



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Regular Meeting  
April 5, 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 6:34 P.M.

**2. PLEDGE OF ALLEGIANCE:** Richard Giesbret led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Jerry Hittleman, Contract Planner, Peter Noonan, Rent Stabilization and Housing Manager, Gwynne Pugh, Contract Urban Designer, John Keho, Interim Planning and Development Services Director, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA.**

**ACTION:** Approve the Planning Commission Agenda of Thursday, April 5, 2018 as presented. **Moved by Commissioner Bass, seconded by Commissioner Aghaei and unanimously passes.**

**5. APPROVAL OF MINUTES.**

**A. March 1, 2018**

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

**B. March 15, 2018**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, March 15, 2018 as presented. **Moved by Commissioner Altschul, seconded by Vice-Chair Jones and passes, noting Commissioner Aghaei abstained.**

**6. PUBLIC COMMENT.**

RICHARD GIESBRET, WEST HOLLYWOOD commented on the potential noise impacts to West Hollywood Park by the new Bottega Louie restaurant.

**7. DIRECTOR'S REPORT.**

John Keho, Interim Planning and Development Services Director, provided a history of the permitting process for Bottega Louie and spoke regarding the potential noise impacts, rear glass wall, and bar and patio size. He stated a staff update will be presented at the next commission meeting.

He stated the next City Council meeting on Monday, April 16, 2018 will be an appeal regarding a five-unit condominium building located at 1227 N. Formosa Avenue.

**8. ITEMS FROM COMMISSIONERS.**

Commissioner Hoopingarner questioned the status of Projects Spanning Residential and Commercial.

John Keho, Interim Planning and Development Services Director, stated this item will be going before the City Council for further direction and clarifications. It will be brought back at a later date to the planning commission.

**9. CONSENT CALENDAR.** None.

**10. PUBLIC HEARINGS.**

**A. Zone Text Amendment**

**Affordable Housing Requirements:**

Pete Noonan, Acting Director, Human Services and Rent Stabilization, provided an overview of the City of West Hollywood's Housing Program. He stated this item is for questions, review and discussion. Staff will come back with a final draft ordinance for recommendation at a date to be determined.

He spoke and detailed the inclusionary housing program, housing needs, affordable housing, affordable income brackets, household incomes, affordable non-profit housing, affordable housing achieved in 2017, and West Hollywood Requirements versus State Housing Bonuses.

Jerry Hittleman, Contract Planner continued staff's presentation. He provided a verbal presentation and background information, as presented in the staff report dated Thursday, April 5, 2018.

He spoke and provided details and examples on the following items:

## ASSEMBLY BILL 2501 (BLOOM)

AB 2501 requires that local jurisdictions have proper procedures and timelines in place for expeditious processing of applications for multi-unit residential projects and commercial projects (partnered with affordable housing developers) that are requesting density bonuses. The bill includes the following provisions:

Adopting procedures and timelines for processing density bonus applications;

Providing applicants with a list of documents and information required for a density bonus application to be deemed complete;

Notifying applicants when applications are deemed complete consistent with the Permit Streamlining Act;

Require only “reasonable” documentation to establish eligibility for a requested density bonus;

Each component of any density bonus calculation must be rounded up;

Prohibit local government from requiring additional reports or studies to be prepared as a condition of an application; and

Redefines housing development to include mixed-use housing.

To further address the requirements of AB 2501, upon adoption of the proposed zone text amendments, density bonus application guidelines for developers and the public will be prepared. The guidelines will include required application submittal documents and studies, processing procedures, applicant notification milestones, and timelines for multi-unit residential projects that apply for a density bonus and commercial projects that are partnered with affordable housing developers.

AB 2501 also requires that each component of any density bonus related calculation be rounded up.

This bill also redefines housing development to include “mixed-use housing.” To ensure that this is clear, the terms “mixed-use” and “mixed commercial/residential development” have been added where appropriate throughout the draft ordinance.

He stated the newly proposed Section 19.22.025 Processing Density Bonus Applications, has been included in the draft ordinance to address various provisions of AB 2501 and to clarify that applications for a density bonus and/or incentives shall be processed concurrently with the underlying land use permit and reviewed by the same review authority (i.e. Planning Commission or City Council).

## ASSEMBLY BILL 2556 (NAZARIAN)

In 2014, the Legislature passed AB 2222, to ensure that housing units occupied by lower-income persons or households were not being eliminated and replaced with density bonus projects that yielded fewer net affordable units. Questions remained regarding how this provision would be implemented. Therefore, in 2016, the Legislature adopted AB 2556 that provides further guidance regarding rent-controlled affordable units by giving jurisdictions the right to require either:

Replacement of rental units subject to a recorded affordability restriction for at least 55 years, or

Replacement with units that remain subject to the local rent control ordinance.

AB 2556 also addresses the definition of “equivalent size” for replacement units, and requires that the replacement units must contain at least the same total number of bedrooms as the units being replaced.

To ensure that residential projects with affordable units that are demolished to create new housing are replaced in accordance with state law Section 19.22.050(B)(4), has been revised to include the following provisions for requiring the replacement of affordable units of equivalent size

## ASSEMBLY BILL 1934 (SANTIAGO)

AB 1934, allows commercial developers to partner with affordable housing developers whereby both would be eligible to receive bonuses, concessions, and waivers for qualifying projects. In order to qualify for a development bonus, a commercial developer would need to partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

This bill states that the housing can be constructed on the site of the commercial development (mixed-use development) or on a separate site that meets the following requirements:

Within the boundaries of the local government where the project is proposed;

In proximity to public amenities including schools and employment centers; or

Located within one-half mile of a major transit stop (all residential and commercial areas in West Hollywood are in one-half mile of a major transit stop)

Under this new state law, commercial development concessions would be available to commercial developments that include affordable housing units (mixed-use development) or partner with an affordable housing developer.

The commission questioned why it's taken so long to incorporate state laws into the local zoning ordinance, and if there are any punitive issues from not doing so.

Peter Noonan, Rent Stabilization and Housing Manager, stated even though the codes have not been codified into the zoning ordinance, the City of West Hollywood has been abiding by all current state codes.

#### ASSEMBLY BILL 1505 (BLOOM)

This bill authorizes jurisdictions to adopt ordinances requiring new residential rental development to reserve a percentage of the units for households earning very low, low, or moderate income (inclusionary housing). West Hollywood's inclusionary onsite affordable housing requirement is that at least 20 percent of units be reserved for lower and moderate income households in new multi-unit development. In 2014, the City Council amended the Municipal Code to allow a developer not requesting a state density bonus for a new rental building to pay the affordable housing in-lieu fee instead of providing onsite affordable housing units. The City Council took this action consistent with the decision in *Palmer/Sixth Street Properties, L.P. v. City of Los Angeles*, which found rental inclusionary housing violated the Costa Hawkins Act by setting initial rental rates for rental units.

AB 1505 clarifies that jurisdictions have the right to require inclusionary onsite affordable housing in new multi-unit residential rental projects provided an alternative method of meeting the onsite requirement is provided. Staff received the following policy direction from the City Council to staff received on January 16, 2018, relative to implementing AB 1505:

Bring forward a Municipal Code amendment, amending the zoning code consistent with AB 1505 to once again require new multi-unit residential projects of 11 units or more to provide onsite affordable housing; and

Staff is to evaluate the in-lieu fees to be set at the cost of construction and the effect this might have on the production of housing.

In accordance with AB 1505, the proposed ZTA requires development projects of 11 or more residential units to provide affordable units onsite or under certain circumstances offsite within the City of West Hollywood. In addition, Section 19.22.040 Affordable Housing Fees continues to allow an in-lieu fee to be paid by developers of residential projects with 10 or fewer units, as an alternative method of meeting the affordable housing requirement. As directed by Council, staff will analyze the in-lieu fees and bring forward an adjustment to the Council's fee schedule upon completion of the study.

#### ASSEMBLY BILL 2442 (HOLDEN)

This bill requires that a density bonus of 20 percent be provided to a developer that proposes to construct a housing development that includes at least 10 percent of the total housing units for transitional age youth, disabled veterans, or homeless persons. It further requires that these units be subject to a recorded affordability restriction of at least 55 years and be provided the same affordability level as very low income units.

In accordance with this bill, Municipal Code Section 19.22.010(A) Purpose, has been revised to state that these provisions are intended to encourage housing for transitional age youth, disabled veterans, and homeless persons as follows:

#### ASSEMBLY BILL 1934 (SANTIAGO)

AB 1934, allows commercial developers to partner with affordable housing developers whereby both would be eligible to receive bonuses, concessions, and waivers for qualifying projects. In order to qualify for a development bonus, a commercial developer would need to partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

The commission discussed, had concerns and requested clarification regarding unit sizes, equivalency, clustering, and separate entrances. They requested a definition of equity within the buildings, and requested clarification regarding "bonus" and "concessions".

The commission requested clarification when this item returns: 1) which things are being amended in order to comply with state law, and which things are discretionary as a city.

Jerry Hittleman, Contract Planner spoke and detailed relocation fee requirements, level of affordability requirements, clarification of current administrative practices, rental, sale, and resale of inclusionary and affordable units, security deposits, allowed density bonuses, accessory dwelling units, revised parking regulations, off-site construction of affordable units, rental and sale of affordable units, and added definitions.

The commission questioned and requested clarification regarding ellised properties, number of parking spaces, uncovered parking, and parking incentives.

The commission requested Inclusionary housing definitions be looked at for additional clarifications.

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

EDWARD LEVIN, WEST HOLLYWOOD has concerns regarding this item. He spoke and clarified the numerous State Bills, concessions, parking, waivers, and the elimination of 650 square-foot one bedroom allowances.

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

**THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:10 P.M. AND RECONVENED AT 8:15 P.M.**

The commission discussed and requested further clarification regarding zone sections that have been removed, replacement requirements, public outreach regarding accessory dwelling units, average unit households, micro-units, intent of concessions, and allowance of clustering. They requested a further definition of “right of first refusal” and “right of first offer”.

**ACTION:** 1) Receive as discussed, and 2) bring back a resolution at a date to be determined. **Motion carried by consensus of the Commission.**

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

**11. NEW BUSINESS.**

**A. Architectural Review Training:**

Gwynne Pugh, Urban Design Studios provided a verbal presentation on architectural review.

He spoke on design and how design affects communities, how uses affect buildings, how buildings respond to specific needs of their uses, building design, elements of design, forms and space, scale and proportion, symmetry, rhythm and repetition, hierarchy, material and texture, articulation, context, iconic versus fabric, historic versus historical versus referential, sustainability and sustainable communities, and exemplary design standards.

The commission discussed and requested further clarification regarding exemplary design standards and the intent. They suggested “points of inspiration” or a frame of reference for the process.

**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.**

David DeGrazia, Current and Historic Preservation Planning Manager, stated the planning commission packet for Thursday, April 19, 2018 has been released earlier than normal and is currently available on-line.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.** None.

17. **ADJOURNMENT:** The Planning Commission adjourned at 9:25 P.M. to a regularly scheduled meeting on Thursday, April 19, 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 3<sup>rd</sup> of May, 2018 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: Aghaei.

ABSTAIN: Commissioner: None.



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SUE BUCKNER, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY