



PLANNING COMMISSION MINUTES

January 31, 2000

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

1. CALL TO ORDER

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

A. Pledge of Allegiance

The Pledge of Allegiance was led by Martin Strudler.

B. Roll Call

Commissioners Present:

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

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Liz Bar-El, Associate Planner; Erika Fleming, Assistant City Attorney; Emmeline Elzin, Acting Assistant Planner; Tim Foy, Senior Planner, John Chase, Urban Designer; Bruce Robertson, Staff Assistant.

Others Present:

Bruce Jacobson, Zoning Ordinance Consultant

C. Approval of Agenda

Action: To approve the Agenda.

Motion: Crowe

Second: DeLuccio

Votes: All Ayes

Motion carried.

D. Posting of Agenda

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

2. PUBLIC COMMENT

- a. **Mark Lehman, West Hollywood**, asked that the Commission allow service stations with mini marts located at the rear of the property.
- b. **Ron Kates, Los Angeles**, supports Staff's wording in the proposed ordinance of section 19.72.030, nonconforming structures.
- c. **Jeanne Dobrin, West Hollywood**, opposes mini marts in service stations.
- d. **John Paul Drayer, West Hollywood**, expressed concern regarding city spending.

- e. **Todd Bianco, West Hollywood**, spoke in support of the proposed section, to be added to the zoning code, regarding yards and corner parcels.

3. CONSENT CALENDAR - None

4. EXCLUDED CONSENT CALENDAR

5. COMMISSION CONSIDERATION

A. Creative Sign Permit 99-13: 2 Wall Signs.
Applicant: Coffee Bean and Tea Leaf
Location: 8735 Santa Monica Boulevard
Planner: Timothy Foy
Recommendation: Approve the request subject to the findings and conditions in the proposed resolutions.

Mr. Foy presented the staff report.

Public Speakers

- a. **Mark Frank, Huntington Beach**, (Applicant) spoke regarding the design of the proposed sign.
- b. **Paul Goldman, Topanga**, (Applicant) made himself available to answer any questions the Commission might have.
- c. **Jeanne Dobrin, West Hollywood**, commented on West Hollywood sign regulations.

Action: To approve Resolution PC 00-277.
Motion: DeLuccio Second: Crowe

Altschul

- ◆ Does not find the proposed signage to be objectionable and supports allowing the applicant's proposal.

Roll Call:	Crowe	Aye
	Altschul	No
	DeLuccio	Aye
	Anderson	Aye
	Torgan	Aye
	Smith	Aye

Motion carried.

6. PUBLIC HEARING

ZONING ORDINANCE REVISION: Continuation of Public Hearing

Continue review of the proposed revised Zoning Ordinance. A discussion of regulations for home businesses is planned. In addition, the Commission may discuss any section of the Zoning Ordinance that is brought up by Commissioners, public or staff.

Location: City-Wide
Planner: Liz Bar-El; consultants Paul Crawford and Bruce Jacobson
Recommendation: Discuss and continue hearing until Thursday, February 17, 2000.

Commission Discussion on Bed & Breakfasts

Anderson

- ◆ Suggested changing the wording regarding the number of allowable lots to be 40 rooms and 4 lots on Urban Inns.
- ◆ Suggested changing the wording indicating that B & B's may include common areas to *recommend* that they include common areas.

The Commission agreed that the wording on Urban Inns being allowed with 40 units on 5 lots be re-examined to 40 units on 4 lots.

Torgan

- ◆ Recommended the wording be changed regarding Urban Inns requiring they meet the criteria of being on San Vicente as well as in an R3 and R4 and/or a commercial zone.

Ms. Bar-El presented the staff report on Home Occupations.

Public Speakers

- a. **Councilmember Steve Martin, West Hollywood**, commented on the definition of primary residences and on the importance of preserving the City's housing stock. Councilman Martin also commented that the City Council is currently looking at enforceable language to be included in the Municipal Ordinance as a way of protecting residential areas from noise and other nuisances coming from commercial uses.
- b. **Howard Jacobs, West Hollywood**, addressed the Commission as deputy to Mayor Pro Tempore Jeff Prang. Mr. Jacobs commented on commercial businesses encroaching the residential areas and noted that an item will soon be presented to the City Council prohibiting the use of a commercial business when it is within 1000' of a residential area. Mr. Jacobs also encouraged the implementation of an administrative permit process, regarding home based businesses.
- c. **Grafton Tanquary, West Hollywood**, opposes opening businesses to visitors and expressed the importance of maintaining the housing stock, within the city.

- d. **Paul Deangelis, West Hollywood**, commented on home based businesses currently being operated on Rangely Avenue.
- e. **John Paul Drayer, West Hollywood**, feels the code could be more restrictive and commented on primary residence definitions.
- f. **Bob Bishop, West Hollywood**, spoke about home operated businesses on Kings Road and opposes expansion of the current ordinance.
- g. **Barbara Hamaker, West Hollywood**, supports some uses of home based businesses.
- h. **Jeanne Dobrin, West Hollywood**, read letters opposing home bases businesses in residential areas and opposes an additional administrative permit process.
- i. **Michael Mahvrin, West Hollywood**, opposes allowing home based businesses in high density residential areas.

Commission Discussion

Home Based Businesses

Torgan

- ◆ Supports the administrative permit process for determining some criteria of home based businesses.

Anderson

- ◆ Expressed that the Commission should look at home based businesses that negatively impact the neighborhood as opposed to home bases businesses in general.
- ◆ Supports being more restrictive in multi-family and condominium structures than in single family dwellings.
- ◆ Supports excluding employees such as nannies and personal assistants, from home based business restrictions.

DeLuccio

- ◆ Supports defining primary residence in the code.
- ◆ In favor of placing distance between commercial and residential zones.
- ◆ Supports limiting the number of deliveries allowed.
- ◆ Allowing employees in residential zones should be treated equally in all zones throughout the city.

Smith

- ◆ Supports prohibiting commercial intrusion within 100' feet.
- ◆ Feels visitors and employees should not be allowed in home businesses.
- ◆ Supports tightening the code to allow for more effective enforcement.

Altschul

- ◆ The code should be less restrictive rather than more.
- ◆ Supports limiting the number of employees.
- ◆ Supports some home based business allowances.

Crowe

- ◆ In favor of tightening the ordinance.
- ◆ Supports limiting/eliminating employees
- ◆ Supports Mayor Pro Tempore Prangs suggestion of limiting the distance between commercial and residential uses.
- ◆ Supports Councilmember Martin's suggestion of creating a more clear definition of a residential use facility.
- ◆ Emphasized the code must be enforceable and understandable, and is in favor a more restrictive approach to the ordinance. Proposed going back to existing language.

Chair Smith questioned Staff regarding the pros and cons of adopting an administrative permit process.

Mr. Jacobson explained that requiring a permit for a home based business would not assist the City in enforcement of the ordinance, as the code presently stipulates that any operation permitted in the city must comply to the standards in the code. Mr. Jacobson also pointed out that section 19.36.140 subsection C2 requires that allowable businesses not create any noise or nuisance other than that which is normal in a residential area.

Commissioner DeLuccio asked Mr. Jacobson's opinion regarding allowing visitors and how this issue is handled by other cities.

Mr. Jacobson commented that cities generally disallow visitors who are not part of the family and do not allow client visits. Regarding deliveries, most cities do not allow freight deliveries other than that which is considered normal, such as mail or UPS.

Commissioner Crowe posed the question regarding tightening the code in multi-structure residences but not to single or duplex home residences?

Mr. Jacobson responded that enforcement once again would become a problem but also stated that impact would be less in a lower density situation than in a high density structure. Mr. Jacobson also stated that once the code defines a residence and home based business, enforcement will become more clear.

Distance The Commission directed Staff to restrict commercial businesses within 100 yards of a residential zone (300 feet).

Employees

Torgan

- ◆ Recommends changing subsection C4 to allow one employee in a single family residence or duplex with an administrative permit.
- ◆ Also in favor of adding Home Health Care to the list of nonregulated uses, under this section.

Smith

- ◆ Would prefer that no employees be allowed.

Anderson

- ◆ Supports allowing one (1) part time employee of less than 30 hours.

DeLuccio

- ◆ Prefers not allowing employees, but suggested if employee are allowed, the code should be equitable throughout all city zones.

Altschul

- ◆ In favor of allowing one (1) employee, and supports restricting it to 30 hours.

Crowe

- ◆ Feels that if a business grows to such a point as to needing employees it should seek office space in a commercial zone.

Action: To allow one (1) employee with off-street parking to be provided by the employer.

Motion:	Altschul	Second:	Anderson
Straw vote:	Crowe		No
	Altschul		Yes
	Smith		No
	DeLuccio		No
	Anderson		Yes
	Torgan		No

Motion failed.

Action: To change operating standard subsection C4 to allow one (1) employee in a single family dwelling unit or duplex with an administrative permit.

Motion:	Torgan	
Straw vote:	Crowe	No
	Altschul	No
	Smith	No
	DeLuccio	No
	Anderson	Yes
	Torgan	Yes

Motion failed.

Action: To allow zero (0) employees in a residential zone.

Motion:	Smith	
Straw vote:	Crowe	Yes
	Altschul	No
	Smith	Yes
	DeLuccio	Yes

Anderson No
Torgan No

Motion failed.

Action: To allow the existing ordinance to remain as it presently reads, with the added amendment of limiting commercial uses within 100 yards of a residential zone. Also to be added shall be the definition a primary residence, and to broaden subsection C7 to allow for deliveries such as UPS, USPS and messengers.

Motion: Crowe Second: DeLuccio
Straw vote: Crowe Yes
Altschul Yes
Smith Yes
DeLuccio Yes
Anderson Yes
Torgan Yes

Motion carried.

Mr. Jacobson recommended to the Commission that at the conclusion of the Commission's straw votes and clarifications, Staff would return with clarified language, based on recommendations offered at tonight's hearing, with regards to home based businesses.

Mansionization

Public Speakers

- a. **Martin Strudler, West Hollywood**, supports a .6 FAR but would prefer a .5 FAR, and suggested bringing neighborhood housing scales and streetscapes into synch.
- b. **Jeanne Dobrin, West Hollywood**, supports limitations on house sizes.

Action: To restrict Mansionization by requiring front and side (three foot) setbacks for second story additions with the allowance of exemptions for exemplary designs as determined by the City's urban designer.

Straw vote: Crowe Yes
Altschul No
Smith Yes
DeLuccio Yes
Anderson Yes
Torgan No

Motion carried.

Residential Mixed Use Bonus

The Commission concurred with Staff's recommendations.

Yards & Corner Parcels

The Commission concurred with Staff's recommendations.

Landscape and Irrigation

The Commission concurred with Staff's recommendations.

Parking and Loading

Shopping Centers

Altschul

- ◆ Recommends increasing the parking requirement for this use.

Torgan

- ◆ Suggests the parking requirement, for new construction, should be 5 per 1000.

It was the consensus of the Commission that the parking requirement for existing shopping centers would be grandfathered but that any new centers would be required to meet the new parking requirement.

Compact Parking

The Commission concurred with Staff's recommendations.

Public Speaker

- a. **Jeanne Dobrin, West Hollywood**, feels the standard for compact parking should be lowered.

Residential Parking

Altschul

- ◆ Recommends allowing circular driveways for properties that are 70' in length.
- ◆ Feels the language should be changed to *semi-circular driveway*, and suggests the curb cut be built into the code.

Torgan

- ◆ In favor of removing the width restriction as long as the interior is landscaped.

Crowe

- ◆ Supports the 70' length.

Public Speaker

- a. **Jeanne Dobrin, West Hollywood**, concurs with Commissioner Crowe's suggestion of 70'.

It was the consensus of the Commission to allow front-yard parking on circular driveways on lots of 70' minimal frontage with two (2) curb cuts.

Hotel Loading Spaces

The Commission concurred with Staff's recommendations.

Outdoor Dining

The Commission concurred with Staff's recommendations.

Altschul

- ◆ Recommends that the fee charged for outdoor dining space be increased.

Service Stations/Mini Marts

Public Speaker

- a. **Jeanne Dobrin, West Hollywood**, opposes mini marts in service stations.

Torgan

- ◆ Recommends removing section 13A (limit on location).
- ◆ Suggests reducing subsection B to be limited to 500' or 10%, whichever is less.
- ◆ Proposes eliminating section C1 but keeping C2.

Mr. Jacobson suggested that if the Commission desires to keep Section C, the Commission might retain the right to waive this requirement for existing stations.

DeLuccio

- ◆ Suggested limiting alcoholic beverages to be beer and wine only.

It was the consensus of the Commission to eliminate restrictions on location of mini-markets, to allow a maximum floor area of 500 square feet, and to limit alcohol to beer and wine sales.

Extended Hours Operation

The Commission concurred with Staff's recommendations.

Vehicle Sales/Rentals

Altschul

- ◆ Questioned the Code's prohibition of vehicle repair and maintenance.

The Commission directed Staff to revise the Code to allow warranty and repair work.

Cultural Heritage Preservation

The Commission concurred with Staff's recommendations.

Non Conforming Uses

Ms. Bar-El presented background on Non-Conforming Uses.

The Commission concurred with Staff's recommendations.

Action: To continue the public hearing to a date uncertain, to be set by the Chair in consultation with Staff.

Motion: Smith Second: DeLuccio

Votes: All Ayes Motion carried.

7. PUBLIC COMMENT

- a. **Paul Jacobs, Marina Del Rey**, requested direction from the Commission on the Marlboro sign.
- b. **Jeanne Dobrin, West Hollywood**, suggested keeping the public hearing open to allow for additional public comments.
- c. **Richard Giesbret, West Hollywood**, recommends allowing 42" fence/hedge heights in front yards.
- d. **Dan Seigel, West Hollywood**, supports residents rights to have hedges/fences and feels this right should not be diminished.

8. ITEMS FROM COMMISSIONERS - None

9. ITEMS FROM STAFF

Lisa Heep

- ◆ Staff to approach Council on February 7, 2000, requesting they hold a study session on off-site advertising, (tallwalls, jumbotrons billboards, etc.), and would recommend that the Commission be included as a part of this study session. The suggested date for this session will be March 6, 2000.

Ray Reynolds

- ◆ The Business License Commission will hear an appeal, from the Argyle Hotel, of a denial of application on Tuesday, February 1, 2000.

10. ADJOURNMENT

Action: To adjourn to the next regular meeting of the Planning Commission on February 3, 2000, at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Altschul Second: Crowe

Votes: All Ayes

Motion carried.

PASSED, APPROVED AND ADOPTED THIS DAY OF February 3rd, 2000.

CHAIRPERSON: Steph A. Jones

ATTEST:
COMMUNITY DEVELOPMENT DIRECTOR: Raymond [Signature]