



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
November 21, 2019**

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 Carvalho called the meeting of the Planning Commission to order at 6:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** Ric Abramson led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalho.

Commissioners Absent: Altschul, Buckner.

Staff Present: Rachel Dimond, Senior Planner, Bryan Eck, Acting Long Range Planning Manager, Ben Galan, Building Manager/Building Official, Jennifer Alkire, Current & Historic Preservation Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, November 21, 2019 as presented. **Moved by Commissioner Erickson, seconded by Commissioner Jones and passes, noting Commissioners Altschul and Buckner absent.**
5. **APPROVAL OF MINUTES.**

A. **October 17, 2019**

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, October 17, 2019 as presented. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and passes, noting Commissioners Altschul and Buckner absent.**
6. **PUBLIC COMMENT.** None.

7. DIRECTOR'S REPORT.

John Keho, Director, Planning and Development Services Department provided an update on the City Council agenda for Monday, December 2, 2019. A zone text amendment will be brought forward regarding the definition of dwelling units, and a discussion item regarding the regional needs' assessment numbers.

He thanked Rachel Dimond for her services as acting Long Range Planning Manager. He stated Bryan Eck will now take over acting responsibilities at this time for Long Range Planning.

He introduced Ric Abramson, the new Urban Design and Architecture Studios Manager for the City of West Hollywood.

Commissioner Erickson requested a report for the regional need's assessment numbers.

8. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Hoopingarner congratulated Ric Abramson on his recent hire as the Urban Design Manager.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

**A. General Plan Amendment
Earthquake Fault Zones Map:**

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 21, 2019.

She stated the request is to consider amendments to the West Hollywood General Plan's Safety and Noise Element to include new Fault Location and Precaution Zone Map which is in compliance with the California's Geologic Survey (Alquist-Priolo Earthquake Fault Zoning Act).

She provided background history of the request, stating the State recently updated their Alquist-Priolo Earthquake Fault Zones Map, which shows recently revised earthquake fault zones recognized by the California Geologic Survey. This map was completed pursuant to the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act), a law intended to ensure public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures. This law requires the State Geologist to establish regulatory zones (known as Alquist-Priolo Earthquake Fault Zones or AP Zones) around the surface traces of active faults and issue maps to all affected municipalities. Local agencies must adhere to the regulations of these zones.

The City has two fault area designations, called Fault Precaution Zones: Fault Precaution Zone 1 and Fault Precaution Zone 2, or FP1 and FP2 zones for short. These zones roughly follow the Alquist-Priolo zones found on the revised State map. However, with the recently revised AP map, the City must now revise its earthquake zone maps to designate as a fault precaution zone, at minimum, all of the area shown in the new State AP zone.

She detailed the Fault Precaution Zones 1 and 2 (FP1 and FP2).

The City is required to update its map to, at a minimum, reflect the State's Alquist-Priolo Earthquake Fault Zone as the City's current designation of FP1 Zone. This adds approximately 25 acres (82 lots) of new property into the FP Zone 1 that previously had no FP Zone designation.

Additionally, 42 lots were removed from the FP1 zone, as they were not included in the updated AP zone. These newly designated FP Zone 1 properties will have requirements placed on them to conduct site specific fault rupture investigations to determine the location of active faults, whereas previously, they had reduced or no requirements.

The map revision also adds to the FP1 Zone almost 18 acres (64 lots) of property that was previously designated as FP Zone 2. Overall, 104 net new lots are in the City's FP Zone 1.

The revised fault precaution zones do not follow lot lines and therefore there are several lots that are only partially contained with the newly delineated FP zones. This represents 81 lots. For these, the City Geologist recommends they be included in the respective, contiguous FP1 or FP2 zones, adding a further safety check.

The commissioner requested further clarifications regarding the scientific basis for FP2 zones.

Chris Sexton, Techtra Tech, clarified and spoke regarding FP1, FP2 and the consistency of buffer zones.

Chair Carvalheiro opened the public hearing for Item 10.A.

KEVIN BURTON, WEST HOLLYWOOD spoke in support of staff's recommendation of approval to the City Council.

STEVE MARTIN, WEST HOLLYWOOD spoke in support of staff's recommendation of approval to the City Council.

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

The commission stated their support of the recommendation to City Council. They had concerns regarding the consistency of the buffer zones.

Commissioner Hoopingarner disclosed for the record her residence is within the FP2 zone and will continue to be in the FP2 zone. After conferring with legal counsel, she stated there is no change.

Commissioner Hoopingarner suggested future staff reports are prepared by adding a standing section regarding earthquake zones.

ACTION: 1) **Adopt Resolution No. PC 19-1348 as amended:** *a) advising City Council the concerns regarding the consistency of buffer zones; and b) add a standing section to future staff reports regarding earthquake standards;* “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE GENERAL PLAN TO ADD THE CITY FAULT LOCATION AND PRECAUTION ZONE MAP TO THE SAFETY AND NOISE ELEMENT, WEST HOLLYWOOD, CALIFORNIA;” and 2) Close the Public Hearing for Item 10.A. **Moved by Commissioner Hoopingarner, seconded by Chair Carvalho and passes, noting Commissioner Altschul and Buckner absent.**

B. Zone Text Amendment
Accessory Dwelling Units:

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 21, 2019.

She provided background information and clarified this is to modify requirements for accessory dwelling units, and junior accessory dwelling units to comply with recent changes to State law.

She stated in 2019, several bills (“new ADU laws”) were adopted in California that, among other things, amended Government Code section §65852.2 and §65852.22 to impose new limits on local authorities to regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs.)

The new ADU laws take effect January 1, 2020, and if the City’s ADU ordinance does not comply with these new ADU laws, the City’s ordinance becomes null and void on that date as a matter of law.

The new ADU laws require that ADUs that meet certain criteria and be permitted only through a building permit. ADUs and JADUs that do not meet this building permit only criteria would also need a ministerial permit, which is granted based upon determination that the proposed project complies with the established standards set forth in the Zoning Ordinance.

The new ADU laws allow ADUs to be built in all zones that allow residential uses, including residential and commercial zones, and does not allow ADUs to be relegated to single-family residences as is currently the regulation in West Hollywood.

This means multifamily units can have ADUs and JADUs attached to them, and in converted common spaces. The new laws allow local governments to take a variety of actions beyond these statutes that promote ADUs, such as reduction in impact fees for certain size ADUs, less restrictive parking, and increased unit sizes.

The City already allows for no required parking for ADUs. The City can also adopt a local ordinance to impose objective development standards for design, landscaping, and historic preservation, provided they do not overly burden the overall development of ADUs.

She spoke and detailed the proposed changes to accessory dwelling units junior accessory dwelling units, permitted locations, garage conversions, applicant eligibility, permitting process, fees, size, floor area ratio, design standards, height and setbacks, kitchen cabinets and counters, rentals, ownership, approved accessory dwelling units,

To be compliant with state law, staff recommends the following should be stricken from the Ordinance: "Section §19.36.310(8)(a) accessory dwelling units and junior accessory dwelling units shall comply with height and setback requirements."

She reiterated the zoning text amendment aligns the zoning ordinance with adopted AB 881.

The commission requested clarification regarding non-profit organizations and legal deadlines. They had concerns and discussed the language regarding maximum floor area ratios, proposed impacts to current codes, no-impact fees, design standards, measuring cabinet and shelf surface area, conversion of parking spaces, conversion of existing spaces, and street parking permits.

Chair Carvalheiro opened the public hearing for Item 10.B.

STEVE MARTIN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding rent-controlled buildings, accessory dwelling units, and the possible impacts.

ADAM KROLL, WEST HOLLYWOOD, has concerns regarding this item. He spoke regarding the number of possible accessory dwelling units, regulation, setbacks and proposed sizes.

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

Lauren Langer, Assistant City Attorney, stated the following language should be changed: draft Resolution No. PC 19-1349; Page 11 of 13 sub-section 3. Rental Term. When leased, no ADU or JADU may be rented for a term that is shorter than one year. ADUs and JADUs shall be subject to any restriction on lease terms that apply to all residential dwelling units in the City.

Commissioner Bass recommended striking the language in draft Resolution No. PC 19-1349; Page 13 of 13 sub-section e. ~~Tenants of ADUs are eligible to obtain on-street parking permits for ADUs that are located on blocks with preferred parking districts.~~

Vice-Chair Bass moved to: 1) recommend staff's recommendation to City Council; 2) strike the following sub-section e. (page 13 of 13). ~~Tenants of ADUs are eligible to obtain on-street parking permits for ADUs that are located on blocks with preferred parking districts.~~; 3) strike the following Section §19.36.310(8)(a) ~~accessory dwelling units and junior accessory dwelling units shall comply with height and setback requirements.~~; 4) Strike and add (page 11 of 13) sub-section 3. Rental Term. When leased, no ADU or JADU may be rented for a term that is shorter than one year. ADUs and JADUs shall be subject to any restriction on lease terms that apply to all residential dwelling units in the City.

Seconded by Commissioner Hoopingarner.

ACTION: 1) **Adopt Resolution No. PC 19-1349 as amended:** a) *strike and add to sub-section 3 (page 11 of 13). "Rental Term. ~~When leased, no ADU or JADU may be rented for a term that is shorter than one year. ADUs and JADUs shall be subject to any restriction on lease terms that apply to all residential dwelling units in the City.~~"*; b) *strike sub-section e. (page 13 of 13) "~~Tenants of ADUs are eligible to obtain on-street parking permits for ADUs that are located on blocks with preferred parking districts.~~"*; and c) *to be compliant with State law, strike Section §19.36.310(8)(a) ~~accessory dwelling units and junior accessory dwelling units shall comply with height and setback requirements.~~"* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THE CITY COUNCIL APPROVE A ZONE TEXT AMENDMENT TO MODIFY REQUIREMENTS FOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH RECENT CHANGES TO STATE LAW, WEST HOLLYWOOD, CALIFORNIA;" and 2) Close the Public Hearing for Item 10.B. **Moved by Vice-Chair Bass, seconded by Commissioner Hoopingarner and passes, noting Commissioner Altschul and Buckner absent.**

THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:10 P.M. AND RECONVENED AT 8:20 P.M.

11. NEW BUSINESS.

A. Planning Commission Training.

Jennifer Alkire, Current and Historic Preservation Planning Manager and Benjamin Galan, Building Manager/Building Official provided a verbal presentation on Building and Safety review and how it relates to the Planning Commissions purview.

They spoke and detailed the following: internal development review committee, building and safety development review committee review, planning division review process, design documents and construction documents, concurrent plan check, plan check package, plan check review, and approvals.

They further spoke and clarified the design process, design conditions and how it relates when building codes alter the design after approval.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

Jennifer Alkire, Current and Historic Preservation Planning Manager updated the commission on upcoming agenda items for the next meeting on December 5, 2019.

15. PUBLIC COMMENT.

STEVE MARTIN, WEST HOLLYWOOD commented on the 35 years of cityhood. He thanked the commission for their service.

16. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Commissioner Erickson questioned the appeal regarding 972 N. San Vicente Boulevard.

Jennifer Alkire, Current and Historic Preservation Planning Manager stated it is tentatively scheduled for City Council on Tuesday, January 21, 2020.

Vice-Chair Bass suggested and questioned if future trainings could be held in a study session format.

Vice-Chair Bass reported he represented the Planning Commission at the first meeting regarding Vision 2050.

B. Subcommittee Management. None.

17. **ADJOURNMENT:** The Planning Commission adjourned at 8:55 p.m. to a regularly scheduled meeting on Thursday, December 5, 2019 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.**

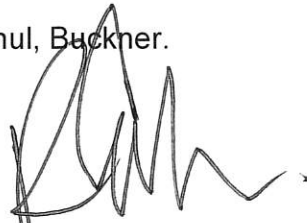
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 5th day of December, 2019 by the following vote:

AYES: Commissioner: Erickson, Hoopingarner, Jones, Vice-Chair Bass, Chair Carvalho.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Altschul, Buckner.



ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY