



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Special Teleconference Meeting  
March 24, 2020**

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 Carvalho called the meeting of the Planning Commission to order at 6:30 p.m.

**2. PLEDGE OF ALLEGIANCE:** Rogerio Carvalho led the Pledge of Allegiance.

**3. ROLL CALL:**

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

Commissioners Absent: None.

Staff Present: Dereck Purificacion, Associate Planner, Jennifer Alkire, Current and Historic Preservation Planning Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.

**4. APPROVAL OF AGENDA.**

Move public hearing Item 10.B. – 8225-8237 Fountain Avenue before Item 10.A. – 916 Westbourne Avenue.

Noting public hearing Item 10.C. – Zone Text Amendment, Short-Term Rental Regulations, and new business Item 11.A. – Senate Bill 743 shall be continued to a date uncertain.

**ACTION:** Approve the Planning Commission Agenda of Thursday, March 24, 2020 as amended. **Moved by Commissioner Jones, seconded by Commissioner Buckner and unanimously passes.**

**5. APPROVAL OF MINUTES.**

**A. March 5, 2020**

**ACTION:** 1) Continue to Thursday, April 2, 2020. **Motion carried by consensus of the Commission.**

**6. PUBLIC COMMENT.** None.

**7. DIRECTOR'S REPORT.** None.

**8. ITEMS FROM COMMISSIONERS.**

**A. Commissioner Comments.**

The commission thanked staff during this difficult time and wished the community good health.

Commissioner Buckner announced the recent passing of her sister Bonnie Sugar on March 7, 2020. She requested the meeting be adjourned in her memory.

**9. CONSENT CALENDAR.** None.

*The following public hearing was heard out of order as part of the amended agenda.*

**10. PUBLIC HEARINGS.**

**B. 8225-8237 Fountain Avenue:**

Officially continued from Thursday, March 19, 2020.

Dereck Purificacion, Associate Planner provided a verbal presentation as presented in the staff report dated Tuesday, March 24, 2020.

He stated the applicant is requesting to convert an existing three-story, seven-unit residential apartment building, known as Patio del Moro into a common interest development, or condominium conversion.

He provided a history of the property and clarified the requested subdivision, and detailed the requested conversion of rental housing, including setbacks, common open space, parking, front façade. He stated there is no habitable space or private entry to any of the units, and no permeable surfaces. There is outside storage for individual units.

The subject property was individually listed on the National Register of Historic Places in 1986, and as a contributing building to the North Harper Avenue Historic District in 1996. The City Council also designated the property as a local cultural resource in 1992 as a contributing building to the Harper Avenue Historic District and to the Courtyard Thematic District as well. The property owner entered into a Mills Act Contract with the City on September 4, 2018 to rehabilitate and maintain the property's features and systems that are integral to its designation as a cultural resource and its continued viability.

## Conversion of Rental Housing

Pursuant to W.H.M.C. Section 19.36.100(C), a proposed conversion of rental housing to a common interest development shall comply or be found by the Planning Commission to substantially comply with the provisions for multi-family dwellings under WHMC Section 19.36.280 and current parking requirements.

The project must address the requirements for private and common open space, laundry facilities, storage area, and other development standards identified below. Further, pursuant to WHMC Section §19.48. 020.E, a common interest development created through the conversion of existing residential units that do not comply with the above section requires the approval of a Development Permit.

The Planning Commission may impose conditions to ensure that the project is as nearly in compliance with these provisions as feasible.

## Existing Tenancy

Where a rental unit conversion requires an existing tenant to vacate a unit, the action to vacate shall comply with the tenant eviction proceedings in Chapter 17.52 of the Municipal Code. Additionally, all tenants occupying a unit located in a building which has been approved for conversion to a common interest development shall be afforded the notices required by California Government Code Section §66427.1, and a nontransferable right of first refusal to purchase the occupied unit at the same or at better terms than those offered to the general public

Such right of first refusal shall commence on the date the subdivision public report is issued, as provided in Section 11018.2 of the Business and Professions Code and shall run for a period of not less than 90 days, unless the tenant gives prior written notice of his or her intention not to exercise the right. The tenant may waive any such right by executing a written notice to that effect or by terminating his or her tenancy and vacating the unit without acting on the right.

It has been determined that physical alterations necessary to bring the building into full compliance with the multi-family development standards would require the removal or major alteration of character-defining features and would compromise the integrity of this historic courtyard building.

Additionally, the proposed conversion of the seven-unit cultural resource has been reviewed to ensure that it substantially complies with the provisions for multi-family dwellings as feasible.

Staff recommends approval of the development permit and subdivision permit as conditioned.

The commission requested clarification regarding code compliance for the plumbing and electrical systems, permit parking, off-street parking, parking feasibility, maintaining the historical character, Ellis concerns and guidelines, common laundry facilities, and common space.

Commissioner Altschul disclosed for the record he had a conversation with Commissioner Buckner and Commissioner Hoopingarner.

Commissioner Buckner disclosed for the record she had a conversation with Commissioner Altschul.

Commissioner Hoopingarner disclosed for the record she had a conversation with Commissioner Altschul and made a virtual site visit.

Commissioners Erickson, Jones, Vice-Chair Bass and Chair Carvalho had no official disclosures.

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

JAY FRIEDMAN, WEST HOLLYWOOD, applicant, presented the applicant's report. He provided a history of the property, and spoke and clarified the common laundry facilities, parking, tenant ownership, Ellis procedures, and the historical character. He stated for the record they have no intention of Ellis the building and is willing to sign any documents stating this condition.

The commission questioned the applicant and requested clarification regarding tenancy time limits, feasibility of in-unit laundry, and current stakeholders.

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

**Commissioner Altschul moved to: 1) continue to a date uncertain; so, negotiations can be accomplished between the applicant and the City, with the current non-ownership tenants to accomplish the tentative tract map and to accomplish the current stability for the tenants.**

**Seconded by Commissioner Buckner.**

Jennifer Alkire, Current and Historic Preservation Planning Manager, stated there is a time-line issue with this tract map request, therefore the item needs to be acted upon. A continuance could not be requested at this time.

Discussion was held regarding Ellis concerns, implications of subdividing a cultural resource, parking, laundry facilities, open space, intent and findings, affordable rental housing, current motion, timeline, continuance options, and the subdivision map act.

The commission requested clarification and had concerns why this item was brought forward at this time, knowing the timeline was expiring.

Lauren Langer, Assistant City Attorney questioned the applicant if he is willing to waive the subdivision map act to allow the city time to negotiate an agreement, thereby allowing the applicant to consult with his own consul, based on the discussion and motion.

JAY FRIEDMAN, WEST HOLLYWOOD, applicant, agreed to this request.

**Commissioner Buckner agreed to this amendment to the motion**

**Commissioner Erickson moved to make a substitute motion: 1) direct staff to return with a resolution of denial without prejudice.**

**Seconded by Vice-Chair Bass.**

**ACTION:** 1) Bring back a resolution of denial without prejudice; and 2) Close the Public Hearing for Item 10.B. **Moved by Commissioner Erickson, seconded by Vice-Chair Bass and passes, noting Commissioners Altschul, Buckner, and Jones voting NO.**

*Commissioner Hoopingarner recused herself from the teleconference at this time, due to her residence being within 500' of the proposed request at 916 Westbourne Drive, West Hollywood, California.*

**A. 916 Westbourne Drive:**

Officially continued from Thursday, March 19, 2020.

Applicant is requesting the subdivision of an eight-unit residential building into a common interest development.

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

There were no public speakers.

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

**Commissioner Jones moved to: 1) approve staff's recommendation of approval.**

**Seconded by Commissioner Altschul.**

**ACTION:** 1) Approve staff's recommendation of approval; 2) **Adopt Resolution No. PC 20-1359 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 82762) FOR THE SUBDIVISION OF A FOUR-STORY, EIGHT-UNIT RESIDENTIAL BUILDING INTO A COMMON INTEREST DEVELOPMENT, LOCATED AT 916 WESTBOURNE DRIVE, WEST HOLLYWOOD CALIFORNIA;" and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Jones, seconded by Commissioner Altschul and passes, noting Commissioner Hoopingartner recused.**

Commission Secretary Gillig officially read into the record the appeal procedure for 916 Westbourne Drive, West Hollywood, California.

*The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.*

**C. Zone Text Amendment, Short-Term Rental Regulations:**

A request to add a new Subsection (D) to Section §19.36.331 (Short-Term Rentals) to prohibit the solicitation of City residents to host short-term rentals, citywide, West Hollywood California.

**ACTION:** 1) Continue to a date uncertain. **Moved by Commissioner Jones, seconded by Commissioner Buckner and unanimously passes as part of the amended agenda.**

**11. NEW BUSINESS.**

**A. Senate Bill 743:**

Staff will present upcoming changes to CEQA methodology and thresholds in compliance with Senate Bill 743.

**ACTION:** 1) Continu to a date uncertain. **Moved by Commissioner Jones, seconded by Commissioner Buckner and unanimously passes as part of the amended agenda.**

**12. UNFINISHED BUSINESS.** None.

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

**14. ITEMS FROM STAFF.**

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

Jenifer Alkire, Current and Historic Preservation Planning Manager stated the next regularly scheduled meeting of the Planning Commission on April 2, 2020 will be cancelled. All legally agenda items on that agenda will be moved to the Planning Commission meeting on April 16, 2020.

**15. PUBLIC COMMENT.** None.

**16. ITEMS FROM COMMISSIONERS.**

**A. Commissioner Comments.**

Commissioner Erickson thanked staff for their response to the recent health emergency. He encouraged the public to drop off much needed medical supplies on Wednesday, March 23, 2020 at Plummer Park North parking lot, 9:00 a.m. – 12:00 p.m.

Commissioner Buckner encouraged everyone to be safe and well.

Commissioner Jones extended her sympathies to Commissioner Buckner on her recent loss.

Vice-Chair Bass extended his sympathies to Commissioner Buckner on her recent loss, and thanked staff for their response to the recent health emergency.

Chair Carvalheiro thanked staff for their response to the recent health emergency.

**B. Subcommittee Management.** None.

**17. ADJOURNMENT:** The Planning Commission adjourned in memory of Commissioner Buckner's sister Bonnie Sugar at 8:20 p.m. to a special meeting on Thursday, April 2, 2020 beginning at 6:30 p.m. Given the local, state and nation state of emergency, this meeting will be a teleconferenced meeting (with detailed instructions for participation included on the posted agenda). **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 April, 2020 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



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ROGERIO CARVALHEIRO, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY