeber questioned if the set of minutes forwarded to City Council are the action minutes or verbatim.

John Keho, Planning Manager, stated they are more than likely action minutes. The Council can always request verbatim minutes processed if they feel the need is warranted.

Chair Bernstein stated this is not the first time staff has recommended not following planning commission recommendations. From this perspective, it seems slightly disrespectful to not lead with what the planning commission recommendation is. Perhaps there is a way in the future to include staff input, but highlighting the planning recommendation a little more forcefully.

Commissioner DeLuccio reminded everyone they are free to speak to their designated councilmembers' about any of the items that go before City Council.

**8. CONSENT CALENDAR. None.**

## **9. PUBLIC HEARINGS.**

### **A. 500 N. Orlando Avenue:**

Elias Valencia, Planning Intern, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 2, 2012.

He stated the applicant is requesting approval of a tentative parcel map to allow a previously approved four-unit apartment project, currently under construction, to be sold as condominiums.

He provided a history of the property and defined the location, parcel size, subdivision and parking. He stated there will be no further changes.

Staff supports the applicants request and requests approval.

Commissioner Meister questioned if this project came to the planning counter originally in 2007 as a condominium project, would it have to come before the Planning Commission and would the Planning Commission be deciding on the entire project, including design and all other aspects.

Elias Valencia, Planning Intern stated that the project would have to come before the Planning Commission as a normal development and they would oversee all aspects of the project.

Commissioner DeLuccio disclosed for the record he made a site visit.

Chair Bernstein opened the public hearing for Item 9.A.:

CAMILLE ZEITOUNY, ROWLAND HEIGHTS, applicant's representative, presented the applicants report. He agreed with staff's recommendation and requested approval of the request.

Commissioner Aghaei questioned the applicant if they would be marketing the units for sale.

CAMILLE ZEITOUNY, ROWLAND HEIGHTS, stated if approved, they would market them as for sale units.

Vice-Chair Buckner questioned why the applicant changed their mind to change from rental units to condominium, for-sale units.

CAMILLE ZEITOUNY, ROWLAND HEIGHTS, stated the owner purchased the property with the intent to build condominium units. However, the previous engineer did not file the proper paper work and construction was started as apartment units.

Commissioner Deuccio questioned who's overseeing the site construction. He had concerns since the site looked very sloppy with lots of debris.

John Keho, Planning Manager, stated that would be a Code Compliance issue.

Commissioner DeLuccio requested Code Compliance look at this site regarding construction debris.

Commissioner Aghaei requested clarification regarding the application process.

John Keho, Planning Manager, detailed the application process, stating the city separates the two permits (development and tract map) process; which makes it easier to apply for apartment construction, since the city encourages rental units. Due to other factors such as economic situations, etc. applicants are allowed to come back and amend their requests.

THOMAS THOMSON, WEST HOLLYWOOD, opposes staff recommendation of approval.

SVEN TOORVALD, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding neighborhood compatibility

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She commented on the construction site, rental units and neighborhood compatibility. She requested denial.

CAMILLE ZEITOUNY, ROWLAND HEIGHTS, applicant's representative, presented the applicants rebuttal. He stated condominium ownership will be better for the neighborhood.

Commissioner DeLuccio requested clarification regarding the over the counter application process.

John Keho, Planning Manager stated for the record, these types of applications are not approved over the counter. He detailed the process and staff review process.

Commissioner DeLuccio requested in future staff reports if the previous approval(s) could be included as background information.

Commissioner Meister questioned if this area was down zoned and if they would be able to build this today.

John Keho, Planning Manager, stated this area has been down zoned and they would not be able to build this as submitted today.

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

Commissioner Yeber had concerns why this project is coming before the commission at this time. He stated it's disappointing for an applicant to apply for rental housing and then come before the commission to apply for condominium conversion.

Christie Hogin, Assistant City Attorney, clarified "discretionary" uses. She detailed the founding issues of cityhood and stated state law preempts the city and limits the commission's discretion. She stated one of the more important state laws that have come into effect is that the city cannot legally compel anyone to be in the rental market. When you look at tentative tract maps, it becomes how this will be owned, whether it will be rented out individually or will the unit be owned as condominiums. If it's just a matter to compel someone to stay in the rental business, the commission does not have the right to do that, since it's precluded by state law.

She stated the city has made it easier for applicant's to apply for rental housing developments, but the city cannot force them to stay in the rental business or rent the units for a certain amount of time. The Council is aware of this, but still has not wanted to take away that shortcut, because it is something that is useful to those that may want to build apartment rentals.

She reiterated it is a problem, but you cannot punish those who take advantage of it by denying it. In the end, the question is if it meets the standards for condominium ownership.

Chair Bernstein questioned and challenged Section 4; sub-section 2 of Resolution No. PC 12-1003: *"The site is physically suitable for the type and the proposed density of development..."* He stated, since this application was approved, the zoning has changed and this site is not currently physically suitable for the type and proposed density for this development.

Christi Hogin, Assistant City Attorney, stated under the current zoning, this density is grandfathered in. It is a lawful density. The commission is looking whether to approve the map or deny the map. The commission cannot change the number of units.

Commissioner Meister challenged Section 4; sub-section 1 of Resolution No. PC 12-1003: *"...The proposed development is consistent with the objectives, policies, general land uses, and programs of the General Plan because the General Plan has designated the subject property as an R3B zone, which permits multi-family developments of the proposed density."* She stated that is not really the case here. She questioned why they couldn't make the finding that it isn't.

John Keho, Planning Manager, stated the density did not change.

Commissioner DeLuccio reiterated staff's clarification that at the time this was approved, the applicant met the zoning density. If they came in today, it would not be able to be approved this way.

John Keho, Planning Manager, stated the standards are not changing anything about the building that would violate the current regulations, because they are making no physical changes.

Chair Bernstein stated the zoning did change after they got their approval in 2007. He does not see sufficient reason to find for finding No. 2 [Resolution No. PC 12-1003] based on the change in the zoning code subsequent to the approval of the building in 2007.

**Chair Bernstein moved to: 1) deny the request for a tentative parcel map.**

**Seconded by Commissioner Meister.**

Vice-Chair Buckner stated she does not feel comfortable denying this application, since the assistant city attorney advised the commission there is no real legal basis to deny the application.

Commissioner Aghaei had concerns with the route the applicant chose to get this condominium project built. Based on the advice of the assistant city attorney, it appears our hands may be tied.

Commissioner DeLuccio commented on the very good arguments made henceforth, but has to agree with the assistant city attorney.

Chair Bernstein stated for the record, his motion is not based on the route the applicant took to get here. It was a legitimate route, we may not like it, we might find circumvention, but that is irrelevant. He stated this is based on his opinion, based on his understanding of the law. This was approved under a prior zoning code, and that we typically do not consider it automatic that you approve a tract map for something that was approved under old zoning. But this is a clear legal basis for this and has nothing to do with the applicant's route.

Commissioner Huebner had concerns with the methodology and the process the applicant went through to bring this forward.

Commissioner Meister questioned what the process will be if the request is denied, according to finding No. 2 [Resolution No. 12-1003].

Christi Hogin, Assistant City Attorney, stated staff will bring back a resolution of denial under Consent Calendar on a future agenda. There will be an appeal period after that. If it's not appealed, it will become final. If it's appealed to City Council, they will make a decision.

Commissioner Yeber stated a valid, sound argument has been made about not having the findings based on No. 2 [Resolution No. PC 12-1003].

**ACTION:** 1) Bring back a resolution of denial; and 2) Close Public Hearing Item 9.A. **Moved by Chair Bernstein, seconded by Commissioner Meister and passes on a Roll Call Vote:**

**AYES:** Huebner, Meister, Yeber, Vice-Chair Buckner, Chair Bernstein.

**NOES:** Aghaei, DeLuccio.

**ABSENT:** None.

**RECUSED:** None.

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:45 P.M.**

**B. 7100 Santa Monica Boulevard (Target):**

Antonio Castillo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, February 2, 2012.

He stated the applicant is requesting to amend their existing conditional use permit to allow the sale of full alcohol for off-site consumption in addition to the existing sale of beer and wine.

He notated Target was granted a conditional use permit to sell beer and wine in 2005. In 2011 the store underwent a remodel, which included the expansion of its grocery market section. The new grocery market session occupies the entire south end of the store with additional aisles of grocery products and refrigeration cases.

There are currently twenty-two Target stores in Los Angeles County that are licensed to sell full alcohol, including the stores in Burbank, Glendale, Eagle Rock and Culver City, California.

Fifteen other stores in Los Angeles County are currently in the process of applying for full alcohol licenses

Staff recommends approval.

Commissioner Yeber questioned, since there are no like comparisons in the area, what criteria were used to justify this acceptability.

Commissioner Huebner questioned if BevMo acquired a full license at the time they applied.

Commissioner DeLuccio questioned the hours of operations for BevMo.

Commissioner Meister requested clarification on the crime statistics for the West Hollywood Gateway (Target).

Chair Bernstein opened the public hearing for Item 9.B.:

BETH ABOULAFIA, SAN FRANCISCO, applicant's representative, presented the applicant's report. She provided a history of the project's conditional use permitting. She stated the applicant has expanded the grocery section and is now offering a full service grocery line. They would now like to offer customers a full line of alcoholic beverages.

She spoke regarding security and an alcohol training program. Target has had a good track record for the last five years and requested approval.

Commissioner DeLuccio requested clarification of the hours of operation and if the alcohol section is segregated within the market section.

BETH ABOULAFIA, SAN FRANCISCO, applicant's representative, stated they would like the hours modified to be all inclusive of the current store hours. She indicated there have been some minor instances where customer's were not able to purchase beer and/or wine after a certain hour, even though the store was open to the public.

Commissioner Meister questioned if the twenty-two Target stores are in shopping centers or if they are stand-alone stores and if any of the stores currently selling full alcohol have had any incidents of serious security issues.

BETH ABOULAFIA, SAN FRANCISCO, applicant's representative, stated there have been no major incidents involving security and alcohol at any of the Target stores.

Vice-Chair Buckner questioned if there are any other Target stores located in the same complex [like a BevMo store] that sell alcohol.

BETH ABOULAFIA, SAN FRANCISCO, applicant's representative, could not provide any details on this request. She notated there are certainly other stores that sell alcohol in the same complexes as Target though.

CATHY BLAIVAS, WEST HOLLYWOOD, opposes staff recommendation of approval.

JEANNE DOBRIN, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding under age workers, on-site liqueur store BevMo, current Target liquor store percentages, and stated the Alcoholic Beverage Control Board states that there has to be the need to “meet the public’s convenience and necessity”.

STEPHANIE J. HARKER, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the loss of smaller businesses and questioned the financial impacts to BevMo, Trader Joe’s, and Rite-Aid.

BETH ABOULAFIA, SAN FRANCISCO, applicant’s representative, presented the applicant’s rebuttal. She spoke on the possible financial impact to other businesses, Target’s expansion, and stated all the relevant findings can be made to approve this application.

Commissioner DeLucco questioned what percentage of sales is alcohol and what the square footage will be.

BETH ABOULAFIA, SAN FRANCISCO, applicant’s representative, stated typically less than 1% of overall sales and generally the square footage is less than 1% of overall floor area.

John Keho, Planning Manager, assuaged the issues on the surrounding stores like BevMo. He stated the landlord in that center has the option to include in the leases a “non-compete” clause if they thought there would be any issues of major competition.

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

Commissioner DeLuccio stated he would like to see some condition regarding security put into the resolution if this were to pass. He had concerns with the hours and specified maybe they should wait six months before they are expanded. However, he stated logistically there would be issues.

Commissioner Meister has concerns with the larger picture of the planning and land use goals in the city. In order for the small business to co-exist with Target, she stated we need to stick to the planning and land use goals.

Vice-Chair Buckner had concerns with the small businesses and their ability to co-exist with Target. She stated we also need to stick to the planning and land use goals.

Commissioner Yeber stated there seems to be some ongoing issues and social problems at that specific intersection, even though the Sheriff's report paints a benign picture of that location. He specified alcohol does not seem to fit in or to be compatible to sell at that particular intersection.

Commissioner Aghaei stated from a public safety perspective, there have been no serious repercussions in respect to alcohol. He does not have concerns with the effects on BevMo, since they are a specialty shop.

Commissioner Huebner stated it's such a small percentage to their core business. He has concerns regarding the extended hours and displays. He stated his issues regarding BevMo and possible scavenging. There are several other stores in the area that also offer this amenity.

**Commissioner Huebner moved to: deny the request for full alcohol sales.**

**Seconded by Vice-Chair Buckner.**

Chair Bernstein commented on the lack of support from the neighborhood, landlord, surrounding businesses, and the Chamber of Commerce. There seems to be a lack of context. He supports the motion.

**ACTION:** 1) Bring back a resolution of denial; and 2) Close Public Hearing Item 9.B. **Moved by Commissioner Huebner, seconded by Vice-Chair Buckner and passes on a Roll Call Vote:**

**AYES:** Aghaei, DeLuccio, Huebner, Meister, Yeber, Vice-Chair Buckner, Chair Bernstein.  
**NOES:** None.  
**ABSENT:** None.  
**RECUSED:** None.

**10. NEW BUSINESS.** None.

**11. UNFINISHED BUSINESS.** None.

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

**13. ITEMS FROM STAFF.** None

**14. PUBLIC COMMENT.**

SVEN TOORVALD, WEST HOLLYWOOD, commented on the possibility of the city using specific attorneys for certain, identifiable causes.

VIRGINIA GILLICK, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation. She also spoke on the item going before City Council regarding 1350 N. Hayworth Avenue.

WHITNEY WYATT, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation.

ANDREW MILLER, WEST HOLLYWOOD, commented and stated her concerns regarding the upcoming Plummer Park renovation.

JEANNE DOBRIN, WEST HOLLYWOOD, commented on Fiesta Hall in Plummer Park and Pavilions alcohol sales.

STEPHANIE HARKER, WEST HOLLYWOOD, commented on and encouraged public participation in the government process.

**15. ITEMS FROM COMMISSIONERS.**

Chair Bernstein commented on pursuing architectural excellence, rather than architectural type and spoke on the size of low income units. He questioned for possible discussion if the next generation would want smaller low income units.

He stated he was at the last Historic Preservation Commission meeting and they have requested the aging housing stock be agendized on a future agenda. He encouraged the public to look for this item on upcoming agendas to participate in the process.

- 16. ADJOURNMENT:** The Planning Commission adjourned at 8:40 P.M. to the next regularly scheduled meeting which will be on Thursday, February 16, 2012 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 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, 2012.

  
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ALAN BERNSTEIN, CHAIRPERSON

ATTEST:

  
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DAVID K. GILLIG, COMMISSION SECRETARY