



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
October 19, 2023**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California

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 INDIVIDUAL DISCUSSIONS 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

Land Acknowledgment: “The West Hollywood Planning Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples.”

A.A. TELECONFERENCE MEETING ATTENDANCE REQUEST PURSUANT TO AB 2449: The Planning Commission will consider a request under AB 2449 to allow attendance via live video teleconference for Planning Commissioner Kimberly Copeland.

Vice-Chair Lombardi moved to: 1) approve Commissioner Copeland’s participation via live video teleconferencing.

Seconded by Commissioner Jones.

ACTION: 1) Officially allow Commissioner Copeland to participate in the Planning Commission meeting of Thursday, October 19, 2023 via live video teleconference, per the guidelines as outlined in AB 2449 and read into the record by Isaac Rosen, Legal Counsel. : **Moved by Vice-Chair Lombardi, seconded by Commissioner Jones and passes, noting Commissioner Copeland abstained.**

- 1. CALL TO ORDER:** Chair Carvalheiro called the meeting of the Planning Commission to order at 6:36 p.m.
- 2. PLEDGE OF ALLEGIANCE.** Commissioner Jones led the Pledge of Allegiance.
- 3. ROLL CALL:**
Commissioners Present: Copeland (via teleconference), Edwards, Gregoire, Jones, Matos, Acting-Chair Lombardi, Chair Carvalheiro.

Commissioners Absent: None.

Staff Present: Ric Abramson, Urban Design and Architecture Studio Manager, Michael Barker, Project Architect, Helen Collins, Facilities and Field Services Division Manager, Jennifer Alkire, Current and Historic Planning Manager, Francisco J. Contreras, Long Range Planning Manager, Isaac Rosen, Legal Counsel, and David Gillig, Commission Secretary.

4. APPROVAL OF AGENDA.

ACTION: Approve the Planning Commission agenda of Thursday, October 19, 2023 as presented. **Moved by Commissioner Gregoire, seconded by Commissioner Jones and unanimously passes.**

5. APPROVAL OF MINUTES.

A. October 5, 2023

ACTION: Approve the draft action minutes of Thursday, October 5, 2023 as presented. **Moved by Commissioner Matos, seconded by Commissioner Jones and unanimously passes.**

6. PUBLIC COMMENT.

LYNN HOOPINGARNER, WEST HOLLYWOOD spoke about concerns regarding recusals and the perception and distinctions of participating on specific items. She urged staff and legal to pursue this issue for further clarifications.

7. DIRECTOR'S REPORT.

Nicholas P. Maricich, Community Development Director presented the Directors report. He stated on Monday, October 16, 2023 the City Council approved the historic designation of Gil Turners Liquor Store, located at 9101 Sunset Boulevard, West Hollywood. They also took actions regarding the Dockless Mobility Program, which included extending the existing pilot program through December 31, 2023 and implementing a second phase to proceed under a revised operating agreement for an 18 month term beginning January 1, 2024.

On Tuesday, October 17, 2023, the Building and Safety Department held its first staff training for the next phase of the Seismic Retrofit Program.

8. CONSENT CALENDAR. None.

**9. PUBLIC HEARINGS SECTION I:
PROJECTS SUBJECT TO THE HOUSING ACCOUNTABILTY ACT.**

A. 910 – 916 N. WETHERLY DRIVE

The proposed project is to demolish two dwelling units on three abutting parcels and construct a new seven-story, 89-unit, 100% affordable multi-family residential building and a three-level subterranean parking garage.

Staff recommends a continuation to allow the applicant time to submit additional information required to conduct a comprehensive and thorough analysis of the project.

ACTION: 1) Continue to Thursday, November 16, 2023.

**10. PUBLIC HEARINGS, SECTION II:
OTHER ITEMS THAT REQUIRE A PUBLIC HEARING UNDER THE LAW.**

**A. ZONE TEXT AMENDMENT
TREE CANOPY AND LANDSCAPE STANDARDS:**

Ric Abramson, urban Design and Architecture Studio Manager provided a verbal presentation and background information, as presented in the staff report dated Thursday, October 19, 2023.

He provided background history, timelines, and community outreach of the proposed tree canopy and landscape standards.

He stated the Planning Commission will consider a recommendation to the City Council to amend the Zoning Ordinance to revise existing landscape standards and establish new tree canopy requirements for privately-owned property. This effort is not only intended to foster tree preservation, conservation, and protection but also to ensure environmentally essential canopy tree augmentation, biodiversity, and resource management through updated and new objective standards.

He spoke and detailed the effects of climate change, community assets, climate and resilience, sustainability and resource management, civic, social, and economic benefits, and canopy tree mapping.

Staff's approach is to preserve and protect existing mature canopy trees when possible. He detailed the objective design standards with a variety of solutions for planting new canopy trees and spoke on encouraging restorative and regenerative strategies. He clarified the physical impediments and infrastructure challenges.

He summarized the current and proposed additions, modifications, and clean-up language to Section §19.90.020. Definitions, and clarified the current and proposed policies regarding mature canopy tree preservation, removal, relocation, and replacement.

Due to recent comments and concerns received from the public, staff has amended the following conditions to draft Resolution No. PC 23-1523:

19.26.040 Areas of Required Landscaping.

10. Replacement of Mature Trees.

- b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that ~~all of~~ the following conditions apply:

~~(2) the private property includes other mature trees; and~~

19.90.020 Definitions of Specialized Terms and Phrases.

C. Definitions, "C"

Canopy Tree. Any species of tree or large woody plant that reaches a minimum height at maturity of 20 feet and has a minimum leaf coverage (leaf density) of 50 percent shading coverage as determined by a qualified tree expert. Mature canopy trees create a substantive, elevated layer or crown of dense branches and leaves that provides shade and/or shelter for the land or spaces beneath, converts sunlight to energy, hosts forms of wildlife and biological organisms, and establishes a drip line and mulch layer as part of its role in fostering a particular ecosystem. Canopy trees help regulate the local climate by interchanging heat, atmospheric gases, and water vapor, and also protect under-canopy vegetation from over intense sun exposure, heavy rainfall, and wind damage. ~~Palm species or trees and other trees without the capacity to develop a robust leaf spread, generate reasonable shade, or support the propagation of a diverse wildlife shall not be considered canopy trees. Native trees that are tall in structure as opposed to wide are preferred; however,~~ Local climate-acclimated and resilient tree species may also be considered canopy trees. Refer to the city's Urban Forest Management Plan for other recommended tree species.

The commission requested clarification regarding the standard practice for tree removal and tree relocation regarding a zone clearance permit. They questioned the implications of this ordinance for the City's ability to follow State housing law; pertaining to property owners' by-right to produce an ADU or JADU on their property. They requested particulars regarding outreach to the "Kitchen Cabinet" advisory group and requested who was included in the Kitchen Cabinet meeting and how neighborhood groups and residents were notified to access the meeting.

They questioned and requested clarification regarding front yard setbacks, front and rear yard informal processes, tree removal and relocation process, tree trimming standards by public utility companies (SCE), deciduous versus non-deciduous trees, requirements for number of canopy trees in residential zones versus commercial zones, monitoring and enforcement practices for tree removal, financial costs, removal process and prohibitive costs factors for mature canopy trees.

The commission asked legal counsel if these standards would put the city in direct conflict under certain, practical, executable circumstances with state housing law.

They requested clarification about the discretion the Community Development Director has regarding using external experts, which may have subjective opinions. They further questioned what would preclude a private tree from being relocated to public property, and consequences, and enforcement procedures for non-compliance. They questioned clarifying definitions of native soil, tree experts and tree professionals.

Commissioner Matos disclosed for the record he spoke with members of the public. They discussed matters contained in the staff report.

Vice-Chair Lombardi disclosed for the record he spoke with members of the public. They discussed matters contained in the staff report.

Commissioner Edwards disclosed for the record he spoke with members of the public. They discussed matters contained in the staff report. He also stated for the record he works for Abundant Housing LA. He clarified he has no authority over what letters go out from Abundant Housing.

Chair Carvalheiro disclosed for the record he spoke with members of the public. They discussed matters contained in the staff report.

Commissioners Copeland, Gregoire, and Jones had no official disclosures.

Chair Carvalheiro opened public comments for Item 10.A.

AARON GREEN, LOS ANGELES, Afriat Consulting Group, has concerns regarding the proposed zone text amendment for tree canopies and landscaping standards. He stated there is a lack of specificity that bridges the space between the goals and what the proposed language says. He spoke regarding the proposed directive and prescriptive code language, the intent, and tree relocation costs.

LYNN HOOPINGARNER, WEST HOLLYWOOD has concerns regarding the proposed zone text amendment for tree canopies and landscaping standards. She spoke on the lack of replacement language for canopy trees in the current code and expressed her support of the proposed tree canopy standards.

ANDREW SOLOMON, WEST HOLLYWOOD opposes the proposed zone text amendment for tree canopies and landscaping standards.

VICTOR OMELCZENKO, WEST HOLLYWOOD support of the proposed zone text amendment for tree canopies and landscaping standards was read into the record.

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

The commission questioned if there is an inventory of all the city's mature canopy trees. They discussed and had concerns regarding the intent of the proposed zone text amendment changes, the legalities in conformance with state code, prohibitive costs to a homeowner, restrictive and limited language, climate change, and the options for possible incentives to single-family homeowners.

They spoke regarding the landscaping standards and voiced their concerns about the discretion that the Community Development Director would have.

Vice-Chair Lombardi proposed making the following amendments to draft Resolution No. PC 23-1523:

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9. Removal of Trees.

- b. Notwithstanding, the Community Development Director may determine that the removal of a tree is necessary to carry out construction or in compliance with the Fire Code, Building Codes and any other applicable life-safety requirements or applicable standards, and a replacement is provided in accordance with subsection (A)(10) of this section. The Director shall publish a list of all applicable standards and any implementing regulations.

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9. Removal of Trees.

- (5) The tree has been damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner as ~~defined~~ determined by a qualified tree expert; or

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11. Replacement of Mature Trees.

- b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that ~~all~~ of the following conditions apply:

~~(2) the private property includes other mature trees; and~~

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19.20.055 Canopy Trees.

A. 2. In commercial zoning districts, canopy trees shall be provided at a ratio of one tree for up to ~~the first~~ 6,000 square feet of gross site area, and one tree for every 6,000 square feet of gross site area thereafter. Trees shall be integrated within one or more of the following locations.

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N. Definitions, "N"

Adding a definition for "native soil"

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C. Definitions, "C"

Canopy Tree. Any species of tree or large woody plant that reaches a minimum height at maturity of 20 feet and has a minimum leaf coverage (leaf density) of 50 percent shading coverage as determined by a qualified tree expert. Mature canopy trees create a substantive, elevated layer or crown of dense branches and leaves that provides shade and/or shelter for the land or spaces beneath, converts sunlight to energy, hosts forms of wildlife and biological organisms, and establishes a drip line and mulch layer as part of its role in fostering a particular ecosystem. Canopy trees help regulate the local climate by interchanging heat, atmospheric gases, and water vapor, and also protect under-canopy vegetation from over intense sun exposure, heavy rainfall, and wind damage. ~~Palm species or trees and other trees without the capacity to develop a robust leaf spread, generate reasonable shade, or support the propagation of a diverse wildlife shall not be considered canopy trees. Native trees that are tall in structure as opposed to wide are preferred; however,~~ Local climate-acclimated and resilient tree species may also be considered canopy trees. Refer to the city's Urban Forest Management Plan for other recommended tree species.

Commissioner Matos proposed the following amendments to draft Resolution No. PC 23-1523:

19.26.020 Applicability.

There should be a general statement at the beginning of the section to make the following assertion clear; the provisions do not take priority over state housing law, and the provisions of by-right, ADU, JADU, and/or affordable housing production.

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9. Removal of Trees.

Add a subsection (6); if the Community Development Director makes a finding that it interferes with by-right JADU, ADU, or affordable housing production, there would be allotment for removal of the tree(s).

Zone clearance language:

Proposal to remove zone clearance requirements for the removal of mature canopy trees.

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Replacement of Mature Trees:

~~b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that the following conditions apply: (1) there are no other suitable areas available on the site for tree planting; and (2) the substituted landscape area provides other ecological benefits in the form of nesting, foraging, and other equivalent support for a viable wildlife habitat.~~

He stated language could be added or incorporated to include; consultation with a tree expert.

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19.26.020 Applicability. ...

D. Modifications or Waivers of Landscape Standards. The standards of this chapter may be modified or waived through an administrative permit, in compliance with Chapter 19.44 of this code, where, in conjunction with a recommendation by a qualified tree expert, the Community Development Director determines, based on substantial evidence, that there are unique contextual circumstances on a private property where constraints create an unusual and substantive hardship or make compliance with the standards of this chapter physically infeasible. ~~Designing a new structure around a mature tree because it is an inconvenience does not necessarily constitute a hardship.~~

Discussion was held regarding hardship and how it may conflict with state law. Further discussion and clarification were held regarding compliance with state housing law, job responsibilities of the city arborist regarding private property assessment, in-lieu fees, and incentives.

They discussed the options for how this item should move forward with all the recommended changes. (i.e., on Consent Calendar, public hearing).

Vice-Chair Lombardi moved to: 1) approve and forward staff's recommendation to City Council, including staff's amendments as read into the record, amendments read into the record by Vice-Chair Lombardi, Commissioner Gregoire and Commission Matos as noted.

Seconded by Commissioner Jones.

Ric Abramson, Urban Design and Architecture Studio Manager read the following amendments into the record:

19.26.020 Applicability.

Amend the language to reflect any of the provisions not taking priority over state housing laws.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.26.020 Applicability.

C. Amend the language to read that it requires a zone clearance or other applicable permits.

D. No changes to this sub section.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.26.040 Areas of Required Landscaping.

8. Tree Relocation.

a. (1) A zone clearance or other applicable permit is required for the relocation of any mature canopy tree.

b. Immature trees. Immature trees may be relocated without a zone clearance or other applicable permit.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.26.040 Areas of Required Landscaping.

9. Removal of Trees.

(5) The tree has been damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner as defined by a qualified tree expert; or

(6) A tree may be removed if it is necessary to carry out construction.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.26.40 Areas of Required Landscaping.

10. Replacement of Mature Trees.

- b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that all of the following conditions apply:

~~(2) the private property includes other mature trees; and~~

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.20.055 Canopy Trees

A. 2. In commercial zoning districts, canopy trees shall be provided at a ratio of one tree for up to the first every 6,000 square feet of gross site area, and one for every 6,000 feet of gross site area thereafter. Trees shall be integrated within one or more of the following locations.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

19.42.020 Applicability.

~~A. When Required. A zone clearance shall be required as part of department review of any construction permit, change in business tenant, or other authorization required by the municipal code for the proposed use. A zone clearance shall also be required to authorize:~~

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

Vice-Chair Lombardi amended the motion: a) for staff to prepare for consideration to City Council; a definition of native soil, and if it's appropriate, to potentially amend the definition of vegetative roof to be included in the resolution for City Council.

This addition to the motion was approved by Commissioner Jones.

Ric Abramson, Urban Design and Architecture Studio Manager continued with the following amendments:

19.90.020 Definitions of Specialized Terms and Phrases.

C. Definitions, "C"

Canopy Tree. Any species of tree or large woody plant that reaches a minimum height at maturity of 20 feet and has a minimum leaf coverage (leaf density) of 50 percent shading coverage as determined by a qualified

tree expert. Mature canopy trees create a substantive, elevated layer or crown of dense branches and leaves that provides shade and/or shelter for the land or spaces beneath, converts sunlight to energy, hosts forms of wildlife and biological organisms, and establishes a drip line and mulch layer as part of its role in fostering a particular ecosystem. Canopy trees help regulate the local climate by interchanging heat, atmospheric gases, and water vapor, and also protect under-canopy vegetation from over intense sun exposure, heavy rainfall, and wind damage. Palm species or trees and other trees without the capacity to develop a robust leaf spread, generate reasonable shade, or support the propagation of a diverse wildlife shall not be considered canopy trees. ~~Native trees that are tall in structure as opposed to wide are preferred; however, l.~~ Local climate-acclimated and resilient tree species may also be considered canopy trees. Refer to the city's Urban Forest Management Plan for other recommended tree species.

Vice-Chair Lombardi and Commissioner Jones approved the changes as read in the record.

Isaac Rosen, Legal Counsel suggested this item come back to the Planning Commission on Consent Calendar to confirm the intent and direction has been captured by staff before sending the recommendation to City Council.

Vice-Chair Lombardi and Commissioner Jones approved the recommendation of legal counsel to have this item return to the Planning Commission on Consent Calendar.

ACTION: 1) **Adopt Resolution No. PC 23-1523 as amended:** a) Section 19.26.020 Applicability. *Amend the language to reflect any of the provisions not taking priority over state housing laws.*

b) Section 19.26.020 Applicability. Subsection C. *Amend the language to read that it requires a zone clearance or other applicable permits.*

c) Section 19.26.040 Areas of Required Landscaping. Subsection 8. Tree Relocation. *a. (1) A zone clearance or other applicable permit is required for the relocation of any mature canopy tree. and; c. Immature trees. Immature trees may be relocated without a zone clearance or other applicable permit.*

d) Section 19.26.040 Areas of Required Landscaping. Subsection 9. Removal of Trees. *(5) The tree has been damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner as defined by a qualified tree expert; or; and add (6) A tree may be removed if it is necessary to carry out construction.*

e) Section 19.26.41 Areas of Required Landscaping. Subsection 11. Replacement of Mature Trees. *b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that ~~all of the following conditions apply: and delete the private property includes other mature trees; and~~*

f) Section 19.20.055 Canopy Trees. Subsection A. 2. *In commercial zoning districts, canopy trees shall be provided at a ratio of one tree for up to the first every 6,000 square feet of gross site area, and one for every 6,000 feet of gross site area thereafter. Trees shall be integrated within one or more of the following locations.*

g) Section 19.42.020 Applicability. Delete subsection: *A. When Required. A zone clearance shall be required as part of department review of any construction permit, change in business tenant, or other authorization required by the municipal code for the proposed use. A zone clearance shall also be required to authorize:*

h) Section 19.90.020 Definitions of Specialized Terms and Phrases. Subsection C. Definitions, "C" Canopy Tree. *Any species of tree or large woody plant that reaches a minimum height at maturity of 20 feet and has a minimum leaf coverage (leaf density) of 50 percent shading coverage as determined by a qualified tree expert. Mature canopy trees create a substantive, elevated layer or crown of dense branches and leaves that provides shade and/or shelter for the land or spaces beneath, converts sunlight to energy, hosts forms of wildlife and biological organisms, and establishes a drip line and mulch layer as part of its role in fostering a particular ecosystem. Canopy trees help regulate the local climate by interchanging heat, atmospheric gases, and water vapor, and also protect under-canopy vegetation from over intense sun exposure, heavy rainfall, and wind damage. Palm species or trees and other trees without the capacity to develop a robust leaf spread, generate reasonable shade, or support the propagation of a diverse wildlife shall not be considered canopy trees. ~~Native trees that are tall in structure as opposed to wide are preferred; however, I.~~ Local climate-acclimated and resilient tree species may also be considered canopy trees. Refer to the city's Urban Forest Management Plan for other recommended tree species.*

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE LANDSCAPING STANDARDS OF TITLE 19, ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE TO UPDATE EXISTING AND ESTABLISH NEW CITYWIDE TREE CANOPY AND LANDSCAPE STANDARDS IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA." 2) staff shall prepare a definition of native soil, and if appropriate, amend the definition of vegetative roof, to be included in the resolution and

recommendation to City Council; 3) Bring back all recommended amendments in a draft resolution to the Planning Commission on Consent Calendar; and 4) Close the Public Hearing for Item 10.A. **Moved by Vice-Chair Lombardi, seconded by Commissioner Jones and unanimously passes.**

11. NEW BUSINESS. None.

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 clarified and explained the new section on the agenda which was added to the Planning Commission By-Laws as approved by City Council: Projects Subject to the Housing Accountability Act.

Francisco Contreras, Long Range Planning Manager, provided an update of tentative items scheduled for upcoming Planning Commission meetings.

He confirmed the Planning Commission meeting will be cancelled on Thursday, December 7, 2023.

B. Subcommittee Management.

Francisco Contreras, Long Range Planning Manager provided an update of tentative items scheduled for Design Review Subcommittee, Sunset Arts and Advertising Subcommittee and Long Range Planning Projects Subcommittee meetings.

He confirmed there will be a specially scheduled meeting of the Design Review Subcommittee meeting on Thursday, October 26, 2023, which will be relocated to Plummer Park Community Center, Rooms 5 and 6.

15. PUBLIC COMMENT.

JAMES FRANCIS WENDALL, WEST HOLLYWOOD commented on affordable housing and the current problems affecting low income households.

16. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Vice-Chair Lombardi stated he will be absent from the Planning Commission meeting on Thursday, November 2, 2023.

Commissioner Jones stated she will be absent from the Planning Commission meeting on Thursday, November 16, 2023.

ADJOURNMENT. The Planning Commission adjourned at 9:45 p.m. to a regularly scheduled meeting on Thursday, November 2, 2023 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.**

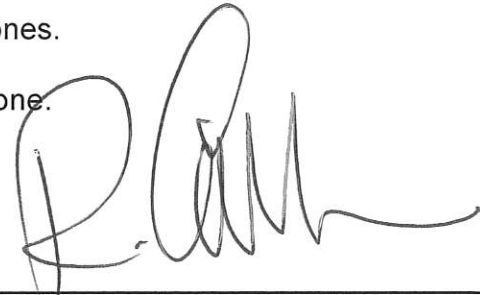
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 16th day of November, 2023 by the following vote:

AYES: Commissioner: Copeland, Edwards, Gregoire, Matos, Vice-Chair Lombardi, Chair Carvalho.

NOES: Commissioner: None.

ABSENT: Commissioner: Jones.

ABSTAIN: Commissioner: None.



ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY