



PLANNING COMMISSION MINUTES Regular Meeting December 1, 2016

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

THE CITY OF WEST HOLLYWOOD HAS ADOPTED SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Aghaei called the meeting of the Planning Commission to order at 6:32 P.M.
2. **PLEDGE OF ALLEGIANCE:** James Mills led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, DeLuccio, Huebner, Jones, Lightfoot, Vice-Chair Buckner, Chair Aghaei.

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, Rachel Dimond, Senior Planner, David DeGrazia, Current and Historic Preservation Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, December 1, 2016 as presented. **Moved by Vice-Chair Buckner, seconded by Commissioner Jones and unanimously passes.**
5. **APPROVAL OF MINUTES.**

A. **November 17, 2016**

ACTION: Continue to Thursday, December 15, 2016. **Motion carried by consensus of the Commission.**
6. **PUBLIC COMMENT.** None.
7. **DIRECTOR'S REPORT.**
Stephanie DeWolfe, Community Development Director presented the Director's Report.

Upcoming City Council Meeting – Monday, December 5, 2016.

Norma Triangle Overlay will be presented to City Council for adoption, and the Commercial Historic Resources Survey.

There will also be a discussion of the Speakers Series regarding the Multi-Family Study sessions. Future dates are January 25, 2017, February 1, 2017, February 8, 2017, and February 15, 2017

8. ITEMS FROM COMMISSIONERS.

Commissioner Huebner officially announced his resignation from the Planning Commission. He thanked the public, staff, and fellow commissioners.

9. CONSENT CALENDAR.

A. Zone Text Amendment: Corporate Housing.

The Planning Commission directed staff to return with a resolution recommending that the City Council deny a zone text amendment prohibiting corporate rentals of dwelling units, located citywide, West Hollywood, California.

Chair Aghaei opened public comment for Item 9.A.:

MICHAEL WOJKIELEWICZ, WEST HOLLYWOOD opposes the recommendation of denial.

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

Commissioner Lightfoot clarified for the record she voted “no” recommending denial to City Council.

ACTION: 1) Adopt Resolution No. PC 16-1181 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL DENIAL OF AN ORDINANCE AMENDING CHAPTER 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT CORPORATE RENTALS OF DWELLING UNITS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.” **Moved by Commissioner Jones, seconded by Commissioner Huebner and unanimously passes.**

10. PUBLIC HEARINGS.

A. 1016 N. Martel Avenue:

Laurie Yelton, Associate Planner provided a verbal and visual presentation and background information as presented in the staff report dated Thursday, December 1, 2016.

The applicant is proposing to demolish six units and construct a three-story, eleven-unit multi-family courtyard building over subterranean parking.

Also requested are three courtyard housing incentives; 1) allow a maximum of fifty percent compact parking spaces, 2) allow the building to extend a portion into the front yard setback, and 3) allow the building to extend a portion in the rear yard setback.

The following ten percent modifications are being requested: 1) reduce the entire front yard setback by ten percent, 2) reduce the entire rear yard setback by ten percent, and 3) increase the maximum average unit size from 1,500 square-feet to 1,598 square-feet.

The building qualifies for exemplary design. Concerns were raised by neighbors regarding privacy screenings, trash and recycling locations.

Draft Resolution No. PC 16-1179, Condition 8.4.: should reference “66 *Green Building Points.*”

Draft Resolution No. PC 16-1179, Condition 2.2.2.: should read as follows: “*A projection of 8”8” into a portion of the rear yard setback on the first floor of the building (Unit D – 196 square-feet).*”

Draft Resolution No. PC 16-1179, Condition 2.2.3.: should read as follows: “*A projection of 7’4” into a portion of the front yard setback on the first floor (Unit A – 71 square-feet, Unit K – 145 square feet) of the building.*”

Draft Resolution No. PC 16-1179, Condition 7.10.: the following shall be added to the existing condition: “*The large tree in the parkway along Romaine Street shall be protected in place.*”

Commissioner Huebner presented the design review subcommittee report. He spoke on the improved design, stating the subcommittee was in support.

The following commissioners disclosed they spoke with the applicant’s representatives and discussed matters contained in the staff report: Commissioner Jones, Commissioner DeLuccio, Commissioner Huebner, Vice-Chair Buckner, and Chair Aghaei.

The following commissioners had no official disclosures: Commissioner Altschul and Commissioner Lightfoot.

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

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant’s representative, presented the applicant’s report. He spoke regarding the modification and architectural design.

CHRISTIAN ROBERT, SANTA MONICA, applicant's representative, continued the applicant's report. He spoke and detailed neighborhood compatibility, landscaping, architectural styles and courtyard designs, massing, density, height, subterranean parking, front and rear yard setbacks, encroachments, window heights, internal staircases, and modifications.

Commission requested clarification regarding the internal staircases, unit square-footage, parking spaces, modifications, variances, incentives, landscaping, and aging in place units.

NOEL HYUN, LOS ANGELES, representing LINDA CASS, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding landscaping, roof terraces, and windows on the northern elevation.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding landscaping, courtyard square-footage, and aging in place.

JAMES HART, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding height, elevations, electrical connections, revenue loss, construction noise, and parking.

GERRY FLORES, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding neighborhood compatibility and traffic mitigation.

LYNN RUSSELL, WEST HOLLYWOOD, opposes staff's recommendation of approval.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicant's rebuttal. He spoke regarding the requested conditions, landscaping, courtyard square-footage, and stated they are willing to ensure the viability for any business abutting this property, including temporary electrical power.

CHRISTIAN ROBERT, SANTA MONICA, applicant's representative, continued the applicant's rebuttal. He spoke and clarified the removal of the current landscaping, massing, height variation and aging in place living spaces.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS TO VIEW THE MASSING MODEL AT 7:55 P.M. AND RECONVENED AT 8:00 P.M.

Commission spoke in support of the exemplary design, and detailed the noticing concerns, negotiations, courtyard square-footage and incentives, and variances.

They had concerns and discussed in detail the front and rear yard setbacks, unit square-footage, density, public hearing notifications, modifications, third story setback, street closures, and aging in place units.

Laurie Yelton, Associate Planner requested the following amendment to draft Resolution No. PC 16-1179. Condition 8.8. shall read as follows: *“Applicant shall install minimum 6’ high by 2’ wide in ground 24” box, landscaping privacy hedge (Oldhamii Bamboo) at planting a minimum of two feet apart along the north and east property line,”* and Condition 8.9. shall be amended as follows: *“Applicant shall maintain reduced terrace size with habitable area setback a minimum of eight feet, reduced windows with privacy frames on north elevation, and incorporate clerestory windows per the approved plans as long as they comply with other division standards including, but not limited to, Building and Safety and Fire Department requirements.”*

Commissioner DeLuccio moved to: 1) approve staff’s recommendation of approval with requested changes made by staff, and add the following conditions: a) work with the neighboring business to provide electrical notifications; and b) at least two units shall have a first floor bedroom and bathroom.

Seconded by Commissioner Huebner.

Lauren Langer, Acting Assistant City Attorney, provided for the record, draft Resolution No. PC 11-1179, [new] Condition 10.9., shall read as follows: *“Applicant shall provide thirty day notice to the neighbor to the east of any electrical service disruptions.”*

Commissioner Lightfoot made a substitute motion: 1) approve staff’s recommendations of approval with all requested changes made by staff and the original motion by Commissioner DeLuccio; except for the following three modifications; a) 10% front setback modification; b) 10% rear setback modification; and c) 10% increase in maximum unit size.

Discussion and clarification was held regarding the rear encroachment that is the courtyard incentive on the first floor. Additional clarification was requested, questioning; if the three additional modifications were denied, would the upper two stories be at the fifteen foot setback.

Staff confirmed this was accurate.

Seconded by Commissioner Altschul.

Lauren Langer, Acting Assistant City Attorney, stated the substitute motion would actually require a redesign of the project.

Discussion was held regarding three options, 1) passing a resolution and staff's recommendations where it needed to go back to design review subcommittee before permits were issued; 2) staff would be tasked with making sure they pulled in the design; or 3) continue the item.

Further discussion was held regarding the encroachments in the setbacks, square-footage of the units, and redesign of the project.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, stated the applicant is willing to do an initial redesign and give up the rear setback; however it would be exceedingly difficult to give up the front setback, without a major redesign of the project.

CHRISTIAN ROBERT, SANTA MONICA, applicant's representative, clarified the north eastern building would be pushed in by a foot out of the rear setback, which would not require a modification for the rear setback. The courtyard incentive for the encroachment would remain in place.

It was suggested the applicant should be given the opportunity to update the design to reflect the amended setback. If a resolution is approved, the project should be reviewed by the Urban Designer, and not returned to the Planning Commission.

Lauren Langer, Acting Assistant City Attorney, read into the record, the substitute motion on the floor: **1) approve staff's recommendations of approval with all requested changes made by staff and the original motion by Commissioner DeLuccio; 2) Delete all references to the three modifications in Condition 2.3., 3) Add language to Condition 2.6. that states: "Plans shall be modified herein to the satisfaction of the Community Development Director;" and 4) Any and all references relating to the modifications shall be removed from the Findings; Sections 5.a., 5.b., and Section 7.**

Moved by Commissioner Lightfoot, seconded by Commissioner Altschul.

MOTION FAILS.

Commissioners DeLuccio, Huebner, Jones, Vice-Chair Buckner, and Chair Aghaei voting NO.

Commissioner DeLuccio moved to: 1) approve staff's recommendation of approval with requested changes made by staff, and add the following conditions: a) work with the neighboring business to provide electrical notifications; b) at least two units shall have a first floor bedroom and bathroom; c) eliminate the rear modification; d) bring back the redesign to the Community Development Director; e) Condition 2.2.3. shall read as follows: *Increase the maximum allowable average unit size by 10% (from 1,500 square-feet to ~~1,650 square-feet~~ 1,598 square-feet;* and f) *remove all references regarding the rear yard modifications from the Findings.*

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

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 16-1179 as amended: a) Add Condition 10.9., to read as follows: *"Applicant shall provide thirty day notice to the neighbor to the east of any electrical service disruptions."* b) at least two units shall have a first floor bedroom and bathroom; c) eliminate the rear modification; d) bring back the redesign of the project to the Community Development Director; e) Condition 2.2.3. shall read as follows: *"Increase the maximum allowable average unit size by 10% (from 1,500 square-feet to ~~1,650 square-feet~~ 1,598 square-feet;"* f) remove all references regarding the rear yard modifications from the Findings; g) any minor clerical changes to be consistent with that direction, and g) all additional changes read into the record by staff: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEMOLITION PERMIT, DEVELOPMENT PERMIT, AND LOT LINE ADJUSTMENT FOR THE DEMOLITION OF SIX DWELLING UNITS AND THE CONSTRUCTION OF A NEW, THREE-STORY, ELEVEN-UNIT MULTI-FAMILY COURTYARD BUILDING OVER SUBTERRANEAN PARKING, LOCATED AT 1016 N. MARTEL AVENUE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner DeLuccio, seconded by Commissioner Huebner and passes, noting Commissioner Altschul and Commissioner Lightfoot voting NO.**

Commission Secretary Gillig officially read into the record the appeal procedure for 1016 N. Martel Avenue, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:00 P.M. AND RECONVENED AT 9:10 P.M.

B. 8933 Santa Monica Boulevard (Bar10):

Rachel Dimond, Senior Planner provided a verbal and visual presentation and background information as presented in the staff report dated Thursday, December 1, 2016.

Applicant is requesting to allow the conversion of an existing restaurant into a nightclub, with an intensification of use for the increase in the parking required to convert a restaurant into a nightclub.

The applicant would like to change their floor plan to allow for the promotion of evening events, and to have live entertainment. They would like to retain the current operating hours of 10 a.m. to 2:00 a.m., with alcohol services ending at 1:30 a.m. Parking credits have already been obtained for the required parking.

The commission requested clarification regarding Condition 7.2.5. regarding eating, drinking and dancing. They had concerns with the removal of the official public hearing notice on the property.

The following commissioner disclosed they made a site visit; Commissioner DeLuccio.

The following commissioners had no official disclosures: Commissioner Altschul, Huebner, Jones, Lightfoot, Vice-Chair Buckner, and Chair Aghaei.

Chair Aghaei opened the public hearing for Item 10.B.:

AXEL JORDAN, WEST HOLLYWOOD, applicant, presented the applicant's report. He spoke and detailed the early removal of the public hearing notice, the current restaurant and operating hours, and the requested nighttime activities.

The commission requested clarification of past code violations, review provisions, and questioned the applicant regarding promoters and smoking.

ARTHUR BERNSTEIN, WEST HOLLYWOOD opposes staff's recommendation of approval.

AXEL JORDAN, WEST HOLLYWOOD, applicant, presented the applicant's rebuttal. He spoke regarding his views on smoking, restaurant food service, and Sunday brunch hours.

Commission requested clarification regarding alcohol service hours, and location of smoking.

The commission commented on the additional dining options on Santa Monica Boulevard, and the navigation for small business owners regarding zoning codes..

Chair Aghaei moved to: 1) approve staff's recommendation of approval.

Seconded by Commissioner DeLuccio.

Commission requested clarification regarding outdoor activities and dancing.

Commissioner DeLuccio amended the motion: a) delete any reference to dancing; and b) six month review by the Director of Community Development.

Chair Aghaei supports the requested amendments.

Rachel Dimond, Senior Planner expanded on the requested Directors review by adding the following: *"The Director of Community Development shall review this permit at six months after conversion to a nightclub to determine whether any corrective conditions need to be imposed if proven necessary to minimize any major disturbances to nearby properties. In the even additional conditions are necessary, a modification hearing will be scheduled in accordance with the West Hollywood Municipal Code before the Planning Commission."*

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 16-1188 as amended: a) delete any reference to dancing; b) add the following condition: *"The Director of Community Development shall review this permit at six months after conversion to a nightclub to determine whether any corrective conditions need to be imposed if proven necessary to minimize any major disturbances to nearby properties. In the even additional conditions are necessary, a modification hearing will be scheduled in accordance with the West Hollywood Municipal Code before the Planning Commission;"* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A DEVELOPMENT PERMIT AND A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING RESTAURANT TO A NIGHTCLUB, LOCATED AT 8933 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close the Public Hearing for Item 10.B. **Moved by Chair Aghaei, seconded by Commissioner DeLuccio and unanimously passes.**

Commission Secretary Gillig officially read into the record the appeal procedure for 8933 Santa Monica Boulevard, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

David DeGrazia, Current & Historic Preservation Manager provided an update on the review process and status for Catch Restaurant.

15. PUBLIC COMMENT.

MICHAEL WOJKIELEWICZ, WEST HOLLYWOOD commented on code requirements, ageing in place and accessibility issues.

16. ITEMS FROM COMMISSIONERS.

Commissioner Jones thanked outgoing Commissioner Huebner for his years of service and experience.

Commissioner DeLuccio stated staff reports and resolutions need to be looked at more closely for typos and consistency. He thanked Commissioner Huebner for his years of service and experience.

Commissioner Altschul thanked Commissioner Huebner for his years of service and experience.

Vice-Chair Buckner thanked Commissioner Huebner for his years of service and experience.

Commissioner Lightfoot thanked Commissioner Huebner for his years of service and experience.

Chair Aghaei thanked Commissioner Huebner for his years of service and experience.

Commissioner Huebner stated it has been a pleasure to be a part of the City of West Hollywood.

17. **ADJOURNMENT:** The Planning Commission adjourned at 9:55 P.M. to a regularly scheduled meeting on Thursday, December 15, 2016 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 19th day of January 2017 by the following vote:

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

NOES: Commissioner: None.


ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



DAVID AGHAEI, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY