



**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**August 6, 2015**

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

1. **CALL TO ORDER:** Chair Huebner called the meeting of the Planning Commission to order at 6:32 P.M.

2. **PLEDGE OF ALLEGIANCE:** Mayor Horvath led the Pledge of Allegiance.

3. **SPECIAL ORDER OF BUSINESS:**

**A. Oath of Office**

The Oath of Office was administered to Stacey Jones by Mayor Horvath, for a term ending May 31, 2017.

4. **ROLL CALL:**

Commissioners Present: Buckner, DeLuccio, Jones, Lightfoot, Vice-Chair Altschul, Chair Huebner.

Commissioners Absent: None.

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

5. **APPROVAL OF AGENDA.**

Chair Huebner moved Item 11.B. (Zone Text Amendment – Solar Rooftop Systems) and Item 11.C. (Zone Text Amendment – Major Changes to Approved Development Projects) before Item 11.A. – 8557 West Knoll Drive.

**ACTION:** Approve the Planning Commission Agenda of Thursday, August 6, 2015 as amended. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Altschul and unanimously passes.**

6. **APPROVAL OF MINUTES.**

Commission Secretary Gillig stated on page 191 of 213, Line No. 9 should read as follows: “...the individual project ~~and~~ in isolation that fall in...”

**B. July 16, 2015 (verbatim minutes)**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, July 16, 2015 as amended. **Moved by Commissioner Buckner, seconded by Commissioner DeLuccio and passes, noting Commissioner Jones abstained.**

**7. PUBLIC COMMENT.**

STEPHANIE HARKER, WEST HOLLYWOOD commented on the historic preservation process and developers.

**8. DIRECTOR'S REPORT.**

Stephanie DeWolfe, Community Development Director presented the Director's Report.

City Council Meeting - Monday, July 20, 2015:

She stated the following were approved by City Council: 1) a study of residential development standards and incentives in the R2, R3 and R4 zones; and 2) a zone text amendment placing limits on entitlement extensions. Also, there was discussion regarding a public benefits framework.

The item regarding modification and improvements to pedestrian crossings on the west end of Santa Monica Boulevard was continued to Monday, August 17, 2015.

City Council Meeting - Monday, August 3, 2015:

City Council approved: 1) an Eastside Economic Market Study; 2) an agreement for services for the consultant regarding the next phase of the Eastside Community Plan (a working group will be assembled in the Fall); and 3) an item regarding the study of Seismic Retrofit Program; which would consist of hiring a consultant to inventory the types of construction and soils within West Hollywood.

**9. ITEMS FROM COMMISSIONERS.**

Commissioner DeLuccio welcomed Mayor Horvath and Commissioner Jones.

Commissioner Altschul welcomed Commissioner Jones.

Commissioner Lightfoot welcomed Mayor Horvath and Commissioner Jones. She congratulated Commissioner Buckner and Commissioner DeLuccio to another term.

Commissioner Buckner welcomed Mayor Horvath and Commissioner Jones. She thanked the City Council for her reappointment to another term.

Commissioner Jones thanked everyone for the welcome and stated she is looking forward to working with everyone.

Chair Huebner welcomed Commissioner Jones, and congratulated Commissioner Buckner, Commissioner DeLuccio and David Aghaei on their reappointments. He thanked former Commissioner Shink for her service and looks forward to seeing her continued involvement as a community advocate.

**10. CONSENT CALENDAR.** None.

## 11. PUBLIC HEARINGS.

*The following items were acted upon out of order as part of the amended agenda.*

### B. Zone Text Amendment

#### **Solar Rooftop Systems:**

A recommendation to the City Council regarding permit streamlining for solar collectors, to implement California Assembly Bill 2188; an update to the 1979 California Solar Rights Act.

**ACTION:** 1) Withdraw the request; and 2) receive and file. **Motion carried by consensus of the Commission.**

### C. Zone Text Amendment

#### **Major Changes to Approved Development Projects:**

Consider a recommendation to the City Council regarding conditions for major change(s) to an approved project, citywide, West Hollywood, California..

**ACTION:** 1) Continue to Thursday, September 17, 2015. **Motion carried by consensus of the Commission.**

*Chair Huebner recused himself from the meeting at this time; due to having a residence within 500' of the proposed project site located at 8557 West Knoll Drive, West Hollywood, California.*

### A. 8557 West Knoll Drive:

Antonio Castillo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, August 6, 2015.

He provided a history of the project site and stated the request is to demolish a single-family dwelling and construct a five-unit townhouse condominium development over one level of subterranean parking. The project will be a high achieving Green Building exceeding 90 points.

Due to the topography of the site, three variances are requested to deviate from the development standards; 1) minimum required density; 2) front yard setback; and 3) average unit size.

The existing topography of the site slopes up from the front property line for approximately 20 feet into the site. The challenging topography would necessitate very substantial site grading and ramping to satisfy the accessibility requirements of the Building Code.

The applicant has proposed a townhouse (or “carriage unit”) development. This building type is exempt from the accessibility requirements when the livable floor area is directly above a private garage, thus enabling the project to maintain the existing grade, provide for front yard landscaping, and do away with the elevator tower, which is often the tallest building element.

The applicant states the property reflects an extraordinary convergence of site topography, zoning code requirements and building code accessibility requirements. Due to the particular interactions among these factors, the applicant suggests that strict conformance of the zoning ordinance would deny the property owner privileges enjoyed by other owners of typical, similarly zoned properties in the same area, making a conventional multi-story, multi-family building with elevator access impractical.

Analyzing this project and variance requests, staff faced the challenge of balancing certain City goals against others. All of the City’s goals are important, and the recommendation comes down to which of those are most appropriate to implement in this particular location, with this particular project.

The first variance request pertains to the density:

The maximum density in the R4B zone is one unit: 872 square feet of site area and all new projects shall be built to a minimum of 90 percent of the density allowed. The General Plan encourages the creation of smaller and more affordable units through methods that include average unit size and minimum density requirements, with the intention of providing high-density residential developments with smaller units. In this instance, the 7,510-square-foot site can be developed with a maximum density of eight units and a minimum of seven units at 90 percent.

The applicant argues that the only viable alternative to a conventional multi-story building with an elevator is a series of townhouse units with individual side-by-side parking garages, as proposed.

The second variance pertains to the front yard setback:

The front setback for the property is determined by averaging the front setbacks of the two structures closest to the front property lines on the two adjacent parcels. An additional six-foot step back is required for upper stories in addition to the first story setback.

Because of site topography and configuration, the applicant contends that the property cannot practically comply with the front setback averaging requirements, as the property is located in the middle of the last three remaining single-family residences on the subject R4 block.

Whereas other properties within the R4 zone can average their setback with an existing multi-family structure, the subject property cannot; since it has only other single-family residential structures on either side.

Given the carriage unit building configuration, the units are dependent on a consistent, vertical demising wall, including the end wall that forms the front façade of the street-facing unit. The applicant requests a waiver of the additional six-foot step back for the second and third floors.

The third variance pertains to average unit size:

The Zoning Code requires that the maximum aggregate average size of all units within a new residential project shall be no greater than 1,200 square feet in the R4 zone. As proposed, the development includes five, 1,920-square-foot townhouse units.

The applicant asserts that eight units, with the 1,200-square-foot (maximum average) unit size permitted would allow the property owner to build a total of 9,600 square feet of unit area. Distributing the equivalent 9,600 total unit square footage over only five units would result in 1,920 square foot units.

Applicant argues that the requested variance for an increase of the aggregated maximum average unit size is necessary for the preservation and enjoyment of a substantial property right possessed by other properties similarly situated.

Staff does not believe that this argument is sufficient to make a finding to allow the project to increase the maximum average unit size.

This variance request was challenging for staff to analyze. As staff pondered over the assessment, staff took a conservative approach and felt constrained by the Code.

Staff recommends that the Commission consider the arguments made by the applicant in considering the request for the average unit size deviation.

Stephanie Reich, Urban Designer, presented the urban design report. She stated the project is a simple design utilizing vertical recesses and projections to differentiate each unit. The combination of materials also provides some visual interest.

Staff is recommending additional design and development of the landscape design; particularly at the front slope. Because of the simplicity of the design, staff is also recommending the details are very carefully designed and implemented.

The project was heard by the design review subcommittee on three separate occasions. The design has incrementally improved. Staff is recommending and supporting the design.

Antonio Castillo, Associate Planner continued staff's presentation.

He stated, overall, this proposal is well suited for this site and the surrounding neighborhood. This project will provide five townhouse condominiums; a net increase of four housing units to the City's housing stock. The proposed project provides high-achieving green building design, is complementary to the context of the neighborhood, and generally meets the intent of the development standards for residential buildings in this area, with the exception of the variance request

As proposed and as conditioned, the required findings for the demolition permit, development permit, and variance for the decrease in density and front yard setback can be satisfied.

Staff seeks the Commission's input on the average unit size deviation.

He clarified the following corrections:

Staff Report; page 7 of 13 should read as follows:

<i>Side yard setback</i>	5'-0" plus additional foot for 3 <sup>rd</sup> story = 6'-0" min.	6'-0" on west side yard and 7' 6'-0" on east side yard
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Draft Resolution No. PC 15-1138; Section 7, page 5 of 19 should read as follows:

SECTION 7. In accordance with Section 19.60.040.C of the West Hollywood Municipal Code, the Planning Commission of the City of West Hollywood hereby makes the following findings approving Variance 15-0003 to reduce ~~front yard setback distance~~ the minimum number of units for projects within the R4 District.

Acting Chair Altschul opened the public hearing for Item 11.A.:

Commissioner DeLuccio disclosed for the record he met with the applicant's representative on the project site. They discussed matters contained in the staff report.

Commissioner Lightfoot disclosed for the record she spoke with the applicant's representative and had e-mail communications with residents. They discussed matters contained in the staff report.

Commissioner Buckner had no official disclosures.

Commissioner Jones disclosed for the record she met with the applicant's representative. They discussed matters contained in the staff report.

Acting Chair Altschul disclosed for the record he met with the applicant's representative. They discussed matters contained in the staff report.

EDWARD LEVIN, WEST HOLLYWOOD, applicant's representative presented the applicant's report. He stated with a density bonus you could theoretically build a ten-unit building with one affordable housing unit. While it is technically possible to build, it is not feasible for this project and it is not the right approach for the neighborhood.

He detailed the three requested variances. He confirmed all three variances are interrelated and the project needs all three to work.

He stated there are exceptional or extraordinary circumstances which are applicable to this property. He stated the California Building Code, Section 1150A specifically waves accessibility requirements if and when the first fifty feet of a site has slopes that exceed 15 percent. This project slope varies between 21 percent – 33 percent. The only practical way to develop this site is with carriage units; townhouses.

The next finding is the granting of the variance isn't materially detrimental to the public welfare or injurious to the adjacent property. This building is smaller than the building allowed by right, by code.

He stated you need to make a finding that the variance does not adversely affect the General Plan or the purposed intent of the Zoning Code. He stated they are replacing one unit with five. There is a substantial net gain of units. He spoke regarding precedent setting and reiterated there is nothing here that affects the General Plan or Zoning Ordinance.

The fourth finding is a simple question of fairness. Because of the circumstances or conditions, this variance is necessary for the preservation and enjoyment of the substantial property right that would otherwise be denied. He spoke regarding feasibility.

He stated staff maintains allowing 6,000 square feet of site area, which is five units at 1,200 square feet, will not prevent the entertainment and enjoyment of substantial property right. He stated he does not agree, and believes it contradicts the plain meaning of the words preservation of a substantial property right. The ability to build the buy-right density is the most substantial property right. Buildable square-footage is the most fundamental measure, by which the value of a property is determined.

He further spoke regarding minimum density and maximum average unit size. He explained the third variance should be framed because exceptional physical conditions make it infeasible to build more than five units; a variance for maximum average unit size is necessary for the preservation and enjoyment of the substantial property right of building the allowable based density of 9,600 square-feet of unit area.

He spoke and detailed the economies of the square-footage, neighborhood compatibility, and stated they meet all the required findings for all three variances and it should be granted on the merits.

Commissioner Buckner questioned the feasibility of building smaller units.

EDWARD LEVIN, WEST HOLLYWOOD, applicant's representative stated the purpose of the variance is to protect a substantial property right, and the ability to build the base density square-footage is the most substantial property right. This building is smaller and lower, and has less impact on the neighbors than a buy right based density building would have. He does not believe there is a legitimate public purpose that overrides the protection of the owner's substantial property right.

Commissioner Altschul questioned the value engineering of the owner's intent.

EDWARD LEVIN, WEST HOLLYWOOD, applicant's representative stated the owner has a certain entitlement to be able to build the base density.

Discussion was held regarding property rights, due diligence, 90 percent density requirement, and the possibility of decreasing unit sizes.

TERRY SNYDER, WEST HOLLYWOOD, opposes staff's recommendation of approval.

LINDA MENDEZ, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding privacy issues and landscaping.

KIM SCHNEIDER, WEST HOLLYWOOD, supports staff's recommendation of approval.

TED GREEN, WEST HOLLYWOOD, supports staff's recommendation of approval.

EDWARD LEVIN, WEST HOLLYWOOD, applicant's representative presented the applicant's report. He spoke regarding privacy concerns, landscaping, and requested the granting of all three variances.

Commissioner DeLuccio requested clarification regarding the calculation of unit sizes, and the rationale behind the request of the third variance.

**ACTION:** Close public hearing for Item 11.A. **Motion carried by consensus of the Commission.**

Commissioner Buckner stated she does not see the value in making 1,200 square-foot units. She acknowledged giving the owner the opportunity to maximize the use of his space on this very unique site, but not to build it to the maximum of 9,600 square-feet; which is a little difficult to warrant. She stated just because there are three variances, does not mean a finding can't be made. There could be a condition making the individual units smaller. She stated this is a unique site, and is one of the few where we could grant all three variances.

Commissioner Lightfoot stated it is nice to see a project that is three stories, rather than the potential five stories. She acknowledged it is a very nice looking building and it's a very innovative solution to this situation. She commented on the 90 percent density concerns, and stated she would like to have seen more of a compromise, however, she could not support a 1,200 square-foot unit size.

Commissioner Jones stated the average unit size and minimum density requirements were developed to work with one another. She would like to see some sort of compromise in terms of unit size; however, diminishing the unit size to 1,200 square-feet is not appropriate.

**Commissioner DeLuccio moved to: 1) reduce the size of each unit from 1,920 square-feet to 1,680 square-feet, so the building total would be 8,400 square-feet; instead of 9,600 square-feet; and 2) the urban designer shall work with the applicant to look at the bamboo landscaping in the rear setback to provide more privacy.**

Commissioner DeLuccio questioned staff if they would be able to make a 90 percent minimum density variance finding to make it 1,680 square-feet for the entire five units for a total of 8,400 square feet.

**Acting Chair Altschul amended the motion to include: 1) the resolution shall come back to the commission; and 2) the applicant shall work with the neighbors in respect to the privacy concerns.**

Acting Chair Altschul stated for the record there is no right to the privacy issues and explained to the community that privacy issues are not guaranteed.

Commissioner Lightfoot questioned if there are other options that could be considered feasible without being detrimental to the development.

David DeGrazia, Current & Historic Preservation Planning Manager stated staff would make sure that square-footage could come down an appropriate amount, but would defer to the applicant and architect to propose a design that would work for them and their program.

Commissioner DeLuccio clarified his motion: the total building build out will be changed to 8,400 square feet, each unit shall be changed to 1,680 square feet, urban designer shall work with the applicant to execute a modification to the design, approve staff's recommendation for the other two variances. He reiterated there are no privacy rights. The applicant shall work with the urban designer to further refine the bamboo screening giving further protection to the residents at 8550 Holloway Drive.

**ACTION:** 1) Approve staff's recommendations for the entitlements with the following amendments: a) applicant shall work with the urban designer to execute a modification to the design, b) applicant shall work with the urban designer to refine the bamboo landscaping, giving further privacy protection to the residents at 8550 Holloway Drive, West Hollywood, California; 2) amend Resolution No. PC 15-1138 as follows: a) total build out for the building shall be 8,400 square-feet; b) reduce the size of each unit to 1,680 square-feet; 3) bring back Resolutions of approval on Thursday, August 20, 2015; and 4) Close Public Hearing Item 11.A. **Moved by Commissioner DeLuccio, seconded by Commissioner Buckner and passes; noting Chair Huebner abstained.**

12. **NEW BUSINESS.** None.

13. **UNFINISHED BUSINESS.** None.

14. **EXCLUDED CONSENT CALENDAR.** None.

15. **ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

David DeGrazia, Current & Historic Preservation Planning Manager announced David Aghaei will be sworn in on Thursday, August 20, 2015.

He provided an update of upcoming projects and stated elections for the Chair and Vice-Chair will be held on Thursday, August 20, 2015.

16. **PUBLIC COMMENT.**

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD, commented on the design review process regarding 1028-1030 Kings Road, West Hollywood, California.

17. **ITEMS FROM COMMISSIONERS.**

Commissioner Lightfoot commended staff on the excellent staff report regarding the 8557 West Knoll Drive.

Acting Chair Altschul commended staff on the excellent staff report regarding the 8557 West Knoll Drive.

18. **ADJOURNMENT:** The Planning Commission adjourned at 8:05 P.M. to a regularly scheduled meeting on Thursday, August 20, 2015 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.**

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 20<sup>th</sup> day of August, 2015 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Huebner, Jones, Lightfoot,  
Chair Altschul.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Vice-Chair Aghaei.



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JOHN ALTSCHUL, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY