



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
September 5, 2019**

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

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

1. **CALL TO ORDER:** Chair Jones called the meeting of the Planning Commission to order at 6:33 p.m.

2. **PLEDGE OF ALLEGIANCE:** Stephanie Harker led the Pledge of Allegiance.

3. **SPECIAL ORDER OF BUSINESS:**

A. **ELECTION OF CHAIR.**

ACTION: Elect Rogerio Carvalheiro as Chair of the Planning Commission for a term through June 30, 2020. **Nominated by Chair Jones, seconded by Commissioner Bass and unanimously carried.**

B. **ELECTION OF VICE-CHAIR.**

Commissioner Erickson nominated Commissioner Bass as Vice-Chair. Seconded by Chair Carvalheiro.

Commissioner Buckner nominated Commissioner Erickson as Vice-Chair. **Commissioner Erickson respectfully declined the nomination.**

Commissioner Bass nominated Commissioner Hoopingartner as Vice-Chair. Seconded by Commissioner Jones.

ACTION: Elect Adam G. Bass as Vice-Chair of the Planning Commission for a term through June 30, 2020. **Nominated by Commissioner Erickson, seconded by Chair Carvalheiro and passes on a 4-3 vote:**

BASS: Commissioners Altschul, Buckner, Erickson, Chair Carvalheiro.

HOOPINGARNER: Commissioners Bass, Hoopingartner, Jones.

4. **ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Daniel Mick, Code Compliance Manager, Antonio Castillo, Associate Planner, Rachel Dimond, Acting Long Range Planning Manager, Jennifer Alkire, Acting Current & Historic Preservation Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.

5. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission Agenda of Thursday, September 5, 2019 as presented. **Moved by Commissioner Jones, seconded by Commissioner Erickson and unanimously passes.**

6. APPROVAL OF MINUTES.

A. August 15, 2019

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, August 1, 2019 as presented. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and unanimously passes.**

7. PUBLIC COMMENT.

STEPHANIE HARKER, WEST HOLLYWOOD commented on legal noticing, public outreach and decisions regarding design.

8. DIRECTOR'S REPORT. None.

9. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Jones congratulated newly elected Vice-Chair Bass and Chair Carvalho. She wished Commissioner Erickson a Happy Birthday, and reminded the commission the Congress of Commissions and Boards will be held on Wednesday, September 11, 2019. She stated for the record she will be absent from the next Planning Commission meeting on Thursday, September 19, 2019.

Commissioner Hoopingarner congratulated Chair Carvalho on his placement of second place for the design competition of a new roof for the Notre Dame Cathedral in Paris, France. She thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Altschul congratulated newly elected Vice-Chair Bass and Chair Carvalho. He thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Buckner congratulated newly elected Vice-Chair Bass and Chair Carvalho. She thanked outgoing Chair Jones for her leadership over the last year.

Commissioner Erickson congratulated newly elected Vice-Chair Bass and Chair Carvalho. He thanked outgoing Chair Jones for her leadership over the last year.

Chair Carvalho thanked outgoing Chair Jones for her leadership over the last year.

Vice-Chair Bass thanked outgoing Chair Jones for her leadership over the last year.

10. CONSENT CALENDAR. None.

11. PUBLIC HEARINGS.

A. Zone Text Amendment, Property Maintenance Standards:

Daniel Mick, Code Compliance Supervisor provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 5, 2019.

He stated the Planning Commission will consider an amendment to the West Hollywood Zoning Ordinance to remove the property maintenance language from the Zoning Ordinance and reference a new chapter, Property Maintenance, found in Title 9 of the West Hollywood Municipal Code.

He provided a history of the request, stating City Council directed staff to draft an amendment to the City's Municipal Code to allow for the demolition of a problematic vacant buildings (including commercial) at the discretion of the Director of Planning Development Services if a new project has been entitled on the site and is actively moving through the City's development planning process; and also directed staff to develop and return to City Council with additional recommendations to address problematic vacant buildings (including commercial), such as developing stricter requirements for boarding, fencing, and securing properties, requiring a 24-hour hotline for constituent calls, or creating a residential vacant property registration program.

He provided an overview of Title 19, and spoke regarding the changes to W.H.M.C 19.20.240 – Construction Fence zone text amendment, W.H.M.C. 19.0 – Property Maintenance zone text amendment, Title 9 overview, Property Maintenance 9.60, Vacant Properties 9.64, and Construction Management 9.70.

Staff recommends deleting the entirety of the existing Chapter 19.30 and leaving in place a reference to the new property maintenance chapter to be found in Title 9. Additionally, a reference to Title 9 will be provided in the Art on Construction Fences section in order to ensure projects meet the requirements of their adopted construction mitigation plans, as well as the new requirements outlined in Title 9.

In Title 9, staff recommends creating three separate chapters, including property maintenance for developed properties, vacant properties, and a third chapter for construction mitigation. The property maintenance chapter (9.60) will be based on existing language in the Zoning Code but will be expanded to strengthen certain provisions and will include references to the California Health and Safety Code. Additionally, staff proposes to include specific conditions when a property may be deemed uninhabitable.

The proposed vacant properties chapter (9.64) consolidates and expands upon the language found in Chapters 19.30 and 7.24, thus creating a single location in the Municipal Code where vacant property standards can be found, rather than two separate code sections which are enforced by different means. The proposed Vacant Properties chapter creates a vacant property registration program, mandates the submittal of a Vacant Property Mitigation Plan, and places more onerous regulations on owners of vacant properties with the goal of encouraging owners to develop their properties faster or keep them inhabited, thus keeping them from becoming vacant in the first place.

The proposed construction mitigation chapter (9.70) outlines the requirements for projects under construction. Typically, all building permits require a construction mitigation plan, but requirements for these plans are not codified. This chapter will codify regulations that are already required by the City.

The commission questioned and requested clarification regarding community outreach.

Chair Carvalheiro opened the public hearing for Item 11.A.

The following chose not to publicly speak, but support staff's recommendation of approval: STEPHANIE HARKER, WEST HOLLYWOOD.

The commission had concerns regarding the interpretation regarding ground cover.

Staff stated they would look into a possible new definition.

The commission stated their support of the item.

ACTION: 1) **Adopt Resolution No. PC 19-1340 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE ZONING ORDINANCE TO RELOCATE THE REQUIREMENTS FOR PROPERTY MAINTENANCE, VACANT PROPERTIES, AND CONSTRUCTION MITIGATIONS FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER

FROM CHAPTER 19.30 TO A NEW PROPERTY MAINTENANCE CHAPTER FOUND IN CHAPTER 9.60 AND PROVIDE REFERENCE TO TITLE 9 IN THE ZONING ORDINANCE, WEST HOLLYWOOD, CALIFORNIA,” and 2) Close the Public Hearing for Item 11.A. **Moved by Commissioner Erickson, seconded by Commissioner Hoopingarner and unanimously passes.**

B. 972 N. San Vicente Boulevard:

Antonio Castillo, Associate Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 5, 2019.

He provided a history of the property stating the proposal is a request to redevelop the existing residential property with an approximately 8,300-square-foot, three-story, preschool above a one-level subterranean parking garage and pick-up and drop-off area. The preschool is designed with six classrooms to accommodate a maximum of 72 students.

The project was continued to allow the applicant an opportunity to address the Commission’s concerns regarding the drop-off and pick-up area, vehicular circulation and queuing, and noise.

Since the previous meeting, the building’s design remains substantially the same, except for revisions to the subterranean parking garage to reflect the Commission’s concerns and most recently, the elimination of the rooftop use.

The plans previously presented showed a bottleneck in the underground parking structure that prevented two vehicles from being able to drive up and down the base of the ramp simultaneously. Vehicles entering and exiting were expected to alternate as they approached the base of the ramp.

The previous ramp configuration constrained the clearances needed for the opposing vehicles to bypass each other without having to alternate.

The redesign allows the driveway ramp to be shortened, alleviating the bottleneck and increasing the pick-up and drop-off queue capacity to allow for up to 12 SUV-size vehicles – an increase of three vehicles in the queue.

The outdoor instructional spaces are designed to dampen sound by creating a cocoon of sound absorbing materials. The overhang caused by the cantilevered second floor covers over 70 percent of the outside surface area.

The applicant has redesigned the wall from six feet in height to ten feet around the side and rear perimeter.

The applicant is requesting a modification to reduce the width of two mechanical lifts from a standard 9 feet, for a space that is abutting an obstruction (column) to 8'-2", a total of 9% reduction.

He explained this modification was not addressed in the staff report, given that it was recently introduced along with the addendum parking sheet that was received earlier. Staff has reviewed the addendum and agrees with the revisions as a better solution for the layout that was previously included in the packets.

A revised draft resolution has been provided to include the modification request. That language is included in the revisions to Section 5 on page two of the draft resolution. The eight parking spaces within the 4 sets of lifts will only be for staff parking. Staff will be trained on the operation of the mechanical lifts.

In addition to increasing the drop-off and pick-up queuing capacity, the applicant added a third 30-minute pick-up and drop-off window to further relieve any vehicle congestion. The first time slot will begin at 8:00 a.m. and the third will end at 9:30 a.m. In the afternoon, the first time slot will begin at 3:00 p.m. and the third will end at 4:30 p.m. Additionally, an adult was added to the drop-off and pick-up rotation in the loading zone to assist the loading and unloading of children.

The applicant's traffic consultant conducted additional analysis to better understand the potential for vehicles entering the preschool to back up onto San Vicente Boulevard. The findings showed that the queue to drop-off and pick-up would not exceed nine vehicles. Therefore, the 12-car capacity underground allows more than adequate queuing for drop-off and pick-up to be contained on the property at all times.

Staff recommends Condition No. 8.6, requiring that the applicant provide a fourth 30-minute time slot for the drop-off and pick-up schedule in the event that the preschool queuing backs up onto San Vicente. Additionally, Condition 8.6 would require that when overflow parking occurs regularly, the operator will be required to secure additional off-site parking spaces.

Staff's stated that the project is thoughtfully designed and conforms to the West Hollywood General Plan. Specifically, General Plan Policy HS-1.11, encourages childcare facilities in new developments and allows childcare services in areas zoned for residential use. Additionally, the project meets the development standards for a non-residential building in a residential zoned site. The building is compatible with the scale, bulk, and mass of existing buildings in the vicinity and does not impair the integrity and character of the zoning district. As proposed and as conditioned, the required findings for the project can be satisfied.

Staff recommends that the Planning Commission approve the project request, as revised, subject to the findings and set forth in the draft resolution.

He recommended a revision to Condition 6.18 pertaining to encroachment permits and street parking. That would include eliminating the last sentence that references parking in the right-of-way. In doing so, the condition will not conflict with Condition 11.7 which prohibits construction workers from parking on any West Hollywood street.

The commission questioned the mechanical compact stackers and training. They requested clarification regarding drop off times, construction pedestrian routes, construction hauling routes and timelines, and safety of the cross walk.

Chair Carvalheiro opened the public hearing for Item 11.B.

NASIM PAHLAVAN, LOS ANGELES, applicant, presented the applicants report. She provided a history of the project, stating the concerns the commission had at the previous hearing regarding parking and acoustics. She spoke on the current redesign, including traffic concerns, on-site parking and circulation, parking structure, relocation of the trash bins, number of parking stalls, drop-off hours, and adult supervision.

DIANA SKIDMORE, WEST LOS ANGELES, Crain and Associates, continued the applicant's report. She spoke and detailed the traffic queuing data and analyses.

NASIM PAHLAVAN, LOS ANGELES, applicant, continued the applicants report. She spoke regarding acoustics, including additional wall height and sound plan simulation, neighborhood compatibility, parking and noise concerns.

The commission requested clarification regarding the traffic circulation study, turn lanes, enforcement of traffic impacts, required parking spaces, child safety, vehicle exhaust and mitigation, mechanical parking lift training, queuing impacts, and standard turn radiuses.

JASON KING, LOS ANGELES, Lorcan O'Herlihy Architects continued the applicants report. He spoke and detailed the design of the mechanical parking lifts and ventilation system.

Commissioner Buckner disclosed for the record she drives by the site several times a day.

Vice-Chair Bass disclosed for the record he made a site visit, and spoke to a neighbor. They discussed matters contained in the staff report.

Commissioner Altschul disclosed for the record he drives by the site several times a day.

Commissioner Jones disclosed for the record she spoke to members of the community. They discussed matters contained in the staff report.

Commissioner Erickson disclosed for the record he made a site visit, and spoke to members of the community. They discussed matters contained in the staff report.

Commissioner Hoopingarner disclosed for the record she made a site visit, and spoke to members of the community. They discussed matters contained in the staff report.

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

JON VISCOTT, WEST HOLLYWOOD opposes staff's recommendation of approval for the pre-school.

MIGUEL PADILLA, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

JACOB SHELLEY, WEST HOLLYWOOD spoke in support of staff's recommendation of approval for the pre-school.

ROBYNN NICHOLS, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

KRISTI MORAS, LOS ANGELES spoke in support of staff's recommendation of approval for the pre-school.

STEPHANIE HARKER, WEST HOLLYWOOD opposes staff's recommendation of approval for the pre-school.

CATHY BLAIVAS, WEST HOLLYWOOD had concerns regarding this item. She spoke regarding traffic circulation, and mechanical parking lifts, and vehicle exhaust.

The following chose not to publicly speak, but oppose staff's recommendation of approval for a pre-school: ANNETTE KAZMERSKI, WEST HOLLYWOOD.

IAN DICKINSON, LOS ANGELES, Lorcan O'Herlihy Architects presented the applicants rebuttal. He spoke regarding the construction staging; attendant training for the mechanical parking lifts, sprinkler system, vehicle exhaust ventilation, and structural design.

DIANA SKIDMORE, WEST LOS ANGELES, Crain and Associates, continued the applicant's rebuttal. She spoke and detailed traffic queuing and analyses, and school hours.

NASIM PAHLAVAN, LOS ANGELES, applicant, continued the applicants rebuttal. She further clarified traffic circulation and parking concerns.

The commission spoke favorably on the redesign and the effort the applicant put into the requested changes and concerns. They spoke regarding the need for early education and more schools in the West Hollywood area.

They discussed and had concerns regarding vehicle exhaust and ventilation issues, traffic impacts, noise, parking, drop-off and pick-up times, queuing on San Vicente Boulevard, mechanical parking lifts, and neighborhood compatibility.

Discussion was held regarding the modification, schematic design, and the possibility of reducing the parking. Stating the project does not appear to be complete, the possibility of a continuance was discussed.

Commissioner Jones would like to see this item come back to the Planning Commission if there are significant changes to the parking which would necessitate additional changes to the structure of the building, or the traffic flow. She would be amicable to a three, six, and twelve month review of parent/driver behavior, or any other concerns raised by the community.

Vice-Chair Bass reiterated staff's recommendation regarding Condition 6.18 pertaining to encroachment permits and street parking, which would include eliminating the last sentence that references parking in the right-of-way. In doing so, the condition will not conflict with Condition 11.7 which prohibits construction workers from parking on any West Hollywood street.

Commissioner Hoopingarner suggested if one school room was removed and the load was reduced from 72 students to 60 students that would reduce the parking requirements; which would significantly reduce the additional traffic.

Commissioner Hoopingarner moved to: 1) approve staff's recommendation of approval, 2) remove the modification; with additional language to the effect that the bottom level of the mechanical parking stack would be opened up for drop offs and to mitigate the additional back-up on the street.

The commission requested clarification regarding the modification request and parking stall dimensions. They questioned code enforcement procedures if Condition No. 8.10 is violated.

Commissioner Erickson requested an additional condition; a) prior to permits being issued, the applicant shall submit an air quality report regarding the garage ventilation by a certified party.

The applicant agreed to this added condition.

Discussion was held regarding the traffic report. Commissioner Hoopingarner requested the traffic report return to the Planning Commission, to allow members of the public to address any issues or concerns.

Lauren Langer, Assistant City Attorney, stated the following conditions will be amended as follows:

8.6) The operator shall provide a follow up traffic report to the ~~Director of Planning and Development Services~~ Planning Commission for review within three months of opening, six months of opening and one year of opening. This report shall also provide a summary of all incidents exceeding parking capacity in the garage or queuing onto San Vicente Boulevard. Should overflow parking occur regularly, the operator shall be required to secure additional parking spaces off-site through a parking use permit. Should queuing of vehicles on San Vicente Boulevard occur regularly, the operator shall modify the operation to make parking spaces available to parents and implement other options ~~or caregivers and implement other options~~, including, but not limited to providing an additional 30-minute time slot for drop-off and pick-up to the satisfaction of the ~~Planning Commission~~ Director.

8.7) The operator shall provide a follow up noise study to the ~~Director of Planning and Development Services~~ Planning Commission within three months of opening, six months of opening and one year of opening. These reports shall analyze noise using the same methodology used in the initial noise study. Should noise begin to create impacts, the operator shall modify the operation to the satisfaction of the ~~Planning Commission~~ Director.

8.8) The ~~Director of Planning and Development Services~~ Planning Commission shall review the scheduled traffic and noise reports to determine if the preschool's programming, operation, or conditions of approval need to be modified to minimize any disturbances on the adjacent residential properties and neighborhood. Should a determination be made that modifications may be necessary, a modification hearing will be scheduled in compliance with the West Hollywood Municipal Code. (CHPP)

11.1) The project shall be designed and constructed with a total of ~~eight~~ ten (10) parking spaces, including eight parking spaces within four pairs of mechanical lifts, ~~two~~ one standard space, and one van-accessible space.

6.18) An Encroachment Permit must be approved by the City Engineer prior to commencement of any activities affecting the public right-of-way. Prior to issuance of each Encroachment Permit, the applicant shall submit to the satisfaction of the City Engineer plans and details regarding the scope activities covered by the Encroachment Permit. ~~Any encroachment permit issued for the construction project other than for parking requires at least 72 hours advance planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets.~~

A condition will be added regarding the ventilation study.

Commissioner Hoopingarner requested the amended resolution return on Consent Calendar.

Lauren Langer, Assistant City Attorney stated the motion: 1) Direct staff to bring back a resolution of approval on Consent Calendar at the next Planning Commission meeting with the changes read into the record.

ACTION: 1) Bring back a resolution of approval with the changes read into the record on the next agenda of September 19, 2019 as a Consent Calendar item. **Moved by Commissioner Hoopingarner, seconded by Chair Carnevalheiro and passes, noting Commissioner Altschul and Vice-Chair Bass voting NO.**

12. NEW BUSINESS.

A. City of West Hollywood Census 2020 Complete Count Committee.

ACTION: 1) Elect John Erickson to the Census 2020 Complete Count Committee. **Moved by Vice-Chair Bass, seconded by Commissioner Jones and unanimously passes.**

13. UNFINISHED BUSINESS. None.

14. EXCLUDED CONSENT CALENDAR. None.

15. ITEMS FROM STAFF.

A. Planning Manager's Update. None.

16. PUBLIC COMMENT. None.

17. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Jones thanked Roy Huebner, John Altschul, David Aghaei and Sue Buckner for their leadership and mentoring.

Commissioner Erickson congratulated LA City Four for opening a new women's homeless shelter on Gardner Street in the City of Los Angeles.

B. Subcommittee Management.

Commissioner Jones stated she will be absent from the Long Range Planning Projects Subcommittee meeting on September 19, 2019.

- 18. ADJOURNMENT:** The Planning Commission adjourned in memory of the lives lost in the dive boat fire off of Santa Cruz Island at 9:15 p.m. to a regularly scheduled meeting on Thursday, September 19, 2019 beginning at 6:30 p.m. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 17th day of October, 2019 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY