



PLANNING COMMISSION MINUTES

September 30, 1999

West Hollywood Park Auditorium, 647 N. San Vicente Boulevard, West Hollywood, CA 90069

1. CALL TO ORDER

The special meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Smith.

A. Pledge of Allegiance was led by a member of the public.

B. Roll Call

Commissioners Present:

Brad Crowe, Donald DeLuccio, Harriet Segal, Steve Smith, Bradly Torgan, John Altschul

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Brent Mullins, Code Enforcement Manager; John Chase, Urban Designer; Hassan Haghani, Senior Planner; Liz Bar-El, Associate Planner; Alison Maxwell, Development Specialist; Bruce Robertson, Staff Assistant; Tony Leyva, Acting Administrative Assistant.

Others Present:

Paul Crawford, Consultant; Bruce Jacobson, Consultant.

C. Approval of Agenda

Action: To amend the Agenda and approve the Agenda as amended.

Motion: Altschul

Second: Crowe

Votes: All Ayes

Absent: Anderson

Motion carried.

D. Posting of Agenda

This agenda was posted at City Hall, the Community Development Department counter, West Hollywood Library on San Vicente Boulevard, Plummer Park, and the West Hollywood Sheriff's station.

2. PUBLIC COMMENT

- a. **Mary Ellen Martin, West Hollywood** – expressed concern over the increased industrialization of residential areas in our city.

The Commission directed staff to report the falling electrical power cables in residential areas to the Department of Public Works.

- b. **Mark Schubert**, - suggested a more comprehensive approach to size of houses.
- c. **Jeanne Dobrin, West Hollywood** – expressed concerns regarding residence being used as a business.
- d. **John T. Callari, West Hollywood** – expressed concern over residence being used as a business.
- e. **Linda Carleson, West Hollywood** – alleged owner of business at residence, explained use of building owned by her family.

3. CONSENT CALENDAR

A. July 26, 1999 minutes

Action: To approve the Minutes.

Motion:	DeLuccio	Second:	Altschul
Votes:	All Ayes	Absent:	Anderson

Motion carried.

4. EXCLUDED CONSENT CALENDAR

5. COMMISSION CONSIDERATION

6. PUBLIC HEARING

A. Zoning Ordinance Hearing Draft

Applicant:	City of West Hollywood
Location:	City-wide
Planner:	Elizabeth Bar-El
Recommendation:	Receive the proposed draft, make amendments as needed and discuss sections from Article 3 for recommendation to the City Council and continue the Public Hearing to October 11, 1999.

Ms. Maxwell represented Fine Arts Commission and presented proposed revisions to the Urban Art Program.

Commissioner Crowe

- Expressed that the original definition was loose enough that it would work.

Commissioner DeLuccio

- Concurred with Commissioner Crowe.
- Expressed concern over leaseholder having to pay 1% Art Requirement.

Commissioner Altschul

- Stated the ordinance provides flexibility as it is written, and don't fix it if it is not broken.

Public Comment

- a. **Jeanne Dobrin, West Hollywood** – commented that the Cultural Heritage Commission should be involved in this process, not the Fine Arts Commission.

Standards For Specific Land Uses

Congregate Care and Senior Residential Projects

C.1. Allowable Density. Previous drafts stated specific density, replaced with statement consistent with Land Use designation of the General Plan.

Commissioner Segal – question pertaining to safety equipment access, wheelchair accessibility, such as wider doors.

Ms. Heep – addressed question by clarifying that the Building Code has its own regulations that address disabled requirements, and these requirements would replace those in the existing Zoning Code.

Commissioner Torgan

- Questioned if minimum age requirement complies with HUD requirement.

Mr. Jacobson, consultant

- State is not specific, speaks to fifty-five (55) or sixty (60)-year-old group, however they were consistent when speaking about Senior Development Project which was always fifty-five (55). Sixty (60) dealt with Affordable Housing.

Commissioner Crowe

- In favor of staff's recommendation to comply with state and federal requirements.

Extended Hours Businesses

Mr. Jacobson read staff proposal regarding security, adding the following sentence:
The Director may waive or modify the security guard requirement if an alternative method is determined to be acceptable in meeting the intent of this Subsection.

Commission concurred with staff proposal.

Home Businesses

Commissioner Segal

- Stated her opposition to music lessons being allowed as a home business.

Commissioner Altschul

- Stated he is not opposed to allowing music lessons in a home.

Commissioner DeLuccio

- Indicated concern with enforcement of this subsection.

Mr. Mullins suggested possible limitation on number of home businesses per unit.

Commission directed staff to look further into this issue, make a list of major subject areas and report back.

Staff proposal on limitation on employees' hours read as follows: *one additional employee may be allowed on the premises between the hours of 8:00 a.m. and 8:00 p.m.*

Commissioner Torgan

- Questioned how compliance would be determined if they are exempt from an administrative permit.

Ms. Bar-El answered that this sentence at the beginning of the section is a carryover that needs to be amended to be consistent with language that was added requiring a permit.

Mr. Jacobson clarified that the proposed language would include requiring administrative permits if client visits are to take place. Also individual permits would limit number of clients allowed to visit at any one time or over the period of a day.

Public Comment

Jeanne Dobrin, West Hollywood – opposed home businesses in residential areas.

John Calare, West Hollywood - talked about how it affects people in the neighborhood.

Commissioner Crowe

- Recommends looking at what City of Los Angeles did in regards to developing a home operating business ordinance; and the consequences brought upon by its approval.

Commissioner Altschul

- Concurs with staff's direction on this issue.

Mr. Crawford

- Made recommendations based on what other municipalities currently do.
- Suggested the Commission might choose one or any combination of alternatives given.

Mr. Jacobson

- read proposed changes regarding Live/Work Facilities: *The first 50 feet of floor area depth at the street level frontage shall be limited to commercial retail sale activities. And: The retail sales activities shall be primarily for the display and retail sale of works created in the unit.*

Upon the request of the Commission, Mr. Mullins spoke to the issue of enforcement of proposed display language. Mr. Mullins indicated that a specific requirement would be easier to enforce than a general term such as *primarily*.

Commissioner Torgan

- Stated that the issue of retail encroaching into residential is of more concern

than residential encroaching into commercial.

Public Comment

Chair Smith requested to hear all remaining public comment on all issues at this time.

Jeanne Dobrin, West Hollywood – suggested creating a district where people can work and live.

Steven Dorfman, Los Angeles - expressed concern over proposed vehicle repair shop ordinance as a handicap to existing businesses.

Dan Siegel, West Hollywood – expressed concern on fence and hedge height limitations.

Hillary Selvin, Los Angeles – in support of allowing service stations to include mini-marts.

Richard Giesbrecht, West Hollywood - fences and hedges take away from the neighborhood's overall appearance and decrease security by creating hiding places.

Charlotte Banta, West Hollywood - suggested more clout be given to Code Enforcement to enforce the codes.

Jeanne Dobrin, West Hollywood – in support of service stations without mini-marts.

Mixed-Use Projects

Mr. Jacobson read one minor language change regarding mistaken reference.

Nightclubs and Related Uses

Mr. Jacobson read the following language correction: *Each existing nightclub with a SCUP issued before 1996, with a capacity of up to 200 patrons shall maintain the number of restrooms specified in the SCUP. One additional toilet for each gender shall be maintained for each additional 100 patron capacity, or portion thereof, anticipated to occupy the club at peak usage.*

The Commission concurred.

The Commission decided to review the smoking area proposal, since it relates to nightclub standards. Ms. Bar-El briefly explained staff's proposal to create a process for allowing smoking areas.

Mr. Haghani gave more detailed presentation of the subject, explaining that the section is divided into two types of smoking areas:

- Any smoking area at which no alcohol would be served (AP required);
- Smoking area for bars and nightclubs with service of alcohol (CUP required);

Parking requirement based on whether service includes alcoholic beverages.

Commissioner Altschul

- Questioned why parking standards are being set in this area when the underlying use sets parking standards.

Commissioner DeLuccio

- Questions the need for additional parking.

Mr. Haghani stated that it is staff's belief that allowing smoking increases the number of people an establishment attracts, and therefore it is important that additional parking be required.

Commissioner Torgan

- States having problem with treating smoking as separate land-use;
- Suggests having any additional square footage should require additional parking;

Commissioner Altschul

- Parking *should* be tied to specific use.
- If an area is used solely for smoking, no additional parking should be required.

Commissioner Crowe

- Concurs with Commissioner Altschul.

Commission concluded that no parking would be required for smoking areas that do not have food and/or alcoholic beverage service. Otherwise, 250 square feet allowed without parking, like outdoor dining. 251 feet or more based on underlying use.

Outdoor Display and Retail Activities

Mr. Jacobson read language changes regarding this session.

Ms. Heep requested that the Commission give staff direction on whether to continue to allow outdoor display, since it has been a very difficult use to enforce because some categories of goods on display are hard to define.

Commissioner Smith

- Wants to remain conservative on this issue.

Commissioner Crowe

- Agrees about remaining conservative.

Commissioner DeLuccio

- Thinks we should eliminate this section totally.

Commissioner Crowe

- Concurred we should remain conservative.

The Commission decided to recommend elimination of outdoor display as a use. The section will be adjusted to regulate newsstands and flower shops only.

Outdoor Storage

Bruce Jacobson read language added to allow hedges to be an alternative to enclosures of outdoor storage.

The Commission concurred with the proposed language.

Qualified Projects

Ms. Bar-El explained the changes staff was proposing in order to create standards for applications for qualified projects, which the Code currently allows with no details on process or limitations.

Commissioner Altschul

- Voiced opposition to requiring City boards or commissions to recommend a waiver of land use standards because it puts the Planning Commission into an awkward situation vis-à-vis the "sponsoring" commission.

The Commission took a straw vote on whether to continue to allow qualified projects within the Code. All commissioners voted to eliminate Section 19.36.255 B.2. from the code recommendation.

Recycling Facilities

Mr. Jacobson read the following proposed language changes: *Reverse vending machines and small collection facilities may be approved within commercial and public facilities zoning districts subject to the following standards. And: Machines shall be installed as an accessory and shall not require additional parking.*

The Commission concurred with the proposed changes.

Public Comment

Jeanne Dobrin, West Hollywood – spoke in favor of reverse vending machines.

Residential Uses – Multi-Family Dwellings

Mr. Jacobson read proposed language that limits rooftop provision of common open space to a maximum of *40 percent of the common open space requirement*. This language comes directly from the General Plan.

Courtyard housing

Ms. Bar-El reviewed courtyard housing changes proposed by staff in response to problems that were encountered during the design and review of two recent courtyard housing projects.

Commissioners expressed their agreement with the proposed changes and thanked staff for giving thoughtful attention to this matter and using the lessons learned on

recent project to improve Code language.

Action: To continue the public hearing to a date uncertain.

Motion: Crowe

Second: Altschul

Votes: All Ayes

Absent: Anderson

Motion carried.

7. PUBLIC COMMENT

- a. **Jeanne Dobrin, West Hollywood** – spoke on redevelopment, commented on Courtyard housing law and standards.

8. ITEMS FROM COMMISSIONERS

9. ITEMS FROM STAFF

10. ADJOURNMENT

Action: To adjourn to the next session of the Planning Commission on Thursday, October 7, 1999, at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Crowe

Second: Altschul

Votes: All Ayes

Absent: Anderson

Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF _____, 1999.

CHAIRPERSON: _____

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: _____