

PLANNING COMMISSION MINUTES
Regular Meeting
June 21, 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 6:38 P.M.

2. PLEDGE OF ALLEGIANCE: Lauren Meister led the Pledge of Allegiance.

3. ROLL CALL:

Commissioners Present: Aghaei, Altschul, Yeber, Vice-Chair Buckner, Chair Bernstein.

Commissioners Absent: DeLuccio, Huebner.

Staff Present: Adrian Gallo, Associate Planner, Walter Davis, Neighborhood Traffic Management Program Specialist, David DeGrazia, Acting Current and Historic Preservation Planning Manager, John Keho, Acting Community Development Director, Lauren Langer, Acting Assistant City Attorney, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission Agenda of Thursday, June 21, 2012 as presented. **Moved by Vice-Chair Buckner, seconded by Commissioner Altschul and unanimously carried; notating Commissioner DeLuccio and Commissioner Huebner as absent.**

5. APPROVAL OF MINUTES.

A. June 7, 2012

ACTION: Approve the Planning Commission Minutes of Thursday, June 7, 2012 as presented. **Moved by Commissioner Yeber, seconded by Commissioner Altschul and unanimously carried; notating Commissioner DeLuccio and Commissioner Huebner as absent.**

6. PUBLIC COMMENT.

STEPHANIE HARKER, WEST HOLLYWOOD, commented for the need of more casual public meetings and encouraged public participation.

7. ITEMS FROM COMMISSIONERS.

Commissioner Altschul stated there should be more public involvement in public meetings and encouraged further participation. He commented on the process staff used to notify the commission of a meeting that was officially cancelled by the commission and then called by staff for Thursday, July 19, 2012. He stated this was disrespectful and staff needs to look at their position on this.

Vice-Chair Buckner stated there is a new Sunset Strip Farmers Market on Thursday evenings from 5:00 p.m. to 9 p.m. She encouraged everyone to come out and support the community.

Commissioner Yeber encouraged staff regarding the possibility of introducing software or a web module available by Mindmixer or Granicus, which would be a helpful tool to initiate or encourage civic engagement on a wide range of topics. He stated he will be putting on a session at the upcoming American Planning Association state conference in Rancho Mirage, California titled "Behind the Dais".

Chair Bernstein stated Mayor Pro-Tempore Land expressed at a recent city council meeting the desire to look at the broader issue of the aging housing stock. He reminded staff, there is an existing 7-0 unanimous vote from the Planning Commission, where council was asked to give some consideration to whether that is a conversation to continue and explore further. He hopes this item will get picked up reasonably soon and passed along to City Council for additional feedback to the commission.

8. CONSENT CALENDAR. None.

9. PUBLIC HEARINGS.

A. 511 N. San Vicente Boulevard:

Adrian Gallo, Associate Planner, provided an oral and visual presentation and background information as presented in the staff report dated Thursday, June 21, 2012.

The applicant is requesting a variance to allow two parking spaces in the front setback of a triplex. A variance is required because under the general parking regulations of the Zoning Ordinance, parking is not allowed in any required front setback.

On July 19, 2007 the City approved to legalize one illegal dwelling unit on a property with an existing duplex. In general, units to be legalized are exempt from standards of the current Zoning Ordinance. In accordance with this section, an increase of one (1) dwelling unit only is allowed within the R1 and R2 Zones. The criteria for analyzing legalization also waives parking requirements for the illegal unit. By allowing the legalization, the structure became a three-unit residential development with no additional parking provided.

On June 23, 2011 the City approved for the renovation of an existing three-unit residential building. The project includes updating the existing facades, remodeling the interior spaces, and demolishing the existing one-car garage to maximize off-street parking.

The applicant proposes to pave a portion of the front setback for two (2) uncovered parking spaces and build a new driveway apron to allow access. The location of the paved area is on the south (Front) and west (Side) property lines. The front property line on a corner lot is the line with the shortest frontage with access to a street. This would be the property line along Dorrington Avenue. In front of the property is one public parking space that will be removed by the proposed driveway. The Zoning Code states "parking, either required or excess, *shall not be allowed in any required front setback*, except upon a paved driveway that provides access directly from the street to an allowed garage or carport." The proposed variance is to allow parking in the front setback that does not lead to a garage or carport, but rather the front of the triplex.

Allowing the variance for front-yard parking would undermine existing zoning regulations by encouraging further deviations where no unique hardship exist and would set a poor precedent for other property owners in the neighborhood. In order to grant a variance, the Planning Commission must weigh the benefit to the applicant against the detriment to the health, safety and welfare of the neighborhood and must find that there are special circumstances on the site that create a situation in which, should the zoning be strictly applied, the property owner would be deprived of substantial property rights enjoyed by others in the immediate vicinity.

The findings for this variance request cannot be made, and staff recommends denial of the variance.

Commissioner Altschul requested clarification of the history and zoning of the triplex.

No commissioner ex-parte disclosures for this property.

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

PETE KATZ, SAN DIEGO, CALIFORNIA, applicant, presented the applicants report. He spoke and detailed the four findings of fact for the variance. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not generally apply to the surrounding properties in the same zoning district. He stated he is denied safe parking in and out of the property.

He spoke regarding front yard parking and disputed the fact that it is in the minority. Eighty-two percent of the houses have front yard parking on Dorrington Street. He argued everyone else can back safely out of their driveways, he can't. They are denied safe access based on the fact San Vicente is a secondary highway.

He presented the proposed renovation of the current building. He detailed moving the one parking space on the street fourteen and a half feet closer to the corner; which still leaves a red zone to San Vicente Boulevard of thirty-nine feet. He stated after the parking space is moved, it still leaves the largest red zone in the area.

He presented examples of another corner in the neighborhood that have shorter red zones and questioned the validity of this. He indicated If the variance is not granted, he does not believe it's worth spending \$500,00.00 - 600,000.00 to re-do the building.

He stated his willingness to compromise and move the parking space only seven feet if the original variance is not granted as submitted.

He requested approval.

ZOE KATZ, WEST HOLLYWOOD, applicant, continued the applicant's report. She spoke regarding the safety factor of backing her vehicle out of the driveway. It is not safe.

Chair Bernstein read into the record the following who did not wish to speak:

RICHARD BLONS, WEST HOLLYWOOD, in support of staff's recommendation of denial.

MICHAEL ZANNELLA, WEST HOLLYWOOD, in support of staff's recommendation of denial.

LAUREN MEISTER, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke in support of staff's recommendation of denial.

Vice-Chair Buckner questioned if staff has looked into the arguments presented by the applicant Pete Katz.

Adrian Gallo, Associate Planner, stated the material in the written staff report was analyzed and staff maintains the same position of denial.

Commissioner Yeber requested transportation staff to talk and clarify all the issues concerning transportation; including the inconsistencies that were raised about the striping of the radius and the distance that is needed to a curb cut.

Walter Davis, Neighborhood Traffic Management Program Specialist, stated, typically you do not allow parking abutting a corner. It impacts the safety and visibility of the intersection. Also, the intersection in question is a “skewed” intersection; making the radius a little larger than normal. Typically within the city, there is fifteen to twenty feet of red curb abutting an intersection corner.

Commissioner Yeber questioned the consistency of the red zone radiuses on all the streets within the city.

Walter Davis, Neighborhood Traffic Management Program Specialist, stated the city may have inherited things over the years. He clarified when they deal with red curb requests, the city does them in such a way that they are consistent to engineering standards; i.e.: from engineering design, and Manual on Uniform Traffic Control Devices (MUTSD) Standards.

Commissioner Yeber questioned if these standards are implemented uniformly throughout the city.

Walter Davis, Neighborhood Traffic Management Program Specialist, specified you don’t have parking abutting a corner. When this location was looked at, the distance was measured from the proposed driveway to the beginning of the curb return. You don’t design a parking space to abut a curb return. He could not clarify what is going on at other locations in the city, but could only comment on this location.

Vice-Chair Buckner questioned staff about the applicant’s proposed compromise.

Walter Davis, Neighborhood Traffic Management Program Specialist, stated he has not seen the proposed design, therefore could not evaluate it at this time.

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

Commissioner Altschul spoke regarding front yard parking standards, stating that it has been the policy of the city that you do not park in the front yard. It is a policy based on aesthetics, traffic studies, etc. There is no reason at this point to abrogate that policy. He stated it is unfortunate the property was purchased in this manner. There are currently other properties where cars are parked in the front yards, but stated it is not pretty, and it is not the way suburban communities should look.

Commissioner Altschul moved to: 1) uphold staff’s recommendation of denial.

Seconded by Chair Bernstein.

Commissioner Aghaei stated, in his opinion this proposals fails in the first three findings of fact. He commented how the applicant bought the property knowing the unit was legalized. He spoke regarding losing a parking space, and notating how scarce parking already is in the area, it seems that would be a materially detrimental change. He stated his support of staff's decision of denial.

Commissioner Yeber stated, in his view, the findings have been made for the first three, but not for the fourth finding. He does find it is exceptional, extraordinary circumstances; the shape of the parcel is different from other parcels on that block, they have an unusual constraint just from the shape of the property, and they are abutting a secondary highway, which makes it difficult for ingress and egress. The applicant's inability to safely ingress and egress out of the property proves the second finding could be made. The applicant clearly showed the public parking space wouldn't necessarily be eliminated. If they went with the alternate version, it may even fit within the city standards for public safety. He questioned how the proposed wall the applicant would put around the front property would be a visual impact. He stated his uncertainty with the adversity effect. He hasn't been convinced that there is an actual potential safety issue.

Commissioner Yeber stated he would favor additional study, or at least an opportunity to view this alternate proposal to see if it can be accommodated.

Vice-Chair Buckner stated her views are along the lines of Commissioner Yeber's. She would like to look further into the alternative proposal.

Chair Bernstein stated his sympathetic concerns to the applicant's concerns, but he is not convinced the perception of danger arises to a finding of fact. He stated he cannot find for the four findings and would agree that we have clearly established public policy of not favoring parking in front of buildings. He stated his support of staff's recommendation of denial.

ACTION: 1) Deny the application; 2) Adopt Resolution No. PC 12-1025 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING A VARIANCE TO PERMIT TWO PARKING SPACES IN THE FRONT SETBACK OF A TRIPLEX, LOCATED AT 511 N. SAN VICENTE BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close Public Hearing Item 9.A.
Moved by Commissioner Altschul, seconded by Chair Bernstein and passes on a Roll Call Vote:

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

B. 7748 ½ - 7750 Santa Monica Boulevard:

Applicant is requesting to expand an existing 643-square-foot, non-conforming pawnshop into an adjacent 945-square-foot vacant space, exceeding the maximum floor area expansion of 50% for pawnshops.

ACTION: Continue to Thursday, August 2, 2012. **Moved by Vice-Chair Buckner, seconded by Commissioner Altschul and unanimously carried; notating the abstention of Commissioner DeLuccio and Commissioner Huebner as part of the approved agenda.**

C. Zone Text Amendment

Sunset Specific Plan – Financial Institutions:

An amendment to the Sunset Specific Plan to limit the concentration and number of financial institutions along Sunset Boulevard in order to maintain the twenty-four hour, entertainment focused, pedestrian oriented vibrancy of the strip and maintain conformance with the General Plan and Sunset Specific Plan,

ACTION: Continue to Thursday, August 16, 2012. **Moved by Vice-Chair Buckner, seconded by Commissioner Altschul and unanimously carried; notating the abstention of Commissioner DeLuccio and Commissioner Huebner as part of the approved agenda.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

13. **EXCLUDED CONSENT CALENDAR.** None.

14. **ITEMS FROM STAFF.**

A. Planning Manager's Update.

John Keho, Acting Community Development Director, spoke and updated the commission and public on recent personnel changes.

David DeGrazia, will be Acting Current and Historic Preservation Planning Manager.

15. **PUBLIC COMMENT.** None.

16. ITEMS FROM COMMISSIONERS.

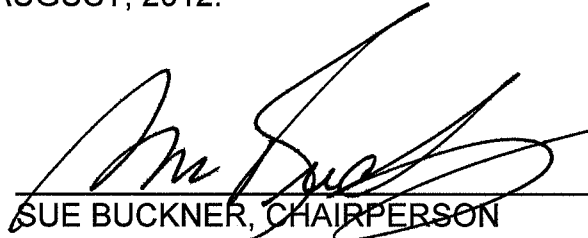
Commissioner Yeber requested a listing of major projects or studies that the city is considering that would involve the Planning Commission.

Vice-Chair Buckner reiterated there is a new Sunset Strip Farmers Market on Thursday evenings from 5:00 p.m. to 9 p.m. She encouraged everyone to come out and support the community. Validated parking is available.


ACTION: Cancel the Planning Commission meeting of Thursday, July 19, 2012.
Motion carried by consensus of the Commission.

- 17. ADJOURNMENT:** Notating the cancellations of the Planning Commission meetings on Thursday, July 5, 2012 and Thursday, July 19, 2012, the Planning Commission adjourned at 7:25 P.M. to the next regularly scheduled meeting which will be on Thursday, August 2, 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 OF THE CITY OF WEST HOLLYWOOD ON THIS 2ND DAY OF AUGUST, 2012.


SUE BUCKNER, CHAIRPERSON

ATTEST:


DAVID K. GILLIG, COMMISSION SECRETARY