



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
August 16, 2018**

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 Jones called the meeting of the Planning Commission to order at 6:33 p.m.

2. **PLEDGE OF ALLEGIANCE:** James Arnone led the Pledge of Allegiance.

3. **ROLL CALL:**

Commissioners Present: Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.

Commissioners Absent: Aghaei.

Staff Present: Antonio Castillo, Associate Planner, Adrian Gallo, Acting Senior Planner, Nora Flynn, Current and Historic Preservation Planning Intern, Jerry Hittleman, Senior Contract Planner, David DeGrazia, Current and Historic Preservation Planning Manager, Bianca Siegl, Long Range and Mobility Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Chair Jones requested Item 12.A. – 8715 Melrose Avenue moved before Public Hearing Item 10.A. – 938 N. Genesee Avenue.

ACTION: Approve the Planning Commission Agenda of Thursday, August 16, 2018 as amended. **Motion carried by consensus of the Commission, noting Commissioner Aghaei absent.**

5. **APPROVAL OF MINUTES.**

Secretary Gillig noted on page 2 of 16; first paragraph after the official action item should read as ~~Chair~~ Commissioner Altschul.

A. August 2, 2018

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, August 2, 2018 as amended. **Moved by Commissioner Bass, seconded by Commissioner Hoopingarner and passes, noting Commissioner Aghaei absent.**

6. PUBLIC COMMENT. None.

7. DIRECTOR'S REPORT.

John Keho, Interim Director, Planning and Development Services Department, stated the project at 8920 Sunset Boulevard – Arts Club, will be on the City Council meeting agenda on Monday, August 6, 2018.

He informed the commission, CEQA training is available and he encouraged participation.

8. ITEMS FROM COMMISSIONERS.

Commissioner Hoopingarner thanked staff for updating the City of West Hollywood's web site to include the current agenda packets for the Long Range Planning Projects Subcommittee.

Commissioner Altschul reiterated and encouraged those who have not taken basic CEQA training to participate if possible.

Chair Jones thanked staff and informed the public of the new postcard mailings regarding upcoming meetings and public hearings.

9. CONSENT CALENDAR. None.

A. Zone Text Amendment

Top Floor Setbacks in R3C and R4B Districts.

The Planning Commission directed staff to return with a resolution denying a zone text amendment to establish a setback on the top floor of new structures within the R3-C and R4-B zone districts.

ACTION: 1) Adopt draft Resolution No. PC 18-1278 recommending to the City Council approval of a zone text amendment to Section §19.06.040, Residential Zone Districts General Development Standards, West Hollywood, California. **Moved by Commissioner Bass, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

B. Zone Text Amendment

Projects Spanning Commercial & Residential Districts.

The Planning Commission directed staff to return with a resolution amending a zone text amendment regarding standards for projects spanning commercial and residential districts.

ACTION: 1) Adopt draft Resolution No. PC 18-1277 recommending to the City Council approval of a zone text amendment amending Title 19, West Hollywood Zoning Ordinance, West Hollywood, California. **Moved by Commissioner Bass, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

The following item was moved and heard out of order as part of the amended agenda.

12. UNFINISHED BUSINESS.

A. 8715 Melrose Avenue – Catch Restaurant.

Adrian Gallo, Acting Senior Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 16, 2018.

He stated this is a six month review of existing Catch Restaurant. He provided a history of the establishment, stating on June 18, 2015, the Planning Commission approved the request for the sale, service, and consumption of full alcohol incidental to food service at Catch Restaurant. Included as a condition is the requirement that the Planning Commission review the restaurant's permit at three (3), six (6), nine (9), and twelve (12) months after occupancy.

In February 2018, the Commission held the one year review of Catch Restaurant operations. At the meeting, in response to ambient noise concerns from a few residents, Catch agreed to install a glass sound wall along a portion of the Melrose Avenue frontage.

This was a voluntary measure that Catch Restaurant has undertaken to decrease any potential noise impacts on the neighborhood. The Commission directed staff to perform another review in six months, after the installation of the glass sound wall was completed. The restaurant completed the glass sound wall installation along the Melrose Avenue frontage on June 15, 2018.

He confirmed over the last six months, there have been no problems associated with the restaurant. Additionally, a review of their MCUP for compliance with all of their conditions was conducted. It was found that the restaurant was in compliance with all conditions.

Staff recommends the commission receive and file this report with no action taken.

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission, noting Commissioner Aghaei absent.**

10. PUBLIC HEARINGS.

A. 938 N. Genesee Avenue.

Antonio Castillo, Associate Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 16, 2018.

He stated the proposal is a tentative tract map requesting the subdivision of a three-story, five-unit, multi-family building over subterranean parking into a common interest development.

The building was administratively approved. Pursuant to Section §19.40.020 of the West Hollywood Municipal Code (WHMC), Table 4-1, subdivision applications are under the review authority of the Planning Commission.

He confirmed the subdivision of this building will not be detrimental to the public welfare and will not impede implementation of the General Plan nor the purpose and intent of the provisions of the Zoning Ordinance.

Staff recommends approval of the subdivision permit.

Acting Assistant City Attorney Langer detailed the purview responsibilities and legalities of the planning commission regarding the approval of subdivision permits.

The commission had no official disclosures.

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

MARGARET TAYLOR, APEX LA, LOS ANGELS, applicant's representative, presented the applicants report. She stated they have reviewed the staff report and draft resolution, and concur with the findings,

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

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

Seconded by Chair Jones.

ACTION: 1) Approve the application, 2) **Adopt Resolution No. PC 18-1279 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 76047) FOR THE SUBDIVISION OF A THREE-STORY, FIVE-UNIT, MULTI-FAMILY BUILDING INTO A COMMON INTEREST DEVELOPMENT, LOCATED AT 938 NORTH GENESEE AVENUE, WEST HOLLYWOOD, CALIFORNIA. and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Buckner, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

B. 943-945 N. Stanley Avenue.

Nora Flynn, Current and Historic Preservation Planning Intern, provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 16, 2018.

She stated the proposal is a tentative tract map requesting the subdivision of a three-story, five-unit, multi-family building over subterranean parking into a common interest development.

The building was administratively approved per Section §19.48.030 of the West Hollywood Municipal Code (WHMC), Table 4-2, which allows residential projects under six units in R3 zoning districts to be approved administratively. Pursuant to Section §19.40.020, Table 4-1, of the WHMC subdivision, applications are under the review authority of the Planning Commission.

The project was designed to comply with requirements of the Multi-Family Dwellings (Section §19.36.280) and all other applicable provisions of City's Zoning Ordinance. The subdivision of this building will not be detrimental to the public welfare and will not impede implementation of the General Plan nor the purpose and intent of the provisions of the Zoning Ordinance.

Staff recommends approval of the subdivision permit.

Acting Assistant City Attorney Langer reiterated the purview responsibilities and legalities of the planning commission regarding the approval of subdivision permits.

The commission had no official disclosures.

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

MARGARET TAYLOR, APEX LA, LOS ANGELS, applicant's representative, presented the applicants report. She stated they have reviewed the staff report and draft resolution, and concur with the findings,

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

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

Seconded by Commissioner Hoopingarner.

ACTION: 1) Approve the application, 2) **Adopt Resolution No. PC 18-1280 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 76046) FOR THE SUBDIVISION OF A THREE-STORY, FIVE-UNIT, MULTI-FAMILY BUILDING INTO A COMMON INTEREST DEVELOPMENT, LOCATED AT 943-945 N. STANLEY AVENUE, WEST HOLLYWOOD, CALIFORNIA. and 3) Close the Public Hearing for Item 10.B. **Moved by Commissioner Buckner, seconded by Commissioner Hoopingarner and passes, noting Commissioner Aghaei absent.**

C. Zone Text Amendment

Outdoor Commercial Uses above the Ground Floor.

Jerry Hittleman, Senior Contract Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 16, 2018.

He stated this is a consideration of a zone text amendment to add standards requiring Administrative Permit approval with review and decision by the Planning and Development Services Director for all new or expanded outdoor commercial uses above the ground floor.

He provided a history of the request, stating on May 4, 2017, the City of West Hollywood Planning Commission originally heard this item and recommended adoption of a zone text amendment to require approval of a Development Permit for outdoor commercial uses above the ground floor to the City Council in order to have a public hearing requirement for such uses.

The Commission further directed staff to further specify the types of requests included in the additional development permit review by inserting the following additional language:

- New or expanded (including expanded hours of operation) outdoor dining areas and similar outdoor uses with similar noise, light, and public impacts as determined by the Director, located on rooftops, terraces, or other outdoor locations above the ground floor.”

On June 19, 2017, the City of West Hollywood City Council held a public hearing and directed staff to draft a revised ordinance that reflects the comments made by the Councilmembers and public and have the revised zone text amendment reviewed by the Planning Commission before coming back to Council for final approval.

The Council and the public had the following concerns regarding the proposed regulations:

- Concerns were voiced about high processing fees and long timelines for processing a Development Permit with Planning Commission approval. They felt that these types of requests should be processed as an Administrative Permit and heard at a Director's hearing with appeal rights to the Planning Commission. The fee for an Administrative Permit is \$1,630 compared to a Development Permit fee of \$6,855 for projects under 10,000 square feet.
- Protection of residents from noise and light/glare impacts from outdoor commercial uses above the ground floor was a concern of the Council and public as well.

He stated the proposed text amendment would be for: 1) New / expanded outdoor commercial uses above the ground floor (dining, cannabis lounge, exercise classes. etc.); 2) Director level approval required; and 3) the Director may refer to the Planning Commission.

There would be no public hearing if outdoor commercial areas are located further than 100 feet from residential uses or located in the front portion of a commercial building where the commercial structure is located between the outdoor commercial use area and residential uses.

A public hearing would be required if outdoor commercial uses that are above the ground floor are located on an outdoor terrace, rooftop or other similar location of a commercial building or mixed use commercial/residential building within 100 feet or direct line of sight of an adjacent residential use.

These locations could have noise and lighting/glare impacts on their residential neighbors that could require additional conditions of approval to address these situations.

He also spoke on lighting, noise, landscaping, design standards and compatibility.

The commission discussed and requested clarification regarding the rational with the rooftop calculations, and questioned minimum height requirements, cannabis regulations, Director's Hearing legal notifications and annual renewals.

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

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding noise, peer review, acoustical issues and the public hearing process.

THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORT STAFF'S RECOMMENDATION TO CITY COUNCIL: RICHARD KARLISS, WEST HOLLYWOOD, LESLIE KARLISS, WEST HOLLYWOOD, AND MANNY RODRIGUEZ, WEST HOLLYWOOD.

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

The commission had concerns regarding the number of attendees and lack of public input at the Director's Hearing level. The commission had concerns regarding access and participation to the public hearing process. It was stated since there are so few projects regarding this kind of request; they should all come before the Planning Commission. If there are design issues, they can also go before the Design Review Subcommittee. Any outdoor use above the ground floor should be reviewed by the Planning Commission.

Commissioner Bass supports staff's recommendation, stating it accomplishes Council's direction.

Commissioner Hoopingarner moved to: 1) deny staff's recommendation to City Council, and 2) bring back a resolution of denial stating the following: a) the text the Planning Commission approved on May 4, 2017, shall be the text that is recommended to City Council; and b) all uses above ground (light, sounds and other impacts on the community) shall go before the Planning Commission.

Seconded by Commissioner Buckner.

ACTION: 1) Bring back a draft resolution of denial with the following conditions: *a) use the existing text the Planning Commission approved on May 4, 2017; b) all uses above the ground floor; light, noise and other impacts on the community, shall go before the Planning Commission;* and 2) Close the Public Hearing for Item 10.C. **Moved by Commissioner Hoopingarner, seconded by Commissioner Buckner and passes, noting Commissioner Bass voting NO, and Commissioner Aghaei absent.**

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS.

A. 8715 Melrose Avenue – Catch Restaurant.
Six month review of existing Catch Restaurant.

ACTION: This item was moved and heard before Section 10. - Public Hearings as part of the amended agenda. **Motion carried by consensus of the Commission, noting Commissioner Aghaei absent.**

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update. None.

15. PUBLIC COMMENT.

GEORGE BUJARSKI, WEST HOLLYWOOD spoke regarding the requested concessions and waiver for the proposed project located at 937-947 Spaulding Avenue, West Hollywood, California.

RICHARD GIESBRET, WEST HOLLYWOOD spoke regarding rooftop activities and acoustical consultants.

16. ITEMS FROM COMMISSIONERS.

Commissioner Altschul spoke regarding the earlier issues with Catch Restaurant and how the government process worked when the community came forward with their concerns. He commented how the present benefits of Catch Restaurant are favorable to the city.

Commissioner Carvalheiro commented on Item 9.A. – Zone Text Amendment, Top Floor Setbacks in R3C and R4B Districts. He stated he would have liked to have seen “design guidelines” deleted from Exhibit A; indicating they are very subjective. He would like to see something in the future more formulaic and exacting, like a “façade modulation standard.”

Acting Assistant City Attorney Langer stated for the record the decision on this item has officially been made. The comments have been heard, but they will not be a part of the formal recommendation to the City Council.

Chair Jones commented on the visual public timer and questioned staff if this could be visually enhanced.

Commission Secretary Gillig stated staff has recently had conversations with the City Clerk's Office regarding this issue. It will be addressed during an upgrade to the system in the future.

Commissioner Buckner appreciated the packaging of the current agenda packets.

16. ADJOURNMENT: The Planning Commission adjourned at 7:40 p.m. to a regularly scheduled meeting on Thursday, September 6, 2018 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 6th day of September, 2018 by the following vote:

AYES: Commissioner: Altschul, Bass, Buckner, Hoopingarner, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: Vice-Chair Carvalheiro.

ABSTAIN: Commissioner: Aghaei.



STACEY E. JONES, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY