



PLANNING COMMISSION MINUTES
Regular Meeting
June 18, 2015

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

1. **CALL TO ORDER:** Acting Chair Altschul called the meeting of the Planning Commission to order at 6:32 P.M.
2. **PLEDGE OF ALLEGIANCE:** Jeffrey Seymour led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Buckner, DeLuccio, Lightfoot, Shink, Yeber, Vice-Chair Altschul.

Commissioners Absent: Chair Huebner.

Staff Present: Adrian Gallo, Associate Planner, Laura Minnich, Economic Development Analyst, Maribel Louie, Arts & Economic Development Manager, David DeGrazia, Current and Historic Preservation Planning Manager, Stephanie DeWolfe, Community Development Director, Christi Hogin, Assistant City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, June 18, 2015 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Shink and unanimously passes, noting Chair Huebner absent.**
5. **APPROVAL OF MINUTES.**

A. May 21, 2015

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, April 16, 2015 as amended. **Moved by Commissioner Buckner, seconded by Commissioner Yeber and unanimously passes, noting Chair Huebner absent**
6. **PUBLIC COMMENT.**
DAN MORIN, WEST HOLLYWOOD, commented on the proposed developments on North Ogden Drive, 1028-1030 N. Kings Road and 948-954 N. San Vicente Boulevard.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD, commented on available housing and density issues.

7. DIRECTOR'S REPORT.

Stephanie DeWolfe, Community Development Director presented the Director's Report.

City Council Meeting - Monday, June 1, 2015:

She stated there were several items related to parking. There was one item related to planning; which had to do with the number of parking spaces required for multi-family units. City Council directed staff to look into the option of changing the number of spaces per bedroom; to per square footage.

City Council Meeting - Monday, June 15, 2015:

City Council tabled the item related to the study of the R4 residential zoning districts. It will be brought back on Monday, July 20, 2015.

There was an update regarding the construction at La Cienega Boulevard and Sunset Boulevard. There will be street improvements as well as utility work done and there will be lane and road closures at that intersection over the next several months. For additional information: www.sunsetlacienea.com

8. ITEMS FROM COMMISSIONERS.

Commissioner DeLuccio thanked staff for taking the initiative and bringing forward the R4 residential zone and design standards. He wished Esther Baum a happy 90th birthday today.

Acting Chair Altschul reported longtime resident Jeanne Dobrin is currently in a rehabilitation facility and is doing quite well.

9. CONSENT CALENDAR.

A. General Plan Annual Progress Report.

The Planning Commission received the 2014 General Plan and Annual Progress Report, summarizing implementation progress made in the last year on the action items outlined in the General Plan and Climate Action Plan.

ACTION: 1) Receive and file. **Moved by Commissioner Buckner, seconded by Commissioner Yeber and unanimously passes, noting Chair Huebner absent.**

10. PUBLIC HEARINGS.

A. 948-954 N. San Vicente Boulevard:

Proposed is a request to demolish three multi-family apartment buildings consisting of thirteen residential units on two contiguous lots, merge both lots, and construct an eighteen-unit, four-story apartment building over a subterranean parking garage.

David DeGrazia, Current and Historic Preservation Planning Manager stated for the record the applicant has waived the PSA and would like to do some re-design work before returning the planning commission.

ACTION: 1) Continue to a date uncertain. **Motion carried by consensus of the Commission.**

B. 8715 Melrose Avenue:

Adrian Gallo, Associate Planner provided an oral and visual presentation and background information as presented in the staff report dated Thursday, June 18, 2015.

He provided a history of the project site and stated the request is for the approval of a minor conditional use permit to allow general alcohol sales incidental to food service at a new rooftop restaurant called Catch.

Catch is atop the Melrose & San Vicente project, a three-story commercial building currently under construction. Catch is a contemporary American seafood restaurant that features current renditions of classic seafood preparations. The restaurant space is located on the roof terrace level with ancillary kitchen facilities on the second level. The restaurant dining area on the roof contains a combination of a retractable rooftop canopy and permanent enclosure systems which will cover a majority of the rooftop, typically during inclement weather.

The restaurant entitlements were approved in March 2014 and the current proposal is only for full alcohol service within the previously approved restaurant space.

The applicant requests operational hours from 6:00 p.m. to 2:00 a.m. Monday through Friday, and 8:00 a.m. to 2 a.m. on weekends and observed City Holidays.

The applicant for the restaurant will apply for a Type 47 California Department of Alcoholic Beverage Control license. There are six other establishments within 500 feet of the subject site that sell alcohol for on-site consumption.

He stated the project applicant has worked in good faith with the City to address any perceived potential impacts of the proposed request. The applicant has provided an acoustical review performed by an acoustic consultant to determine whether additional soundproofing and noise management measures are necessary to address any potential noise associated with the use of the rooftop. The acoustical report found that use of the rooftop by the restaurant's patrons would not be plainly audible at the nearest residential properties along Rangely Avenue with incorporation of noise management measures into the project design. The measures have been included as conditions of approval and agreed upon by the applicant.

The applicant has also provided a lighting study performed by a lighting consultant. The lighting analysis report found the visual impact of new lighting on the roof of the building will be minimal because of the low illumination levels appropriate for restaurant dining and the very limited views from residential properties.

The Sherriff's Department, Public Safety, and Code Enforcement Divisions have indicated that there is not a cause for concern regarding the proposed request.

Catch is a fine dining seafood restaurant to be located within the West Hollywood Design District and the ability of patrons to enjoy alcoholic beverages with their meals is an intrinsic component of the dining experience. By conditionally granting this request, the sale and dispensing of a full line of alcoholic beverage for on-site consumption will be on par with other restaurant establishments elsewhere in the community and throughout the City. Additionally, any concerns regarding sound transfer to properties to the south would be effectively addressed via the noise management conditions incorporated into the resolution.

Such as:

- Requiring the height of the glass barrier along the edge of the roof be 7 ft. in height with a surface mass of 2 pounds per square foot;
- Requiring all audio speakers to be directed towards the dining room interior; and
- Restricting the use of any live music to amplified instruments only and the volume levels adjusted to levels equal to ambient background music.

In order to ensure that the service of alcohol does not negatively impact the surrounding residential community or adjacent businesses, conditions have been included to address rooftop dining, noise, and operational concerns, including a six-month and year review for compliance with the adopted conditions of approval.

Staff is supportive of the applicant's request with modifications to the requested hours of operation for alcohol service. Staff is recommending a reduction in the hours for the sale, and service of alcohol to ensure that patrons have enough time to finish their drinks and leave the premises by closing time. Staff recommends ending the sale and service of alcohol to half an hour before the restaurant closes.

The restaurant will complement similar uses along this portion of the West Hollywood Design District and alcoholic beverage service will be available only in conjunction with food service. Staff recommends approval.

Commissioner Lightfoot requested clarification regarding the original approval process and noticing requirements. She questioned the hours of food service for neighboring restaurants.

Commissioner DeLuccio questioned why this project was originally approved over the counter, and why the alcohol request was not taken directly to a Director's Hearing.

Adrian Gallo, Associate Planner stated development projects under 10,000 square-feet can be approved at staff level. He clarified the applicant has the option if they want to include the alcohol request with the restaurant proposal. In this case, the applicant chose to get the restaurant approval first. Staff reserves the right to forward the alcohol request from the Director directly to the Planning Commission. Staff decided to bring this forward based on the likelihood that it would be controversial.

Commissioner DeLuccio commented it would have been helpful to have the actual crime statistics included, and questioned why the original approval and resolution were not included in the staff report.

Christi Hogin, Assistant City Attorney clarified for the record the item before the Planning Commission is for the sale of alcohol. She stated the commission may make conditions that will make the sale of alcohol compatible with the surrounding uses. However, the commission cannot amend the restaurant usage. That has already been resolved.

Commissioner Yeber disclosed for the record he met with the applicant and a community member. They discussed matters contained in the staff report.

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

Commissioner Lightfoot disclosed for the record she had email correspondence with the applicant, as well as members of the community. They discussed matters contained in the staff report.

Commissioner Shink had no official disclosures.

Commissioner DeLuccio disclosed for the record he met with the applicant and applicant's representatives. He also had a discussion with Commissioner Lightfoot. They discussed matters contained in the staff report.

Acting Chair Altschul disclosed for the record he met with the applicant's representatives and had a phone conversation with the applicant. They discussed matters contained in the staff report.

Acting Chair Altschul opened the public hearing for Item 10.B.:

JASON ILLOULIAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's report. He provided a history of the project site and clarified the approval process for the conversion to a restaurant use.

MARK LEHMAN, WEST HOLLYWOOD, applicant's representative, continued the applicants report. He presented a history of the restaurant known as Catch West Hollywood. He requested approval with conditions that mirror those of other restaurants with outdoor components in the immediate vicinity. He stated the rooftop facility will be surrounded by a substantial seven foot tall glass wall; which exceeds the standards set by staff for acoustic and sound mitigation. He detailed the canopy system, sound mitigation measures and the requested conditions.

MARK BIRNBAUM, NEW YORK CITY, applicant, continued the applicant's report. He presented a history of the restaurant, and spoke regarding location, noise mitigation, sound study, parking, loitering, neighborhood compatibility, demographics, retractable roof system, and clarified Catch West Hollywood is a restaurant; which will not become a nightclub.

DARREN GOLD, LOS ANGELES, Chairman of the Board, West Hollywood Design District, spoke in support of staff's recommendation of approval.

JOHN ADLER, LOS ANGELES, spoke in support of staff's recommendation of approval.

ADAM BAKHASH, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

TODD WILLIAMSON, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

RICHARD ROTHENBERG, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MARCEL FONTIJN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

PARI TIVAY, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MORTEZA ALVANI, WEST HOLLYWOOD, opposes staff's recommendation of approval.

MARIAH FONTIJN, WEST HOLLYWOOD, opposes staff's recommendation of approval.

STEVE HARRIS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MANNY RODRIGUEZ, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the proposed hours of operation, and the impacts of an open air roof top restaurant may have on the adjacent residential neighborhood.

LESLIE KARLISS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding current zoning, noise and light mitigation, and hours of operation.

RAY LEE, MARINA DEL REY, spoke in support of staff's recommendation of approval.

JEFF APTER, LOS ANGELES, spoke in support of staff's recommendation of approval.

KEITH KAPLAN, WEST HOLLYWOOD, Chairman, Chamber of Commerce, spoke in support of staff's recommendation of approval.

ALEXANDRA LASKY, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JASON HAZZARD, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

RANDEE BRAHAM, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

NADINE BABAOFF, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

MARLON WAYANS, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

ADRIAN DE PAMPHILIS, WEST LAKE VILLAGE, spoke in support of staff's recommendation of approval.

EDUARDO CITRINBLUM, WEST HOLLYWOOD, opposes staff's recommendation of approval.

ERIK ESPENSEN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

BEN SCHWERIN, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

CRAIG LAY, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

GENEVIEVE MORRILL, MARINA DEL REY, President/CEO, West Hollywood Chamber of Commerce, spoke in support of staff's recommendation of approval.

BARRY BAYAT, LOS ANGELES, spoke in support of staff's recommendation of approval.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the intensification of use on Melrose Avenue, limiting the number of special event permits and spoke against setting precedence.

RICHARD GIESBRET, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the viability of the adjacent neighborhoods, hours of operation, and noise mitigation.

JIM PERKINS, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise mitigation, hours of operation, and sales and service of alcohol.

POUYA ABDI, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

ADAM GOLD, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

JILL SMOLLER, WEST HOLLYWOOD, spoke in support of staff's recommendation of approval.

TOURIYA HAUD, LOS ANGELES, spoke in support of staff's recommendation of approval.

THE FOLLOWING DID NOT PUBLICLY SPEAK. THEY SUPPORT STAFF'S RECOMMENDATION OF APPROVAL:

JOHN DUPONCE, LOS ANGELES, NICHOLAS MARLIN, WEST HOLLYWOOD, TARYN OWENS, WEST HOLLYWOOD, AND MICHAEL SHULLER, WEST HOLLYWOOD.

THE FOLLOWING DID NOT PUBLICLY SPEAK. THEY OPPOSE STAFF'S RECOMMENDATION OF APPROVAL:

LIZ LEE, WEST HOLLYWOOD, AND RICHARD KARLISS, WEST HOLLYWOOD.

JASON ILLOULIAN, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. He spoke regarding the design, the sound study, light study, retractable roof, glass wall, valet parking, and the conditions put in place to protect the neighborhood of any potential impacts. He urged the Planning Commission to approve the request.

MARK BIRNBAUM, NEW YORK CITY, applicant, continued the applicant's rebuttal. He spoke regarding financial feasibility, hours of operation, speakers and clarified the ambient music.

Commissioner DeLuccio requested clarification of the glass wall and retractable roof.

Commissioner Lightfoot requested clarification regarding any possible landscaping on the perimeter of the rooftop, and questioned the kinds of special events.

Commissioner Buckner questioned if there would be any live music.

MARK BIRNBAUM, NEW YORK CITY, applicant, stated there is no plan to use live music. He clarified they would like to have and capitalize on high profile events; i.e. The Academy Awards®, Grammy's®, etc.

Acting Chair Altschul questioned if there is a condition stating, if changes are made to the seating plan for the venue; that it would be required to come back before the Planning Commission.

David DeGrazia, Current and Historic Preservation Planning Manager, stated there is no current condition regarding changing the seating.

Acting Chair Altschul questioned the applicant if they would be amicable to this added condition.

JASON ILLOULIAN, WEST HOLLYWOOD, applicant's representative, agreed to this condition; confirming that this would only be for a fundamental change to the floor plan of the restaurant.

Commissioner DeLuccio requested clarification regarding parking.

Commissioner Shink requested clarification regarding the sound demonstration.

David DeGrazia, Current and Historic Preservation Planning Manager, confirmed that additional conditions could be added regarding sound monitoring and testing.

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

Commissioner Yeber questioned if there have been any impacts reported by neighboring residents regarding any other establishments in a similar environment.

David DeGrazia, Current and Historic Preservation Planning Manager, stated the conditions of approval have all been modeled on past establishments and the mitigation issues that came forward.

Commissioner Lightfoot requested clarification regarding parking, parking credits, neighboring height limits and hours of alcohol service at neighboring establishments.

Commissioner Buckner requested clarification regarding the hours of sales and service of alcohol.

Adrian Gallo, Associate Planner stated the applicant requested until 2:00 a.m. for sales, service and consumption of alcohol. Staff amended the sales and service until 1:30 a.m. Consumption is until 2:00 a.m.

Commissioner Lightfoot questioned when food service stops.

Adrian Gallo, Associate Planner stated food service would coincide with 2:00 a.m. closing.

David DeGrazia, Current and Historic Preservation Planning Manager reiterated alcohol service is conditioned with food service. They are not allowed to just serve alcohol without food.

Commissioner DeLuccio stated the applicant has been very proactive by initiating the sound and lighting study. There are numerous conditions to mitigate any lighting impacts in the neighborhood and the sound study is very thorough. He stated he is satisfied with the studies that have been done and all the conditions that are currently incorporated. He reiterated there will be a six month and twelve month review. There are plenty of opportunities if further mitigation is needed. He stated his satisfaction with the hours of alcohol service and the operational hours.

Commissioner Yeber applauded the applicant by being proactive to the residents' concerns. Everything that is requested seems to be in line with everything that has been approved with projects of similar nature. He stated those projects are running successfully without any issues. He stated his support of the item.

Commissioner Yeber moved to: 1) approve staff's recommendation of approval.

Seconded by Commissioner DeLuccio.

Commissioner Buckner stated her support of this project. She stated the operators have been very proactive in establishing and mitigating sound measures and lighting impacts. There have been situations before, which have been successfully mitigated. She stated the operators have established their intent with their other current operations.

Acting Chair Altschul requested an amendment to the motion. In addition to the six and twelve month review, he would also like to see a three month Director's review.

Commissioner Yeber agreed to this amendment.

Commissioner DeLuccio agreed to this amendment.

Commissioner Lightfoot stated it is a great idea for a restaurant to be in this location, however, she would like to see the restaurant open during the day. She specified her dilemma, stating this came to the commission backwards. The residents are just now finding out about this and all that can be acted upon is the alcohol request. She suggested a probationary period for more restrictive hours; i.e. 11:00 p.m. weeknights, Sunday through Thursday, and 12:30 a.m. or 1:00 a.m. on weekends.

Commissioner Yeber stated he wants to be fair to this developer and operator as to how we treat all other operators. He could not agree to the requested probationary period for more restrictive hours of operation.

Commissioner DeLuccio could not agree to the request. He would like to leave the hours of operations as presented.

Commissioner Shink stated the important issue is to protect the residents that are in close proximity to this restaurant. With all the mitigations that are in place; if something does go wrong, the permitting can be revisited. She stated her support of the project, believing that the commission is doing the best it can do to make sure the residents in the neighborhood will be protected.

Acting Chair Altschul stated this is one of those rare circumstances where the cart was put before the horse, and hopes that it does not happen again.

David DeGrazia, Current and Historic Preservation Planning Manager stated for the record staff is aware of the concerns of the commission and community regarding permitting issue. Staff will be looking at the approval process for restaurants that have outdoor and rooftop dining in the future.

ACTION: 1) Approve the application; 2) Adopt Resolution No. PC 15-1131 as amended: a) there shall be a three month Director's review, along with the required six and twelve month reviews, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A MINOR CONDITIONAL USE PERMIT TO ALLOW THE SALES, SERVICE, AND CONSUMPTION OF FULL ALCOHOL IN CONJUNCTION WITH A NEW ROOFTOP RESTAURANT WITH OUTDOOR DINING (CATCH WEST HOLLYWOOD), LOCATED AT 8715 MELROSE AVENUE, WEST HOLLYWOOD, CALIFORNIA; and 3) Close Public Hearing Item 10.B. **Moved by Commissioner Yeber, seconded by Commissioner DeLuccio and passes; noting Commissioner Lightfoot voting NO; and Chair Huebner absent.**

THE COMMISSION TOOK A TWENTY (20) MINUTE RECESS AT 9:05 P.M. AND RECONVENED AT 9:25 P.M.

C. Zone Text Amendment

Prohibition of Short Term Rentals:

Laura Minnich, Economic Development Analyst provided an oral and visual presentation and background information as presented in the staff report dated Thursday, June 18, 2015.

She stated the zone text amendment is to clarify the existing prohibition of short term vacation rentals in the City of West Hollywood. The proposed text changes to the zoning ordinance will help clarify that short term rentals are, and will continue to be prohibited in the City of West Hollywood.

These changes consist of a variety of clarifications to existing language and minor additions to assist with code enforcement. The proposed changes:

- Make it easier to find the prohibition of short-term rental(s) in the Zoning Ordinance by adding short-term rental to the City's list of land uses;
- Clarify that the prohibition of short-term rental(s) includes the rental of any portion of a dwelling unit; and
- Provide new definitions for "advertisement," "rent," and "transient" to the Zoning Ordinance glossary to aid with enforcement.

She stated City Council directed staff to form a Shared Economy Task Force and provided a history of the plan and mission.

Short Term Rental in the Zoning Ordinance:

Short-term rental regulation is within the City's authority to regulate land use. The term "short-term rental" is not currently defined in the City of West Hollywood's Municipal Code. The Zoning Ordinance, however, defines "hotel" as a "facility with guest rooms or suites, provided with or without meals or kitchen facilities, rented to the general public for overnight or other temporary lodging, typically less than 30 days." A hotel is generally not permitted within the City's residential zoning districts, thus units within residential facilities (i.e. residential rental building, condominium, or single family home) rented for short-term stays constitutes an unlawful use in the City of West Hollywood.

During the course of the Task Force meetings, staff shared examples of short-term rental policies from several other jurisdictions both within and outside of California. In the City of West Hollywood, the Task Force recommended upholding the existing prohibition of short-term rentals regardless if it is a partial or exclusive use of the home while the host is present or not.

While some cities have approved short-term rentals with specialized permits, the impacts and concerns regarding the inability to protect the quality of life for neighboring tenants in such a densely urban environment as West Hollywood weighed heavily on the Task Force.

The changes in the zone text amendment further clarify the existing prohibition of short-term vacation rentals. Individuals and landlords currently operating short-term vacation rentals in West Hollywood are in violation of the existing municipal code and should cease operation immediately.

The proposed zone text amendments were discussed by the Long-Range Planning Projects Subcommittee on Thursday, May 21, 2015. The Commissioners were supportive of the zone text changes.

The subcommittee asked staff to look at SB 593 and report back on the status. City Council adopted to support SB 593. However, the author of SB 593 rendered that Bill tabled. It is currently inactive. They are anticipating SB 593 will come back in January, 2016 with several amendments. Staff will continue to monitor this, and City Council will continue to receive updates as well.

The Shared Economy Task Force met once a month over a 7-month period between July 2014 and January 2015. Each meeting included an opportunity for public comment.

Throughout the duration of the Task Force meetings, staff provided updates on the web page www.weho.org/sharedeconomy. Updates included agendas for each meeting, press releases about the Task Force, a mid-point meeting Shared Economy summary as well as draft policy recommendations being discussed by the Task Force.

In addition, feedback regarding the shared economy topics was solicited through EngageWeho.com, one of the City's community engagement platforms. A summary of the feedback received on this platform was shared with the Task Force at its December 17, 2014 meeting. There were 57 interactions with the discussion topic regarding the allowance of short-term rentals. A total of 21 participants provided comments or ideas sharing feedback regarding short-term vacation rentals in West Hollywood. Two-thirds of those respondents indicated a belief that short-term vacation rentals should not be allowed in West Hollywood while one-third of those respondents would like to see short-term vacation rentals allowed in some form.

Staff would like to make a clerical error correction in Draft Resolution No. PC 15-1132; Attachment A, Section 2 – the reference should be corrected to read: *“Chapter ~~19-06~~ 19.10 of Title 19 in the West Hollywood Municipal Code.”*

If the Planning Commission chooses to approve and adopt the resolution, the next step in the process for implementing the recommendations of the Shared Economy Task Force will be a public hearing at the City Council meeting on Monday, July 20, 2015. A second reading will take place with City Council on Monday, August 3, 2015.

Finally, a launch of an educational campaign to both residents and property owners upon adoption of the clarifying language will be disseminated.

Commissioner Buckner requested clarification regarding the language.

Laura Minnich, Economic Development Analyst confirmed short term vacation rentals are not permitted in the City of West Hollywood. This specifically defines and adds that definition to the zoning code.

Commissioner DeLuccio requested clarification regarding the resolution and future process with City Council.

Laura Minnich, Economic Development Analyst confirmed the resolution before the planning commission is the next step in the process related to the recommendations. The recommendations approved by City Council in February, 2015 outlined several different tasks for staff. One of which was to take the language and clarify in the West Hollywood Municipal Code, go back to planning Commission and get that language adopted and return to City Council.

Another task included an implementation of an educational campaign, starting to track code enforcement, number of noise complaints related to short term rentals. So, this is in fact one of those recommendations.

Acting Chair Altschul opened the public hearing for Item 10.C.:

ROY SAMAAAN, LOS ANGELES, spoke in support of staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

LARRY RENER, ALTADENA, has concerns regarding this item. He spoke regarding his own short term rentals, and transient occupancy tax. He requested the support of short term rentals.

JOHN DUPONCE, LOS ANGELES, spoke in support of staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

BOB WEXLER, LOS ANGELES, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

ROBERT ST GENIS, LOS ANGELES, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

ANDREA DERUJINSKY, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding her personal experiences with short term rentals and encouraged support of short term rentals.

MELANIE LUTHERN, LOS ANGELES, spoke in support of staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

CHRIS C., WEST HOLLYWOOD, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

BRAD KEISTLER, WEST HOLLYWOOD, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

KERRY HIRSCHBERG, WEST HOLLYWOOD, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

MARTIN BEAUVIVAGE, WEST HOLLYWOOD, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

DAVID COOLEY, LOS ANGELES, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

KEVIN STALTER, WEST HOLLYWOOD, opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

STEVE MARTIN, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding protecting the stock of rent controlled housing, and stated how different standards are acceptable for various individuals.

CHAD WATERHOUSE, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the lack of regulations in place, and opposes staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

RICHARD GIESBRET, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding noise disturbances, and the absence of an on-site host. He stated the situation deserves careful consideration to protect the interest of people who want to enjoy their peace and quiet in their neighborhoods. He urged support of staff's recommendation to City Council to clarify the language prohibiting short term rentals in the City of West Hollywood.

THE FOLLOWING DID NOT PUBLICLY SPEAK. THEY OPPOSE STAFF'S RECOMMENDATION OF APPROVAL:

LISA GARISTO, WEST HOLLYWOOD, JOHN MICHAELS, WEST HOLLYWOOD, AARON STEPHENS, WEST HOLLYWOOD, EDGARD ROMERO, WEST HOLLYWOOD, LEON OZERAN, WEST HOLLYWOOD, AND ALLEN OZERAN, WEST HOLLYWOOD.

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

Commissioner DeLuccio questioned what the City of Santa Monica has done regarding their short term rentals.

Laura Minnich, Economic Development Analyst stated the City of Santa Monica decided to take a dual approach. They have actually banned short term vacation rentals where the host is not present. They are going to allow home sharing, where the host is present. They are requiring those host's to apply for a business tax certificate and pay the transient occupancy tax.

Commissioner Lightfoot requested clarification regarding the discussion amongst the Task Force, and questioned the presence of the actual host(s).

Laura Minnich, Economic Development Analyst stated the Task Force looked at all different models, including those where the hosts were present. There were concerns about how do you prove a host is actually present, and concerns from code enforcement on how to actually enforce those types of regulations. They did look at modifications regarding single-family homes, apartments, condominiums, and residential zones. They could not find a good fit that would allow for the ability to protect the public safety concerns and the noise complaints of the surrounding neighborhood.

Commissioner DeLuccio questioned what the City of Malibu has done regarding their short term rentals.

Christi Hogin, Assistant City Attorney, stated short term rentals are allowed in the City of Malibu. They are taxed accordingly.

Commissioner Buckner spoke to the public and clarified what is before the Planning Commission is simply to clarify existing language that is already in the West Hollywood Municipal Code, prohibiting short term rentals. She suggested perhaps at some point in the future, this could be looked at by staff to bring forward for further discussion.

Commissioner Yeber questioned what some of the other beach communities have done regarding their short term rentals; i.e. Manhattan Beach, Redondo Beach, Hermosa Beach. He stated the comments received tonight from the public would be more appropriate being heard before City Council. He reiterated what is before the commission tonight is simply a language clarification.

Christi Hogin, Assistant City Attorney, stated Manhattan Beach banned short term rentals. She stated this is ultimately a policy question.

Commissioner DeLuccio moved to: 1) recommend to City Council approval clarifying the language of the prohibition of short-term vacation rentals.

Seconded by Commissioner Yeber.

Commissioner Shink stated short term rentals can take rental units off the market. It is problematic, especially for a city that prides itself on trying to provide affordable housing for low income residents. However, individuals and homeowners have a right to do what they with their homes; as long as there are sensible regulations that go along with that; i.e. they are paying their occupancy taxes and registering with the city.

Commissioner Shink suggested forwarding a recommendation to City Council. She suggested the City of West Hollywood look at the City of Santa Monica's model; which actually looks at, and differentiates between rent controlled units being used for short term vacation rentals, versus individual homeowners that are on premises, and providing sensible regulations.

Commissioner Buckner stated it is not appropriate to mix this recommendation with the language clarification item. She suggested we vote on the motion clarifying the current existing language. She encouraged the public to go to the City Council meetings and inform them of their concerns.

Christi Hogin, Assistant City Attorney stated it appears everyone seems to be in agreement to make the recommendation with respect to the language and the commission is also prepared to convey to the City Council that there is some interest that the council take a look at the City of Santa Monica's model. This can be done in one or two motions.

Commissioner DeLuccio stated he would like it done in two separate motions.

Laura Minnich, Economic Development Analyst stated the Task Force did look into that type of model, however, it was decided that it was not something that could be effectively controlled or enforced.

Maribel Louie, Arts & Economic Development Manager, stated this is an economy that is evolving, and the City of West Hollywood is not the only city struggling with this. The State of California has even tried to coordinate discussions to implement their own policies. Staff will continue to monitor this, and will continue to bring updates to City Council so they can make new considerations.

ACTION: 1) Approve Resolution No. PC 15-1132 as amended Attachment A, Section 2: "*Chapter 19.06 19.10 of Title 19 in the West Hollywood Municipal Code.*" "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO CLARIFY THE PROHIBITION OF SHORT-TERM VACATION RENTALS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA. **Moved by Commissioner DeLuccio, seconded by Commissioner Yeber and passes; noting Commissioner Shink and Acting Chair Altschul voting NO, and Chair Huebner absent.**

Commissioner Shink moved to: 1) forward a recommendation to City Council requesting they look into models of dual approaches, requesting to amend the language to reflect the current economy of the 21st century.

Seconded by Acting Chair Altschul.

Commissioner Buckner requested an amendment to the motion to include: 1) the Planning Commission is especially concerned about enforceability.

Commissioner Shink agreed to this amendment and also added: 1) to include a regulatory process.

ACTION: 1) Forward a recommendation to City Council; 2) requesting they look into models of dual approaches (i.e. City of Santa Monica); 3) that the language is amended to reflect the current economy of the 21st century; 4) the Planning Commission is especially concerned about the enforceability and regulatory process, and 5) Close Public Hearing Item 10.C. **Moved by Commissioner Shink, seconded by Acting Chair Altschul and passes; noting Chair Huebner absent.**

11. NEW BUSINESS.

A. State Housing Policy and Law.

Receive information on state housing policy and law, and the City's local inclusionary housing program.

ACTION: 1) Tabled to a date uncertain. **Motion carried by consensus of the Commission.**

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: Noting the cancellation of the Planning Commission meeting on Thursday, July 2, 2015, the Planning Commission adjourned at 10:35 P.M. to a regularly scheduled meeting on Thursday, June 18, 2015 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.**

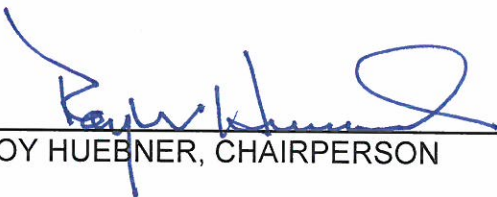
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 16th day of July, 2015 by the following vote:

AYES: Commissioner: Buckner, DeLuccio, Lightfoot, Shink, Yeber, Vice-Chair Altschul.

NOES: Commissioner:


ABSENT: Commissioner:

ABSTAIN: Commissioner: Chair Huebner.



ROY HUEBNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY