



PLANNING COMMISSION MINUTES Regular Meeting May 4, 2017

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

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF 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 6:33 P.M.

2. **PLEDGE OF ALLEGIANCE:** Councilmember Duran led the Pledge of Allegiance.

3. **SPECIAL ORDER OF BUSINESS:**

A. Oaths of Office.

The Oath of Office was administered to Rogerio Carvalheiro by Councilmember Duran, for a term ending May 31, 2019.

The Oath of Office was administered to Lynn Hoopingarner by Mayor Meister, for a term ending May 31, 2019.

4. **ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, Jennifer Alkire, Senior Planner, David DeGrazia, Current and Historic Preservation Planning Manager, Garen Srapyan, Associate Planner, Bianca Siegl, Long Rang & Mobility Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.

5. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, May 4, 2017 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones and unanimously passes.**

6. APPROVAL OF MINUTES.

A. April 6, 2017

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, April 6, 2017 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones and passes, noting Commissioner's Carvalho and Hoopingarner abstaining.**

7. PUBLIC COMMENT.

TODD ELLIOT, LOS ANGELES, commented on the Item 10.A. - 8711-8713 Beverly Boulevard. He stated the applicant heard the concerns and issues brought forward at the last commission meeting. He requested the commission not adopt draft Resolution No. PC 17-1193, but continue the item to a date uncertain, to allow the project to be revised.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD commented on recent court decisions regarding various properties in Los Angeles. He welcomed newly appointed Commissioner's Carvalho and Hoopingarner, and thanked Sheila Lightfoot for her service on the Planning Commission.

STEPHANIE HARKER, WEST HOLLYWOOD thanked Sheila Lightfoot for her service on the Planning Commission, and congratulated newly appointed Commissioner's Carvalho and Hoopingarner.

CYNTHIA BLATT, WEST HOLLYWOOD congratulated newly appointed Commissioner Carvalho and Commissioner Hoopingarner.

CATHY BLAIVAS, WEST HOLLYWOOD congratulated newly appointed Commissioner Carvalho and Commissioner Hoopingarner, and thanked Sheila Lightfoot for her service on the Planning Commission. She commented on the opening of "Avalon" and questioned the elevator service.

8. DIRECTOR'S REPORT.

John Keho, Assistant Director, Community Development Department, congratulated incoming Commissioner Carvalho and Commissioner Hoopingarner.

City Council Meeting – Monday, May 1, 2017
He provided an update and timeline on Cannabis Regulations.

9. ITEMS FROM COMMISSIONERS.

The commission thanked Sheila Lightfoot for her service on the Planning Commission, and welcomed Commissioner Carvalho and Commissioner Hoopingarner.

Commissioner Carvalho provided information on his professional background, and stated he is looking forward to working with the commission.

Commissioner Hoopingarner thanked Sheila Lightfoot for her service on the Planning Commission. She provided information on her professional background, and stated she is looking forward to working with the commission.

10. CONSENT CALENDAR.

A. 8711-8713 Beverly Boulevard and 321-327 Sherbourne Drive:

The Planning Commission directed staff to return with a resolution to deny a request to demolish an existing 3,000 square-foot commercial building and to construct a new five-story, 41,200 square-foot mixed-use building with 9,700 square-feet of commercial space, 30 apartment units with five affordable units, and two levels of subterranean parking.

The applicant requested the commission not adopt draft Resolution No. PC 17-1193. They would like the opportunity to redesign the project and bring it back at a later date.

Staff recommends the following:

- 1) Take no action on the draft resolution to allow the applicant time to re-design the project and come back at a future date; or
- 2) Adopt draft Resolution No. PC 17-1193: "A Resolution of the Planning Commission of the City of West Hollywood, denying without prejudice, a demolition permit, development permit and subdivision (Major Land Division No. 733519), for the properties located at 8711-8713 Beverly Boulevard, West Hollywood, California and 321-327 Sherbourne Drive, West Hollywood, California.

Commissioner DeLuccio moved to: 1) take no action, and 2) continue the item to a date uncertain.

Seconded by Commissioner Jones.

ACTION: 1) Take no action, and 2) continue to a date uncertain. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones and unanimously passes.**

11. PUBLIC HEARINGS.

A. Zone Text Amendment

Outdoor Commercial Uses Above the First Floor:

Jennifer Alkire, Senior Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, May 4, 2017.

City Council directed staff to explore revisions to the Zoning Ordinance to require requests for outdoor dining, and other similar commercial outdoor uses, located above the first floor to be subjected to development permit approval, subject to review and decision by the Planning Commission.

The proposed zone text amendment is to introduce new standards requiring development permit approval with review and decision by the Planning Commission for all new or expanded outdoor dining areas and other similar outdoor commercial uses above the first floor.

She stated current zoning does not distinguish between outdoor dining on the ground level and outdoor dining on rooftops or elevated terraces. Noise and light implications can be more profound when a dining area is on a rooftop or other location above the first floor.

These changes would: 1) make the public more aware through more stringent noticing process; 2) allows the Planning Commission to review, take public comment, and make a decision on these requests; and 3) adds findings of fact that must be made including that the proposed use can be adequately conditioned so as not to endanger, jeopardize, or otherwise constitute a menace to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

The change applies to any request for a new rooftop outdoor dining area, or similar outdoor use above the first floor, as well as physical enlargements and expansion of hours of operation of existing outdoor areas of these types.

These changes could potentially add time and cost to applications for outdoor dining on rooftops or elevated terraces, depending on the characteristics of the restaurant or development it's associated with. However, it would also provide additional opportunities for community outreach and notification, and allow the Planning Commission to weigh in on these decisions.

Staff recommends that the Planning Commission recommend that the City Council adopt the proposed code changes.

Chair Aghaei opened the public hearing for Item 11.A.:

GENEVIEVE MORRIL, WEST HOLLYWOOD, President, CEO, West Hollywood Chamber of Commerce, has concerns regarding this item. She spoke regarding unintended consequences for small businesses, i.e. more processes, and additional fees. She thanked Sheila Lightfoot for your service, and congratulated the new incoming commissioners.

IRINA ZHURA, WEST HOLLYWOOD opposes staff's recommendation to the City Council approval of a zone text amendment to require development permit approval by the Planning Commission.

JOSH, ZAD, WEST HOLLYWOOD opposes staff's recommendation to the City Council approval of a zone text amendment to require development permit approval by the Planning Commission.

SUSANA LAGUDIS, WEST HOLLYWOOD spoke in support of staff's recommendation to the City Council approval of a zone text amendment to require development permit approval by the Planning Commission.

RICHARD GIESBRET, WEST HOLLYWOOD has concerns this item. He spoke regarding the unintended consequences of roof top decks, and congratulated the new incoming commissioners.

THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSES STAFF'S RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO REQUIRE DEVELOPMENT PERMIT APPROVAL BY THE PLANNING COMMISSION: 1) MICHAEL ASHTAVZAD, WEST HOLLYWOOD.

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

Jennifer Alkire, Senior Planner provided clarification regarding similar outdoor uses, and the Director's current authority.

Discussion was held regarding special event permits, unapproved rooftop uses, noise issues, limiting the square-footage, hours of operation, and code enforcement,

Commissioner Hoopingarner moved to: 1) approve staff's recommendation, with the following text change: a) Outdoor dining areas and other outdoor uses with similar noise, light, and other public impacts.

Seconded by Commissioner DeLuccio.

ACTION: 1) Adopt Resolution No. PC 17-1195 as amended: a) Add language as follows to Section I: *"New or expanded (including expanded hours of operation) outdoor dining areas, and other outdoor uses with similar noise, light, and public impacts as determined by the Director, located on rooftops, terraces, or other outdoor locations above the ground floor. Does not apply to dining areas on the ground floor (see §19.44.020A.6);"* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO

REQUIRE DEVELOPMENT PERMIT APPROVAL BY THE PLANNING COMMISSION FOR ALL NEW OR EXPANDED OUTDOOR DINING AREAS OR SIMILAR COMMERCIAL OUTDOOR USES ABOVE THE GROUND FLOOR OF A STRUCTURE, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA;” and 2) Close the Public Hearing for Item 11.A. **Moved by Commissioner Hoopingarner, seconded by Commissioner DeLuccio and unanimously passes.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 7:45 P.M. AND RECONVENED AT 7:55 P.M.

B. Zone Text Amendment

Implementation of R3C-C and R4B-C Zones:

Garen Srapyan, Associate Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, May 4, 2017.

He stated this is an amendment to the Zoning Ordinance to introduce new standards for the R3C-C and R4B-C zoning districts and rezone (1) CN1 properties on the east side of Fairfax Avenue, south of Santa Monica Boulevard, and (2) R-2 properties south of Beverly Boulevard, between N. Wetherly Drive and N. Clark Drive, within the City of West Hollywood, to conform with the land use designations in the West Hollywood General Plan 2035, which was adopted in 2011.

He detailed the goals of the General Plan, creative uses and guidelines of the subject areas. The proposed zone text changes for the R3C-C and R4B-C zoning districts address the following concerns: 1) appropriate neighborhood-serving uses for the ground floor; 2) parking requirements for residential and non-residential uses; 3) minimum residential density; 4) appropriate building setbacks and step backs; and 5) maximum lot area.

Proposed standards for the R3C-C and R4B-C zoning districts address the following considerations that were not identified in the West Hollywood General Plan: a) neighborhood-serving commercial uses on the ground floor; b) minimum residential density requirement; c) parking requirements for commercial and live/work projects; d) maximum lot area; and e) setback requirements.

R3C-C: For the R3C-C zoning district, staff recommends eliminating the minimum side and front setbacks required in the R3C. Because the parcels in this zone are shallow in depth, and are situated on a wide commercial boulevard (Fairfax Ave), eliminating the minimum setback requirements will allow for more flexibility for proposed projects and contribute to a friendlier pedestrian experience. The proposed R3C-C zoning district is located in the Santa Monica/Fairfax Transit District as identified in the General Plan. The General Plan calls for new projects to

locate buildings on or near the sidewalk edge for an improved pedestrian environment. Additionally, staff recommends maintaining a minimum 10 ft. minimum rear setback requirement to provide a buffer to adjacent residential buildings.

R4B-C: For the R4B-C zoning district, staff recommends maintaining the setback requirements set forth in the R4B zoning district with the exception of proposed development projects directly adjacent to a single-family zone. For those particular cases, staff recommends a 10 ft. side setback with an additional 7.5 ft. step back at the 4th story.

Chair Aghaei opened the public hearing for Item 11.B.:

EDWARD LEVIN, WEST HOLLYWOOD has concerns regarding this item. He commented on live/work zoning, side yard setbacks, lot sizes and parking.

EDWARD LEESE, WEST HOLLYWOOD has concerns regarding this item. He commented on setbacks, and parking.

THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSES STAFF'S RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A ZONE MAP AMENDMENT AND A ZONE TEXT AMENDMENT RELATED TO STANDARDS FOR R3C-C AND R4B-C ZONING DISTRICTS: 1) CARLOS VARA, WEST HOLLYWOOD.

R4B-C

The commission requested further clarifications and discussed side setbacks, front yard setbacks, parcel sizes, live/work zoning and development, parking, square-footage, and lot sizes.

Consensus of the commission to: 1) approve staff's recommendation regarding R4B-C Section: with the following changes: a) 10,000 square-foot maximum lot size shall be changed to 12,000 square foot lot; and b) there shall be no front setbacks for commercial uses.

R3C-C

The commission requested further clarifications and discussed zoning implementation, parking, parcel size, live/work zoning, massing, height, square-footage, rear yard setbacks, neighborhood compatibility, and conformity with the General Plan.

Consensus of the commission to: 1) approve staff's recommendation to City Council regarding R3C-C Section, a) with the understanding that staff is planning to evaluate citywide live/work standards in the future. Once that study is complete, there is the possibility to have any recommendations incorporated into a future zone text amendment. Commissioner Hoopingarner and Commissioner Jones did not agree with the consensus vote.

Commissioner DeLuccio moved to: 1) bring back separate resolutions for R3C-C and R4B-C; and 2) Commissioner Hoopingarner shall provide comments regarding the R3B-C Zone to staff prior to the continued public hearing.

Seconded by Vice-Chair Buckner.

ACTION: 1) Public hearing shall be continued to Thursday, June 1, 2017; 2) staff shall bring back two separate draft Resolutions: a) R3C-C Zone; and b) R4B-C Zone; and 3) staff shall receive comments from Commissioner Hoopingarner prior to the continued public hearing regarding the R3C-C Zone. **Moved by Commissioner DeLuccio, seconded by Commissioner Vice-Chair Buckner and unanimously passes.**

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.** None.
17. **ADJOURNMENT:** The Planning Commission adjourned at 8:45 P.M. to a regularly scheduled meeting on Thursday, May 18, 2017 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.**

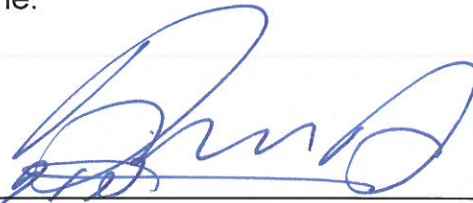
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 1st day of June, 2017 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



DAVID AGHAEI, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY