

**SUBJECT: ZONE TEXT AMENDMENT: TOP FLOOR STEPBACKS IN THE R3 AND R4 DISTRICTS**  
**DATE: OCTOBER 1, 2018**  
**INITATED BY: CITY COUNCIL**  
**PREPARED BY: PLANNING & DEVELOPMENT SERVICES DEPARTMENT**  
(Rachel Dimond, AICP, Senior Planner)

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### **ISSUE STATEMENT**

There is concern that certain buildings in multi-family residential districts appear too large. The proposed zone text amendment would require a stepback of 15 feet on the top floor of buildings in the R3C and R4B Districts, which could reduce visual impacts of the top level of certain residential buildings, improving neighborhood compatibility and pedestrian scale.

### **COUNCIL DIRECTION**

On January 16, 2018, the City Council approved Ordinance No. 18-1020, which included zone text amendments to the R3 and R4 Zone Districts that would: 1) reduce minimum density requirements; 2) require Planning Commission review for height increases or concessions when not specifically listed as a density bonus concession; 3) require Planning Commission review for projects with 7 or more units; and 4) allow subdivision requests to be reviewed separately from development permits.

During this discussion, the City Council expressed concern that given the city's density, taller commercial buildings could impact multi-family neighborhood compatibility by allowing these taller buildings adjacent to existing lower residential buildings, creating inconsistencies in the aesthetics of a neighborhood. As a result, the Council directed staff to return with a zone text amendment that would reduce the impacts of the taller commercial building by requiring an additional stepback of 15 feet on its top floor.

### **PLANNING COMMISSION ACTION**

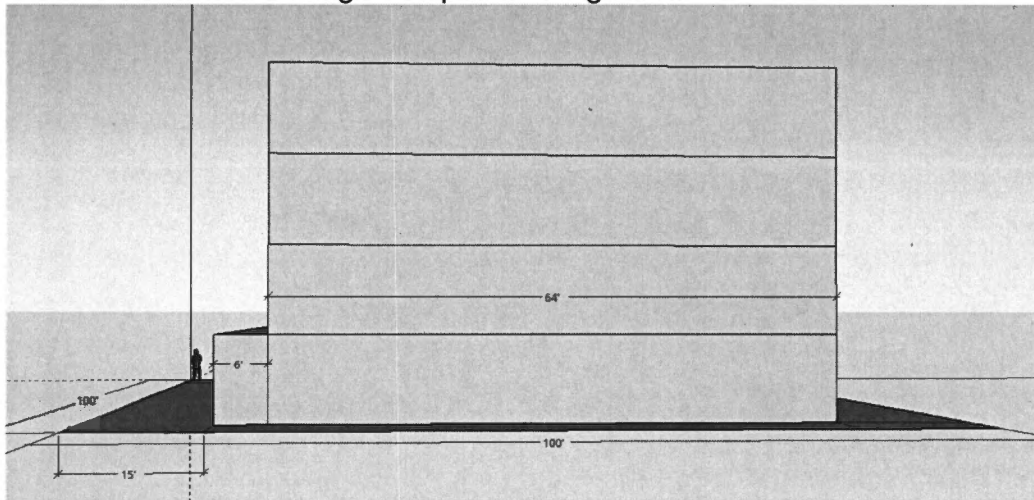
On August 2, 2018, the Planning Commission held a public hearing on a proposed zone text amendment to establish a top floor stepback requirement in the R3-C and R4-B districts. The Planning Commission recommended denial of the proposed zone text amendment, and suggested the City Council look instead at design guidelines for multi-family zone districts. The Planning Commission expressed concern that the stepback was arbitrary, too limiting and wanted more design flexibility. The Planning Commission resolution (see Exhibit C2) reflected this direction.

## ANALYSIS

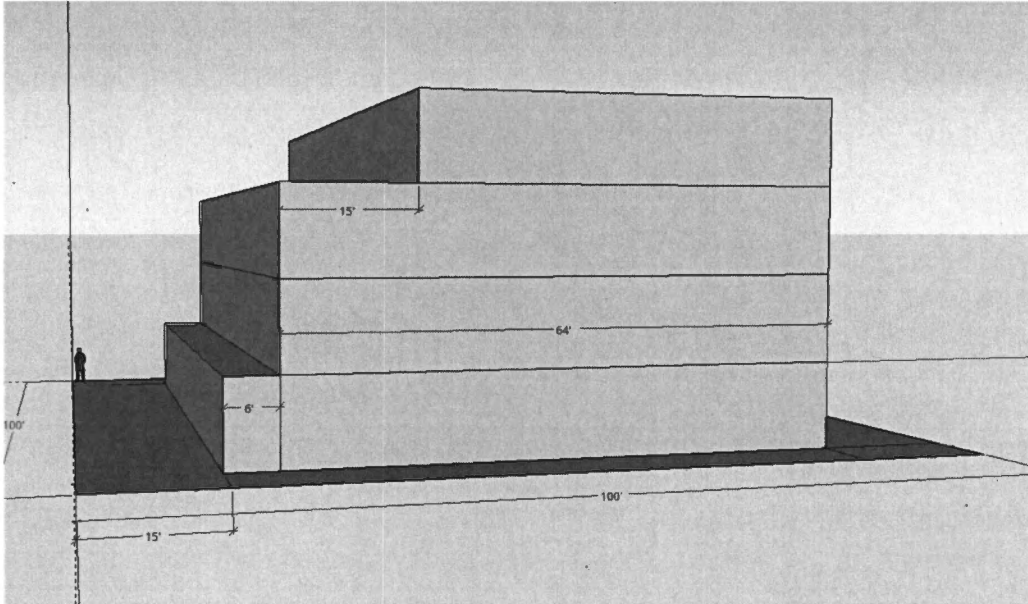
**Current Policy.** The front yard setback in the R3 District is 15 feet or the average of the two neighboring properties, up to 30 feet maximum. The front yard setback in the R4 District is 7 feet or the average of the two neighboring properties, with no maximum. There is a stepback of 6 feet from the initial front setback for the second floor and all higher floors above in both districts, unless it is determined that the project has exemplary design. This upper floor stepback is also waived for the newly established R3C-C and R4B-C Districts, where lot sizes are typically smaller than the rest of the district. The maximum height allowed in R3 and R4 ranges from 2-4 stories, although some projects may request an additional story or 10 feet in height through the density bonus concessions

**Proposed Policy.** The draft ordinance (see Exhibit C1) contains a proposed zone text amendment to require a 15 foot top floor stepback in the R3B and R4C Zone Districts, with an exemption for exemplary design.

A top floor stepback will push the building back on the top floor, and should reduce the visual impact of the top floor from a pedestrian view from the street, as illustrated by Figure 2 below. The pedestrian is at the property line 15 feet from the base of the building. At that location, the general perception is of the ground floor. With the proposed increased setback, the top floor will likely be blocked from visibility at this location, reducing the perceived height of the building. This proposed zone text amendment is illustrated through site plans in Figure 2.



*Figure 1: R3-C-- 4 Story Building, without stepback*



*Figure 2: R3-C- 4 story building: With proposed top floor stepped back 15 foot*

The space within the top floor stepback may be utilized as a deck for required private open space. This would include a required 42" railing around that top floor stepback area. Using this stepback area for required open space could have the effect of reducing roof top or side yard open space decks. Decks projecting into side yards facing neighboring properties and rooftop decks are a concern for neighbors because of reduced privacy. So under certain circumstances, this relocation to the front stepback could reduce some of these issues.

The draft ordinance proposes the top floor stepback apply to the R3-C and R4-B districts, as they allow the highest buildings: 4 stories or 45 feet in height per the Zoning Ordinance. This will result in the first floor at the base setback, the second and third floors at the additional 6 foot stepback, while the 15 foot stepback would apply to the fourth floor (or fifth floor if height bonus is requested). Staff does not recommend applying this standard to the other R3 and R4 Districts because they have lower height requirements. If this provision applied to three story buildings, there would be an additional stepback on every story. This could result in an overly stepped building that limits creativity in design. Staff also recommends exclusion of this provision in the R3C-C and R4B-C Districts, where the upper level stepback is already waived.

While the proposed top floor stepback would decrease the total buildable envelope, it would not impact the total number of permitted units, nor the average maximum size of units. This maximum average unit size is what typically governs the total building size, and the proposed top floor stepback would just shuffle space further back on the site, or decrease interior common space like hallways and non-occupiable space. The maximum average unit size in the R3 Districts is 1,500 square feet, and 1,200 square feet in the R4 Districts.

The proposed stepback could be waived through the use of a concession or waiver for projects that provide required affordable housing on site. Projects deemed to have exemplary design could also request to have this requirement waived in order to provide design flexibility.

Staff conducted an analysis to ensure that a top floor stepback would not negatively impact the ability to build the maximum number of units to the maximum average unit size. For example, on a 50 foot by 150 foot lot in the R3-C District, base zoning would allow 6 units. Maximum average unit size is 1,500 square feet per unit, so the total interior residential square footage is 9,000 SF maximum. The analysis confirmed that on this lot, the maximum building envelope is 16,092 square feet, which allows for 7,092 square feet for interior common element, wall thickness, and other interior space, more than adequate for design. This does not include subterranean square footage, typically utilized for parking. Because the stepback does not impact the number of units, or the ability to maximize residential square footage for said units, the top floor stepback does not have any negative environmental impacts.

## **ALTERNATIVES**

1. Take no action and maintain existing setback and stepback requirements, as recommended by the Planning Commission. This would result in buildings having more design flexibility.
2. Also as recommended by the Planning Commission, direct staff to create additional design guidelines for multi-family neighborhoods.
3. Adopt a different top floor stepback in R3B and R4C and/or other zone districts.

## **EXHIBITS**

1. Ordinance No. 18-\_\_\_\_\_
2. Adopted Planning Commission Resolution 18-1278
3. Planning Commission Staff Report dated August 2, 2018
4. Planning Commission Minutes dated August 2, 2018
5. City Council January 18, 2018 meeting results

ORDINANCE NO. CC 18-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO ESTABLISH A TOP FLOOR STEPBACK IN THE R3C AND R4B DISTRICTS, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. The City Council initiated a zone text amendment to require a stepback on the top floor of multifamily zone districts in order to reduce the visual impact of larger residential buildings.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of August 2, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting July 19, 2018. On August 2, 2018, the Planning Commission adopted a motion to recommend denial of the proposed zone text amendment. On August 16, 2018, the Planning Commission adopted a resolution recommending denial of the proposed zone text amendment.

SECTION 3. A public hearing was duly noticed for the City Council meeting of October 1, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting September 20, 2018.

SECTION 4. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2018-0008 is consistent with the Goals and Policies of the General Plan, including Goal LU-9, which calls for encouraging multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs, Goal LU-1, which calls for maintaining an urban form and land use pattern that enhances quality of life and meets the community's vision for its future and Goal H-2.4, which calls for establishing and maintaining development standards that support housing and mixed-use developments while protecting and enhancing the quality of life goals. These goals are furthered by the addition of a top floor stepback that will improve neighborhood compatibility and the ordinance will not impede the City's implementation of its General Plan designations, policies and goals.

SECTION 5. The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for

causing a significant effect on the environment. Requiring a top floor setback will result in reduced visual impacts of buildings, increased light and air, and will not have any significant impacts to the environment. No other changes are authorized under this ordinance to the development standards for these zones, thus the ordinance will not result in impacts to the environment.

SECTION 6. The Row titled Front: 2nd and Upper Stories in Table 2-3, Residential Zoning District General Development Standards, in Section 19.06.040 of Chapter 19.06 of Title 19 of the West Hollywood Municipal Code, is amended as follows (additions in underline, deletions in ~~strikethrough~~):

TABLE 2-3: RESIDENTIAL ZONING DISTRICT GENERAL DEVELOPMENT STANDARDS

Development Feature	Requirement by Zoning District		
	R1, R2	R3	R4
Front, 2nd & upper stories	An additional 6 ft. for 2nd and upper stories in addition to the 1st story setback <sup>4</sup> For R3C-C, no additional 2nd or upper stories setback. <u>For R3-C and R4-B, the top story must be stepped back an additional 15ft (in addition to 1st story setback and 2nd and upper stories setback)<sup>4</sup></u>		

**Notes: (in part for reference)**

(4) The Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 1<sup>st</sup> day of October, 2018 by the following vote:

\_\_\_\_\_  
 JOHN DURAN, MAYOR

ATTEST:

\_\_\_\_\_  
 YVONNE QUARKER, CITY CLERK

**RESOLUTION NO. PC 18-1278**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL DENIAL OF A ZONE TEXT AMENDMENT TO SECTION §19.06.040, RESIDENTIAL ZONE DISTRICTS GENERAL DEVELOPMENT STANDARDS, WEST HOLLYWOOD MUNICIPAL CODE, TO ESTABLISH A TOP FLOOR STEPBACK IN THE R3-C AND R4-B DISTRICTS, WEST HOLLYWOOD, CALIFORNIA.**

The Planning Commission for the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City Council initiated a zone text amendment to require a stepback on the top floor of multifamily zone districts in order to reduce the visual impact of larger residential buildings.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of August 2, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting July 19, 2018.

SECTION 3. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2018-0008 is not consistent with the Goals and Policies of the General Plan, including Goal LU-9, which calls for encouraging multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs, Goal LU-1, which calls for maintaining an urban form and land use pattern that enhances quality of life and meets the community's vision for its future and Goal H-2.4, which calls for establishing and maintaining development standards that support housing and mixed-use developments while protecting and enhancing the quality of life goals. These goals are stifled by the proposed zone text amendment in that it would result in a fixed stepback at the top story that could hamper architectural creativity.

SECTION 4. The Planning Commission recommends denial of the proposed zone text amendments, and denial of a project is Statutorily Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15270 of the CEQA Guidelines.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends denial to the City Council of Zone Text Amendment 2018-0008, which is attached hereto as Attachment A. The Planning Commission recommends denial because the proposed Zone Text Amendment would be too inflexible and hamper creative architectural design. The Planning Commission also recommends the City Council consider design guidelines for multifamily residential buildings that could provide a three dimensional approach to setbacks and façade design.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 16<sup>th</sup> day of August, 2018 by the following vote:

AYES:	Commissioner:	Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalho, Chair Jones.
NOES:	Commissioner:	None.
ABSENT:	Commissioner:	Aghaei.
ABSTAIN:	Commissioner:	None.

  
\_\_\_\_\_  
STACEY L. JONES, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
BIANCA SIEGL, PLANNING MANAGER  
LONG RANGE PLANNING

*Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.*

ADOPTED PLANNING COMMISSION RESOLUTION



# Attachment A

**(Language Provided for Reference- Planning Commission recommends DENIAL)**

Additional language shown in underline. Deleted language in ~~strikethrough~~.

Section 1. Section 19.06.040, Residential Zoning District General Development Standards, of Chapter 19.06 of Title 19 of the West Hollywood Municipal Code, shall be amended as follows:

## 19.06.040 Residential Zoning District General Development Standards. (in part)

Development Feature	Requirement by Zoning District		
	R1, R2	R3	R4
Setbacks required	<i>Minimum setbacks required. See Section 19.20.150 for setback measurement.</i>		
Front, 1st story	Average of front setbacks of the 2 structures closest to the front property lines on the 2 adjacent parcels, with the following minimums/maximums. <sup>3</sup>		
	10 ft. min. in Norma Triangle, 15 ft. min. elsewhere, 30 ft. max.	15 ft. minimum, 30 ft. maximum; No minimum setback for R3C-C.	7.5 ft. minimum, no maximum;  R4B-C: No 1st story front setback if commercial on the ground floor.
Front, 2nd & upper stories	An additional 6 ft. for 2nd and upper stories in addition to the 1st story setback. <sup>4</sup>  For R3C-C, no additional 2nd or upper stories setback.  <b><u>For R3-C and R4-B, the top story must be stepped back an additional 15ft (in addition to 1<sup>st</sup> story setback and 2<sup>nd</sup> and upper stories setback)</u></b> <sup>4</sup>		

**Notes:**

(4) The Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.

SUBJECT: ZONE TEXT AMENDMENT TO ESTABLISH A TOP FLOOR STEBACK IN THE R3-C AND R4-B DISTRICTS

PREPARED BY: PLANNING AND DEVELOPMENT SERVICES  
(Bianca Siegl, Long Range Planning Manager)  
(Rachel Dimond, AICP, Senior Planner)

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**STATEMENT ON THE SUBJECT:**

The Planning Commission will hold a public hearing to consider an amendment to the Zoning Ordinance to establish a setback on the top floor of new structures within the R3-C and R4-B zone Districts.

**RECOMMENDATION:**

Staff recommends the Planning Commission hold a public hearing, listen to all pertinent testimony, and adopt the following resolution:

1. Draft Resolution No. PC 18-1278: **"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO SECTION §19.06.040, RESIDENTIAL ZONE DISTRICTS GENERAL DEVELOPMENT STANDARDS WEST HOLLYWOOD MUNICIPAL CODE, TO ESTABLISH A TOP FLOOR STEBACK IN THE R3-C AND R4-B DISTRICTS, WEST HOLLYWOOD, CALIFORNIA."** (EXHIBIT A)

**BACKGROUND / ANALYSIS:**

This item proposes a Zone Text Amendment to reduce the visibility of the top floor in the R3-C and R4-B Districts in order to enhance neighborhood compatibility. This Zone Text Amendment is a result of Council directive related to the Multifamily Neighborhood Study.

**COUNCIL DIRECTION:**

On January 16, 2018, the City Council approved Ordinance No. 18-1020, which included zone text amendments to the R3 and R4 Zone Districts, including the following (see Attachment C for City Council staff report):

- Eliminated the R3 and R4 90% minimum density requirement (which required building at least 90% of the allowable dwelling units), and replaced it with a provision requiring no net loss of dwelling units

- Required all projects requesting a height increase or other concessions not listed as part of a density bonus to have Planning Commission review
- Increased the threshold for Planning Commission review to 7 units in R3 and 11 units in R4 Districts
- Allowed Subdivision Permits to be reviewed separately from Development Permits

During this discussion, the City Council expressed concern that given our unique dense characteristics, taller buildings may impact multifamily neighborhood compatibility and create inconsistencies in the aesthetics of a neighborhood. As a result, the Council directed staff to return with a zone text amendment that would reduce the impacts of the top floor by requiring an additional setback of 15 feet on the top floor (see Attachment D for City Council motion).

#### CURRENT POLICY:

The front setback in the R3 District is 15 feet or the average of the two neighboring properties, up to 30 feet maximum. The front setback in the R4 District is 7 feet or the average of the two neighboring properties, with no maximum. There is an additional setback of 6 feet for the second floor and above in both districts, unless it is determined that the project has exemplary design. This upper floor setback is also waived for the newly established R3C-C and R4B-C Districts, where lot sizes are typically smaller than the rest of the district. The maximum height allowed in each district is as follows, although some projects may request an additional story or 10 feet in height through the density bonus concessions:

- R3-A: 25 ft., 2 stories
- R3-B: 35 ft., 3 stories
- R3-C and R3C-C: 45 ft., 4 stories
- R4-A: 35 ft., 3 stories
- R-4-B: 45 ft., 4 stories
- R-4B-C: 48 ft., 4 stories

#### **STAFF RECOMMENDATION:**

Staff researched this concept and recommends the zone text amendment require an additional setback of 15 feet on the top floor in the R3C and R4-B Districts. A top floor setback will push the building back on the top floor, and should eliminate the visual impact of the top floor from a pedestrian view from the street, as illustrated by Figure 1 below. The pedestrian is at the property line 15 feet from the base of the building. At that location, the general perception is of the ground floor. With the proposed increased setback, the top floor will likely be blocked from visibility at this location, reducing the perceived height of the building. This proposed zone text amendment is illustrated through site plans in Figure 2.

The space within the top floor stepback may be utilized as a deck for required private open space. This would include 42" railing around that top floor stepback area. This could cause relocation of this required open space from other locations such as the roof or projections into the side yard, reducing the number of decks in those areas. Decks projecting into side yards facing neighboring properties and rooftop decks are a concern for neighborhoods seeking to reduce impacts of new construction. So under certain circumstances, this relocation to the front could be deemed a reduction in impacts of those spaces.

Staff recommends the proposed top floor stepback applies to the R3-C and R4-B Districts, as they are allowed 4 stories or 45 feet in height per the Zoning Ordinance. This will result in the first floor at the base setback, the second and third floors at the additional 6 foot stepback, while the 15 foot stepback would apply to the fourth floor (or fifth floor if height bonus is requested). Staff does not recommend this apply to the other R3 and R4 Districts that have lower height requirements. If this provision applied to three story buildings, there would be an additional stepback on every story. This could result in an overly stepped building that limits creativity in design. Staff also recommends exclusion of this provision in the R3C-C and R4B-C Districts, where the upper level stepback is already waived.

While the proposed top floor stepback would decrease the total buildable envelope, it would not impact the total number of units, or the average maximum size of units. This maximum average unit size is what typically governs the total building size, and the proposed top floor stepback would just shuffle space further back on the site, or decrease interior common space like hallways and non occupiable space. The maximum average unit size in the R3 Districts is 1,500 square feet, and 1,200 square feet in the R4 Districts.

The proposed stepback could be waived through the use of a concession or waiver for projects that provide required affordable housing on site. Projects deemed to have exemplary design could also request to have this requirement waived in order to facilitate flexibility in design.

Staff conducted an analysis to ensure that a top floor stepback does not negatively impact the ability to build the maximum number of units to the maximum average unit size. For example, on a 50 foot by 150 foot lot in the R3-C District, base zoning would allow 6 units. Maximum average unit size is 1,500 square feet per unit, so the total interior residential square footage is 9,000 SF maximum. The analysis confirmed that on this lot, the maximum building envelope is 16,092 square feet, which allows for 7,092 square feet for interior common element, wall thickness, and other interior space, more than adequate for design. This does not include subterranean square footage, typically utilized for parking. Because the stepback does not impact the number of units, or the ability to maximize residential square footage for said units, the top floor stepback does not have any negative environmental impacts.

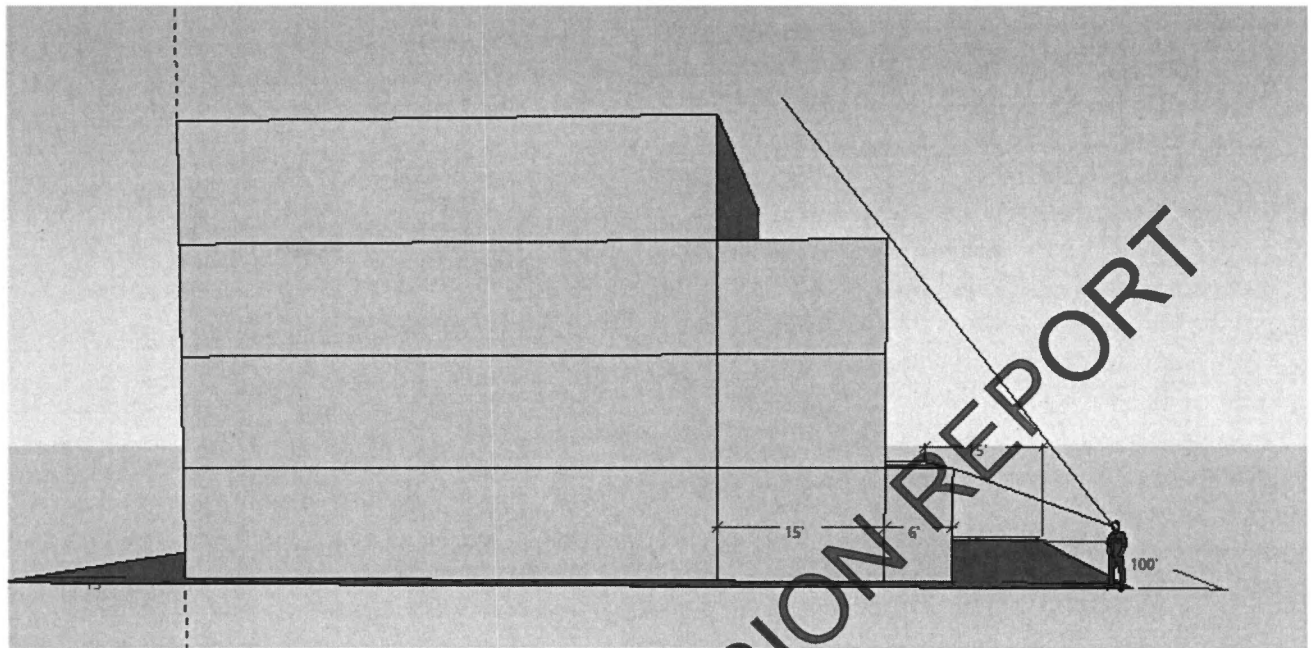


Figure 1: Pedestrian view of Proposed Top Floor Stepback

### Alternatives

In addition to the above recommendation, the Planning Commission could recommend the following alternatives:

1. No change/ Recommend denial of the proposed Zone Text Amendment: Recommendation of denial would result in maintaining the existing Zoning Regulations. Maintaining the existing standards for stepbacks allows more flexibility in design, with a 6 foot stepback for upper floors.
2. Reduced top floor stepback: The 15 foot stepback originated with the City Council direction, and is being recommended by staff. However, the Planning Commission could elect to recommend a reduced top floor stepback in order to allow more flexibility in design and reduce the potential size of the top floor balcony that would likely be in that stepback area.

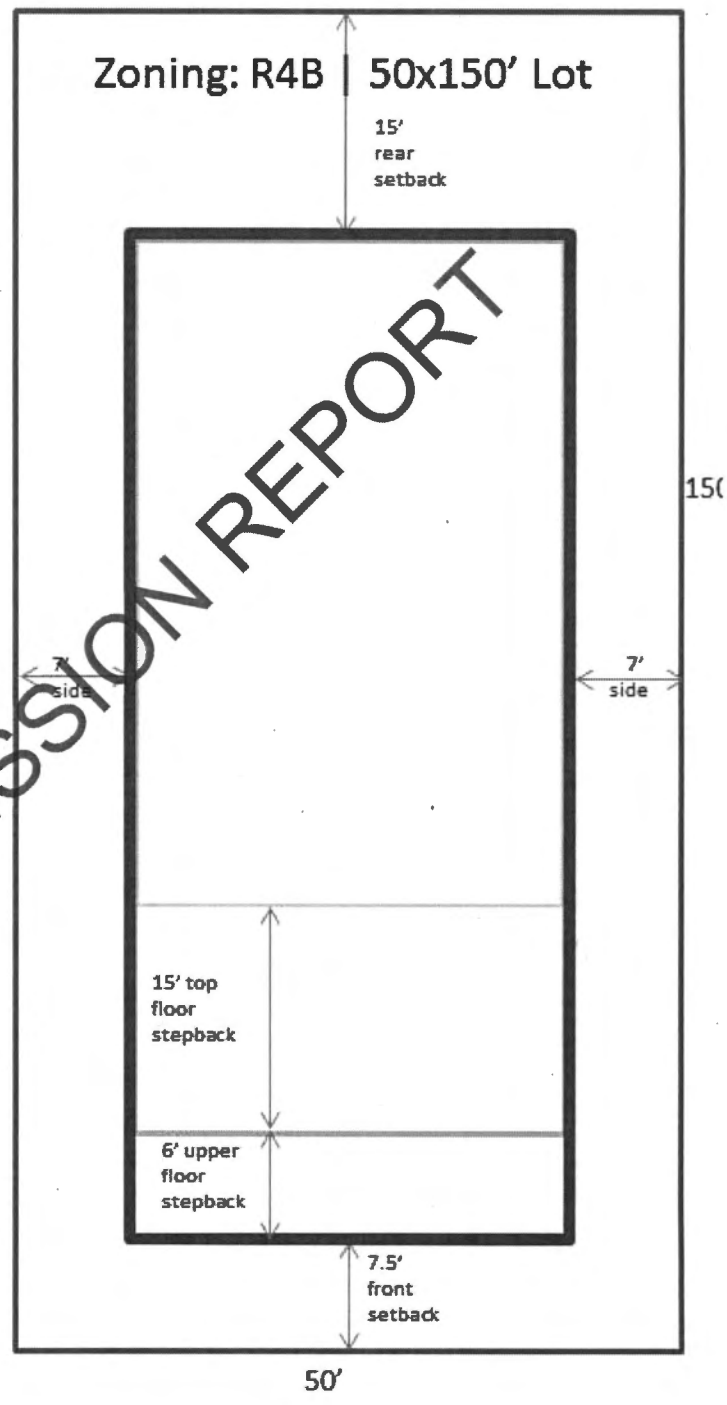
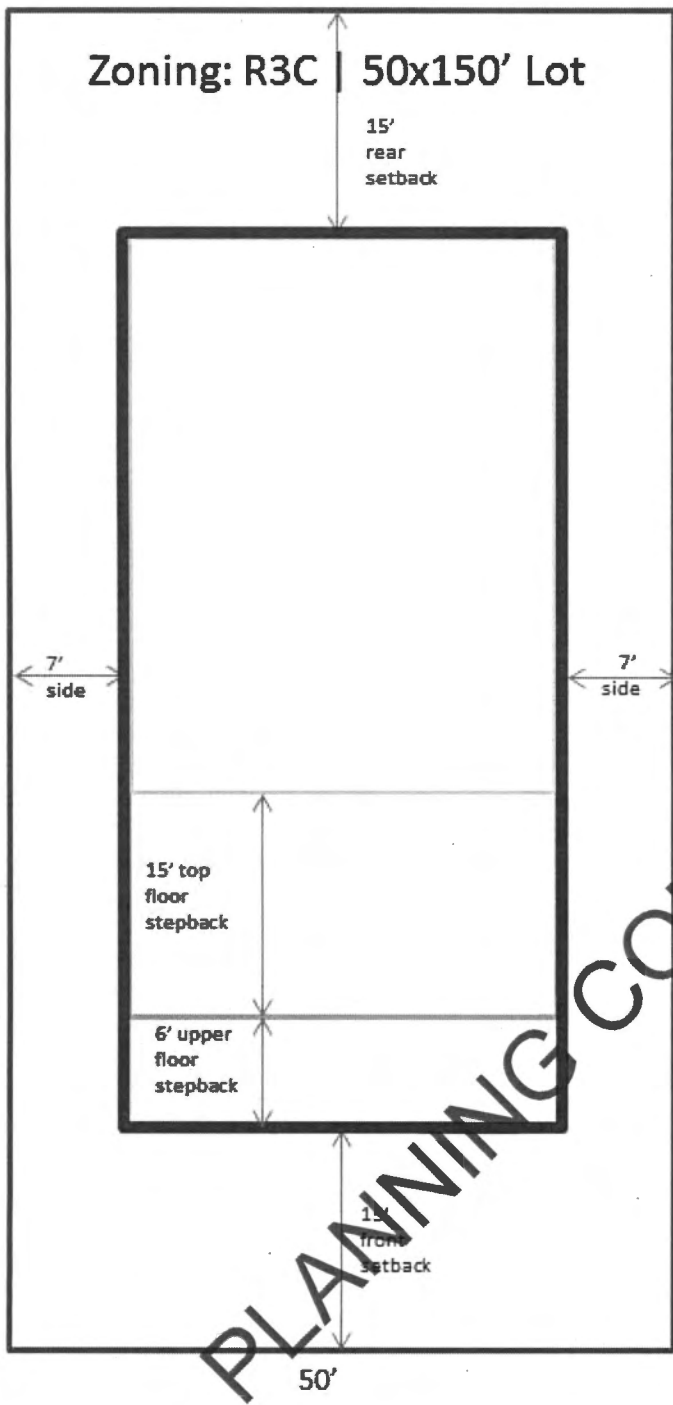


Figure 2: Site Plans for 50x150 lots in R3C and R4B illustrating proposed Top Floor Stepback

**EXHIBITS:**

- A. Draft Resolution No. PC18-1278
- B. Index to Zoning Code Changes
- C. City Council staff report dated January 18, 2018
- D. City Council Direction excerpt from City Council minutes on January 18, 2018

PLANNING COMMISSION REPORT



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Regular Meeting  
August 2, 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 Jones called the meeting of the Planning Commission to order at 6:34 p.m.

2. **PLEDGE OF ALLEGIANCE:** George Bujarski led the Pledge of Allegiance.

3. **ROLL CALL:**

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

Commissioners Absent: Aghaei.

Staff Present: Laurie Yelton, Associate Planner, Rachel Dimond, Senior Planner, Peter Noonan, Rent Stabilization & Housing Manager, David DeGrazia, 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.

4. **APPROVAL OF AGENDA.**

Chair Jones requested Item 11.A. – Planning Commission Subcommittee Appointments moved before Public Hearing item 10.A. – 939-949 N. Spaulding Avenue. Move Item 10.C. – Zone Text Amendment: Projects Spanning Commercial & Residential Districts after Item 10.A – 939-949 N. Spaulding Avenue, noting Item 10.B. – Zone Text Amendment: Top Floor Setbacks in R3 and R4 Districts will be heard last. **Moved by Commissioner Hoopingarner.**

Commissioner Bass requested Item 10.B. – Zone Text Amendment: Top Floor Setbacks in R3 and R4 Districts tabled, stating it should be heard by the Long Range Planning Projects Subcommittee first.

Rachel Dimond, Senior Planner clarified these types of items are usually brought to the Long Range Planning Projects Subcommittee as a courtesy. She stated it is not a requirement.

**Commissioner Hoopingarner amended the motion to table Item 10.B. – Zone Text Amendment: Top Floor Setbacks in R3 and R4 Districts, and send it to the Long Range Planning Projects Subcommittee first.**



**Seconded by Commissioner Bass.**

**MOTION FAILS.**

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

Commissioner Altschul moved to amend the agenda as follows: 1) Move agenda Item 11.A. – Planning Commission Subcommittee Appointments before Public Hearing item 10.A. – 939-949 N. Spaulding Avenue. 2) Move Item 10.C. – Zone Text Amendment: Projects Spanning Commercial & Residential Districts after Item 10.A – 939-949 N. Spaulding Avenue. 3) Item 10.B. – Zone Text Amendment: Top Floor Setbacks in R3 and R4 Districts will be heard last.

**ACTION:** Approve the Planning Commission Agenda of Thursday, August 2, 2018 as amended. **Moved by Commissioner Altschul, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

**5. APPROVAL OF MINUTES.**

Commissioner Bass noted Chair Buckner should be replaced with Chair Jones on page 9 of 20.

**A. July 19, 2018**

**ACTION:** Approve the Planning Commission regular meeting minutes of Thursday, July 19, 2018 as amended. **Moved by Commissioner Buckner, seconded by Vice-Chair Carvalheiro and passes, noting Commissioner Aghaei absent.**

**6. PUBLIC COMMENT.**

MICHAEL WOJKIELEWICZ, WEST HOLLYWOOD commented on the West Hollywood Community Housing Corporation, Robertson Lane Project, wealth and privilege.

**7. DIRECTOR'S REPORT.**

John Keho, Interim Director, Planning and Development Services Department, provided an update on the upcoming City Council agenda for Monday, August 6, 2018. He stated there will be an update regarding the Green Building Program, and the Metro Feasibility and Alternative Study of the proposed extension of the Crenshaw Line.

**8. ITEMS FROM COMMISSIONERS.**

Chair Jones requested the meeting be adjourned in memory of Rita Norton.

Commissioner Hoopingarner requested an update on the Affordable Housing pamphlet handout for developers at the planning counter.

David DeGrazia, Current and historic Preservation Planning Manager, stated staff is still working on the interpretations before they are incorporated in the handouts.

**9. CONSENT CALENDAR.** None.

*The following item was moved and heard out of order as part of the amended agenda.*

**11. NEW BUSINESS.**

**A. Planning Commission Subcommittee Appointments.**

The following subcommittees and task forces were officially appointed for terms ending June 30, 2019:

- **DESIGN REVIEW SUBCOMMITTEE:**  
**ACTION:** 1) Appoint: a) David Aghaei; b) John Altschul, and c) Rogerio Carvalheiro; and 2) *Appoint Alternates: a) Lynn Hoopingarner, b) Adam Bass; and c) Sue Buckner.*
- **LONG RANGE PLANNING PROJECTS SUBCOMMITTEE:**  
**ACTION:** 1) Appoint: a) Adam Bass; b) Lynn Hoopingarner; and c) Sue Buckner; and 2) *Appoint Alternates: a) Stacey Jones, and b) Rogerio Carvalheiro.*
- **1343 LAUREL AVENUE VISIONS CONCEPT COMMITTEE:**  
**ACTION:** 1) Appoint: a) Adam Bass; and b) Lynn Hoopingarner.
- **GREEN BUILDING PROGRAM WORKING GROUP:**  
**ACTION:** 1) Appoint: a) Lynn Hoopingarner; and 2) *Appoint Alternate: a) Stacey Jones.*
- **DEVELOPMENT OF INCENTIVES FOR DESIGNATED MULTI-FAMILY PROPERTIES TASK FORCE:**  
**ACTION:** 1) Appoint: a) Rogerio Carvalheiro; and b) Stacey Jones.
- **CITYWIDE TRAFFIC AND MOBILITY STUDY WORKING GROUP:**  
**ACTION:** 1) Officially disbanded.

**Motion carried by consensus of the Commission.**

**10. PUBLIC HEARINGS.**

**A. 939-949 N. Spaulding Avenue; and 7732 Romaine Street.**

Laurie Yelton, Associate Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 2, 2018.

She stated the applicant is requesting to demolish eight existing dwelling units on four adjacent parcels, and construct a new four-story, twenty-two unit condominium building with four affordable units, over a subterranean parking garage with a variance to reduce the front yard setback. The combined project is approximately 39,723-square-feet in size.

She stated the project was reviewed by the Design Review Subcommittee, which responded positively to the design of the project and building modulation.

Per Section §19.22.050 of the West Hollywood Municipal Code, in exchange for providing four on-site affordable units, the proposed project qualifies for two affordable housing concessions. The applicant is requesting the following concessions:

- 1) To allow an additional story, not to exceed 10'-0" in total project height, however, the applicant is only requesting an additional 7'-6", for a total project height of 42'-6" within four stories); and
- 2) An exemption from the required six foot front building step back for the second and third floors. The proposed first floor setback is 15'-0" and would remain 15'-0" for floors two and three at the front of the building. The 4th floor is set back 32'-1" from the front property line and is not visible from the street.

The concessions to increase the height of the project by 7'-6" and to exempt the project from the additional 6'-0" front building step back on the second and third floors will allow the project to provide the required four affordable units and physically fit within project site given the required development standards.

Staff supports the requested concessions as the building is compatible with the surrounding neighborhood and the building design, though not stepped back in the front on the second and third floors, is modulated in other ways and incorporates a unique building design. The additional height of the 4th floor is modulated by a step back of 32'-1", over twice that of the first through third floors. There is a roof projection over a stairwell of 9' in height.

The applicant is requesting a reduction in the required front yard setback. The property immediately adjacent (933 North Spaulding Avenue) to the site is currently developed with a single-family-dwelling and a front yard setback of 37'-6".

The next parcel consists of a multi-family building (931 North Spaulding Avenue) and has a setback of 14'-4". Consequently, the required front yard setback for the subject building would be 25'-11".

There are few remaining structures on the subject block with extensive front yard setbacks, which were common when the area was developed with mostly single-family dwellings. However, over time, the majority of these properties have been redeveloped with multi-family building with 15 foot front yard setbacks. Therefore, special circumstances warrant a reduction in the current standard pertaining to front setbacks. The subject site is adjacent to a property that was previously developed with a generous front yard, whereas the majority of surrounding properties do not have a large front yard.

The Planning Commission recently approved a variance request for a reduced front setback of 15'-0" for the multi-family building located at 933 North Spaulding Avenue. The front setback (933 North Spaulding Avenue) is 37'-6", which necessitates the required front setback of the proposed building to be 25'-11".

The proposed project requires 43 parking spaces. No guest parking spaces are required for providing on-site affordable housing units; however the applicant is proposing five additional parking spaces within the subterranean parking garage.

The requested 15'-0" front yard setback variance will not be detrimental to the public welfare and will not adversely affect the General Plan nor the purpose and intent of the provisions of this Zoning Ordinance because the proposed front setback is consistent with other setbacks on the same block.

The project supports critical goals and objectives of the City's General Plan and will assist the City in meeting its housing goals by providing 22 new residential units including four on-site affordable inclusionary rental units.

The projects architectural and urban design elements will enhance the streetscape along North Spaulding Avenue. As proposed and conditioned, staff supports the project.

The commission requested clarification regarding the affordable housing units and questioned if they are for-sale units.

Peter Noonan, Rent Stabilization and Housing Manger, provided clarification regarding the affordable housing units and how they are affected if they are ever sold as condominiums.

Commissioners Altschul, Buckner, Vice-Chair Carvalheiro, and Chair Jones had no official disclosures. Commissioner Hoopingartner disclosed she made a site visit, and Commission Bass disclosed he lives within the 500 foot radius of the property, however he clarified he is a month to month renter, and has no financial or other conflicts.

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

MARC YEBER, WEST HOLLYWOOD, applicant's representative, provided the applicant's report. He provided a history of the project and spoke regarding the development process, influencing factors, neighborhood meetings, project timelines, design evolution, landscaping materials, he addressed neighbor's concerns, neighborhood compatibility, scale and density analyses, variance request and findings, and front yard setback analyses.

ERIC BUSHARD, WEST HOLLYWOOD opposes staff's recommendation of approval.

GEORGE BUJARSKI, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the design, articulation, and request of waiver,

TUHAN BERIKER, LOS ANGELES supports staff's recommendation of approval.

PAM KRAMER, LONG BEACH has concerns regarding this item. She spoke regarding neighborhood livability, and the high cost of living in West Hollywood.

RICK KOTAWICZ, WEST HOLLYWOOD opposes staff's recommendation of approval.

MICHAEL BOURKE, WEST HOLLYWOOD opposes staff's recommendation of approval.

RUSSELL HAMMERL, WEST HOLLYWOOD opposes staff's recommendation of approval.

BRAD KEISTLER, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the loss of affordable housing.

MARRY NORRIS, LOS ANGELES supports staff's recommendation of approval.

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

ANDREA MORSE, WEST HOLLYWOOD opposes staff's recommendation of approval.

DAVID L. WEINSTEIN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the loss of affordable housing.

MICHAEL WOJTKIELEWICZ, WEST HOLLYWOOD opposes staff's recommendation of approval.

STEVE KLEIN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the added stress to the existing infrastructure system.

JOHN PENER, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the loss of affordable housing.

CATHY BLAIVAS, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding the public hearing process.

STEPHANIE HARKER, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding the loss of affordable housing, and opposes the variance.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION OF APPROVAL: SUSANA LAGUDIS, WEST HOLLYWOOD, CARLOS DE MENEZES, WEST HOLLYWOOD, AND JOY NUEL, WEST HOLLYWOOD OPPOSES THE DEMOLITION OF AFFORDABLE HOUSING.**

JOHN FRIEDMAN, LOS ANGELES architect, presented the applicant's rebuttal. He spoke regarding the redwood trees on the property, architectural articulation, massing, cladding materials, top floor setback, landscape renderings, parking, pedestrian accessibility, and the requested variance.

MATSON WALKER, LONG BEACH, landscaper, continued the applicant's rebuttal. He spoke and detailed the proposed landscaping design.

The commission questioned and requested clarification regarding the health of the redwood trees, various types of proposed plantings, and the requested variance. They had concerns regarding the false expectations the proposed landscaped renderings propose and the use of the suggested bamboo.

NICK ARAYA, HAWTHORNE, board certified arborist, provided a history and spoke on the decline of the Redwood trees. He proposed a plan for the management of the trees.

The commission questioned and discussed the variance findings, previous variances granted in the neighborhood, concessions, design, articulation, pedestrian accessibility, additional green space; policy concerns regarding rent controlled housing and affordable housing units, landscaping management, neighborhood compatibility, common open space, courtyard, and rooftop projections.

Lauren Langer, Acting Assistant City Attorney, clarified and described the various options for a variance.

MARC YEBER, WEST HOLLYWOOD, applicant's representative explained in detail the requested variance and findings.

Peter Noonan, Rent Stabilization and Housing Manger, provided clarification regarding the differences between rent stabilized housing units and affordable housing units.

GORDON AU, LOS ANGELES, architect, clarified the rooftop projections and setbacks.

Chair Jones indicated that there are currently three commissioners in support and three commissioners against. A tie vote would be a denial.

Commissioner Bass questioned whether or not the applicant would be willing to have the commission come up with a solution this evening; or continue the item to a date when there is a full seven member commission present.

MARC YEBER, WEST HOLLYWOOD, applicant's representative, stated if the commission feels more confident to have a full commission, they would be amicable to move the item to a date certain.

Discussion was held regarding future available meeting dates, commissioner attendance, public noticing, and if the public comment hearing should remain open.

Lauren Langer, Acting Assistant City Attorney, stated in order for the public hearing to remain open, the commissioners are not allowed to take any further evidence on this project outside of the meeting room, and Commissioner Aghaei would need to review the entire meeting prior to the next meeting.

**Commissioner Bass move to: 1) continue the item to Thursday, August 16, 2018.**

**Seconded by Commissioner Altschul.**

**MOTION FAILS.**

AYES: Commissioner Altschul, Bass, Buckner.

NOES: Chair Jones, Vice-Chair Carvalho, Commissioner Hoopingarner.

**Commissioner Hoopingarner moved to: 1) deny staff's recommendation of approval.**

Additional discussion was held regarding the repercussions of a tie vote, and the advantages of a full seven body commission. It was noted a resolution of denial would need to come back with findings.

Legal counsel suggested the item should be continued to have a seven member body in order to break the tie vote.

The commission questioned the applicant if they would be amicable to have the item continued to a date uncertain.

MARC YEBER, WEST HOLLYWOOD, applicant's representative, stated they would be amicable to a date uncertain.

**MOTION WITHDRAWN.**

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

**Commissioner Buckner moved to: 1) continue the item to a date uncertain; and 2) legally re-notice the public hearing.**

**Seconded by Chair Jones.**

**ACTION:** 1) Continue to a date uncertain; and 2) legally re-notice the public hearing. **Moved by Commissioner Buckner, seconded by Chair Jones and carried, noting Commissioner Aghaei absent.**

**THE COMMISSION TOOK A TEN (10) MINUTE RECESS AT 8:50 P.M. AND RECONVENED AT 9:00 P.M.**

*The following item was moved and heard out of order as part of the amended agenda.*

**C. Zone Text Amendment**

**Projects Spanning Commercial & Residential Projects:**

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 2, 2018.

She stated City Council directed staff to bring forward a zone text amendment that addresses development projects that spans both commercial and residential zone districts, with the following concerns outlined:



- Maintaining neighborhood livability and the integrity of existing residential zones adjacent to commercial zone districts;
- Ability to develop appropriately scaled and sustainably-designed mixed use projects that address climate change and our local ecological footprint; and
- Impact of larger buildings on residential buildings' solar access.

The Council direction was to bring forward a zone text amendment that would require projects that span commercial and residential zone districts to develop as fully separated lots.

The Council also directed staff to bring forward alternatives to consider.

She spoke and detailed existing policy and regulations, council direction, council intent, and the following alternatives:

Alternative #1: Allow for fully subterranean parking to be constructed as single structures in both zoning districts while maintaining separate buildings above grade.

Alternative #2: Amend standards to require a front setback along residential streets and eliminate minimum lot size.

Alternative #3: Maintain existing regulations, with no changes. Because this requires no changes to the Zoning Ordinance, there is no proposed zone text amendment associated with this alternative.

The commission questioned the reasoning and intent for Alternative No. 2. They requested clarification regarding combined underground parking, permeability, solar access and solar panels, green space, the creation of specific plans and development agreements.

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

STEPHANIE HARKER, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding encroachment into residential areas and supports City Council's original initiative.

EDWARD LEVIN, WEST HOLLYWOOD opposes staff's recommendations to the City Council.

RIC ABRAMSON, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding environmental impacts, urban design, and equity arguments.

RICHARD GIESBRET, WEST HOLLYWOOD opposes staff's recommendations to the City Council.

CYNTHIA BLATT, WEST HOLLYWOOD opposes staff's recommendations to City Council. She supports City Council's original initiative.

ERIC BUSHARD, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding environmental impacts, and allowing more green space.

CATHY BLAIVAS, WEST HOLLYWOOD opposes staff's recommendations to City Council. She supports City Council's original initiative.

**THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATIONS TO CITY COUNCIL: SUSANA LAGUDIS, WEST HOLLYWOOD,**

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

The commission stated City Council was very clear in its direction. They spoke and discussed neighborhood livability and integrity of the residential zones, infrastructure issues, wealth gap, buy-right solutions, bonus density calculations, preserving existing green spaces, vertical solar access, affordable housing concerns, specific plans and spot zoning. They suggested going back to the original zoning.

**Commissioner Hoopingarner moved to: 1) reject staff's alternatives; and 2) recommend a new alternative removing Sections §19.04.040(c) and §19.36.170 (a)and (c).**

**Seconded by Commissioner Altschul.**

**ACTION:** 1) Bring back a draft resolution that prohibits projects to span commercial and residential districts by removing Sections §19.04.040(c) and §19.36.170 (a)and (c). **Moved by Commissioner Hoopingarner, seconded by Commissioner Altschul and passes, noting Commissioner Aghaei absent.**

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

*\*Commissioner Hoopingartner recused herself from the dais and meeting at this time.*

**B. Zone Text Amendment**

**Top Floor Setbacks in R3-C and R4-B Districts:**

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, August 2, 2018.

She stated this item proposes a zone text amendment to reduce the visibility of the top floor in the R3-C and R4-B Districts in order to enhance neighborhood compatibility. This zone text amendment is a result of Council directive related to the Multifamily Neighborhood Study.

City Council expressed concern that given the unique dense characteristics, taller buildings may impact multifamily neighborhood compatibility and create inconsistencies in the aesthetics of a neighborhood. As a result, the Council directed staff to return with a zone text amendment that would reduce the impacts of the top floor by requiring an additional setback of 15 feet on the top floor.

Staff recommends the zone text amendment require an additional setback of 15 feet on the top floor in the R3-C and R4-B Districts. A top floor setback will push the building back on the top floor, and should eliminate the visual impact of the top floor from a pedestrian view from the street.

Staff recommends the proposed top floor setback applies to the R3-C and R4-B Districts, as they are allowed 4 stories or 45 feet in height per the Zoning Ordinance. This will result in the first floor at the base setback, the second and third floors at the additional 6 foot setback, while the 15 foot setback would apply to the fourth floor (or fifth floor if height bonus is requested). Staff does not recommend this apply to the other R3 and R4 Districts that have lower height requirements.

While the proposed top floor setback would decrease the total buildable envelope, it would not impact the total number of units, or the average maximum size of units. This maximum average unit size is what typically governs the total building size, and the proposed top floor setback would just shuffle space further back on the site, or decrease interior common space like hallways and non occupiable space. The maximum average unit size in the R3 Districts is 1,500 square feet, and 1,200 square feet in the R4 Districts.

The proposed setback could be waived through the use of a concession or waiver for projects that provide required affordable housing on site. Projects deemed to have exemplary design could also request to have this requirement waived in order to facilitate flexibility in design.

She stated staff conducted an analysis to ensure that a top floor setback does not negatively impact the ability to build the maximum number of units to the maximum average unit size.

In addition to the above recommendation, the Planning Commission could recommend the following alternatives:

1. No change. Recommend denial of the proposed zone text amendment. Recommendation of denial would result in maintaining the existing zoning regulations. Maintaining the existing standards for setbacks allows more flexibility in design, with a six foot setback for upper floors.
2. Reduced top floor setback: The 15 foot setback originated with the City Council direction, and is being recommended by staff.

The commission requested clarification regarding the top floor square-footage, and questioned the distance of view to the top floor from ground level. They asked if there were other ways of modelling the front of the building, other than the 15 foot setback.

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

EDWARD LEVIN, WEST HOLLYWOOD opposes staff's recommendations to the City Council.

RIC ABRAMSON, WEST HOLLYWOOD opposes staff's recommendations to the City Council.

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding setbacks on corner lots, and neighborhood compatibility.

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

The commission could not support this item. They had concerns this will stifle creative design, and spoke about the lack of creative freedom. They suggested the front setback and modulations need to be looked into further.

**Commissioner Bass moved to: 1) deny staff's recommendation to City Council.**

**Seconded by Commissioner Buckner.**

**ACTION:** 1) Bring back a resolution recommending denial to the City Council. **Moved by Commissioner Bass, seconded by Commissioner Buckner and passes, noting Commissioner Hoopingarner recused and Commissioner Aghaei absent.**

**11. NEW BUSINESS.**

**B. Planning Commission Subcommittee Appointments.**

The Planning Commission will review and make appointments to the following subcommittees and Task Forces: 1) Design Review Subcommittee; 2) Long Range Planning Projects Subcommittee; 3) 1343 Laurel Avenue Visions Concept Committee; 4) Green Building Program Working Group; 5) Development of Incentives for Designated Multi-Family Properties Task Force; and 6) Citywide Traffic and Mobility Study Working Group.

**ACTION:** 1) This item was moved and heard before Section 10. - Public Hearings as part of the amended agenda. **Moved by Commissioner Altschul, seconded by Chair Jones and passes, noting Commissioner Aghaei absent.**

**12. UNFINISHED BUSINESS.** None.

**13. EXCLUDED CONSENT CALENDAR.** None.

**14. ITEMS FROM STAFF.**

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

Bianca Siegl, Long Range and Mobility Planning Manager stated the special meeting tentatively scheduled for Thursday, August 30, 2018 has officially been cancelled.

She also stated the next Design Review Subcommittee meeting on Thursday, August 9, 2018 has been cancelled.

**15. PUBLIC COMMENT.**

GEORGE BUJARSKI, WEST HOLLYWOOD spoke regarding pedestrian walkways, accessibility and crosswalks.

CYNTHIA BLATT, WEST HOLLYWOOD spoke regarding setback, sidewalk widths and public speaking etiquette.

STEPHANIE HARKER, WEST HOLLYWOOD spoke regarding code changes, and existing aging infrastructure.

**16. ITEMS FROM COMMISSIONERS.**

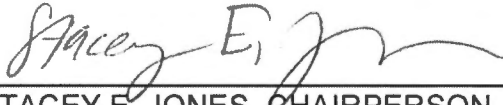
Vice-Chair Carvalho questioned the status of the exemplary design explanation.

John Keho, Interim Director, Planning and Development Services Department, stated the contract urban designer is in the process of preparing draft language. It has not yet been finalized.

16. **ADJOURNMENT:** The Planning Commission adjourned in memory of Rita Norton at 10:55 P.M. to a regularly scheduled meeting on Thursday, August 16, 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 16<sup>th</sup> day of August, 2018 by the following vote:

AYES:	Commissioner:	Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.
NOES:	Commissioner:	None.
ABSENT:	Commissioner:	None.
ABSTAIN:	Commissioner:	None.



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STACEY E. JONES, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY

**CITY COUNCIL  
CITY OF WEST HOLLYWOOD  
MINUTES  
TUESDAY, JANUARY 16, 2018  
WEST HOLLYWOOD PARK PUBLIC MEETING ROOM - COUNCIL CHAMBERS  
625 N. SAN VICENTE BOULEVARD**

**6:30 P.M. –REGULAR MEETING**

**CALL TO ORDER:** Mayor Heilman called the meeting to order at 6:33 p.m.

**PLEDGE OF ALLEGIANCE:** John Allendorfer led the Pledge of Allegiance.

**ROLL CALL:**

**PRESENT:** Councilmember D’Amico, Councilmember Horvath, Councilmember Meister, Mayor Pro Tempore Duran, and Mayor Heilman.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Arevalo, Deputy City Attorney Langer, City Clerk Quarker and Assistant City Clerk Crowder.

**APPROVAL OF AGENDA:**

City Clerk Quarker indicated that staff is requesting that Item 2.K. be Tabled to a future City Council meeting.

Councilmember Horvath requested that Item 5.G. be moved to the Consent Calendar as Item 2.DD.

Councilmember Meister requested that Item 5.B. be moved to the Consent Calendar as Item 2.CC.

Councilmember D’Amico requested that Items 5.E. and 6.A. be heard together.

Mayor Pro Tempore Duran requested that Items 4.A. and 6.C. be moved to the Consent Calendar and Item 2.BB. and Item 2.EE. respectively.

City Manager Arevalo indicated that staff is requesting that Item 2.K. be Tabled to the next City Council meeting as an Unfinished Business item.

**Motion by Mayor Pro Tempore Duran, seconded by Councilmember Horvath, to approve the January 16, 2018 agenda as amended, and unanimously approved.**

**ADJOURNMENT MOTIONS:**



**2.CC. (5.B.) 2017 RENT STABILIZED AND AFFORDABLE HOUSING SUMMARY AND LOOK AHEAD FOR 2018; ANNOUNCEMENT OF UPCOMING 2018 OUTREACH EVENTS ON HOUSING [D. GIUGNI, P. NOONAN]:**

*SUBJECT: The City Council will receive a summary of housing during 2017, and a forecast for 2018. This information will be provided to the public during the City's upcoming Community Conversations on Housing events, which engage the community on West Hollywood's housing programs and policies, and provide an opportunity for input.*

**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**

**2.DD. (5.G.) DISCUSSION OF CITY COUNCIL MEETING SCHEDULE [Y. QUARKER, M. CROWDER]:**

*SUBJECT: The City Council will consider revising the City Council Regular Meeting Schedule for the month of September 2018.*

**ACTIONS:** 1) Direct the City Clerk to schedule a City Council meeting for Tuesday, September 4, 2018; and 2) Direct the City Clerk to cancel the City Council Meeting of Monday, September 17, 2018. **Approved as part of the Consent Calendar.**

**2.EE. (6.C.) ESTABLISH WEST HOLLYWOOD PARKLET PROGRAM AND AMENDMENT TO CHAPTER 11 OF THE WEST HOLLYWOOD MUNICIPAL CODE [J. KEHO, B. SIEGL, G. SRAPYAN]:**

*SUBJECT: The City Council held a public hearing on December 18, 2017 to consider establishing a parklet program to allow the use of on-street parking spaces as small parks, and directed that the item return with amendments, reflecting City Council direction from the initial public hearing, to Chapter 11 of the West Hollywood Municipal Code to enable the construction of parklets in the City.*

**ACTIONS:** 1) Staff recommends the City Council introduce on first reading, the following ordinance: Ordinance No. 18-1023: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 11 OF THE WEST HOLLYWOOD MUNICIPAL CODE RELATED TO PARKLET STANDARDS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA" 2) Provide any feedback, if necessary, on the proposed program, including the draft City of West Hollywood Parklet Design Guidelines Manual and direct staff to proceed with the release of a call for parklet proposals in February 2018; and 3) Approve the waiver of encroachment permit fees, and other associated fees. **Approved as part of the Consent Calendar.**

**3. PUBLIC HEARINGS:**

**3.A. MULTI-FAMILY NEIGHBORHOODS ZONE TEXT AMENDMENTS: AMEND MINIMUM DENSITY REQUIREMENTS FOR R3 AND R4 DISTRICTS; AMEND THE DENSITY BONUS CONCESSION MENU; AND STREAMLINE THE REVIEW PROCESS FOR CERTAIN**

**RESIDENTIAL DEVELOPMENT PROJECTS [J. KEHO, B. SIEGL, R. DIMOND]:**

**SUBJECT:** *The City Council will hold a public hearing to consider an amendment to the Zoning Ordinance to eliminate the requirement to build to 90% of allowable density in R3 and R4 Districts, amend the density bonus concession menu to roll the height concession into the "other concessions" category, and to streamline the review process for multi-family residential projects*

*(Items 3.A. and 5.A. were discussed simultaneously.)*

City Clerk Quarker stated that the Public Hearing Item was noticed as required by law.

Senior Planner Rachel Dimond provided background information as outlined in the staff report dated January 16, 2018.

Housing and Rent Stabilization Manager Peter Noonan provided background information as outlined in the staff report dated January 16, 2018 for Item 5.A.

Mayor Heilman opened the public hearing and the following speakers came forward.

SUSANA LAGUDIS, WEST HOLLYWOOD, spoke regarding her concern regarding the density requirement and does not support giving the Community Development Director authority to approve projects.

ADAM KOFFMAN, WEST HOLLYWOOD, speaking on behalf of the West Hollywood North Homeowners Association regarding various aspects of the proposal.

EDWARD LEVIN, WEST HOLLYWOOD, spoke regarding the removal of the 90% density bonus, streamlining, height in the R3 and R4, and multi-family zoning ordinance.

MATTHEW EMONS, WEST HOLLYWOOD, spoke in support of Item 3.A.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke regarding neighborhood compatibility and inclusionary housing.

STEPHANIE HARKER, WEST HOLLYWOOD, spoke in support of removal of the density bonus but did not support giving the Community Development Director the authority to approve any projects.

CATHY BLAIVAS, WEST HOLLYWOOD, spoke regarding her concern with the issue of streamlining and the loss of community outreach.

STEVE MARTIN, WEST HOLLYWOOD, thanked staff for the presentation. He spoke regarding very low income housing.

**The following individuals did not wish to speak, but expressed their support for the recommended Item: *Lucas Junkin and Matt Dubin***

Mayor Heilman reiterated that the Council has two items before them for consideration.

Councilmember D'Amico commented on Item 3.A. He asked his colleagues to consider a 75% top floor or a 15-foot setback on the top floor. He mentioned the approval of condominiums and the need for Planning Commission review. He agrees with the recommendation that the Community Development Director approve certain projects. He spoke regarding Item 5.A. and returning to the 10 unit requirement for inclusionary housing. He indicated that the in lieu fee should remain and that it should be the exact amount needed to building that housing.

Councilmember Meister spoke regarding Item 5.A. and commented that she is open to discussing this change. She spoke regarding Item 3.A., but indicated that when we look at height and density we must consider the General Plan, and population growth. She commented that any project that results in a loss of net units should be heard by the Planning Commission. She also commented that staff should look at how we measure height, and indicated that she would discourage the use of the first floor for parking. She further commented that projects requesting height as a concession need to be reviewed by the Planning Commission. She also stated that expanded noticing is a necessary component of streamlining.

Mayor Pro Tempore Duran spoke in support of the elimination of the 90% density bonus, and that he would be open to discussing the 75% proposal from Councilmember D'Amico. He also spoke in support of the streamlining recommendations from staff in the item and commented that that these items highlight the City's housing policy. He commented that he is concerned with Item 5.A. and it becoming like the Cabrini-Green housing project (Chicago).

Councilmember Horvath spoke on Item 5.A. and provided feedback to staff. She spoke regarding Item 3.A., and expressed her support of the Planning Commission's decision when it was brought to them for consideration. She commented that what Council is trying to address is height and this item does not address that.

Councilmember D'Amico inquired about the condo versus apartment inclusionary housing issues, and commented that both rental and condominium developments should have the same requirement.

Rent Stabilization and Housing Manager Peter Noonan clarified the issues before the Council for consideration under Item 5.A.

Deputy City Attorney Langer commented that the change to the set-back on the top floor should return as a separate ordinance.

Councilmember Meister also requested that staff look at the issue of first floor garages and a task force that reviews height, density, and design.

Deputy City Attorney Langer read the revision to the language in Section 6, and Section 10, Table 4.2. relating to Development Permit Review Authority for Residential projects.

Mayor Heilman, Mayor Pro Tempore Duran, and Councilmember D'Amico spoke in support of placing verbiage back in the Ordinance to allow the Director to waive the no net loss requirement under unusual circumstances, and to allow subdivision maps to be reviewed separate from development permits. Councilmembers Horvath and Meister expressed their opposition to placing this verbiage back into the Ordinance.

Mayor Heilman closed the public hearing.

**Item 3.A. - ACTIONS:** Council introduced on first reading a revised ORDINANCE NO. 18-1020: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT AMENDING PORTIONS OF TITLE 19, ZONING ORDINANCE, TO AMEND THE 90% DENSITY REQUIREMENTS FOR R3 AND R4 DISTRICTS; TO AMEND THE DENSITY BONUS CONCESSION MENU; AND TO AMEND THE APPLICABLE REVIEWING BODIES IN THE DEVELOPMENT REVIEW PROCESS, WEST HOLLYWOOD, CALIFORNIA.; and 2) Direct staff to return to Council with a proposed Zone Text Amendment to address the set-back on the final top floor of a building. **Motion by Councilmember D'Amico, seconded by Mayor Pro Tempore Duran, and approved.**

**Item 5.A.- ACTIONS:** 1) Direct staff to bring forward a municipal code amendment, amending the zoning code consistent with AB 1505 to once again require new multi-unit residential rental projects of 11 units or more to provide onsite affordable housing; and 2) direct staff 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. **Motion by Mayor Pro Tempore Duran, seconded by Councilmember D'Amico, and approved.**

**4. UNFINISHED BUSINESS:**

**4.A. EXTENSION OF EXCLUSIVE EVENT PRODUCER AGREEMENT BETWEEN THE CITY OF WEST HOLLYWOOD AND AUTHENTIC AGENCY, INC. [M. LOUIE, C. SMITH, M. REATH]:**

*SUBJECT: The City Council will receive debrief information and provide feedback related to the City's annual Halloween Carnival event. The Council will also consider granting a two year extension to the agreement, a provision allowed as a part of the Exclusive Event Producer Agreement between the City of West Hollywood and Authentic Agency, Inc.*

**ACTION: This Item was moved to the Consent Calendar.**

**4.B. UPDATE REGARDING THE WEHO PEDALS BIKE SHARE PROGRAM, AUTHORIZATION OF MOU WITH REGIONAL BIKE SHARE SYSTEM PARTNERS, AND UPDATE REGARDING NEW DOCKLESS BIKE SHARE TECHNOLOGIES [J. KEHO, B. SIEGL, T. ROBINSON]:**

*SUBJECT: The City Council will receive an update on the status of the WeHo Pedals citywide bike share program and consider a Memorandum of Understanding (MOU) between the City and other Westside Cities for operation of a unified regional bike share system. The Council will also receive information on an emerging bike share technology called 'dockless' bike share, and consider its operation in the City.*

Senior Planner Tiffany Robinson provided background information as outlined in the staff report dated January 16, 2018.

KAREN O'KEEFE, WEST HOLLYWOOD, representing the West Hollywood Bike Coalition spoke in support of the Item. She recommended that the City provide a free trail. She also recommends more bike infrastructure.

STEVE MARTIN, WEST HOLLYWOOD, spoke regarding postponing the decision on dockless.

VICTOR OMELCZENKO, WEST HOLLYWOOD, spoke in support of WeHo Pedals.

Councilmember Meister inquired if the City could get out of the MOU if needed, how quickly, and if we would incur any costs. She also inquired as to whether the City could charge a business license tax for the free floating bikes. She requested clarification on Cycle Hop's responsibilities, and Ms. Robinson provided clarification regarding Cycle Hop's role as it relates to marketing and securing sponsorships.

Mayor Pro Tempore Duran indicated that he supports WeHo Pedals and that the Council should support it to ensure its success.