



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
October 5, 2017**

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

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Buckner called the meeting of the Planning Commission to order at 6:33 P.M.

2. **PLEDGE OF ALLEGIANCE:** Mike 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, Dan Mick, Commercial Code Compliance Supervisor, Rachel Dimond, Senior Planner, Jerry Hittleman, Senior Contract Planner, Gwynn Pugh, Urban Design Consultant, Cynthia Zabala, Acting Building Official, David DeGrazia, Current and Historic Preservation 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 5, 2017 as presented. **Moved by Commissioner Aghaei, seconded by Vice-Chair Jones and unanimously passes.**

5. **APPROVAL OF MINUTES.**

Commission Secretary Gillig amended the following paragraph under Items for Commissioners on page 6 of 7 to read as follows: *“Commissioner Hoopingarner had concerns and requested staff strives to assure Building and Safety signs off on all plans before they are brought before the commission.”*

A. September 7, 2017

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, September 7, 2017 as amended. **Moved by Vice-Chair Jones, seconded by Commissioner Aghaei and unanimously passes.**

6. PUBLIC COMMENT. None.

7. DIRECTOR'S REPORT.

David DeGrazia, Current and Historic Preservation Planning Manager, Cynthia Zabala, Acting Building Official, and Gwynn Pugh, Urban Design Consultant, provided an update on the development review process. They explained and clarified the planning permit process, urban design process, and the building permit process.

8. ITEMS FROM COMMISSIONERS.

Vice-Chair Jones requested an update on the R3C-C zone item.

John Keho, Assistant Director, Community Development Department, stated this item will be a public hearing at the next Planning Commission meeting on Thursday, October 19, 2017. It will include a portion of the live/work study.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 1141 N. Detroit Street:

Jennifer Alkire, Senior Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, October 5, 2017.

She stated the applicant is requesting to demolish all structures on site, and construct a new three-story, five-unit condominium building, over one level of subterranean parking.

She spoke and detailed neighborhood compatibility, massing, height, parking, private and open space, design materials, design configurations, and clarified the standard condition regarding construction worker related parking.

Staff is supportive of the project and requested approval.

The commission had concerns and requested clarification regarding aging in place.

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

MARGARET TAYLOR, Apex LA, representing the applicant, presented the applicants report. She provided a history of the project, and spoke regarding the courtyard design and seating, disabled accessibility, parking, unit layouts, design materials, landscape design, height, rooftop open space, community outreach, preservation of two street trees, and construction worker parking.

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

The commission requested clarification regarding the design materials, and the functionality of the front windows.

Commissioner Bass disclosed for the record he made a site visit.

Commissioner Hoopingarner disclosed for the record she met with the developer to discuss unrelated issues regarding landscaping.

The commission commented on the overall design, corner glass windows, walnut screens, roof decks, location of the front door, and activation of the patio area, functioning landscape space, and limestone façade material.

Concerns were raised regarding the front door design and front façade. The applicant was questioned if they would be amenable to changing the door design, and installing a planter between the single pane door and folding door to give a sense of separation of the interior courtyard area.

The commission requested clarification regarding construction worker parking and possibly amending the verbiage to the conditions.

Dan Mick, Commercial Code Compliance Supervisor updated the commission on the impacts regarding construction projects, construction mitigation plans, and encroachment permits.

Commissioner Altschul moved to adopt staff's recommendation of approval.

Vice-Chair Jones requested an added condition: 1) if there is more than a 10% change in the limestone exterior that it should be brought back to the Planning Commission.

There was no second to the motion.

MOTION FAILS.

Commissioner Hoopingarner moved to: 1) approve staff's recommendation of approval with the following conditions: a) amend the parking conditions with the language from the Cory Avenue project; b) any changes to the exterior materials of more than 10%, shall be brought back to the Planning Commission; c) the front opening doors shall be modified to improve security and airflow; and d) an adequate barrier system on the clumping bamboo.

Seconded by Commissioner Bass.

Commissioner Altschul requested Section 10.7) be changed to approval by the Director of Community Development.

Lauren Langer, Acting Assistant City Attorney, clarified the following motion: Section 5.6.q) shall be revised and incorporated with the parking language from the Cory Avenue project; Condition 7.7) if bamboo is included in the landscape plans, a clumping type bamboo shall be used with an appropriate barrier system; Condition 10.7) any change that is more than 10% to the materials used, including the limestone, shall be approved by the ~~Planning Commission~~ Director of Community Development; and Condition 10.8) the front opening doors shall be modified to improve security and airflow.

ACTION: 1) Adopt Resolution No. PC 17-1220 as amended: a) Condition 5.6.q) *Construction workers shall not park on any street within West Hollywood and shall utilize off street parking secured by the contractor until the onsite parking is completed and able to be used;* b) Condition 7.7) *if bamboo is included in the landscape plans, a clumping type bamboo shall be used with an appropriate barrier system;* c) Section 10.7) *any change that is more than 10% to the materials used, including the limestone, shall be approved by the Director of Community Development;* and d) Section 10.8) *the front opening doors shall be modified to improve security and airflow,* .“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A DEMOLITION PERMIT AND DEVELOPMENT PERMIT TO DEMOLISH ALL STRUCTURES ON SITE AND CONSTRUCT A NEW, THREE-STORY, FIVE-UNIT RESIDENTIAL BUILDING WITH SUBTERRANEAN PARKING, LOCATED AT 1141 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;” 2) Adopt Resolution No. PC 17-1221 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 74388) FOR A CONDOMINIUM SUBDIVISION ASSOCIATED WITH A FIVE-UNIT RESIDENTIAL BUILDING, LOCATED AT 1141 N. DETROIT STREET, WEST HOLLYWOOD, CALIFORNIA;” and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Hoopingarner, seconded by Commissioner Bass and unanimously passes.**

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

B. Zone Text Amendment

Short Term Vacation Rentals:

Dan Mick, Commercial Code Compliance Supervisor, provided a verbal presentation and background information as presented in the staff report dated Thursday, October 5, 2017.

He stated this is a request for an amendment to Sections §19.36.331 (Short Term Vacation Rentals) , and Table 2-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts) found in Section §19.02.030 of Title 19 of the West Hollywood Municipal Code to amend regulations to allow home sharing.

He provided a history of the request, stating currently the renting of all or part of any dwelling unit for a period of less than 31 days is prohibited.

He stated the proposed policy change will require amendments to three titles of the West Hollywood Municipal Code. The Business License Code will be amended to create a new chapter in the Business License code that allows for residents to engage in hosted home sharing in their primary residence as long as they obtain the requisite business license, pay taxes, and abide by some basic operating guidelines. This proposed W.H.M.C. amendment was reviewed by the Business Licensing Commission on Tuesday, October 3, 2017.

The Rent Stabilization Code will be amended to allow landlords to initiate the eviction process for tenants that engage in home sharing if, 1.) the violation is not the tenant's first home sharing violation, and 2.) the tenant has not cured the violation within 30 days of written notification from the landlord. This proposal will be reviewed by the Rent Stabilization Board on Thursday, October 12, 2017.

The main provision of the Zoning Code that pertains to short term rentals is W.H.M.C. §19.36.331, Short Term Vacation Rentals. The code currently prohibits the renting or advertising for rent of any dwelling unit or portion thereof for less than 31 days. In order to permit Home Sharing, Section §19.36.331 must be amended to exclude hosted home sharing from the existing prohibition on short term rentals.

Staff recommends removing the word "Vacation" from the title of this section as not all Short Term Rentals that take place are related to vacations.

Additionally, the zone text amendment adds the phrase "facilitate and offer" (a unit for rent) to the list of prohibited activities found in subsection A, as this will not make the brokering of these units illegal. Brokers would be those parties that, for a fee, connect potential short-term renters with those that have units to rent. This would allow the city to hold brokers accountable for their part in illegal short term rentals.

Staff recommends adding "Home Sharing pursuant to Chapter 5.66" to the Table 2-2 "Allowed Uses and Permit Requirements for Residential Zoning Districts" found in Section §19.06.030.

Additionally, staff recommends amending footnote #1 to include Chapter 5.66 in the list of code sections that may require additional permitting requirements. This addition will bring further clarity to the Zoning Code that home sharing activities are an allowed accessory use at residential properties, requiring no additional planning permits or approvals.

Commissioner Bass stated for the record he attended the Business License Commission, met with representatives from Airbnb and several hosts, to gather further information on this subject matter.

The commission questioned and requested clarification regarding enforcement issues, public outreach, and various legalities involved with tenants versus landlords, granny flats, accessory dwelling units, and condominiums.

Dan Mick, Commercial Code Compliance Supervisor stated there will be a fee structure for citations. The city has contracted with "Host Compliance" to monitor activity within the City of West Hollywood. He stated the main purpose is to educate the public and encourage them to go through the proper business and application process.

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

MANNY RODRIGUEZ, WEST HOLLYWOOD, spoke in support of the recommendation to City Council to amend short term vacation rentals and to allow home sharing.

KEVIN BRUNKE, LOS ANGELES, Community Organizer, Airbnb of Southern California, has concerns regarding this item. He spoke regarding the positive economic impacts of local hosts.

LOREN LEWIS, WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the positive impacts of Airbnb and the personal economic realities of participating in home sharing.

BRAD KEISTLER, WEST HOLLYWOOD, opposes staffs support of the recommendation to City Council to amend short term vacation rentals and to allow home sharing.

JOHN FITZGERALD KEITEL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the eco-system model of Airbnb.

DERI ENDRE, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the need for regulations, not restrictions.

ANDREA D., WEST HOLLYWOOD, has concerns regarding this item. She spoke regarding the positive impacts of Airbnb and the personal economic realities of participating in home sharing.

JOE, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the positive financial impacts of Airbnb and home sharing.

THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSES STAFF'S RECOMMENDATION TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO AMEND SHORT TERM VACATION RENTALS TO ALLOW HOME SHARING: 1) NESS TWINA, WEST HOLLYWOOD.

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

The commission questioned the thoughts of the hoteliers on this subject, and discussed the options regarding the ninety day cap restrictions, housing issues, tax incentives, economic feasibilities and incentives, Airbnb amenities and priorities, homeownership, landlords, renters rights, and land use issues.

Commissioner Hoopingarner moved to: 1) approve the zone text amendment, and recommend possibly increasing the minimum days stay up to 180 days, with a focus on aging in place.

Seconded by Commissioner Altschul.

ACTION: 1) Adopt Resolution No. PC 17-1219 as presented with the following recommendation: a) that the City Council consider increasing the minimum number of days of stay; up to 180 days; and b) with a focus on aging in place: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO AMEND SECTION §19.36.331 (SHORT TERM RENTALS) AND AMENDING TABLE 2-2 IN SECTION §19.06.030 TO ALLOW HOME SHARING, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA," and 2) Close the Public Hearing for Item 10.B. **Moved by Commissioner Hoopingarner, seconded by Commissioner Altschul and passes, noting Commissioner Carvalheiro voting NO.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 9:05 P.M. AND RECONVENED AT 9:15 P.M.

**C. Zone Text Amendment
Cannabis Regulations:**

John Keho, Assistant Director, Community Development Department, provided a background history of the cannabis regulations and City Council directive. He stated local regulations and ordinances need to be in place and implemented by January, 2018.

Jerry Hittleman, Senior Contract Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, October 5, 2017.

He provided and outlined the recommendation to City Council regarding changes to the following sections of the Zoning Ordinance: 1) Section §19.10.030, Commercial land use permit requirements; 2) Section §19.28.404, Number of parking spaces required; 3) Section §19.90.020, Cannabis use definitions; and 4) Chapter 19.36, Adding cannabis uses.

He detailed California cannabis law, City Council cannabis meetings, City Council direction, other local cannabis meetings, and spoke regarding allowable cannabis land uses in all commercial zone districts, cannabis uses for future consideration, cannabis use parking regulations, cannabis use regulations, and cannabis use definitions; which will be added to Section §19.90.020 of the Zoning Ordinance..

The commission requested further clarification regarding Planning Commission purview, delivery services, and the number of proposed businesses. They had concerns and questioned the proposed number of 32 physical cannabis locations.

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

MANNY RODRIGUEZ, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding additional distance requirements next to residential areas.

DANI SHAKER, CENTURY CITY spoke in support of the zone text amendment regarding regulating cannabis uses.

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

The commission requested further clarification and discussed the proposed number of 32 physical cannabis locations, various licenses, distance and impacts on residences, consumption, current smoking regulations, odor impacts, and City Council's intentions.

Commissioner Hoopingarner moved to: 1) approve the zone text amendment as presented, with the following condition: 2) there shall be a maximum of twelve physical locations; regardless of license type and excluding delivery service.

Commissioner Altschul requested the following condition added to the motion: 1) physical location shall be 300 feet from residences.

Commissioner Hoopingarner did not agree to this added condition.

MOTION WITHDRAWN.

Vice-Chair Jones moved to: 1) approve the zone text amendment as presented.

Seconded by Chair Buckner.

ACTION: 1) Adopt Resolution No. PC 17-1222 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO SECTIONS §19.10.030 (COMMERCIAL AND PUBLIC DISTRICT LAND USES AND PERMIT REQUIREMENTS, SECTION §19.28.040, (NUMBER OF PARKING SPACES REQUIRED), AND SECTION §19.90.020 (DEFINITIONS OF SPECIALIZED TERMS AND PHRASES) IN CHAPTER 19 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE AND ADDING SECTIONS §19.36.091, (CANNABIS USES – ADULT-USE RETAIL), AND SECTION §19.36.092, (CANNABIS USES – CONSUMPTION AREAS), AND §19.36.093 (CANNBAIS USES – MEDICAL USE DIPENSARIES) IN CHAPTER 19 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW POLICIES REGULATING CANNABIS USES IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA," and 2) Close the Public Hearing for Item 10.C. **Moved by Vice-Chair Jones, seconded by Chair Buckner and passes, noting Commissioner Altschul and Commissioner Hoopingarner voting NO.**

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update. None.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

Commissioner Bass requested the standard text used in the conditions of approval regarding parking regulations be examined and brought back by staff for consistency.

Vice-Chair Jones suggested the person(s) responsible for the project's legal plans be present at all public hearings and available for questions and clarifications.

John Keho, Assistant Director, Community Development Department, stated the developer may not have the licensed architect at the time the plans are actually submitted. He stated staff will look into this request further and come back to the commission.

17. **ADJOURNMENT:** The Planning Commission adjourned at 10:20 P.M. to a regularly scheduled meeting on Thursday, October 19, 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 19th day of October, 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.



SUE BUCKNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY