



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Regular Meeting  
July 19, 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](http://www.weho.org/weho-tv/other-city-meetings)*

1. **CALL TO ORDER:** Chair Buckner called the meeting of the Planning Commission to order at 6:35 p.m.
2. **PLEDGE OF ALLEGIANCE:** Todd Elliott led the Pledge of Allegiance.
3. **SPECIAL ORDER OF BUSINESS:**
  - A. **ELECTION OF CHAIR.**

**ACTION:** Elect Stacey Jones as Chair of the Planning Commission for a term through June 30, 2019. **Moved by Commissioner Altschul, seconded by Chair Buckner and unanimously passes.**
  - B. **ELECTION OF VICE-CHAIR.**

Commissioner Buckner nominated Rogerio Carvalheiro to Vice-Chair. Seconded by Commissioner Altschul.

Commissioner Bass nominated Commissioner Hoopingarner to Vice-Chair. Nomination fails due to no second.

**ACTION:** Elect Rogerio Carvalheiro as Vice-Chair of the Planning Commission for a term through June 30, 2019. **Moved by Commissioner Buckner, seconded by Commissioner Altschul and passes, noting Commissioner Hoopingarner abstained.**
4. **ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, Jerry Hittleman, Contract Planner, Robyn Eason, Senior Sustainability Planner, Bob Cheung, Senior Transportation Planner, Peter Noonan, Rent Stabilization & Housing Manager, Jennifer Alkire, Acting 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.

**5. APPROVAL OF AGENDA.**

**ACTION:** Approve the Planning Commission Agenda of Thursday, July 19, 2018 as presented. **Moved by Commissioner Buckner, seconded by Commissioner Aghaei and unanimously passes.**

**6. APPROVAL OF MINUTES.**

**A. June 21, 2018**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, June 21, 2018 as presented. **Moved by Commissioner Aghaei, seconded by Commissioner Buckner and passes, noting Commissioner Bass abstained.**

**7. PUBLIC COMMENT.**

GEORGE BUJARSKI, WEST HOLLYWOOD commented on neighborhood compatibility, bedroom communities and development.

**8. DIRECTOR'S REPORT.**

John Keho, Interim Director, Planning and Development Services Department, stated at the last City Council meeting on Monday, July 16, 2018, the City Council directed staff and the applicant regarding the digital billboard on Sunset Boulevard to return to the Planning Commission and Arts & Cultural Affairs Commission with a smaller alternative.

He congratulated Chair Jones and Vice-Chair Carvalheiro, and thanked Commissioner Buckner for her service as Chair.

Commissioner Hoopingarner requested information on the "parklets".

**9. ITEMS FROM COMMISSIONERS.**

Commissioner Buckner thanked the City Council for her appointment to the Planning Commission and allowing her the opportunity to serve. She thanked her fellow commissioner's, planning staff, consultants, support staff, Lauren Langer, Assistant City Attorney, David Gillig, Commission Secretary, CATV staff and the general public. She looks forward to the coming year.

Commissioner Hoopingarner thanked Commissioner Bucker for her service as Chair during the last year. She suggested staff amend the standard language in all draft resolutions going forward regarding irrigation (automatic) controllers; and replacing it with "weather-based controllers".

Commissioner Aghaei thanked Commissioner Buckner for her service as Chair during the last year. He congratulated Chair Jones and Vice-Chair Carvalheiro.

Commissioner Altschul thanked Commissioner Buckner for her service as Chair during the last year. He congratulated Chair Jones and Vice-Chair Carvalheiro.

Commissioner Bass thanked Commissioner Buckner for her service as Chair during the last year. He congratulated Chair Jones and Vice-Chair Carvalho.

Vice-Chair Carvalho thanked Commissioner Buckner for her service as Chair during the last year. He congratulated Chair Jones.

Chair Jones thanked Commissioner Buckner for her service as Chair during the last year. She congratulated Vice-Chair Carvalho.

*\*Commissioner Aghaei left the dais and meeting at this time due to a personal emergency.*

**10. CONSENT CALENDAR.** None.

**11. PUBLIC HEARINGS.**

**A. 7905 Romaine Street, 1001-1011 N. Fairfax Avenue:**

Laurie Yelton, Associate Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, July 19, 2018.

She stated the applicant is requesting to demolish two existing commercial buildings and one residential building in order to construct a new, five-story, mixed-use residential building with approximately 1,557 square-feet of commercial space and 34 residential units (five affordable) with at-grade parking and one level of subterranean parking.

She provided a history of the property and spoke regarding unit sizes, tentative tract map, and setbacks. She stated the applicant is requesting a waiver to allow an additional story not to exceed ten feet in total project height. The affordable housing concessions requested are to allow an increase in total building height from 55 feet to 60 feet 6 inches, plus an additional four foot projection for the spa rescue deck at the northeast portion of the building on the roof to accommodate handicap accessibility at the spa.

A concession is requested to allow compact parking spaces at the ground floor in order to accommodate for a three foot parkway sidewalk dedication along Romaine Street, for a total parkway and sidewalk of eight feet in width.

The project requires 29 parking spaces for the combined uses and 48 spaces are proposed as part of the project; 19 of the 48 parking spaces are additional, non-required parking spaces. Vehicular access for all onsite parking spaces would be off W. Romaine Street at the south-west corner of the proposed building.

She stated the Department of Public Works has requested the following condition added: *“The applicant shall work with the Department of Public Works Director and install two feet of base material as a buffer between the bottom of the sidewalk and the top of the subterranean parking garage within the dedicated sidewalk parkway area or assume liability of this area.”*

She also requested the following conditions removed from draft Resolution No. PC 18-1268; Condition 4.9) ~~“West Hollywood Municipal Code, Article 19-1, Chapter 19.64, the applicant shall pay a fee equal to \$28.30 per square foot of livable area in each unit being removed or constructed, according to the fee schedule established by the City Council (including all private decks, patios, and balconies). In the event the fee schedule is revised by the City Council prior to obtaining a building permit, the revised fee schedule shall apply. The fee shall be paid prior to the issuance of building permits”~~; and Condition 8.12) ~~“The applicant shall submit a “Street and Parkway Improvement Plan” which has a plan check fee of \$500 per plan sheet that shall be paid at the time of plan check submittal. Please come to the Department of Public Works counter to pay this fee.”~~

She added one condition to read as follows: *“All rental units shall provide a minimum initial 12 month lease agreement.”*

Chair Jones opened public comment for Item 11.A.:

CRAIG BERBERIAN, LOS ANGELES, Empire Property Group, applicant, presented the applicant’s report. He provided a history of the business and spoke regarding the community.

EDWARD LEVIN, WEST HOLLYWOOD, applicant’s representative, continued the applicant’s report. He spoke regarding the waiver requests, height modifications, neighborhood compatibility, ingress and egress of the subterranean parking, easement, concessions, landscaping palette, green screen, setbacks, rooftop common area, building mass, commercial space, and façade materials.

The commission questioned the square-footage calculations, floor area ratio, the requested waiver, safety measures pertaining to the one-lane driveway to the lower parking garage, and green screen.

Commissioners Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalho, and Chair Jones disclosed for the record they spoke with the applicant’s representative(s). They discussed matters contained in the staff report.

JEFF MARKOVITZ, WEST HOLLYWOOD opposes staff’s recommendation of approval.

JASON RASMUSSEN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding increased traffic circulation.

BRENT DEGRAFF, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

VERNON WALLING, WEST HOLLYWOOD opposes staff's recommendation of approval.

MARINA VAYSMAN, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding construction mitigation.

VICTOR OMELCZENKO, WEST HOLLYWOOD opposes staff's recommendation of approval.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORT STAFF'S RECOMMENDATION OF APPROVAL:** DOUGLAS LIBLEN, WEST HOLLYWOOD.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION OF APPROVAL:** CYNTHIA BLATT, WEST HOLLYWOOD, JESSICA HANCOCK, WEST HOLLWYOOD, ELYSE EISENBERG, WEST HOLLYWOOD.

The commission requested clarification regarding the affordable rental units.

Peter Noonan, Rent Stabilization & Housing Manager, detailed the calculations regarding affordable housing units.

EDWARD LEVIN, WEST HOLLYWOOD, applicant's representative, presented the applicant's rebuttal. He spoke regarding construction mitigation, traffic circulation, bike storage, affordable housing, and shade and shadow studies.

TODD ELLIOTT, LOS ANGELES, Truman & Elliott, applicant's representative continued the applicant's rebuttal. He clarified the California Environmental Quality Act (CEQA) guidelines as related to this project.

The commission questioned street parking conditions and sidewalk widths. They had concerns and asked for clarification regarding the maximization of the project site, design, homelessness, sidewalk width, parkway space, parking, safety issues, unit counts, legal concessions, traffic circulation, green features, pedestrian activity and livability aspects.

Bob Cheung, Senior Transportation Planner, clarified the safety issues regarding traffic circulation in the subterranean parking garage and the calculations of the number of parking spaces.

**ACTION:** Close public hearing for Item 11.A. **Motion carried by consensus of the Commission.**

Discussion was held regarding how a re-design of the subterranean parking could alleviate the current eight-foot wide sidewalks to allow ten foot sidewalks.

Commissioner Altschul spoke regarding the homeless population in reference to construction sites. He proposed a condition regarding protection of the neighborhood, and suggested nighttime security and/or hourly patrol of the premises.

Laurie Yelton, Associate Planner, stated there is already a condition listed under the Construction Phase which references security issues; which can be supplemented as follows: Condition 6.12) (o) "Describe construction-period security measures including any fencing, lighting, and security personnel provision for overnight security."

Commissioner Bass spoke how the standard language has been omitted regarding vehicles belonging to independent contractors. They should not be parking on city streets. He would like to have that language included in the conditions.

**Commissioner Altschul moved to: 1) approve staff's recommendation of approval with the following amended conditions:**

Laurie Yelton, Associate Planner, read into the record the requested conditions: a) Condition 6.12) (o) Describe construction-period security measures including any fencing, lighting, and security personnel provision for overnight security; b) remove Condition 7.10) (g) ~~Worker parking, renewed monthly~~; c) add new Condition 7.22) Vehicles belonging to independent contractors, sub-contractors, and/or employees who are doing construction and/or renovations on a residential property shall not park on any street within the City of West Hollywood and shall utilize off-street parking secured by the contractor until the on-site parking is completed and is able to be used. Such vehicles are prohibited from using residential guest and/or visitor parking permits. Any encroachment permits issued for the construction project other than for parking, requires at least 72 hours advanced planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets; and d) change the language in Condition 8.5) All landscaping shall be serviced by a permanent irrigation system. Sprinklers shall be placed to assure complete coverage of the landscaped area. Automatic weather-based controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation.

**Seconded by Commissioner Buckner.**

**ACTION:** 1) Approve the application, 2) **Adopt Resolution No. PC 18-1257 as amended:** a) ~~remove existing Condition 4.9) “West Hollywood Municipal Code, Article 19-1, Chapter 19.64, the applicant shall pay a fee equal to \$28.30 per square foot of livable area in each unit being removed or constructed, according to the fee schedule established by the City Council (including all private decks, patios, and balconies). In the event the fee schedule is revised by the City Council prior to obtaining a building permit, the revised fee schedule shall apply. The fee shall be paid prior to the issuance of building permits”;~~ b) ~~remove Condition 8.12) “The applicant shall submit a “Street and Parkway Improvement Plan” which has a plan check fee of \$500 per plan sheet that shall be paid at the time of plan check submittal. Please come to the Department of Public Works counter to pay this fee.”;~~ c) add Condition 3.7) to read as follows: “All rental units shall provide a minimum initial 12 month lease agreement.”; d) add Condition 6.20) to read as follows: “The applicant shall work with the Department of Public Works Director and install two feet of base material as a buffer between the bottom of the sidewalk and the top of the subterranean parking garage within the dedicated sidewalk parkway area or assume liability of this area.”; e) Change Condition 6.12)(o) to read as follows: “Describe construction-period security measures including any fencing, lighting, and security personnel provision for overnight security”; f) ~~remove Condition 7.10) (g) Worker parking, renewed monthly;~~ g) add new Condition 7.22) “Vehicles belonging to independent contractors, sub-contractors, and/or employees who are doing construction and/or renovations on a residential property shall not park on any street within the City of West Hollywood and shall utilize off-street parking secured by the contractor until the on-site parking is completed and is able to be used. Such vehicles are prohibited from using residential guest and/or visitor parking permits. Any encroachment permits issued for the construction project other than for parking, requires at least 72 hours advanced planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets”; and h) change the language in Condition 8.5) to read as follows: “All landscaping shall be serviced by a permanent irrigation system. Sprinklers shall be placed to assure complete coverage of the landscaped area. Automatic weather-based controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation”; “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING A DEMOLITION PERMIT AND A DEVELOPMENT PERMIT TO DEMOLISH TWO EXISTING COMMERCIAL BUILDINGS AND ONE RESIDENTIAL BUILDING IN ORDER TO CONSTRUCT A NEW, FIVE-STORY, MIXED-USE BUILDING WITH APPROXIMATELY 1,557 SQUARE-FEET OF COMMERCIAL SPACE AND 34 RESIDENTIAL UNITS (FIVE AFFORDABLE) WITH AT GRADE PARKING AND ONE LEVEL OF SUBTERRANEAN PARKING, FOR THE PROPERTIES LOCATED AT 7905 W. ROMAINE STREET, WEST HOLLYWOOD,

CALIFORNIA, AND 1001-1011 N. FAIRFAX AVENUE, WEST HOLLYWOOD CALIFORNIA”; 3) **Adopt Resolution No. PC 1269 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 82076), FOR THE PROPERTIES LOCATED AT 7905 W. ROMAINE STREET, WEST HOLLYWOOD, CALIFORNIA, AND 1001-1011 N. FAIRFAX AVENUE, WEST HOLLYWOOD CALIFORNIA”; and 4) Close the Public Hearing for Item 11.A. **Moved by Commissioner Altschul, seconded by Commissioner Buckner and passes, noting Commissioner Aghaei absent.**

Commission Secretary Gillig officially read into the record the appeal procedure for 7905 W. Romaine Street, West Hollywood, California, and 1001-1011 N. Fairfax Avenue, West Hollywood, California.

*The Resolution the Planning Commission just approved memorializes the Commission’s final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk’s office. Appeals must be in writing and accompanied by the required fees. The City Clerk’s office can provide appeal forms and information about waiver of fees.*

**THE COMMISSION TOOK A FIFTEEN (15) MINUTE RECESS AT 8:30 P.M. AND RECONVENED AT 8:45 P.M.**

*\*Commissioner Altschul recused himself from the dais at this time, stating he lives within the 500’ radius of the proposed project.*

**B. 1120 -1122 N. Larrabee Street:**

Jennifer Alkire, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, July 19, 2018.

She stated the applicant is requesting to demolish three residential structures and detached garages to build a new four-story, twenty-two unit condominium building over two levels of subterranean parking.

The applicant is required to construct on-site affordable housing, and is requesting two concessions – one for an extra story and 10 feet in height, and one for a reduced front yard setback from 15 feet required to 10 feet 6 inches. The proposed project is also requesting a waiver of the additional 6-foot front yard setback above the first floor.

She spoke regarding the project’s exemplary design, materials and design concept.

The project includes two levels of subterranean parking with 39 total spaces. The applicant is requesting that seven of the parking spaces be built to a shorter depth of 16 feet 2 inches instead of the required 18 feet. All seven of these affected spaces would be located within a tandem pair, and all seven would maintain the minimum required standard width. This is a reduction of 10%, and therefore can be approved through a modification. The modification allows sufficient backup distance and maneuvering room in the second level of the subterranean garage.

The proposed project includes 22 units, 17 market rate, and five affordable. The applicant is proposing to include three low income units and two moderate income units. The final allocation of units will be determined by the City's Housing Department. California's Housing Accountability Act places restrictions on the authority of local governments to deny or require changes that would reduce or eliminate affordable housing.

The scale and massing of the proposed project are compatible with surrounding development, and the project design is well composed and makes use of quality materials and finishes. Staff recommends approval of the demolition permit, development permit and condominium subdivision.

She stated the following conditions may be discussed to be included in the final resolution: 1) construction worker parking; 2) weather-based control irrigation; 3) adding language to Condition 7.7) requiring root barriers for any bamboo that is planted on-site; and 4) amending draft Resolution No, 18-1271 regarding provisions to add required landscaping in the CC&Rs.

Commissioners Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, and Chair Jones disclosed for the record they spoke with the applicant's representative(s). They discussed matters contained in the staff report.

Chair Jones opened public comment for Item 11.B.:

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, presented the applicants report. He provided a brief history of the project.

BEN ANDERSON, STUDIO CITY, Principal, continued the applicant's report. He spoke and detailed the proposed square-footage, unit sizes, affordable housing, parking, bicycle parking, setbacks, massing, rear and front façades, materials board, building amenities, landscaping, and planter maintenance concerns.

BRENDAN HOOLEY, WEST HOLLYWOOD opposes staff's recommendation of approval.

ELYSE EISENBERG, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding affordable housing, density, and limited guest parking.

CYNTHIA BLATT, WEST HOLLYWOOD opposes staff's recommendation of approval.

TIMOTHY WILLIAMS, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

TIMOTHY STERRY, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

KYLE BARBER, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

KETIH KAPLAN, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

MYLENA CHRISTINA, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ZACK NESIS, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ALLIE MOLLER, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ARIK CHAIM, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

MAXX RIFKIN, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ROBERT BRIGANDE, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

JILL HOFFMAN, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

RUBEN AMIAN, spoke in support of staff's recommendation of approval.

TODD SARCLETTI, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

HECTOR M. BARBOSA, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

ZVI JAARI, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

BHELLA, LOS ANGELES spoke in support of staff's recommendation of approval.

MONIQUE WILLSON-BELL, LOS ANGELES spoke in support of staff's recommendation of approval.

JAKE LA JOIE, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

JEREMY DUPRE, WEST HOLLYWOOD spoke in support of staff's recommendation of approval.

VICTOR OMELCZENKO, WEST HOLLYWOOD opposes staff's recommendation of approval.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION OF APPROVAL:** JESSICA HANCOCK, WEST HOLLWYOOD, BEV POMERANT, WEST HOLLYWOOD, MARY REARDON, WEST HOLLYWOOD, CATHY WALDMAN, WEST HOLLYWOOD, AND VERNON WALLING, WEST HOLLYWOOD.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT SUPPORT STAFF'S RECOMMENDATION OF APPROVAL:** VICTORIA CRONIN, WEST HOLLYWOOD, MADISON BARNES, WEST HOLLYWOOD, AND CHELSEA HENHEN, WEST HOLLYWOOD.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, provided the applicant's rebuttal. He spoke regarding safety, construction mitigation, housing crisis, design and developmental costs, and guest parking.

The commission questioned and requested clarification regarding landscaping, depth of the canopy trees, and maintenance of the planters on the front of the building. They discussed the project renderings and had concerns the proposed landscaping in the planter boxes will not appear as they are depicted in the renderings. It was noted there are no access requirements to individual units in the CC&Rs for ongoing maintenance of these planter boxes.

ESTHER MARGULIESE, VENICE, landscape architect, clarified and described the maintenance of the planters, drip irrigation, and the proposed plants. She mentioned the following would be appropriate for the planter boxes: snail vine, jasmine, and the Mexican flame vine.

JEFFREY SEYMOUR, WESTLAKE VILLAGE, applicant's representative, spoke to the planter boxes, and clarified this responsibility would fall on the developer to maintain and enforce. He agreed it should be a part of the CC&Rs.

**ACTION:** Close public hearing for Item 11.B. **Motion carried by consensus of the Commission.**

The commission had concerns and discussed construction mitigation issues regarding ingress and egress of public safety vehicles, landscaping, maintenance of planter boxes, construction worker parking, driveway ingress and egress circulation, guest parking, green rooftop, design articulation and materials.

Commissioner Bass requested the dog way station be moved to a new location during construction, and be replaced once construction is complete.

Commissioner Hoopingartner stated the materials are a critical component to the design, and requested the materials do not change.

**Commissioner Hoopingartner moved to: 1) approve staff's recommendation of approval with the following amended conditions:**

Jennifer Alkire, Senior Planner read into the record the following amendments: a) add new Condition 5.19) Vehicles belonging to independent contractors, sub-contractors, and/or employees who are doing construction and/or renovations on a residential property shall not park on any street within the City of West Hollywood and shall utilize off-street parking secured by the contractor until the on-site parking is completed and is able to be used. Such vehicles are prohibited from using residential guest and/or visitor parking permits. Any encroachment permits issued for the construction project other than for parking, requires at least 72 hours advanced planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets; b) change the language in Condition 7.2) All landscaping shall be serviced by a permanent irrigation system. Sprinklers shall be placed to assure complete coverage of the landscaped area. Automatic weather-based controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation; c) amend Condition 7.7) to read as follows: If bamboo is included in the landscape plan, a clumping type bamboo shall be used. Running type bamboo shall not be used. A root barrier shall be included regardless of bamboo type; d) change the date as follows in Condition 8.6)(a) "Materials shall be the equal or better to those shown on drawings dated ~~June 22~~, July 10, 2018; e) remove Condition 6.9(g) ~~Worker parking~~; and f) add to draft Resolution No. PC 18-1271, Condition 4.10) to read as follows: CC&Rs shall include provisions requiring access to all landscaped areas for landscaped maintenance, including residential balconies.

**Seconded by Commissioner Buckner.**

**ACTION:** 1) Approve the application, 2) **Adopt Resolution No. PC 18-1270 as amended:** a) *add new Condition 5.19) "Vehicles belonging to independent contractors, sub-contractors, and/or employees who are doing construction and/or renovations on a residential property shall not park on any street within the City of West Hollywood and shall utilize off-street parking secured by the contractor until the on-site parking is completed and is able to be used. Such vehicles are prohibited from using residential guest and/or visitor parking permits. Any encroachment permits issued for the construction project other than for parking, requires at least 72 hours advanced planning in a residential zone to ensure there are no conflicts with other work being performed on neighboring properties or public streets";* b) *change the language in Condition 7.2) "All landscaping shall be serviced by a permanent irrigation system. Sprinklers shall be placed to assure complete coverage of the landscaped area. Automatic weather-based controllers shall be set to water between 7:00 p.m. and 10:00 a.m. to reduce evaporation";* c) *amend Condition 7.7) to read as follows: "If bamboo is included in the landscape plan, a clumping type bamboo shall be used. Running type bamboo shall not be used. A root barrier shall be included regardless of bamboo type";* d) *change the date as follows in Condition 8.6)(a) "Materials shall be the equal or better to those shown on drawings dated ~~June 22,~~ July 10, 2018";* e) *remove Condition 6.9(g) "~~Worker parking~~";* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING A DEMOLITION PERMIT AND A DEVELOPMENT PERMIT FOR DEMOLITION OF THREE RESIDENTIAL STRUCTURES AND DETACHED GARAGES FOR THE CONSTRUCTION OF A NEW FOUR-STORY, TWENTY-TWO UNIT MULTI-FAMILY BUILDING OVER SUBTERRANEAN PARKING, FOR THE PROPERTIES LOCATED AT 1120 TO 1124 N. LARRABEE STREET, WEST HOLLYWOOD, CALIFORNIA; 3) **Adopt Resolution No. PC 12271 as amended:** a) *add new Condition 4.10) "CC&Rs shall include provisions requiring access to all landscaped areas for landscaped maintenance, including residential balconies.";* ."A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CONDITIONALLY APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 82289), FOR THE PROPERTIES LOCATED AT 1120 AND 1124 N. LARRABEE STREET, WEST HOLLYWOOD, CALIFORNIA"; and 4) Close the Public Hearing for Item 11.B. **Moved by Commissioner Hoopingarner, seconded by Commissioner Buckner and passes, noting Commissioner Altschul recused and Commissioner Aghaei absent.**

Commission Secretary Gillig officially read into the record the appeal procedure for 1120 to 1124 N. Larrabee Street, West Hollywood, California.

*The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.*

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 10:25 P.M. AND RECONVENED AT 10:30 P.M.**

*\*Commissioner Altschul returned to the dais and meeting at this time.*

**C. Zone Text Amendment**

**Affordable Housing Requirements:**

Jerry Hittleman, Contract Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, June 21, 2018.

He stated this item was re-noticed from a prior Planning Commission meeting on April 5, 2018 to address affordable housing requirements and incentives, definitions and rules of interpretation.

He provided a history of the State Density Bonus Law, and re-iterated the commission and public comments of the following received at the Planning Commission meeting on April 5, 2018.

Comment: Section 19.22.025.A Processing Density Bonus Applications. Do not require an applicant to provide a narrative explanation of regulatory concessions or a reduction in parking ratios with a project application.

Proposed language: A proposal for the specific concessions the applicant requests. For "other regulatory concessions" under 19.22.050.E.2.f, other than an additional story, the applicant shall provide an explanation of the regulatory concession and how it results in identifiable and actual cost reductions for the project to provide to offset the affordable housing costs, or for rents for the targeted units as specified in Government Code Section 65915. The intent of this requirement is to provide reasonable documentation to establish eligibility for the concession or to demonstrate the concession meets the definition set forth in Section 65915. The explanation may be, but is not required to be, in narrative form;

Comment: Section 19.22.030.A.2 Affordable Unit Requirements. Do not require affordable units to be of “equivalent” size to market rate units (i.e. 3 bedroom affordable units if 3 bedroom market rate units are provided). This was originally proposed to be addressed through deletion of the 650 square foot minimum size requirement for affordable units.

Response: The draft zoning text amendment provided on April 5, 2018 had proposed to remove the allowance for 11 – 20 unit projects to include affordable units of 650 square feet and one-bedroom in size, with the market-rate units being larger. Removing the allowance would have required the affordable units in 11 – 20 unit projects to be the same size as the other units in the project. The proposed deletion has been removed from the proposed ZTA and will remain in the code.

Comment: AB 2556, Section 19.22.050.A.4 Affordable Housing Incentives (Replacement of Affordable Housing Units). Commissioner Hoopingarner requested an explanation of how the Ellis Act affects displaced affordable housing units.

Response: AB 2556 clarifies the one-for-one replacement requirement that is in the state density bonus law, first enacted by AB 2222 in 2015. One-for-one replacement is required for all units occupied or occupied within the previous 5 years by lower income (very low or low income) households. The clarification provided by AB 2556 is to use the Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) data to determine the “one-for-one” replacement requirement when prior household income is unknown. Prior to AB 2556, the law required an averaging of incomes when some units were occupied. Currently, CHAS data for West Hollywood indicates that 35% of households earn very low income, and 15% of households earn low income. Therefore, following AB 2556, when household income is unknown, the replacement requirement is 35% of prior units as very low income, and 15% of prior units as low income.

Additionally, AB 2556 allows a jurisdiction to require any prior units not replaced through the one-for-one replacement requirement to be replaced, either as additional affordable housing units or, if the prior units were rent stabilized, as rent stabilized units.

Separately from the state density bonus law and AB 2556, the Ellis Act allows a landlord in a jurisdiction that limits the reasons for eviction, like West Hollywood, to evict their tenants for no cause in order to remove the property from the rental market. The purpose of the Ellis Act is to leave the rental market. The Act allows the local government to impose a variety of requirements on landlords exiting the rental market such as relocation assistance to displaced tenants, specific notice periods, and deed restrictions on future use of the property. If a landlord uses the Ellis Act, and in fact, returns the property to the rental market at a later date, the Act

provides penalties to the landlord and awards damages to tenants if the property is returned within 2 years of leaving the market; requires the landlord to allow the prior tenants to return at the prior rents plus subsequent allowed rent increases if returned within 5 years of leaving the market; and requires the landlord to allow the prior tenants to return, but at market rents, if returned within 10 years of leaving the market.

Comment: AB 1934, Section 19.22.050.E Concessions for Commercial Projects Partnered with Affordable Housing Projects. Commissioner Hoopingarner requested that a definition of “Affordable Housing Developer” be added to the ZTA to clarify how commercial projects can partner with affordable housing projects sponsored by an affordable housing developer.

Response: The following definition of “Affordable Housing Developer” is proposed to be added to the ZTA:

***Affordable Housing Developer.*** A housing developer who has proposed developing an affordable housing project in conformance with Chapter 19.22 Affordable Housing Requirements and Incentives of the West Hollywood Municipal Code and in conformance with State of California Affordable Housing Law including Government Code Section 65915.7.

Comment: Section 19.22.050.A.5 Affordable Units Required – Mixed-Use Projects. Commissioners requested a description of how mixed use project residential project density is calculated.

Response: AB 2501 redefines a housing development to include “mixed-use housing” although the City has always applied Chapter 19.22 to mixed-use projects that have a residential component. Nevertheless, it is clear that it applies in state law and clarity is helpful as the City is seeing more of these projects. To ensure that this is clear, the terms “mixed-use” and “mixed residential/commercial development” have been added where appropriate throughout the draft ZTA. In accordance with Section 19.36.170 Mixed-Use Projects, residential density is calculated in the following manner:

*Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts.*

Density. The residential density of the project shall not exceed that allowed by the applicable residential zoning district.

*Mixed-Use Projects in Commercial Zoning Districts.*

Density. The allowable density of the project for both commercial and residential uses shall be based on the allowable FAR and any bonuses or incentives that are approved.

*Mixed-Use Projects that Span Both Residential and Sunset Specific Plan Zoning Districts.*

Required Density. No minimum density shall be required for each R3 or R4 residential parcel included in the project (maximum density requirements shall apply).

Affordable housing projects would need to meet these mixed use project density regulations; however, if a density bonus is applied for, the developer could be afforded certain FAR or unit increases, as well as additional height, and/or setback or other concessions or waivers, thereby resulting in an increase in market rate units compared to a non-density bonus project.

Peter Noonan, Rent Stabilization & Housing Manager, added language to the following sub-section of draft Resolution No. PC 18-1242 – 19.22.025 Processing Density Bonus Applications, page 5 of 22: i.: “A density bonus proposal that includes a description of the unit counts that make the project eligible for the requested density bonus, including any known and verifiable income information for any tenants necessary to apply the requirements of 19.22.050.B below.”

He made a clarification regarding the 650 square-foot unit requirement, stating staff originally had proposed to remove that for projects of 11 to 20 units. Staff is no longer proposing or recommending that action.

The commission asked for clarification regarding the 35% and 15% breakdown for low and very low income and unidentifiable income (on page 4 of 19 of the staff report), and the discrepancy listing 40% very low income (on page 10 of 19 of the staff report). They commission requested clarification regarding the correct percentage that will be used, and how often the document(s) modified.

Peter Noonan, Rent Stabilization & Housing Manager, stated State law points to HUDs Comprehensive Housing Affordability’s Strategy Date and it appears to be updated every four years. He clarified new projects will be subjected to 37% very low, and 15% low.

The commission would like to include clarity regarding the one-for-one replacement requirements. It was recommended the code specifically and explicitly requires staff to include in all staff reports, the unit numbers, bedroom counts, and income status for each unit, for transparency.

Lauren Langer, Acting Assistant City Attorney stated staff has started adding that information in the reports. She does not believe these do not need to be codified into the Municipal Code. She pointed out the code already asks for all information. She stated this could be a policy direction from the commission and city council, requesting additional information to be presented in the staff reports.

Discussion was held regarding policy issues.

**Commissioner Bass moved to: 1) approve staff's recommendation of approval to the City Council.**

**Seconded by Commissioner Buckner.**

**ACTION:** 1) **Adopt Resolution No. PC 18-1242 as amended:** a) add language to sub-section i: (page 5 of 22) *i.: "A density bonus proposal that includes a description of the unit counts that make the project eligible for the requested density bonus, including any known and verifiable income information for any tenants necessary to apply the requirements of 19.22.050.B below."* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO AMEND CHAPTER 19.22 (AFFORDABLE HOUSING REQUIREMENTS AND INCENTIVES), SECTION §19.90.020 (DEFINITIONS OF SPECIALIZED TERMS AND PHRASES) OF CHAPTER 19.20, AND SECTION §19.03.020 (RULES OF INTERPRETATION OF CHAPTER 19.03, OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW POLICIES REGULATING AFFORDABLE HOUSING IN ACCORDANCE WITH STATE LAW, WEST HOLLYWOOD, CALIFORNIA," and 2) Close the Public Hearing for Item 11.C. **Moved by Commissioner Bass, seconded by Commissioner Buckner and passes, noting Commissioner Aghaei absent.**

## 12. NEW BUSINESS.

### A. Update on the Green Building Program Preliminary Framework.

Robyn Eason, Senior Sustainability Planner, stated On February 5, 2018, the City Council approved the agreement for a team of consultants, led by Global Green USA, to perform multidisciplinary services to update the City's Green Building Program.

The City is considering several sustainability initiatives related to the built environment in conjunction with the Green Building Program Update, including electric vehicle infrastructure, net zero energy, water neutrality, green roofs or solar arrays, and reused materials. This project has considered many of these elements (and other innovations), specifically how they relate to the major types of development in West Hollywood, how they align the 2016 California Green Building Standards (CALGreen) and the State's net zero goals, and how they compare to national green building standards. This project aims to create high standards for all new buildings and major renovations to ensure buildings are on track to meet or exceed state requirements.

She spoke regarding the stakeholder working groups; which included local characteristics, energy, water management, solid waste management, private open space and public realm, administration and implementation, program metrics and education and awareness.

Walker Wells, Global Green, consultant, provided an update on the Green Building Update Framework Options; which included Green Building standards, applicability, administration, incentives and estimated costs.

The commission discussed and had concerns with water management in relation to construction sites, the water table, incentives, and overall costs.

**ACTION:** 1) Receive and file. **Moved by Commissioner Buckner, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

**13. UNFINISHED BUSINESS.** None.

**14. EXCLUDED CONSENT CALENDAR.** None.

**15. ITEMS FROM STAFF.**

**A. Planning Manager's Update.**

Bianca Siegl, Long Range and Mobility Planning Manager stated there are upcoming legal deadlines which must be met in order for a special meeting to take place on Thursday, August 30, 2018. She stated staff would need to confirm attendance by August 2, 2018.

**16. PUBLIC COMMENT.**

VICTOR OMELCZENKO, WEST HOLLYWOOD commented on rent stabilized units, affordable housing units, inclusionary rules, and transparency.

**17. ITEMS FROM COMMISSIONERS.**

Commissioner Hoopingarner would like staff to start providing developers a list of plants that are forbidden on residential projects.

**17. ADJOURNMENT:** The Planning Commission adjourned at 11:15 P.M. to a regularly scheduled meeting on Thursday, August 2, 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 2<sup>nd</sup> day of July, 2018 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: Aghaei.

ABSTAIN: Commissioner: None.



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STACEY E. JONES, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY