



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Regular Meeting  
October 19, 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](http://www.weho.org/weho-tv/other-city-meetings)*

1. **CALL TO ORDER:** Chair Buckner called the meeting of the Planning Commission to order at 6:35 P.M.
2. **PLEDGE OF ALLEGIANCE:** Michael Zanella led the Pledge of Allegiance.
3. **ROLL CALL:**  
Commissioners Present: Aghaei, Altschul, Bass, Carvalheiro, Hoopingarner, Vice-Chair Jones, Chair Buckner.  
  
Commissioners Absent: None.  
  
Staff Present: Jennifer Alkire, Senior Planner, Jerry Hittleman, Senior Contract Planner, Rachel Dimond, Senior Planner, Garen Srapyan, Associate Planner, Tara Worden, Assistant Planner, Adrian Gallo, Associate Planner, Jeffrey Aubel, Commercial Code Compliance Manager, David DeGrazia, Current and Historic Preservation Planning Manager, Bianca Siegl, Long Range and Mobility 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, October 19, 2017 as presented. **Moved by Commissioner Bass, seconded by Commissioner Aghaei and unanimously passes.**
5. **APPROVAL OF MINUTES.**  
  
A. **October 5, 2017**  
  
**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, October 5, 2017 as presented. **Moved by Vice-Chair Jones, seconded by Commissioner Aghaei and unanimously passes.**
6. **PUBLIC COMMENT.** None.

**7. DIRECTOR'S REPORT.**

John Keho, Interim Community Development Director, stated Stephanie DeWolfe has accepted an offer as City Manager for the City of South Pasadena. He confirmed he is currently interim Community Development Director.

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

**9. CONSENT CALENDAR.** None.

**10. PUBLIC HEARINGS.**

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

Jennifer Alkire, Senior Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, October 19, 2017.

She stated the applicant is requesting to amend the development agreement, originally approved in 2007 for a mixed-use project, with respect to the timelines for issuance of building permits, commencement of construction and term of agreement.

She provided a history of the property, and detailed the development agreement conditions; plan check, timelines, minor changes approved by staff, extensions, and original timelines

The applicant is requesting an additional 18 months, above and beyond the 532 days that the City of West Hollywood has already granted.

She stated the applicant is requesting to

- Amend the timelines and term in the development agreement;
- Delete Section §3.2.2 pertaining to set-aside funds for affordable housing;
- Amend Exhibit C with respect to extraordinary public benefit a) \$500,000 of the \$1,000,000 payment is due at building permit issuance, and b) \$500,000 is due at certificate of occupancy;
- Require that existing parking on the site be utilized for public valet parking; and

Staff does not recommend changes to the following:

- Change the date of interest accrual on the extraordinary public benefit.

Staff reiterated this is a recommendation to the City Council.

The commission requested further clarification regarding the accrual of interest, extraordinary public benefits, the letter of credit, and the timelines for building permits.

Commissioners Aghaei, Altschul, Bass, Carvalheiro, Vice-Chair Jones and Chair Buckner disclosed for the record they spoke with the applicant's representatives and discussed matters contained in the staff report.

Commissioner Hoopingarner had no official disclosures.

Chair Buckner opened public comment for Item 10.A.:

MARK E. LEHMAN, WEST HOLLYWOOD, representing SM Ramage, LLC, presented the applicants report. He spoke regarding the ongoing financial costs and the accrual of interest. He requested a delay of the accrual of interest, and to waive the fees of the resubmittal of plan check.

The commission requested clarification regarding timelines and plan check fees.

CLIFF GOLDSTEIN, SANTA MONICA, applicant's representative, further clarified on financial resources, funding and timelines.

Jennifer Alkire, Senior Planner re-confirmed the timelines and deadlines for the development agreement, building code timelines, building permit expirations, and fee schedules.

DREW PLANTING, PACIFIC PALISADES, applicant's representative, commented on the timelines and additional fees.

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

The commission had concerns with the undue hardship regarding the request for an additional payment of plan check fees, and the section dealing with accrual of interest.

**Commissioner Hoopingarner moved to: 1) approve staff's recommendation to amend the development agreement to City Council, with the following amendment: a) the waiver of the previously paid plan check fees, for the next round of plan check; and b) noting there shall be no amendments made to the interest accrual.**

**Seconded by Commissioner Altschul.**

**ACTION:** 1) Adopt Resolution No. PC 17-1215 as amended: a) *plan check fees shall be waived:* “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE THE REQUEST TO AMEND THE DEVELOPMENT AGREEMENT TO EXTEND THE TERM AND CONSTRUCTION TIMELINES OF THE DEVELOPEMNT AGREEMENT BY EIGHTEEN (18) MONTHS; DELETE SECTION §3.2.2 REGARDING AFFORDABLE HOUSING SET-ASIDE FUNDS, AND AMEND AGREEMENT EXHIBIT C (REV2) TO REQUIRE ADVANCE PAYMENT OF THE EXTRAORDINARY BENEFIT AND USE OF THE EXISTING PROPERTY FOR PUBLIC PARKING PRIOR TO CONSTRUCTION OF THE PROPERTIES LOCATED AT 9007-9017 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA;” and 2) Close the Public Hearing for Item 10.A. **Moved by Commissioner Hoopingarner, seconded by Commissioner Altschul and passes, noting Commissioner Aghaei and Vice-Chair Jones voting NO.**

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:30 P.M. AND RECONVENED AT 7:35 P.M.**

**B. Zone Text Amendment  
Accessory Dwelling Units:**

Jerry Hittleman, Senior Contract Planner, provided a verbal presentation and background information as presented in the staff report dated Thursday, October 19, 2017.

He stated the zone text amendment is to revise the accessory dwelling unit regulations to conform to state law. He provided a history of the streamlining process, and detailed dwelling unit key regulations, housing elements, and junior accessory dwelling units.

The City's adopted 2013-2021, Housing Element Policy encourages the creation of accessory dwelling units for affordable workforce and family housing through the inclusion of the goals and policies. Adoption of the City's ADU ordinance in compliance with state law will assist in implementing these goals/policies.

*Goal H-3:* Encourage a diverse housing stock to address the needs of all socioeconomic segments of the community.

*Intent:* To provide adequate housing to meet the diverse needs of the community, with due consideration for households with special needs.

- *Policy H-3.1* - Facilitate the development of a diverse range of housing options including, but not limited to, single-family homes, second/accessory units, multi-family rental housing, condominiums and townhomes, live/work units, housing in mixed use developments, and other flexible housing types.

*Goal H-4:* Provide for adequate opportunities for new construction of housing.

*Intent:* To provide adequate housing sites through appropriate land use and zoning designations to accommodate the City's diverse housing needs.

- *H-4.3* – Encourage the adaptive reuse of existing structures for residential purposes.

Workforce Housing, Family Housing, and Ownership Housing Opportunities:

- Explore creative housing types such as accessory dwelling units, co-op housing, micro units, and other flexible housing types to increase opportunities for affordable homeownership.

He stated the primary intent of the new state laws is to allow one ADU or JADU on lots containing one single family residential unit in certain residential zone districts. In accordance with state law, the proposed ordinance allows ADUs in the R1-A, R1-B, and R1-C Zones and JADUs on all R1 (R1A, R1B, and R1C), R2, R3 (R3A, R3B, and R3C), and R4 (R4A and R4B) zoned lots that contain an existing or proposed single family residence. Any legally nonconforming residential zoned lot that currently consists of two residential units will not be permitted to construct an additional accessory dwelling unit; however, the owner may apply to make the illegally constructed unit into a legal accessory dwelling unit if all required provisions for ADUs or JADUs in the proposed ordinance are met.

Under the proposed ADU ordinance, R1A zoned properties with one dwelling unit would be allowed to add a detached, attached, or interior ADU unit. The R1A zone district is comprised of approximately six lots located on the western end of West Doheny Road between La Collina Drive and North Sierra Alta Way. R1-B zoned lots are prevalent throughout the City and also allow 2 or more residential units depending on the lot size. The R1-C Zone is located only on West Betty Way, a short street that has a limited amount of single family residences that are limited to 15 feet in height.

Lots that contain one dwelling unit on a legal lot in these zone districts would qualify for an ADU or JADU. In addition, JADUs would be permitted in any of the R1 zone districts, which include the R1A, R1B, and R1C zones.

He further detailed and clarified public transit corridors and stops, zone clearance and building permit process, effects on historic residences, effect on rent stabilization units, and the final steps required before implementation.

Chair Buckner opened public comment for Item 10.B.:

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the negative impacts; including neighborhood scale and massing, landscaping needs, light trespass, noise trespass, neighborhood density, setbacks, and subterranean parking.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORTS STAFF'S RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT AMENDING WEST HOLLYWOOD ZONING ORDINANCE (TITLE 19), TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES: 1) MANNY RODRIGUEZ, WEST HOLLYWOOD.**

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

The commission has concerns and requested clarification regarding units as short term rentals, the exclusion of R2, R3, and R4 from the code; homeowners denied the right to build ADU's based on the code as staff has written it, preventing aging in place goals, and setbacks.

Rachel Diamond, Senior Planner clarified in Zones R2, R3, and R4 you would be allowed a higher density, with the right to build additional units, and elaborated on the 90% minimum density rule.

Discussion and clarification was held regarding what could actually be built in specific zones.

**Commissioner Bass moved to: 1) approve the zone text amendment as presented.**

**Seconded by Commissioner Altschul.**

**ACTION:** 1) Adopt Resolution No. PC 17-1223 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT AND ORDINANCE AMENDING THE WEST HOLLYWOOD ZONING ORDINANCE (TITLE 19) TO PROVIDE FOR ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES IN CONFORMANCE WITH STATE LAW, WEST HOLLYWOOD, CALIFORNIA,” and 2) Close the Public Hearing for Item 10.B. **Moved by Commissioner Bass, seconded by Commissioner Altschul and unanimously passes.**

*Commissioner Bass stated he lives within 500’ of this area; however, he has no final interest, is a renter, and will not be officially recusing himself from this item.*

**C. Zone Text Amendment  
Implementation of R3C-C Zone:**

Garen Srabyan, Associate Planner, provided a verbal presentation and background information as presented in the staff report dated Thursday, October 19, 2017.

He provided a background history, stating the Planning Commission held a public hearing on May 4, 2017 to consider an amendment to the Zoning Ordinance to introduce new standards for the R3C-C and R4B-C zoning districts. Upon the initial hearing, Planning Commission directed staff to bring back two separate resolutions for the R3C-C and R4B-C zoning districts.

On June 1, 2017 Planning Commission considered approval of the two separate resolutions for amendments to the Zoning Ordinance that introduced new standards for the R3C-C and R4B-C zoning districts. While the Commission recommended approval to the City Council for proposed standards in the R4B-C zoning district, there was consensus from Commissioners to take no action on proposed standards for the R3C-C zoning district until further studies on live/work building typologies have been conducted. Staff has since conducted analysis on live/work typologies.

He clarified this implements a zone change identified in the General Plan that would allow for residential uses with ground-floor small-scale commercial on the east side of Fairfax Avenue, south of Santa Monica Boulevard. State law requires that the City of West Hollywood update the Zoning Code to conform to land use designations in the General Plan within a reasonable timeframe.

In response to the Planning Commission direction to better incentivize live/work units, the following amendments have been made to the proposed R3C-C zoning district since the June 1, 2017 public hearing:

- More flexible floor area configuration for live/work units
- Allow for commercial signage on live/work units
- Eliminate the 90% minimum residential density requirement for any type of project in the R3C-C zoning district

Tara Worden, Assistant Planner continued the staff report. She spoke and detailed live work development, analyses, facilities, home business regulations, parking requirements, floor area, commercial signage, density requirements, and dedicated workspace.

Garen Srapyan, Associate Planner, stated the goal and the intention for the R3C-C zoning district is to support a high density transit oriented commercial district, and help meet the city's housing goals on commercial corridors.

The commission requested clarification regarding the elimination of the requirement regarding 50 feet of the ground floor to be commercial retail sales.

Discussion was held regarding the different definitions regarding live/work spaces, signage requirements, ground floor retail, parking requirements, mixed-use, enforcement issues, and a possible General Plan amendment.

Concerns were raised by the commission regarding conceived live/work spaces, neighborhood serving commercial, incentives to build live/work spaces, lot ties, and mixed-use projects.

Chair Buckner opened public comment for Item 10.C.:

GENEVIEVE MORRIL, WEST HOLLYWOOD, President, CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval to the City Council.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORTS STAFF'S RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT RELATED TO STANDARDS FOR R3C-C ZONING DISTRICT: 1) KATHERINE SEARS, WEST HOLLYWOOD, AND DANIEL COLLINS, WEST HOLLYWOOD.**

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

**Commissioner Hoopingarner moved to: 1) adopt staff's recommended alternate; and 2) amend the General Plan and maintain the CN1 zone.**

**Seconded by Vice-Chair Jones.**

Lauren Langer, Acting Assistant City Attorney, clarified the motion: 1) recommend denial of the zone text amendment; in favor of maintaining the CN1 zoning; 2) change Section 4 to say the Planning Commission of the City of West Hollywood hereby finds zone text amendment 2007-0005 and the zone map amendment to not be consistent with the General Plan and maintaining CN1 would be a better way to support general plan goals; 3) Section 5 change approval to denial; Section 6 change approval to denial and add at the end ... recommend denial of the amendments and recommend keeping the zoning CN1 which would require a corresponding general plan amendment back to CN1; and 4) any other minor clerical changes that need to be consistent with those revisions.

**ACTION:** 1) Adopt Resolution No. PC 17-1197 with the following amendments: *a) SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2017-0005 and Zone Map Amendment 2017-0002 to not be consistent with the General Plan and maintaining CN1 would be a better way to support General Plan Goals; b) SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends denial to the City Council of Zone Text Amendment 2017-0005, c) SECTION 6. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends denial of the City Council of Zone Map Amendment 2017-0002, and recommend keeping the zoning CN1, which would require a corresponding General Plan Amendment back to CN1;* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL DENIAL OF A ZONE TEXT AMENDMENT RELATED TO STANDARDS FOR R3C-C ZONING DISTRICT, AND A ZONE MAP AMENDMENT UPDATING THE ZONING MAP, TO COMPORT WITH THE WEST HOLLYWOOD GENERAL PLAN 2035, SELECTED ZONES, WEST HOLLYWOOD, CALIFORNIA; AND 2) Close the Public Hearing for Item 10.C. **Moved by Commissioner Hoopingarner, seconded by Commissioner Vice-Chair Jones and unanimously passes.**

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:35 P.M. AND RECONVENED AT 8:45 P.M.**

## 11. NEW BUSINESS.

### A. 8715 Melrose Avenue (Catch Restaurant):

Adrian Gallo, Associate Planner provided a nine-month review on Catch Restaurant.

He detailed background information on the business, and clarified since the last six-month review, plans have been recently approved for a twelve foot high glass sound wall. It will be fully roofed along a forty-five foot stretch of the Melrose Avenue frontage. Once building permits are issued, the restaurant is prepared to start installation.

The City of West Hollywood has installed an Uber and Lyft pick-up / drop off area on the south side of Melrose Avenue for eastbound traffic.

Restaurant management has programmed the auto speakers on the Melrose Terrace of the restaurant to automatically turn off by computer at 10:00 p.m. Music played in the interior of the restaurant shifts to a lower key type to mitigate any noise issues.

Catch management continues to maintain the following measures to address traffic congestion, valet operations, parking, and noise from the restaurant: 1) provide traffic control seven nights a week to direct traffic; 2) contract with West Hollywood Parking Enforcement on Friday and Saturday nights to issue citations; 3) performs a neighborhood and facility walk three times per night, seven days a week to monitor noise from the restaurant; 4) maintain four additional parking spaces through the valet zone; and staff is trained to move the cars from the front to keep cars out of the intersection; 5) provide pick-up and drop-off area for Uber and Lyft on the north side of Melrose Avenue; and 6) continue to move the valet parking to the garage after midnight.

Management continues to meet with community members to discuss concerns about the operation of the establishment.

Code Compliance Division has received approximately ten calls since June, 2017 regarding noise from the restaurant. None of these calls were verified as a violation.

Catch Restaurant has had three special events since June; two were approved by the City of West Hollywood, and one was unapproved. Staff clarified all three would count towards their four event limit. The City has received five complaints from these events. They have only received violations for special events.

Catch Restaurant continues to meet with city staff and community members to address any issues.

Staff will return with another review early next year.

The commission requested clarification regarding the number of violations, limiter usage, and enforcement of special event permits.

Commissioner Aghaei, Bass Vice-Chair Jones, and Chair Buckner disclosed for the record they spoke with the applicant and discussed concerns from the last meeting.

Commissioner Altschul, Carvalheiro, and Hoopingarner had no official disclosures.

Chair Buckner opened public comment for Item 11.A.:

JAVIER MULERO, WEST HOLLYWOOD spoke in support of Catch Restaurant.

JUI JAARI, WEST HOLLYWOOD spoke in support of Catch Restaurant.

HECTOR M. BARBOSA, WEST HOLLYWOOD spoke in support of Catch Restaurant.

BARIKA RANKIN, WEST HOLLYWOOD spoke in support of Catch Restaurant.

GENEVIEVE MORRIL, WEST HOLLYWOOD, President, CEO, West Hollywood Chamber of Commerce, spoke in support of Catch Restaurant.

RAYMOND LEE, WEST HOLLYWOOD spoke in support of Catch Restaurant.

DARREN GOLDBERG, WEST HOLLYWOOD spoke in support of Catch Restaurant.

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the planning process, code compliance, and noise.

PARI TIVAY, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding restaurant noise, street noise, the location of the restaurant and the proximity to the residential neighborhood.

JAMES BELLAVANCE, WEST HOLLYWOOD, has concerns regards this item. He spoke regarding the noise issues, special events, and live music.

MIKE ILIG, General Manager, Catch Restaurant, spoke in support of Catch Restaurant. He spoke regarding residential impacts, daily operations, design deficiencies, sound wall construction, valet operation, parking enforcement, and community walks.

The commission requested clarification regarding the proposed glass sound wall, sound studies, the number of special events, monitoring special events, loitering, live entertainment, neighborhood noticing, and traffic congestion.

Discussion was held regarding the current operations of the restaurant, communication concerns, special event permits, live music, crowd control, commercial corridor, loitering, code compliance, the noise ordinance, amplified music in an open space, traffic issues, and staff responsiveness.

Jeffrey Aibel, Commercial Code Compliance Manager, provided the cell phone to Mike Ilig, General Manager, Catch Restaurant, 917.287.4135. He encouraged members of the neighborhood to call him with noise complaints.

David DeGrazia, Current and Historic Preservation Planning Manager stated the next review will take place in January or February 2018.

**Chair Buckner recommended an update return once the glass sound wall has been constructed and in operation.**

12. **UNFINISHED BUSINESS.** None.
13. **EXCLUDED CONSENT CALENDAR.** None.
14. **ITEMS FROM STAFF.**
  - A. **Planning Manager's Update.** None.
15. **PUBLIC COMMENT.**

RICHARD GIESBRET, WEST HOLLYWOOD spoke regarding Catch Restaurant.
16. **ITEMS FROM COMMISSIONERS.**

Commissioner Hoopingarner requested staff post the content of the Long Range Planning Projects subcommittee meetings on-line, so they are available to the public.
17. **ADJOURNMENT:** The Planning Commission adjourned at 10:00 P.M. to a regularly scheduled meeting on Thursday, November 2, 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 16<sup>th</sup> day of November, 2017 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



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SUE BUCKNER, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY