



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
November 15, 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

1. **CALL TO ORDER:** Chair Jones called the meeting of the Planning Commission to order at 6:36 p.m.
2. **PLEDGE OF ALLEGIANCE:** Edward Levin led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, Bass, Buckner, Erickson, Hoopingarner, Vice-Chair Carvalho, Chair Jones.

Commissioners Absent: None.

Staff Present: Dereck Purificacion, Associate Planner, Robyn Eason, Senior Planner, Jerry Hittleman, Senior Contract Planner, Bianca Siegl, Long Range Planning Manager, David DeGrazia, Current and Historic Preservation Planning Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, November 15, 2018 as presented. **Moved by Chair Jones, seconded by Commissioner Buckner and unanimously passes.**
5. **APPROVAL OF MINUTES.**
 - A. **October 18, 2018**

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, October 18, 2018 as presented. **Moved by Commissioner Buckner, seconded by Chair Jones and passes, noting Commissioner Erickson abstained.**

B. November 1, 2018

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, November 1, 2018 as presented. **Moved by Commissioner Buckner, seconded by Chair Jones and unanimously passes.**

6. PUBLIC COMMENT.

VITOR OMELCZENKO, WEST HOLLYWOOD, congratulated Commissioner Erickson and spoke on the failure of Proposition 10.

7. DIRECTOR'S REPORT.

Bianca Siegl, Long Range Planning Manager presented the Director's Report.

She stated City Council approved two zone text amendments at their last meeting on Monday, November 5, 2018: 1) special events streamlining, and 2) commercial parking reductions.

She invited the commission to a reception celebrating the opening of the Sunset Streetscape Pilot Project on Tuesday, December 4, 2018; 5:00 p.m. to 7:00 p.m.

8. ITEMS FROM COMMISSIONERS.

Commissioner Hoopingarner addressed staff regarding issues of communications received from the public. She recommended a daily submission of correspondence to allow proper time for review.

Commissioner Erickson recommended the public get their flu shots, and thanked public safety staff for their work with other agencies regarding the recent wild fires.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. Zone Text Amendment

Bicycle Parking Requirements:

Jerry Hittleman, Senior Contract Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 15, 2018.

He stated revisions are proposed for Section §19.28.020 Applicability, and Section §19.28.150 Bicycle Parking and Support Facilities. It includes a change to the number of bicycle parking spaces required for residential and non-residential projects, when shower/locker facilities are required, improved requirements for security for shower/locker facilities, a new requirement for secure bicycle parking locations, a provision for electric bicycle charging, and the addition of a clause allowing the Planning and Development Services Director to allow modified bicycle parking plans.

He spoke and detailed the proposed changes for applicability, current bicycle parking standards, proposed bicycle parking standards, bicycle parking design, horizontal and vertical bicycle storage system, alternate stacked storage system, bicycle parking location, bicycle parking regulations, and shower and locker facilities. He commented on the Long Range Planning Projects Subcommittee recommendations and changes, and provided future timelines.

The commission had concerns stating the verbiage is not clear regarding the short term visitor parking matrix. They requested additional clean-up of the language.

The commission requested clarification regarding the proposed bicycle parking standards matrix, shower requirements, and in-lieu payment for short term parking.

Staff stated they can address the language by making it clearer the residential portion has to meet the residential standards; and the same regarding the commercial portion of the matrix.

Staff indicated they can address the in-lieu payment section by stating it would be used to fund the installation of bike racks. It was also noted additional language clean-up can be provided in the Ordinance regarding how the related parking will be provided, timeframes, locations, etc.

The commission clarified the Long Range Planning Projects Subcommittee unanimously stated there should be one space per residential unit.

The commission stated showers should not be a land use issue and should not be a requirement of the developer or building owner. It was suggested it should fall under the business license commission.

Chair Jones opened public comment for Item 10.A.:

EDWARD LEVIN, WEST HOLLYWOOD spoke in support of staff's recommendation as presented.

VICTOR OMELCZENKO, WEST HOLLYWOOD spoke in support of staff's recommendation as presented.

ACTION: Close public hearing for Item 10.A. **Motion carried by consensus of the Commission.**

The commission had concerns and commented on the one space per residential unit, shower facilities, additional guidelines, and provisions of the in-lieu fee. They requested clarification regarding tracking usage and measurements.

Commissioner Bass moved to: 1) approve staff's recommendation; and 2) change the requirement from one spot for every two residential units, to one spot for every residential unit.

NO SECOND. MOTION FAILS.

Chair Jones moved to: 1) approve staff's recommendation as presented; 2) modify the language to clarify residential and commercial standards above apply; and 3) modify the language to clarify how the in-lieu fee shall be used.

Seconded by Commissioner Hoopingarner.

ACTION: 1) Adopt Resolution No. PC 18-1292 as amended: 1) modify the language clarifying residential and commercial standards above apply; and 2) modify the language clarifying how the in-lieu fee shall be used. "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO CHANGE BICYCLE PARKING STANDARDS FOR CERTAIN BULDINGS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Close the Public Hearing for Item 10.A. Moved by Chair Jones, seconded by Commissioner Hoopingarner and passes, noting Commissioner Altschul and Commissioner Bass voting NO.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:25 P.M. AND RECONVENED AT 7:30 P.M.

B. 1223 N. Hayworth Avenue.

Dereck Purificacion, Associate Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 15, 2018.

He stated the applicant is requesting to demolish all existing buildings on-site, and construct a new three-story, 12,456 square-foot, twelve-unit apartment building over one level of subterranean parking. The project will be a high-achieving Green Building project, with a minimum of 90 points under the City's Green Building Point System.

He confirmed the property was removed from the rental market in 2006 and has been owner occupied since. He spoke on lot size, subterranean parking, unit sizes, roof deck, common and public open space, front elevation, exemplary design, setbacks, and materials.

He stated the following amendments to draft Resolution No. PC 18-1296:

Remove Condition 8.9) The applicant shall revise plans to make south elevation more visually porous to the satisfaction of the Planning and Development Services Director.

Any wording referencing “Community Development” has been replaced with “Planning & Development Services”.

Staff recommends approval.

The commission requested clarification regarding exemplary design, neighborhood compatibility, and the trough system supporting the landscaping vines. They spoke regarding the language in Conditions 5.9) and 10.5) and requested further clarifications.

Commissioners Carvalho, Erickson and Hoopingarner disclosed for the record they made a site visit.

Chair Jones opened public comment for Item 10.B.:

RALPH MECHUR, SANTA MONICA architect, presented the applicant’s report. He detailed the proposed project and spoke on neighborhood compatibility, setbacks, front façade, materials, design elements, and landscaping vines.

The commission requested clarification regarding construction and unforeseen street mitigation, current occupancy, and landscaping drainage. They had concerns regarding the overall contextual design.

STEVEN KAY, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the façade and landscaping vines.

RALPH MECHUR, SANTA MONICA architect, presented the applicant’s rebuttal. He spoke and detailed the façade and the proposed landscaping.

The commission had concerns and spoke regarding the overall design, massing materials, execution of the drawing set, the landscaping green wall and drainage, use of the term exemplary design, massing and neighborhood compatibility. They stated this will be impossible to execute as designed.

It was suggested this should return to the Design Review Subcommittee.

ACTION: Close public hearing for Item 10.B. **Motion carried by consensus of the Commission.**

Moved by Commissioner Hoopingarner to: 1) continue to a date uncertain; and 2) return the project to the Design Review Subcommittee.

Seconded by Commissioner Erickson.

ACTION: 1) Continue to a date uncertain; and 2) return the project to the Design Review Subcommittee for further modifications. **Moved by Commissioner Hoopingarner, seconded by Commissioner Erickson and unanimously passes.**

C. Zone Text Amendment

Public Review Noticing Period:

Jerry Hittleman, Senior Contract Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 15, 2018.

He stated the Planning Commission's review of a Development Permit requires a public hearing and five forms of noticing including: 1) an ad in the local newspaper; 2) a mailed notice to property owners and residents within a 500 foot radius of the project site; 3) a sign on the project site (12 square feet) posted for 28 days; 4) posting on the internet; and 5) posting in a public place.

A Director level review of a Development Permit does not require a public hearing and only needs a 12 square foot sign posted on the site for 10 days. This notice allows the public to provide comments to the city prior to approval. The City Council raised concerns as to whether the reduced noticing requirements for Director-approved multi-family projects that require development permit approval would curtail public comment.

Staff recommends keeping the required sign posted on site as the standard notice for all Director-approved Development Permits. This will maintain a streamlined approach to approving multi-family development and it has been an effective method for soliciting public comments. As directed by the City Council, the proposed zone text amendment would extend the time frame for public comments from 10 days to 28 days to allow sufficient time for public review and receipt of comments.

The commission had concerns this item was not presented to the Government Advisory Committee (GAC) for their review and concerns.

Clarification and discussion was held regarding the existing noticing, mailed notices and timelines.

Chair Jones opened public comment for Item 10.C.:

EDWARD LEVIN, WEST HOLLYWOOD supports staff's recommendation as presented. He spoke regarding the additional mailing costs involved to the applicants.

ACTION: Close public hearing for Item 10.C. **Motion carried by consensus of the Commission.**

The commission had concerns regarding the availability of plans regarding the posted site, and general noticing issues.

Commissioner Erickson moved to: 1) approved staff's recommendation as presented; and include the following comments to City Council: a) concerns were raised whether or not these should be noticed by mail; and b) access to the plans (images) should be made available on-line.

Seconded by Commissioner Bass.

ACTION: 1) Adopt Resolution No. PC 18-1298 as presented: with the following comments forwarded to City Council: a) concerns were raised whether or not these should be noticed by mail; and b) access to the plans (images) should be made available on-line. "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO EXTEND THE REVIEW PERIOD FOR STAFF-APPROVED DEVELOPMENT PERMITS FROM 10 TO 28 DAYS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA"; and 2) Close the Public Hearing for Item 10.C. Moved by Commissioner Erickson, seconded by Commissioner Bass and unanimously passes.

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:50 P.M. AND RECONVENED AT 8:55 P.M.

D. Zone Text Amendment

Clarifying Affordable Housing Impact Fee:

Jerry Hittleman, Senior Contract Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 15, 2018.

He stated the City of West Hollywood has three fees for affordable housing. Two of the fees are for the residential portions of projects. The third fee is for commercial portions of projects. The fees are as follows:

Affordable Housing In-Lieu Fee:

This fee applies to projects with 2-10 residential units. The City's affordable housing requirement for 2-10 unit projects is one lower income unit, or payment of the affordable housing fee in-lieu. This fee is based on costs for constructing an affordable unit. Currently the fee is structured on a scale, with projects with fewer units responsible for a lower dollar per square foot of new floor area.

Affordable Housing Impact Fee - Residential Projects:

This fee has been removed from the code as of November 14, 2018. The fee applied to projects of 11 or more units when the project didn't include a tract map and the applicant was not requesting a state housing bonus (Gov. Code 65915). This fee was established in 2014 when the code was amended to comply with the Palmer Decision. The fee was based on a 2014 nexus study of impact new residential development could have on the need for affordable housing. Following enactment of AB1505 (2017) by the State of California, WHMC 19.22.030 was amended removing the option to pay this fee and again requiring projects with 11 or more units to provide affordable housing units on-site or propose an off-site option for consideration.

Affordable Housing Impact Fee:- Non-Residential (commercial) Projects:

This fee applies to commercial portions of projects (including hotels, motels, and other transient accommodations, live/work units) and is based on the impact the new non-residential development could have on the need for affordable housing in the community. The most recent nexus study of impact was conducted in 2014 and the fee is currently \$8.63 per square foot new non-residential floor area. Projects with less than 10,000 square feet of new non-residential floor area are exempt from development fees (WHMC 19.64.030).

Since this last fee is the only remaining impact fee, this is the fee that should be listed in Chapter 19.64. The code amendments propose to remove the ambiguity about the affordable housing fee clarifying that the fee listed is the affordable housing impact fee for non-residential projects.

These fees exist and this amendment is a clean-up only.

There were no public comments.

Commissioner Hoopingartner moved to: 1) approve staff's recommendation as presented.

Seconded by Commissioner Erickson.

ACTION: 1) Adopt Resolution No. PC 18-1295 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT AMENDING CHAPTER 19.64 (DEVELOPMENT FEES) TO CLARIFY THE FEE LISTED IN TABLE 4-3 IS THE AFFORDABLE HOUSING IMPACT FEE FOR NON-RESIDENTIAL PROJECTS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA”; and 2) Close the Public Hearing for Item 10.D. Moved by Commissioner Hoopingarner, seconded by Commissioner Erickson and unanimously passes.

E. Zone Text Amendment

Model Water Efficient Landscape Ordinance (MWELo):

Robyn Eason, Senior Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 15, 2018.

She stated the State of California periodically updates its MWELo to reflect new technologies and changes in statewide water conditions. The updated MWELo increases water efficiency standards for new and rehabilitated landscapes through encouraging the use of more efficient irrigation systems, greywater usage, on-site storm water capture, and by limiting the portion of landscapes that can be covered in turf.

To maintain compliance with State law, City staff prepared a zone text amendment to adopt the State’s Model Water Efficient Landscape Ordinance (MWELo) in its entirety. It amends the landscape water conservation and efficiency requirements found in Chapter 19.26 of the Zoning Code to refer to the MWELo requirements in Chapter 13.24 Green Building Standards Code of the Municipal Code

Proposed changes to Title 15 of the Municipal Code removes Chapter 15.54 (Water Conservation Landscaping) to resolve redundancies to MWELo and also adds to the list of regulations prohibiting wasteful outdoor water use practices found in Chapter 15.52: Water Conservation Plan.

The commission had concerns regarding the 500 square-feet; which would not apply to some of the City’s smaller projects. They would like to see penalties and violations included on the form, and these documents should be dated and referenced to the state code.

There were no public comments.

Commissioner Bass moved to: 1) approve staff’s recommendation as presented.

Seconded by Commissioner Buckner.

ACTION: 1) Adopt Resolution No. PC 18-1297 as presented: “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVAL AN ORDINANCE AMENDING SECTIONS §19.20.060, §19.26.060 AND §19.26.070 OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE IN CONJUNCTION WITH CHANGES TO TITLE 15 TO ADOPT THE STATE’S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA”; and 2) Close the Public Hearing for Item 10.E. **Moved by Commissioner Bass, seconded by Commissioner Buckner and unanimously passes.**

11. NEW BUSINESS.

A. Commercial Building Height Measurements Standards.

Garen Srapyan, Associate Planner provided a report in response to City Council direction to evaluate how the City currently measures commercial building height, with a goal to determine if the City’s standards are appropriate for providing well scaled commercial and mixed-use projects.

He provided a history of City Council directives, and spoke on building height measurement; which included the parallel plane method, laterally sloping method, and side sloping method. He spoke on comparisons to other local municipalities, additional studies, and building codes.

He stated that the existing height methodology allows for flexibility on sloping sites, is concurrent with other city methods and the limited applicability of the laterally sloping method, staff recommends no change to currently employed grade and height calculations. The current calculation methods established in the Zoning Ordinance provide for design flexibility to allow for creative architecture in the City.

He detailed commercial zoning districts adjacent to residential, and stated two-story or more height difference could occur on the Eastside, in mixed-use developments using incentives, or in mixed-use developments providing affordable units. But even taken together, this could only occur on a few parcels. Given the limited number of parcels that fall within this category, staff does not recommend making amendments to the Zoning Ordinance to address only a few select parcels that may result in a height difference of two stories or greater when adjacent to a residential zone district.

The Zoning Ordinance already requires commercial or mixed-use projects that exceed the maximum height of the adjacent residential zoning district to be set back from any required rear yard a minimum horizontal distance of one foot for each two feet by which the structure exceeds the maximum height of the residential district.

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

EDWARD LEVIN, WEST HOLLYWOOD spoke in support of staff's recommendations.

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

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

B. Legal Training: Housing Accountability Act.

Lauren Langer, Assistant City Attorney, provided a legal training course on the Housing Accountability Act.

She stated The Housing Accountability Act (HAA) (found at Government Code § 65589.5), was originally enacted in 1982. The purpose of the HAA is to enable and encourage housing development in California, particularly affordable housing and emergency shelters. The HAA prohibits a city from denying housing projects unless the city makes certain findings.

Before 2018, the HAA's provisions did not generally apply to many projects in West Hollywood. This is because the terms of the statute applied to projects with 20% low income units and the City's inclusionary housing ordinance requires a mix of low income and moderate income units. Therefore, most projects did not meet the 20% low income threshold required by the HAA.

With respect to mixed-use projects, the HAA applied to a narrow scope of mixed use projects that had neighborhood serving commercial on the first floor only. This is because typical mixed-use projects in West Hollywood had other types of commercial on the first floor, or also included commercial on other floors.

Effective January 1, 2018, the HAA was amended, with some new provisions that are applicable to projects in West Hollywood, including heightened standards for cities to deny or reduce the density of housing projects. Those changes are summarized below. While many of the provisions in the law still apply only to affordable housing projects that provide 20% low income units, some provisions now apply to all housing projects. For this reason, it is important to understand the nuances of this statute and be sure what type of project is covered by the different rules.

She spoke and detailed rules applicable to affordable housing development projects for very-low, low and moderate households, and summarized recent changes to the Housing Accountability Act.

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

EDWARD LEVIN, WEST HOLLYWOOD spoke regarding Subdivision J of the Housing Accountability Act.

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

ACTION: 1) Receive and file. **Motion carried by consensus of the Commission.**

12. **UNFINISHED BUSINESS.** None.
13. **EXCLUDED CONSENT CALENDAR.** None.
14. **ITEMS FROM STAFF.**
 - A. **Planning Manager's Update.** None.
15. **PUBLIC COMMENT.** None.
16. **ITEMS FROM COMMISSIONERS.** None.
17. **ADJOURNMENT:** The Planning Commission adjourned at 9:45 p.m. to a regularly scheduled meeting on Thursday, December 6, 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.**

