

**PLANNING COMMISSION MINUTES**  
**Regular Meeting**  
**October 15, 2015**

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

1. **CALL TO ORDER:** Chair Altschul called the meeting of the Planning Commission to order at 6:40 P.M.

2. **PLEDGE OF ALLEGIANCE:** Ira Handelman led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Commissioners Absent: Huebner.

Staff Present: Georgia Sheridan, Senior Planner, Laurie Yelton, Associate Planner, Bianca Siegl, Long Range & Mobility Planning Manager, David DeGrazia, Current and Historic Preservation Planning Manager, Shahiedah Coates, Acting Assistant City Attorney, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Chair Altschul stated for the record the following items are requesting a continuance by staff: 1) Item 10.D. (8950 Sunset Boulevard) to Thursday, November 5, 2015; 2) Item 10.C. (1159 N. Formosa Avenue) to be continued to a date uncertain; and 3) Item 10.B. (Zone Text Amendment – Non-Residential Parking Facilities in Residential Zones) to be continued to Thursday, November 5, 2015.

John Keho, Assistant Community Development Director clarified staff is requesting a continuance of agenda Item 10 C. (1159 N. Formosa Avenue) to Thursday, November 5, 2015.

Commissioner DeLuccio requested Item 10.B. (Zone Text Amendment – Non-Residential Parking Facilities in Residential Zones) to be brought back before the Planning Commission Long Range Planning Projects Subcommittee for further discussion on Thursday, November 19, 2015, and continue the public hearing to Thursday, December 3, 2015.

**ACTION:** Approve the Planning Commission Agenda of Thursday, October 15, 2015 as amended. **Moved by Commissioner Buckner, seconded by Vice-Chair Aghaei, and passes, noting Commissioner Huebner ABSENT.**

5. **APPROVAL OF MINUTES.**

A. **October 1, 2015**

Secretary Gillig read into the record the following amendment on page 4 of 10; regarding Commissioner Lightfoot's disclosure statement. It should read as follows: *"Commissioner Lightfoot disclosed for the record she met ~~with the applicant and their representatives~~ together with the applicants and a neighborhood representative. They discussed matters contained in the staff report."*

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, October 1, 2015 as amended. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Aghaei and passes, noting Commissioner Huebner ABSENT.**

**6. PUBLIC COMMENT.**

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD expressed his thanks to the Planning Commission for listening to his concerns and thoughts during public comment periods.

DAN MORIN, WEST HOLLYWOOD commented on Breast Cancer Awareness month, and the destruction of single-family homes, the Ellis Act and the negative impact of the displacement of current residents.

**7. DIRECTOR'S REPORT.**

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

City Council Meeting - Monday, October 5, 2015:

She stated the City Council is moving ahead with the Eastside Working Group, and the City Council approved a request for proposals for a pilot digital sign on Sunset Boulevard; which will utilize the City of West Hollywood's board.

At the upcoming City Council meeting on Monday, October 19, 2015.

1028-1030 Kings Road project will be heard on appeal, and the zone text amendment regarding mechanical parking lifts will be heard. Also the contract to begin the survey of the historic commercial properties across the city will be requested.

**8. ITEMS FROM COMMISSIONERS. None.**

**9. CONSENT CALENDAR.**

**A. 826 N. Kings Road:**

The Planning Commission directed staff to return with a revised resolution approving the project to demolish a single-family dwelling and construct a 37,335 square-foot, four-story, twenty-five unit apartment building over one level of subterranean parking with fifty-two parking spaces.

**ACTION:** 1) Adopt draft Resolution No. PC 15-1146, conditionally approving a demolition permit, development permit and a modification request, for the property located at 826 N. Kings Road, West Hollywood, California. **Moved by Commissioner DeLuccio, seconded by Commissioner Lightfoot and passes; noting Commissioner Huebner ABSENT and Chair Altschul ABSTAINED.**

## 10. PUBLIC HEARINGS.

### A. Zone Text Amendment

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

Georgia Sheridan, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, October 15, 2015.

She stated the clarifications are in reference to Zoning Code Section 19.62.070; Amendments to Approved Projects. The issue is that the code language that exists today leaves significant room for interpretation when determining whether a proposed change is major versus minor change.

Staff would like to revise the code language to provide greater clarity for applicants, staff, and the Planning Commission for a more predicable process.

She explained the difference between major and minor changes.

Major changes: an approved project has to go back to the original review authority in order to be approved. In some circumstances that would be staff, and in some circumstances that would be the Planning Commission. If the Planning Commission was the original review body; the proposed "major" change would have to come back to the Planning Commission for a public hearing to be approved. Minor changes can be staff approved.

The other major distinction between major and minor changes; in terms of the process, is the entitlement period. A major change to an approved project may be granted an additional year to their entitlement permits. That means they would have more time to be vested. A minor change would not.

She explained that the zone text change would not change the review process or the review authority for projects. The zone text change simply clarifies conditions for what institutes a major change to an approved project.

#### *Proposed Zone Text Changes*

The proposed text changes seek to remove existing redundancies and clarify that a major change may result from:

- A more intense use than previously approved;
- Changes to the project design concept (e.g. floor plate, fenestration, materials, landscaping, etc.);
- Changes that trigger additional environmental analysis; and
- An increase over 10% in density, height, and/or floor area, except where the increase is less than an additional three (3) feet in height and/or 500 square feet in additional floor area; and
- Changes that may not meet adopted City planning documents (e.g. General Plan). In other words, a change is conflicting with an already approved city document; that would be considered major change.

Table 1 compares the current language in the Zoning Ordinance in Section 19.62.070 (Amendments to Approved Projects) to the proposed language, summarizing the intent of the changes.

Larger projects with Development Agreements are exempt from the standards in Section 19.62.070 as the Development Agreement outlines the terms of the contract, including what constitutes as a major change to that project.

*Table 1: Summary of Changes to Major vs Minor Change to Approved Project*

Existing Language	Proposed Language	Purpose of Changes
1. Significant impacts to the surrounding neighborhood;	<u>Potentially Significant public health, safety and/or welfare</u> impacts to the surrounding neighborhood;	Provides greater detail to clarify the code.
2. Significant environmental impacts;	<del>2. Significant environmental impacts;</del>	Removes text, which is redundant with #4 to streamline language.
3. A change to the approved use or a significant change to project design;	<del>2. An intensity of change of use that is a more intense than the approved use; or a</del>	Separates discussion of use and design.
(See above)	<u>3. A significant change to project design, concept, architecture, and/or materials, including but not limited to the floor plan, building envelope, roof form, architectural features, fenestration, and/or landscape design.</u>	Provides more detail on the types of significant changes to the project design concept (e.g. floor plate, building envelope, roof form, etc.)

4. A change to the basis on which the environmental determination for the project was made; or	4. A change to the basis on which the environmental determination for the project was made; <u>or a change which requires a subsequent or supplemental environmental analysis;</u>	Expands the list of environmental documents that are important to review and consider.
5. A change to the basis upon which the review authority made the findings for approval of the project.	5. A change to the basis upon which the review authority made the findings for approval of the project;	No change.
	<u>6. An increase in density, height, and/or size (total square feet) of the project by more than 10%, unless the increase results in less than three (3) feet in additional height and/or less than 500 square feet in additional floor area;</u>	Provides a quantitative threshold for changes related to project size and scale.
	<u>7. A change in the project that requires an amendment to the Zoning Ordinance, General Plan, or a Specific Plan.</u>	To assess if changes meet approved city plans.

Commissioner Lightfoot requested clarification regarding the difference in the process regarding the notice to the public and to the neighbors for approved projects with proposed changes.

Georgia Sheridan, Senior Planner stated the proposed changes go back to the original review authority if they are major changes. If the original review authority was staff, the proposed changes would not be publicly noticed. If the original review authority was Planning Commission, then it would be publicly noticed for a public hearing.

John Keho, Assistant Community Development Director clarified further. He stated staff approved projects are publicly noticed on site with a public notice posted. If it's a major amendment and has to go back to the review authority, it is the same public notice process that the initial review authority had. If it's a minor change; and not going back to the review authority, that would be handled at the staff level without any notice.

Commissioner Buckner questioned if it is appropriate to include the noticing requirement as part of this code, so that the applicant as well as the public would know.

Bianca Siegl, Long Range & Mobility Planning Manager clarified noticing standards are not included in this section of the code; however, noticing standards are in the zoning ordinance.

Commissioner DeLuccio questioned where the "less than three feet in additional height" threshold comes from. He stated his concerns about the ten percent modification.

Georgia Sheridan, Senior Planner explained that the ten percent rule does create a threshold to differentiate between major and minor changes. She stated the main goal was to come up with something that is clear that everyone knows. Staff was more concerned with smaller projects in size or height that might be forced to be considered a major change because 10% is a small number for small projects, and that could be a burden if a small change in height (i.e. less than 3 feet) was considered a major change.

For a large project, she confirmed ten percent of 100,000 square-feet would be 10,000 square-feet. Therefore, in other words you could add 10,000 square-feet without being a major change. The 10% threshold is a change in the current policy. That is what is before the commission tonight to decide if that is a reasonable change.

Bianca Siegl, Long Range & Mobility Planning Manager provided additional clarification. She stated the way the section is written; if any one of these conditions is met it would be major. It is quite likely that an increase of less than 10 percent would trigger one of the other conditions for a major change. (i.e. change to the floor plan, environmental impacts). Hence the proposed change to a project would be evaluated for each condition that qualifies as a major change.

Chair Altschul opened the public hearing for Item 10.A.:

ELYSE EISENBERG, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding the difference between major and minor; stating that is a slippery slope. She stated she would like to add parking to one of the items. She spoke regarding the Sunset La Cienega Project; and illustrated how all those individual minor changes actually became cumulatively major changes over time. She suggested if an applicant comes in with minor projects, they would have to submit the changes all at once, or they would not be allowed to submit changes to a project more than once a year. Anything more than once a year would be considered major and would have to be looked at cumulatively. In addition to height and density, you need to look at the elimination of parking.

RIC ABRAMSON, WEST HOLLYWOOD supports staff recommendation of approval. He spoke regarding parking, density and height. He encouraged how a discretionary trigger might come up and stated how this will provide the community with clarity.

**ACTION:** Close public hearing for Item 10.A. **Motion carried by consensus of the Commission.**

Commissioner Buckner stated the proposed text language needs to be structured to consider cumulative changes and parking. She suggested a variance be included in the proposed text (as item No. 7) as a major change.

John Keho, Assistant Community Development Director clarified the length of entitlements has already been changed; staff has already reduced the amount of time someone has to construct a project. A major amendment would only give a one year extension. Minor amendments do not give any extra time for construction. Therefore, there is no incentive for applicants to keep returning for changes.

Chair Altschul requested clarification regarding Elyse Eisenberg's comments regarding cumulative minor and major changes.

Bianca Siegl, Long Range & Mobility Planning Manager stated the types of changes she was illustrating would be caught in the language staff is currently proposing. That specific project (Sunset La Cienega) had a separate process using a development agreement. If this were a project without a Development Agreement, changes of that magnitude would likely be caught in the provisions that staff has suggested.

She stated the parking consideration can certainly be added to the list of proposed changes proposed changes under item No. 3. For changes that would require a variance would best fit under item No. 5.

Chair Altschul questioned if additional time is needed to make further clarifications to the language.

Bianca Siegl, Long Range & Mobility Planning Manager stated staff is confident with the language as it is. Staff can make additional changes if needed.

Commissioner DeLuccio suggested item No. 6 (increase in density and height) could be merged with item No. 2. He would like to eliminate three feet in additional height. He supports the 500 square-feet in additional floor area for a minor change, however, for a major change; perhaps there could be a cap on the total additional square-feet; which would then become major. Possibly staff could leave the ten percent threshold, but maybe add 2,500 square-feet, so as it would get bumped up to a major change.

Georgia Sheridan, Senior Planner reiterated that any one of the conditions can trigger a major change. (In other words, not all conditions need to be met, only one.)

Commissioner DeLuccio commented that spelling out some qualitative stuff might help some of the concerns the residents are having with building in the City of West Hollywood.

Commissioner Buckner stated in the Long Range Planning Projects subcommittee, it was decided to make it less subjective, to make it clearer for the architects, developers, public and staff. We don't want it to be too rigid, but it should also be clearer, so it's not so arbitrary.

Commissioner Lightfoot illustrated an example of the Catch Restaurant, on the roof of 8715 Melrose Avenue. She stated this was an over the counter approval and it was definitely a change of approved use. The planner stated for that project that it went to staff instead of the planning commission for approval because it was under 10,000 square-feet. However, there is nothing in this listing like that.

She stated there was another reason used why staff did it, and that was that the Planning Commission or the City Council did not condition the project on having the roof top as a wholesale showroom, even though the entire presentation indicated that was what is was going to be. She questioned how did an almost 10,000 square-foot restaurant end up on top of that building and where does that fit in this scheme.

Georgia Sheridan, Senior Planner stated she cannot comment on that particular project, but emphasized that the review authority for major or a minor changes is not changed by the proposed text. She reiterated that a major change goes back to the original review authority; which could be staff or the Planning Commission. Therefore, major changes do not require that a project return to the Planning Commission for approval.

Commissioner Lightfoot questioned what language needs to be put in these clarifications to keep another restaurant from going into a wholesale showroom or other type of use that was not originally permitted for.

John Keho, Assistant Community Development Director stated the new language in Number 3 states: we're adding a "change of use". Going from wholesale to restaurant is clearly a change of use, (and could be considered major).

Discussion was held regarding what the language "change of use" may signify and what it actually clarifies for an approved use.

Shahiedah Coates, Acting Assistant City Attorney interjected it is helpful to refer to projects in the past as examples; however, since those projects have already been approved under the existing code(s), you should not hold to what happened then. It might be more beneficial if it is asked how the proposal on a past project me be evaluated under the proposed zone text changes.

Commissioner Buckner questioned Number 2 and the “intensity of use”.

Commissioner Jones stated she is in agreement to adding parking to item Number 2 or item Number 3.

She agreed a variance should be added to item Number 7, and she would be more comfortable keeping Number 2 and Number 6 separate. She also proposed adding an item that would addresses incrementality.

Commissioner Lightfoot stated the residents need to be properly noticed when a proposed change is going to affect the parking, height, and activities of their neighborhood.

Chair Altschul stated there needs to be a session with legislative writing people, the city attorney, and senior staff, so we can get this right. This item is not ready at this time.

John Keho, Assistant Community Development Director stated staff can work with the city attorney’s office and bring back a modified proposal at a later date.

**ACTION:** 1) Remand back to the Long Range Planning Projects subcommittee to work with staff and the city attorney’s office to get the language correct. **Moved by Chair Altschul, seconded by Vice-Chair Aghaei and passes; noting Commissioner Huebner ABSENT.**

**B. Zone Text Amendment**

**Non-Residential Parking Facilities in Residential Zones:**

The Planning Commission is to consider a recommendation to the City Council regarding non-residential parking in residential zones, citywide, West Hollywood, California.

Staff requested to continue the public hearing item on zone text changes to update standards for non-residential parking in residential zones. Staff re-evaluated the proposed permit requirement and additional time is needed to properly re-notice the public hearing.

**ACTION:** Continue to Thursday, December 3, 2015. **Moved by Commissioner Buckner, seconded by Vice-Chair Aghaei, and passes as part of the amended agenda, noting Commissioner Huebner ABSENT.**

**C. 1159 N. Formosa Avenue:**

Applicant is requesting to demolish a duplex and construct a two-story (with mezzanine), five-unit townhouse building with semi-subterranean parking.

Staff requested additional time to review an amended parking plan.

**ACTION:** Continue to Thursday, November 5, 2015. **Moved by Commissioner Buckner, seconded by Vice-Chair Aghaei, and passes as part of the amended agenda, noting Commissioner Huebner ABSENT.**

**D. 9001-9017 Santa Monica Boulevard:**

Jennifer Alkire, Senior Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, October 15, 2015.

She stated the request is to extend the timeline of a development agreement for a project that was originally approved in 2008 as an 83,200 square foot mixed use building. The project was formerly known as the Palm Project as it is located at the site of the former Palm Restaurant.

This is the third request made by the applicant for additional time. The applicant is currently in plan check and they are requesting an additional six months.

The applicant is asking for six months to be added to the deadline for building permit issuance, beginning construction and the term of the development agreement to be extended by six months.

Since the extension would require an amendment of the development agreement, City Council will have the final decision regarding this extension.

Staff received one letter from a neighbor of the site supporting the extension but with additional requests of the applicant and the city for construction period issues including the fencing of the site and truck traffic and noise. She confirmed staff is committed to working with this individual and the neighborhood to ensure that the mitigation plan effectively addresses his concerns.

Chair Altschul questioned staff if the applicant is willing to implement the requests regarding the concerns from the neighborhood.

Jennifer Alkire, Senior Planner stated staff has spoken to the applicant, and confirmed the fence issues will be addressed. Staff has not received confirmation regarding the other concerns.

Staff supports the extension and recommends that the commission forward its recommendation of approval to City Council

Chair Altschul opened the public hearing for Item 10.D.:

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's report. He stated the applicant went into plan check on August 14<sup>th</sup> and has received most of the corrections back. He reiterated it's a very substantial project, therefore, there are a lot of corrections, changes and input that needs to come back. Agencies outside the city also need to be contacted during this time. It's simply an abundance of caution, while they did not want to run up on a deadline and not having everything in place. He stated his support of staff's recommendation of the extension.

Chair Altschul questioned if the applicant is willing to address the concerns the individual from the neighborhood brought forward.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, stated they are willing to address those concerns.

Commissioner Jones questioned if the applicant is willing to meet the neighbors' requests regarding the construction period and parking.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, stated the applicant is willing to meet with the community to lessen any impacts.

Commissioner Lightfoot questioned if this is the last extension request.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, stated the applicant has spent a considerable amount of money to date. This will be the last extension request.

**ACTION:** Close public hearing for Item 10.D. **Motion carried by consensus of the Commission.**

Commissioner Bucker disclosed for the record she spoke to the applicant's representative. They discussed matters contained in the staff report.

Chair Altschul disclosed for the record he spoke to the applicant's representative. They discussed matters contained in the staff report.

Commissioner DeLuccio disclosed for the record he spoke to the applicant's representative. They discussed matters contained in the staff report.

Vice-Chair Aghaei disclosed for the record he spoke to the applicant's representative. They discussed matters contained in the staff report.

Commissioner Jones had no official disclosures.

Commissioner Lightfoot had no official disclosures.

**Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval to the City Council.**

**Seconded by Chair Altschul.**

**ACTION:** 1) Adopt Resolution No. PC 15-1148 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE REQUEST TO AMEND A DEVELOPMENT AGREEMENT TO EXTEND THE TERM OF THE DEVELOPMENT AGREEMENT AND EXTEND THE TIME PERIOD TO COMMENCE CONSTRUCTION BY SIX (6) MONTHS, FOR THE PROPERTIES LOCATED AT 9001-9017 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA", and 2) Close Public Hearing Item 10.D. **Moved by Commissioner DeLuccio, seconded by Chair Altschul and passes, noting Commissioner Huebner ABSENT.**

**E. 8950 Sunset Boulevard:**

Applicant is requesting to extend and amend existing entitlements to construct a mixed-use hotel development with four residential units, 165 hotel guestrooms, retail, restaurant, bar, conference and personal service uses.

The project applicant has requested this item be continued.

**ACTION:** Continue to Thursday, November 5, 2015. **Moved by Commissioner Buckner, seconded by Vice-Chair Aghaei, and passes as part of the amended agenda, noting Commissioner Huebner ABSENT.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

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

14. **ITEMS FROM STAFF.**

**A. Planning Manager's Update.** None.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.**

Commissioner Jones stated there were several in attendance at the Annual Boards and Commissions Congress and commented it was extremely helpful.

Commissioner Lightfoot requested if the Planning Commission agenda could be amended to include a reference for contacting commissioners.

David DeGrazia, Current and Historic Preservation Planning Manager stated they would bring back language at the next meeting.

17. **ADJOURNMENT:** The Planning Commission adjourned at 7:50 P.M. to a regularly scheduled meeting on Thursday, November 5, 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.**

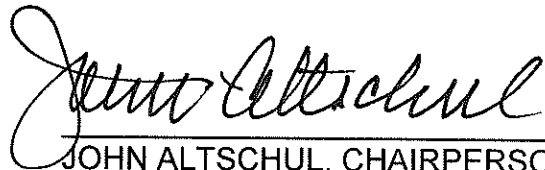
**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 5<sup>th</sup> day of November, 2015 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Jones, Lightfoot, Vice-Chair Aghaei, Chair Altschul.

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner: Huebner.



JOHN ALTSCHUL, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY