



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
October 17, 2019**

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 Carvalho called the meeting of the Planning Commission to order at 6:33 p.m.
2. **PLEDGE OF ALLEGIANCE:** Jeffrey Seymour led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, Buckner, Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalho.

Commissioners Absent: None.

Staff Present: Doug Vu, Senior Planner, Jennifer Alkire, Current & Historic Preservation Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, October 17, 2019 as presented. **Moved by Commissioner Erickson, seconded by Commissioner Hoopingarner and unanimously passes.**

5. **APPROVAL OF MINUTES.**

A. September 5, 2019

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, September 5, 2019 as presented. **Moved by Commissioner Hoopingarner, seconded by Commissioner Erickson and unanimously passes.**

B. September 19, 2019

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, September 19, 2019 as presented. **Moved by Commissioner Buckner, seconded by Vice-Chair Bass and passes, noting Commissioner Jones abstained.**

C. October 3, 2019

Commissioner Erickson stated during the discussion of the draft environmental impact report, he mistakenly said the word maleficent. He clarified he meant to say “deficient”.

Vice-Chair Bass noted on Page 73 of 89, Line 8; should read: “...process better. Commissioner ~~also~~ Altschul also said...”

Commissioner Hoopingarner noted on Page 22 of 89, Line 19; should read: “...speak about CC2. But this project actually has...”

Page 60 of 89, Line 21; should read: “...not in any way, in any circumstance, add up to the...”

Page 61 of 89; Line 24; should read: “...our speakers comment about ~~El Lavato~~ Elevado, those who have...”

ACTION: 1) Approve the Planning Commission regular meeting verbatim minutes of Thursday, October 3, 2019 as amended. **Moved by Commissioner Buckner, and passes, noting Chair Carneiro abstained.**

6. PUBLIC COMMENT.

MARK HORNE, WEST HOLLYWOOD commented in support of the analysis and recommendations regarding the Brown Act complaint as stated in Consent Calendar Item 9.B.

7. DIRECTOR’S REPORT.

John Keho, Director, Planning and Development Services Department provided an update on the City Council agenda for Monday, October 21, 2019. He stated the following items will be heard: 1) zone text amendment regarding the definition of residential dwelling units; 2) zone text amendment regarding projects spanning commercial and residential zones; and 3) discussion regarding maximum average unit size in commercial zones.

He stated Los Angeles Metro will be hosting community meetings regarding the proposed Metro extension and future rail service to West Hollywood. The meetings will be held on Tuesday, October 22, 2019 at Plummer Park Fiesta Hall; 6:00 p.m. – 8:00 p.m. and Tuesday, October 29, 2019 at Rosewood Elementary School; 6:00 p.m. – 8:00 p.m.

The City of West Hollywood earned the status as a Three Star Certified Community by the Star Communities Rating System.

He provided an update on the Planning Open House.

Commissioner Erickson requested an update on the Edible Parkway Green Project.

8. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Hoopingarner commented on upcoming projects containing environmental impact reports. She recommended the certification of the environmental impact report be reviewed as a separate process and voted on, then review the related plans as proposed by the applicant.

Commissioner Jones stated she would like to hear staff contribute their thoughts on this matter.

Jennifer Alkire, Current & Historic Preservation Planning Manager stated staff can examine the possibilities of this request and will bring it forward at a later date.

9. CONSENT CALENDAR.

A. 8590 Sunset Boulevard (Equinox Fitness).

The Planning Commission directed staff to return with a revised resolution approving the proposed expansion on the first floor and remodel of the second floor and denying without prejudice the expansion on the rooftop.

ACTION: 1) **Adopt Resolution No. PC 19-1339 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR THE 2,099 SQUARE-FOOT EXPANSION OF AN EXISTING EQUINOX HEALTH/FITNESS FACILITY WITH INTERIOR REMODEL, AND DENYING WITHOUT PREJUDICE, A NEW 5,417 SQUARE-FOOT ROOFTOP OUTDOOR RESTAURANT INCLUDING A 1.132 SQUARE-FOOT ADDITION WITH ON-SITE SALES, SERVICE, AND CONSUMPTION OF ALCOHOL, LOCATED AT 8590 SUNSET BOULEVARD, WEST HOLLYWOOD, CALIFORNIA. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and passes, noting Commissioner Erickson, Commissioner Jones, and Vice-Chair Bass ABSTAINING as part of the approved Consent Calendar.**

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.

B. Brown Act Complaint Filed by Mark Horne.

The City of West Hollywood received an official complaint alleging violations of the Brown Act.

ACTION: 1) Submit a written letter to Mr. Mark Horne explaining the official findings; and 2) receive and file. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and unanimously passed as part of the approved Consent Calendar.**

C. Citywide Traffic and Mobility Study Update.

The Planning Commission received an update on the Citywide Traffic and Mobility Study project and program.

ACTION: 1) Receive and file. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and unanimously passed as part of the approved Consent Calendar.**

D. Complete Count Committee Census 2020 Update.

The Planning Commission received summary notes from the Complete Count Committee meeting on Thursday, September 18, 2019.

ACTION: 1) Receive and file. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and unanimously passed as part of the approved Consent Calendar.**

10. PUBLIC HEARINGS.

A. 917-927 N. Hilldale Avenue:

Doug Vu, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, October 17, 2019.

He stated the request is to demolish six existing detached dwelling units located on three parcels and construct a new two-story townhouse development containing nine dwelling units totaling 17,317 square-feet on newly subdivided lots. He stated the project requires a variance to reduce the front yard setback from 30 feet to 12 feet, a modification to reduce the rear yard from 15 feet to 13 feet 6 inches, and a reduction of off-street parking requirements to not provide two guest parking spaces.

He provided a history of the current property and dwellings, and spoke regarding neighborhood compatibility, massing, unit size, private roof decks, parking, mechanical lifts, façade materials, and landscaping.

Staff finds that the required 30-foot front setback is an exceptional circumstance applicable to this property because it is located adjacent to the property on the block with the deepest setback of 62 feet. This site condition presents an unnecessary hardship because the strict application of the Zoning Ordinance would prevent the project site from being developed with a front setback that is similar to other properties on the block, and generally throughout other R2 zoned lots in the City.

Staff also finds that granting a 10 percent modification to reduce the rear setback from 15 feet to 13 feet 6 inches will not have a significant impact on the adjacent properties, primarily because the project's residential land use is compatible with the adjacent land uses.

Staff finds that the proposed project meets the intent of the off-street parking standards because sufficient parking for all nine townhomes have been integrated into the design of the building so that they are accessible, compatible, attractive, and well maintained.

Mr. Vu stated that the adjacent property to the north of the proposed project at 931 Hilldale Avenue contains a solar energy system that was installed in 2016. Under the City's solar access ordinance, a residential structure cannot be built that would obstruct a solar energy system on a neighboring parcel to an extent that the system cannot function as intended in contributing to the energy needs of the property.

The Planning Commission may modify this requirement if it finds that strict compliance would unduly limit property development or interfere with the development potential as envisioned for the area in the General Plan or Zoning Ordinance.

The applicant prepared and submitted a shade study that assessed the proposed townhomes impact on the neighboring property's solar energy system throughout the year, which was determined to be as much as 18% on the winter solstice, and none during the summer solstice.

To offset this impact so that the affected solar energy system may continue to operate as intended once the proposed townhomes are constructed, the project applicant has agreed to pay for the relocation and/or retrofit of the panels that would be affected. The applicant recently retained a solar engineer who has developed a remediation plan that would replace several existing panels with newer, higher power panels.

Staff recommended approval of the proposed project.

Chair Carvalheiro opened the public hearing for Item 10.A.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicant's report. He provided a history of the property and spoke regarding the concerns regarding the proposed impacts to the neighboring building solar panels. He detailed the remediation plan presented to the neighboring property owner.

RIC ABRAMSON, WEST HOLLYWOOD, applicant's representative, continued the applicant's report. He spoke and detailed the design of the proposed project, and commented on density, home ownership, driveway cuts, additional street parking, massing, height reduction, greenspace, landscaping, side yard setbacks, proposed variance, sidewalk and parkway. He requested Conditions 6.3, 6.8, and 6.14 include language giving the Director of Public Works discretion to work with the applicant regarding the frontage along the sidewalk.

Commissioner Erickson disclosed for the record he met with the applicant. They discussed matters contained in the staff report.

Commissioner Hoopingarner disclosed for the record she had a telephone conversation with the architect. They discussed matters contained in the staff report.

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

Chair Carvalheiro disclosed for the record he made a site visit.

Vice-Chair Bass disclosed for the record he made a site visit and met with the applicant. They discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he met with the applicant's representatives. They discussed matters contained in the staff report.

Commissioner Jones disclosed for the record she made a site visit, met with the applicant, applicant's representative and architect. They discussed matters contained in the staff report.

KRISTINA KROPP, ENCINO, representing the property owner of 931 N. Hilldale Avenue, opposes staff's recommendation of approval. She spoke regarding the solar ordinance, and the proposed remediation plan. She requested a continuance.

The commission questioned and requested clarification from Kristina Kropp regarding the proposed remediation plan.

TED BAVIN, LOS ANGELES, All Valley Solar, spoke on behalf of the applicant. He spoke regarding the proposed remediation plan offered to the property owner of 931 N. Hilldale Avenue.

EDWARD LEVIN, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

PAUL LESTER, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ELMORE GARLITORS, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding construction mitigation.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicant's rebuttal. He spoke regarding Condition 2.6, construction mitigation, and the willingness to work with the property owner of 931 N. Hilldale Avenue.

A. RODRIGUEZ, LOS ANGELES, developer, continued the applicant's rebuttal. He spoke and detailed the proposed remediation plan.

The commission questioned the developer if he would be amicable to amending Condition 2.6; by removing all the caveats, reasonableness's, etc., and stating the applicant shall pay 100% of all costs to maintain the existing productivity or better.

A. RODRIGUEZ, LOS ANGELES, developer clarified that anything that is installed on the property at 931 N. Hilldale Avenue is fully functional, and all the guarantees and warranties that are offered from the solar company are in place.

The commission, applicant's representatives and property owner's representative of 931 N. Hilldale Avenue spoke regarding clarifications of the proposed remediation plan, proposed options, specifications of solar panels, timelines, warranties, and shade and shadow studies.

The commission questioned how the conditions in the resolution can be amended to address all parties' concerns.

Lauren Langer, Assistant City Attorney clarified the options and purview of the commission regarding the Solar Ordinance.

Jennifer Alkire, Current and Historic Preservation Planning Manager, suggested alternate language for Condition 2.6 based on Commission discussion.

Discussion was held regarding the amended language.

THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:00 P.M. AND RECONVENED AT 8:15 P.M.

Further discussion was held regarding original Condition 2.6. with further amendments.

The commissioners stated their support for the project, and spoke regarding the requested modification, the variance, street parking, neighborhood compatibility, individual open space, landscaping, and façade materials.

Doug Vu, Senior Planner read into the record suggested language for Condition 2.6 as amended by staff based on the discussion: “If the applicant and property owner at 931 N. Hilldale Avenue agree on the terms of relocation and/or augmentation of the solar panel system located at 931 N. Hilldale Avenue then prior to ~~commencement~~ completion of framing the applicant shall pay 100% of the primary costs and any reasonable ancillary building permit costs associated with the relocation and/or augmentation of the solar panel system such that the energy generation is commensurate with the existing function at the time of installation.”

The commission discussed various iterations of Condition 2.6 and potential legal ramifications for both the developer and neighbor.

Commissioner Hoopingarner moved to amend and rewrite Condition 2.6 as discussed; with agreement of the two parties, 2) if parties cannot come to an agreement, Condition 2.6 shall revert to its original text; and 2) bring back on Consent Calendar on Thursday, November 21, 2019.

Seconded by Commissioner Erickson.

At the request of Commissioner Bass, staff suggested adding to Conditions 6.3, 6.8 and 6.14, “Unless determined infeasible or undesirable by the Director of Public Works.”

Further discussion was held with the developer regarding the amended language. Additional concerns were expressed by Commissioners regarding the amended language.

Commissioner Erickson removed his second to the motion.

Vice-Chair Bass made a substitute motion to 1) approve staff’s recommendation of approval as presented, and 2) amending Conditions 6.3, 6.8, and 6.14 as read into the record.

Seconded by Commissioner Jones.

ACTION: 1) Approve the application; 2) **Adopt Resolution No. PC 19-1343 as amended:** a) add to the existing language of Conditions 6.3, 6.8, and 6.14 *“Unless determined infeasible or undesirable by the Director of Public works.”* *“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEMOLITION PERMIT, DEVELOPMENT PERMIT AND A VARIANCE FOR THE FRONT SETBACK, MODIFICATION FOR THE REAR SETBACK, AND OFF-STREET PARKING REDUCTION FOR THE DEMOLITION OF SIX DWELLING UNITS AND CONSTRUCTION OF NINE TWO-STORY TOWNHOUSE DWELLING UNITS, LOCATED AT 917-929 N. HILLDALE AVENUE, WEST HOLLYWOOD, CALIFORNIA;”* 3) **Adopt Resolution No. PC 19-1344 as presented:** *“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A VESTING TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 82661), FOR THE PROPERTIES LOCATED AT 917-929 N. HILLDALE AVENUE, WEST HOLLYWOOD, CALIFORNIA;”* and 4) Close the Public Hearing for Item 10.A. **Moved by Vice-Chair Bass, seconded by Commissioner Jones and passes, noting Commissioner Hoopingarner voting NO.**

Commission Secretary Gillig officially read into the record the appeal procedure for 917-929 N. Hilldale 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.

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

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

14. **ITEMS FROM STAFF.**

A. Planning Manager’s Update.

Jennifer Alkire, Current and Historic Preservation Planning Manager stated the next Planning Commission meeting on Thursday, November 7, 2019 will be officially cancelled.

She updated the commission on upcoming agenda items for future agendas.

15. **PUBLIC COMMENT.**
EDWARD LEVIN, WEST HOLLYWOOD spoke regarding the need to clarify the Solar Ordinance.

16. **ITEMS FROM COMMISSIONERS.**
 - A. **Commissioner Comments.** None.

 - B. **Subcommittee Management.** None.

17. **ADJOURNMENT:** Noting the cancellation of the Planning Commission meeting on Thursday, November 7, 2019, the Planning Commission adjourned at 9:15 p.m. to a regularly scheduled meeting on Thursday, November 21, 2019 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.**

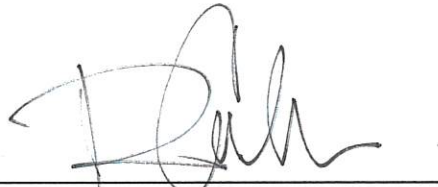
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 21st day of November, 2019 by the following vote:

AYES: Commissioner: Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalho.

NOES: Commissioner: None.

ABSENT: Commissioner: Altschul, Buckner.

ABSTAIN: Commissioner: None.



ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY