



**PLANNING COMMISSION MINUTES**

**March 2, 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 6:35 p.m. by Chair Smith.

**A. Pledge of Allegiance**

The Pledge of Allegiance was led by John Chase.

**B. Roll Call**

Commissioners Present:

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

Commissioners Absent:

None.

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-El, Associate Planner; and Jennifer Diaz, Administrative Staff Assistant.

**C. Approval of Agenda**

**Action: To approve the Agenda.**

The agenda was deemed approved by Chair Smith with no objection from the Commissioners.

**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**

**3. CONSENT CALENDAR - None**

**A. Minutes – February 3, 2000**

**Action: To approve the minutes of February 3, 2000**

Motion: DeLuccio

Second: Altschul

Votes: All Ayes

Motion carried, noting the abstention of Behr

**ITEM 3.A**

**B. Minutes – February 17, 2000:**

**Action:** To approve the minutes of February 17, 2000

**Motion:** DeLuccio                      **Second:** Altschul

**Votes:** All Ayes                      **Motion carried,** noting the abstention of Torgan

**C. Conditional Use Permit 2000-01:** To permit one (1) wall sign, one (1) roof sign, and one (1) pole sign.

**Applicant:** Nita Casar

**Location:** 8912 Sunset Boulevard

**Planner:** John Chase

**Recommendation:** Continue the public hearing to a later date yet to be determined.

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**4. EXCLUDED CONSENT CALENDAR**

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**5. COMMISSION CONSIDERATION**

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**6. PUBLIC HEARING**

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**A. Development Permit 99-05 & 99-55, Major Conditional Use Permit 99-02; Minor Conditional Use Permit 99-06:** To remodel and intensify the use of Park Sunset Hotel.

**Applicant:** Park Sunset Hotel

**Location:** 8462 Sunset Boulevard

**Planner:** Hassan Haghani

**Recommendation:** Continue the item to the March 16, 2000 Planning Commission.

**B. Development Permit 99-54, , 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:** Approve the request subject to the findings and conditions in the proposed resolution.

Mr. Foy presented the staff report.

**Anderson**

- ◆ Recused herself from the hearing.

**Crowe**

- ◆ Questioned why the variance is now required

Mr. Foy confirmed that there are two aspects to the variance which involve the rear garage and living space of the units. The variance includes a garage, which encroaches 3 feet, and the second variance includes the garage and living space with a 2 foot side yard within the boundaries of the project.

**Behr**

- ◆ Questioned the maximum set back in the zoning ordinance.

**DeLuccio**

- ◆ Questioned the maximum height in the R2.

**Smith**

- ◆ Stated that Commissioners Crowe, DeLuccio and Smith have looked at the project for design issues for the Design Review Committee.

The Applicant's report was presented by Eric Leberman, Q.E.S Inc. of Van Nuys.

**Altschul**

- ◆ Asked the representative if the application to the Department of Real Estate will have one or two homeowners association.

Mr. Leberman stated that there would be two unless the applicants can do one over the two lots and there will be language in the CCNR's that will require cooperation between the two owners.

Citizen Comments:

- Gerardine Patrick, West Hollywood**, stated that the construction will impose a severe parking problem for the street.
- Pat Noonan, West Hollywood**, spoke in opposition of the item due to the existing parking problem.
- Carolyn Townsend, West Hollywood**, testified to the parking problem on Hilldale and is in opposition of the project.
- Susan Emmanuelle, West Hollywood**, spoke in opposition of the project, the additional parking problems the construction will bring and the inappropriateness of the proposed unit.
- James Slawosky, West Hollywood**, spoke in opposition of the project and about the parking problem. He also stated that the construction will be dangerous for the children walking to school.
- Barry Berfield, West Hollywood**, stated that the parking on Hilldale is a major issue and residents will have to walk a long way if they have to park elsewhere during construction.
- Jeanne Dobrin, West Hollywood**, spoke on the parking dilemma on Hilldale and how dangerous it will be for residents to park and walk from other streets

**Rebuttal of Mr. Leberman:** Recognized that the parking condition is of great concern. He also clarified that the extra room is intended as an office or den and not a living space. The request of reduction in parking is not the intended use but the interpretation of the code.

**Altschul**

- ◆ Asked if it is the applicant's intent to include in a restriction in the CC&R that the room cannot be used as a bedroom.

Mr. Leberman stated that a restriction will be included in the CCNR if the Commission deems it necessary.

**Crowe**

- ◆ Asked if the applicant's language is stating that the small room in the units will not be used as a bedroom.

**Deluccio**

- ◆ Questioned the estimate square footage of the room.

**Behr**

- ◆ Questioned if the variance was a technicality because of the connecting garages.

**Altschul**

- ◆ Questioned if guests can park in the driveways.

Mr. Foy clarified that the rooms are not intended for living space and there is no bathroom attached to them. He also stated that each unit has two parking spaces in a separate closed garage off the street; the square footage of the extra rooms are about 100 square feet; and the two rear units will be able to have guests park in the driveway, but the front units will not.

**ACTION: To close the public hearing.**

Motion: Altschul      Second: Behr

The public hearing was closed with no objection from the Commissioners.

**Crowe**

- ◆ Stated that the issue of size and scale of garages need to be discussed. He commented that the project had been before the Design Review Committee a few times and touched on the discussions held of different design renovations regarding the parking. The conclusion is presented in the report and although the zoning code allows what is being proposed, he believes the size of the garage needs to be discussed further.

**Altschul**

- ◆ Agreed with Comm. Crowe and believes that the variances and modifications are reasonable.

### **Smith**

- ◆ Stated that he cannot object to the project because it is providing double the parking space.

### **Torgan**

- ◆ Stated that he doesn't think a variance is appropriate because of the high water table, which might affect the entire block, and the side by side lot is not unique to the property and will cause other request's based on individual designs. He also commented on the implementation of conditions in the resolution regarding certain periods of the construction, should the commission approve the project.

### **Deluccio**

- ◆ Stated that he feels the developers did a good job in preserving character and he sympathizes with the neighbors but there are good reasons for going forth with the project and it will increase the housing stock.

### **Crowe**

- ◆ Commented on the findings of the variance and suggested to add shape to section 7, item a. (page 5). He also advised the Commission of the problems with underground parking.

### **Behr**

- ◆ Stated his concern with the variance and asked if the ground water is severe enough to prevent subterranean parking.

Mr. Foy stated that subterranean parking is expensive and will double the cost.

### **Erika Fleming**

- ◆ Suggested that since the tentative tract map doesn't show the line in question then the commission should wait for additional information that will define the shape and math of the lot and base a finding upon the facts contained therein since that is the information that will be recorded. The definition of special circumstances was also clarified with regards to the ground water issue.

Mr. Foy suggested moving the garage 18 inches in would mean the approval of the Modification of Standards without the need for variance findings.

Mr. Reynolds addressed the concerns of Comm. Torgan with regards to the construction. He informed the Commission that a team will be monitoring the construction as well as traffic and noise.

### **ACTION: To accept the staff recommendation as amended.**

Motion: Altschull            Second: Crowe Motion:

Votes: All Ayes            Motion Carried

Commissioner Anderson re-joined the forum.

**C. Conditional Use Permit 99-34 and Modification 2000-05: Modification of Service Station Design Standards and Conditional Use Permit Amendment to allow a third driveway into the service station from Santa Monica Boulevard.**

**Applicant:** Mark Lehman

**Location:** 8380 Santa Monica Boulevard

**Planner:** John Keho

**Recommendation:** To deny the request.

Mr. Keho presented the staff report.

Terry Slimmer, Transportation Manager, was available for questions.

The applicant's report was presented by Mark Lehman.

**Torgan**

- ◆ Asked if the commission had the authority to create a non-conforming use by changing the CUP.

**Mr. Keho**

- ◆ The design standards for service stations has a condition that will grant the Planning Commission the ability to waive or change standards for existing stations.

**Deluccio**

- ◆ Asked how wide the frontage is on Santa Monica Blvd., and how wide the driveways are.

**Mr. Keho**

- ◆ Estimated the frontage to be about 180 ft., and the driveways are 35 ft. and 18 ft. The code allows 30 feet.

**Behr**

- ◆ Stated that he observed the station over the weekend and there are obvious problems with the vehicles trying to maneuver in and out of the station.

Citizen Comments:

- Jeff Griffin, Los Angeles**, Trustee of Trust, stated that when the center driveway was put in he was informed that the driveway would stay. He also stated that the center driveway is necessary due to pedestrian safety and the impact it is presenting to the station.
- Casey Korshani, Woodland Hills**, Mobil attendant, spoke in support of the center driveway. He commented on the hardship caused by the closure of the driveway which include the decrease in customers, accidents that have occurred and the complaints received.
- Byron Clark, West Hollywood**, spoke in support of opening of the driveway due to the great inconvenience the closure has caused.

- d. **Gary Shelton, West Hollywood**, Customer of the Mobil station, spoke in support of the opening of the center driveway.
- e. **Cynthia MacAdams, West Hollywood**, Customer of the Mobil station, spoke on the problem with getting in and out of the station without the center driveway and supports the project.
- f. **Bill Dunn, West Hollywood**, Spoke in support of the project and stated that the traffic is worse and as a pedestrian, the traffic has become very dangerous without the center driveway.
- g. **Diane DeMarco, West Hollywood**, Mobil customer, spoke in support of the project.
- h. **Howard Sandwell, Los Angeles**, stated the closure of the center driveway is causing hardship to the customers and to the station.

**Erika Fleming**

- ◆ Commented on the purpose of the off-site covenant by off-site property owner. It allows the city to go onto the property of another party to perform some kind of public improvement. The center driveway does not constitute a non-conforming use.

**Altschul**

- ◆ Asked if there was an analysis of the new proposal from the applicant

**Crowe**

- ◆ Stated that the new proposal merits consideration.

**DeLuccio**

- ◆ Agrees with the other Commissioners in considering the applicants new proposal and tabling the item.

**Action: To continue the public hearing.**

Motion: DeLuccio      Second:      Crowe

Votes:      All Ayes      Motion Carried

**D. Conditional Use Permit 99-35:** *To permit a rooftop wireless telecommunication facility.*

**Applicant:** *Thomas Gorham for Sprint PCS*

**Location:** *8800 Sunset Boulevard (Ticketmaster)*

**Planner:** *Liz Bar-El*

**Recommendation:** *Applicant withdrew application on February 24, 2000.*

**E. ZONING ORDINANCE REVISION:** *Continuation of Public Hearing.*

**Location:** *City-Wide*

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

**Recommendation:** *Approve the resolution recommending approval of the public hearing draft as amended.*

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

**Behr**

- ◆ Commented on section 19.26.40.c (page 9), regarding canopy trees and the absence of a provision to allow any building on a property. He stated the problem with the paragraph is that there are five provisions that have to be met in order to cut down a tree.

**Ms. Bar-EI**

- ◆ Suggested the wording be changed from “between the house and the front property wise” to “within the front set back area”.

Citizen Comments:

- a. **Jeanne Dobrin, West Hollywood**, commented on page 138 regarding measures for real estate signs. The correct measurements should be 30 square inches, 2 ½ x 12. Also commented on home occupations and the allowed music lessons and the issue on employees.

**ACTION: To close the public hearing**

Motion: Altschul                      Second: Crowe  
Votes: All yes                          Motion Carried

**ACTION: To move the Resolution**

Motion: Altschul                      Second: Crowe  
Votes: All Ayes                          Motion Carried

The Commission discussed and clarified the changes in the Zoning Ordinance as presented in the staff report.

**Behr**

- ◆ Questioned item 4 on page 4 regarding the intersections of Fairfax and Fuller and how the streets change at item 6 to Crescent Heights and Genesee. The height limit needs to be marked on a map or made clearer in the text.

**Ms. Bar-EI**

- ◆ Stated the bonuses came from the general plan; The text will need to be consistent with the General Plan and a map will be added.

**Behr**

- ◆ Commented on the shop incentive and suggested a reduction of percentage square footage of restaurant space allowed.

**Ms. Bar-EI**

- ◆ Clarified the language to state: The shopping center can be up to 50% of uses other than retail such as personal services and not more than 25% of the total area can be restaurant space.



**Torgan**

- ◆ Suggested an amendment in section 19.34.100 page 3-149 in that the commission authority extend tall walls in one of three instances: 1. If the permit is in a location where no tall wall has ever existed before; 2. Where no tall wall has been permitted for at least 120 days prior to the application; and 3. Where the image area would increase by more than 15% or greater from that immediately proceeding, and treat as a conditional use permit.

**ACTION: Call the question**

Motion: Crowe

Votes: All Ayes      Motion carried

Roll Call

Crowe	Aye
Altschul	Aye
Deluccio	Aye
Anderson	Aye
Behr	Abstain
Torgan	Aye
Smith	Aye

Motion carried

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**7. PUBLIC COMMENT**

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a. **Jeanne Dobrin, West Hollywood,** complimented the commission on revising the ordinance.

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**8. ITEMS FROM COMMISSIONERS**

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**Torgan:** Commented on the new signage in the shopping center.

**Behr:** Congratulated the commissioners on their process of revising the ordinance.

**DeLuccio:** Thanked the staff for updating the status report.

**Altschul:** Also thanked and congratulated the commission and Liz on the rewrite of the Zoning Ordinance

**Crow:** Commended Liz Bar-El for the hard work through the Zoning Ordinance process and thanked Comm. Behr for his input since his return.

**Smith:** Mentioned a luncheon, which will touch on the many propositions for the election on Tuesday March 7th. He also informed the Commission of a sub-committee with the Transportation Commission to review the Parking Master Plan. The volunteers who will sit on the subcommittee will be Commissioners Behr and Torgan.

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**9. ITEMS FROM STAFF**

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**Ray Reynolds**

- ◆ Informed the Commissioners of a meeting with Le Colonial and the surrounding neighbors on Wednesday, March 8<sup>th</sup>.

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**10. ADJOURNMENT**

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**Action:** To adjourn to the next regular meeting of the Planning Commission on March 16, 2000, at West Hollywood Park Auditorium, 647 N. San Vicente Boulevard.

Motion: Crowe                      Second: Altschul  
Votes: All Ayes                      Motion carried.

**PASSED, APPROVED AND ADOPTED THIS DAY OF** March 16, 2000.

**CHAIRPERSON:** Stephen H. Smith

**ATTEST:**  
**COMMUNITY DEVELOPMENT DIRECTOR:** Ray Reynolds