



PLANNING COMMISSION MINUTES

February 17, 2000

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

1. CALL TO ORDER

David Behr was sworn in by Lisa Heep in the presence of Councilmember Guarriello.

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 Sal Guarriello.

B. Roll Call

Commissioners Present:

John Altschul, Liz Anderson, David Behr, Brad Crowe, Donald DeLuccio, Steve Smith

Commissioners Absent:

Bradly Torgan

Staff Present:

Ray Reynolds, Community Development Director; Lisa Heep, Planning Manager; Erika Fleming, Assistant City Attorney; John Keho, Senior Planner; Tim Foy, Senior Planner; Liz Bar-EI, Associate Planner; Elinor Aurthur, Contract Planner; Bruce Robertson, Staff Assistant; and Jennifer Diaz, Administrative Staff Assistant .

C. Approval of Agenda

Action: To remove the minutes of February 3, 2000 from the Agenda and approve the Agenda as amended.

Motion: Crowe Second: Altschul

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. **Steve Martin, West Hollywood**, spoke on home occupations and the concerns of the City Council in protecting the housing stock and to encourage people to telecommute, but not to occupy houses for business purposes. He also commented on use of storage space .

- b. **Jeanne Dobrin, West Hollywood**, spoke on home occupations and people who are abusing the use of housing for the operation of businesses.

3. CONSENT CALENDAR - None

A. Minutes – January 31, 2000

B. Creative Sign Permit 00-01: Continue the item to March 2, 2000 Planning Commission meeting.

C. Conditional Use Permit 99-24 and Parking Use Permit 99-07: Approve the revised resolution to deny the request with prejudice.

Action: To approve the Consent Calendar as amended.

Motion: DeLuccio Second: Anderson

Votes: All Ayes Motion carried, noting the abstention of Behr

4. EXCLUDED CONSENT CALENDAR

5. COMMISSION CONSIDERATION

6. PUBLIC HEARING

A. Development Permit 99-54 & 99-55, Demolition Permit 99-15 & 99-16, Modification of Standards 00-01 & 00-02, Variance 00-01 & 00-02, Major Conditional Use Permit 99-32 & 99-33, Temporary Tract Map 99-03 & 99-04, Request for parking reduction: Construct two 3-unit condominium buildings on adjacent lots (6 units total).

Applicant: Q.E.S., Inc.

Location: 930-38 Hilldale Avenue

Planner: Timothy Foy

Recommendation: Continue the item to the March 2, 2000 Planning Commission.

B. Conditional Use Permit 99-30: To permit installation of a rooftop wireless telecommunication facility.

Applicant: Pacific Bell Wireless

Location: 7900 Santa Monica Boulevard

Planner: Elinor Aurthur

Recommendation: Approve the request subject to the findings and conditions in the proposed resolution.

Ms. Aurthur presented the staff report.

Crowe

- ◆ Asked about the provisions when the billboards are removed.

- ◆ Inquired about co-locating with other carriers

Altschul

- ◆ Inquired about other locations of Pacific Bell facilities

Behr

- ◆ Inquired about the criteria used for choosing buildings for this particular project.

Ms. Aurthur informed Mr. Crowe that billboards cannot be reconfigured but can possibly be removed, however, there is a condition requiring the applicant to return to the Community Development Department with plans to disguise the antennas if the billboards were removed.

The Applicant's report presented by Pete Shubin for Pacific Bell Wireless.

Citizen Comments:

- a. **Sue Elkind, West Hollywood**, speaking on behalf of her business, City Yoga, which occupies the building, and other members of the community who use her facility. She does not support the installation of the rooftop wireless facility because of her concern with health issues.

Rebuttal of Mr. Shubin: He informed the board that Pacific Bell did not choose the Whole Foods Market across the street because they were not able to secure a lease there or at any other building in the area that meet the requirements for locating antennas for the purpose of providing service. He informed the members that Pacific Bell was not able to co-locate with another carrier because of space and expansion issues. He also stated that the height of a building is a factor when choosing a site in order to provide transmission service.

Action: To accept the staff report as amended.

Motion: Crowe Second: Deluccio

Votes: All Ayes Motion Carried

C. Conditional Use Permit 99-31: To permit installation of a rooftop wireless telecommunication facility.

Applicant: Ranee Pregler for AT&T Wireless

Location: 8797 Beverly Boulevard

Planner: Elinor Aurthur

Recommendation: Approve the request subject to the findings and conditions in the proposed resolution.

Ms. Aurthur presented the staff report.

The applicant's report presented by Paul Novak for AT&T Wireless.

Crowe

- ◆ Informed the applicant that the commission will determine whether or not to approve the request based on the recommendation of the staff, not on the arguments of the applicant's interpretation of the Code.

Altschul

- ◆ Asked Ms. Fleming to comment on the procedural problem that the applicant is addressing

Erika Fleming

- ◆ Stated that the Commission's review of the aesthetics regarding the placement of the proposed facilities should be reviewed similarly as in the structure of other uses that impose the same impact and that consistency is important.
- ◆ Stated that the applicant might be trying to make an interpretation of the code because of the height and vocational restrictions.

Ms. Aurthur clarified the two parts of the code in question regarding the height limit and the set back of rooftop mechanical equipment, which includes wireless antennas. In this particular zone the height limit is 35 feet.

Action: To close the public hearing.

Motion: Crowe Second: Altschul

Votes: All Ayes Motion Carried

Action: To approve the proposed Resolution.

Motion: Crowe Second: Anderson

Votes: All Ayes Motion Carried

D. ZONING ORDINANCE REVISION: Continuation of Public Hearing

Location: City-Wide

Planner: Liz Bar-El; consultants Paul Crawford and Bruce Jacobson

Recommendation: Hold discussion on home businesses and non-conforming structures and continue the public hearing.

Ms. Bar-El presented the revisions in the Zoning Ordinance.

Discussion on section 19.36.140 – Home Businesses:

DeLuccio

- ◆ Asked that the word "personal assistant" be added in section 6.b.

Behr

- ◆ Commented that the handy craft should be non-noise generated.
- ◆ Asked what kind of complaints have been received that generated noise from people's hobbies.
- ◆ Requested a copy of the Elections Code regarding the definition of a persons residence, and/or as defined by the IRS. Also suggested that the definition be included in the ordinance.

- ◆ Stated that, in section C.6., there should not be employees allowed because of the possibility of an injury occurring to the employee while on the premises which will result in a lawsuit against the owner of the property instead of the employer.

Smith

- ◆ Agreed with the non-noise handy craft.
- ◆ Agreed with changing the wording in section C.3. regarding a legal structure.
- ◆ Questioned section C.8. in regards to the volume of vehicle traffic.

Altschul

- ◆ Commented on his approval of the option to add "small manufacturing such as handicrafts and sewing under section A.1.
- ◆ Recommended to use an alternate word other than manufacturing.
- ◆ Stated that he felt section C.7., client visits, is unreasonable.

Crowe

- ◆ Commented on the decimal readers to measure noise when complaints are received.
- ◆ Stated that in section C.7., a person will not be able to distinguish between a client and guest, however, keeping the section in the code will allow code compliance to approach a person about heavy foot traffic on their premises.
- ◆ Stated his opinion of section C.6. which would be not to allow employees or clients. This would help Code Enforcement to have a solid ground when informing someone of a violation.

Anderson

- ◆ Questioned the primary residence as defined in the Elections Code (as in C.1).
- ◆ Spoke on C.3, Location of home business, and the interpretation regarding a legal structure.

Ms. Heep

- ◆ Also agreed with the non-noise handy craft.
- ◆ Stated that there was a complaint from noise made by saws from a woodworking hobby.

Ms. Bar-EI

- ◆ Stated that the language should include the effect that the handicrafts tools have to meet operational criteria to include noise level issues.
- ◆ Stated that she will change the wording of "manufacturing" to handicrafts and sewing machines.
- ◆ Will return with language in section C.3. regarding a home business in a residential zone versus a person telecommuting as an employee of another business but not for their own personal business.
- ◆ Recommended, for section C.6.a., the wording should include "the prohibition on employees applies only to the home business".

Ray

- ◆ Also stated that most of the complaints had to do with electric saws.
- ◆ Stated that they will return to the Commission on section C.1 in regards to the definition of residence.
- ◆ Will return with Code Compliance personnel to speak on how complaints are handled.

Ms. Fleming

- ◆ Explained, in C.6., what the City will allow in the code and what the property owner allows in a lease and the code will not pre-empt what is stated in a lease. The code will not amend restrictions that are present in leases or CCNR's.

Discussion on Non-conforming Structures:

Crowe

- ◆ Stated the redundancy of the word "any" in the paragraph under the title "Section 19.72.030.B.
- ◆ Asked how would the City assure the design expertise as to permit requirements of the re-building of structures.

Ms. Bar-EI

- ◆ Stated the language discussed at a previous meeting included meeting design criteria and guidelines, which are stated in the new code.

Ms. Heep

- ◆ Re-iterated the discussion of non-conforming structures from the previous meetings.

Citizen Comments:

- Jeanne Dobrin, West Hollywood**, spoke in opposition of businesses operating on residential property. She also asked the Commission to consider, in section 6.a. Allowed employees, to include working hours shall only be allowed Monday through Friday and not on Saturday, Sunday and holidays.
- Chris Massey, Santa Monica**, representing Infinity Outdoor formerly Outdoor Systems. Infinity Outdoor is proposing an amendment to the Sunset Specific Plan, which encourages more creative, semi permanent billboards, in that the proposed amendment is supportive by recognizing the value that the landmark represents to the city.
- Roberta Sponsler, Glendale**, representing Infinity Outdoor. Spoke in opposition of the proposed amendments in the Zoning Ordinance which will impose a six month limitation on creative billboard permits.
- Paul Jacobs, Marina Del Rey**, representing Infinity Outdoor. Spoke on proposing an ordinance which would allow Infinity Outdoor to have a billboard at

the Marlboro billboard location without having the restrictions proposed in the Zoning Ordinance.

- e. **Rod Lucio, La Habra**, representing Chevron Corporation. Spoke in support of the proposed amendment to allow convenient stores in the City. He also informed the board of the new Chevron convenient stores.

Discussion on the Marlboro Billboard

Ms. Heep

- ◆ Stated that the applicants were informed about how to process the proposal.
- ◆ Clarified that a permit was approved for a three-dimensional beer bottle with a permit valid for six (6) months.

Ms. Fleming

- ◆ Clarified the role of the staff in that a legal review was not done on the proposed ordinance, but the commissioners could direct staff to conduct a report if the commission wanted additional information.

Crowe

- ◆ Opposed the amendment. He stated the amendment did not have a good professional analysis of the site included with the application.

Behr

- ◆ Stated his concern with including the proposed ordinance in the code.

Altschul

- ◆ Stated that he was appalled at the deception in reference to the Marlboro man. He informed the representatives that there is a process for applying for a zoning text amendment and the process does not include attending a commission meeting and boot strapping themselves into a creative sign and not explaining their plans in a one page short synopsis.

DeLuccio

- ◆ Agreed that the amendment presented to the commission was very vague. He recommended that staff outline subjects to discuss at the study session with the City Council.

7. PUBLIC COMMENT

8. ITEMS FROM COMMISSIONERS - None

The Commissioners welcomed David Behr back on the commission.

Altschul

- ◆ Announced that on February 22nd at 2:00 p.m. the League of Women Voter's will

