



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Teleconference Meeting
June 3, 2021**

West Hollywood, California

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES, WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Hoopingarner called the meeting of the Planning Commission to order at 6:31 p.m.
2. **PLEDGE OF ALLEGIANCE:** Jennifer Alkire led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Carvalheiro, Dutta, Lombardi, Thomas, Vinson, Vice-Chair Jones, Chair Hoopingarner.

Commissioners Absent: None.

Staff Present: Roger Rath, Assistant Planner, Rachel Dimond, Senior Planner, Jonathon Holub, Acting Rent Stabilization Housing Manager, Alicen Bartle, Project Development Administrator, Ryan Russell, Rincon Consultants, Veronica Tam, Veronica Tam and Associates, Housing Advisory Lead, Jennifer Alkire, Current and Historic Preservation Planning Manager, Lauren Langer, City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
Approve the Planning Commission agenda of Thursday, June 3, 2021, as presented. **Moved by Vice-Chair Jones, seconded by Commissioner Carvalheiro and unanimously passes.**
5. **APPROVAL OF MINUTES.**
 - A. **May 6, 2021**

ACTION: Approve the minutes of Thursday, May 6, 2021 as presented. **Moved by Vice-Chair Jones, seconded by Commissioner Thomas and unanimously passes.**
 - B. **May 20, 2021**

ACTION: Continue to Thursday June 17, 2021. **Moved by Vice-Chair Jones, seconded by Commissioner Carvalheiro and unanimously passes as part of the approved agenda.**

6. PUBLIC COMMENT. None.

7. DIRECTOR'S REPORT.

John Keho, Director, Planning and Development Services Department stated the upcoming City Council meeting on Monday, June 7, 2021 will hear an item regarding the Housing Element scheduling, and they will receive and an update on the Robertson Lane Project located at 645 N. Robertson Boulevard.

8. ITEMS FROM COMMISSIONERS.

Vice-Chair Jones followed up regarding Commissioner Thomas' remarks from the last meeting regarding language used that may be damaging to certain groups of people. She spoke about inclusivity and wished everyone a Happy Pride.

9. CONSENT CALENDAR. None.

10. PUBLIC HEARINGS.

A. 8815 Cynthia Street:

Officially continued from Thursday, May 6, 2021. Roger Rath, Assistant Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, June 3, 2021.

He stated the proposal is to convert an existing three-story, 21-unit apartment building into condominiums. The building contains 19 two-bedroom units, and two one-bedroom units that are between 933 to 1,070 square feet in size. There are four affordable units on-site. The units surround an approximately 2,700 square foot courtyard that serves as the building's common open space. Private open space is provided for all 21 units and range between 32 square feet and 174 square feet, and the property also includes 47 subterranean parking spaces. There is no construction proposed as part of this request.

He clarified the first finding requires the building proposed to be converted to condominiums to be in substantial conformance with the design standards, and all standards, including off-street parking; required of new multiple residential structures.

The second finding requires that the property complies with the inclusionary housing requirements. There are currently 4 affordable units on the property. The owner will be required to sign an updated Inclusionary Housing Agreement maintaining the four affordable units, and record a covenant guaranteeing the affordability of the rental units. By maintaining the four units as affordable, the property meets this finding.

The third finding requires that the owner of the property provide notices as required by the California Government Code and require the owner to provide the tenants with exclusive right to purchase the occupied unit at the same or better terms than those offered to the general public. This is known as the right of first refusal. At this time however, the applicant conveyed to staff that they do not intend to sell the units or vacate any tenants and will continue renting each of the units as the sole owner of all of the condominium units.

The fourth finding requires that evictions follow the requirements of Section §17.52.010 (15) of the West Hollywood Municipal code. The Section covers the eviction process and standards. The owner does not intend on vacating any tenants, however, if the owner does so in the future, they will need to meet the Owner Occupancy Eviction eligibility.

The process requires that the eligible owner work with the City in drafting an appropriate 60-day notice using City forms and provide relocation fees to the tenants based on the City's Relocation Fee sheet.

The last finding requires that if the units converted to condominiums are subsequently re-offered for rent, they must comply with Section §17.52.010 (15) (c). This requires that any withdrawn units that are re-offered for rent within two years from the effective date of withdrawal, the landlord will provide written notice of such action, and offer the unit at the same Maximum Allowable Rent plus any general across-the-board adjustment that would have applied had the units not been withdrawn; determined with the provisions of Title 17.

He corrected a typographical error on page 6 of draft Resolution No. PC 21-1389 - the meeting date on Condition 2.2 should reflect today's date, June 3, 2021.

Staff stated the proposed conversion meets all required findings of the code and is recommending approval.

The commission questioned the displacement of the tenants from the inclusionary units if they choose not to purchase and requested clarification if they would be moved to the top of the housing list. They requested additional clarification regarding the current market rate units, and questioned if rental rates would stay the same, even when units are sold.

Alicen Bartle, Project Development Administrator, confirmed those tenants would be moved to the top of the inclusionary housing list. She clarified the inclusionary rental schedule stays the same, even if units have been sold.

The commission requested clarification regarding the number of condominium conversions to date and requested clarification who would pay the fees if the building were bought by an affordable housing entity, if the property is subject to the Ellis Act, and how it would be stated on the legal tract map regarding the inclusionary housing units.

Jonathon Holub, Acting Rent Stabilization Housing Manager, confirmed if this were to be approved, this property would be held to the Ellis Act.

The commission asked for clarification regarding the right of first refusal in terms of the timing and issuance of the subdivision, and how the dues and special assessments relate to the inclusionary housing units.

Staff detailed how the inclusionary housing program works, displacements, rental figures, and finding future housing for tenants that choose not to stay.

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

HAYK MARTIROSIAN, GLENDALE, representing the applicant presented the applicant's report. He provided a history of the property and spoke regarding the timelines with Los Angeles County, Department of Real Estate, and current plans for the conversions.

The commission questioned the applicant about potential new leases and lease terms for new tenants. They questioned how the units will be rehabilitated for sale, and spoke about timelines, and the responsibility of the inclusionary units regarding HOA.

MARK EGERMAN, BEVERLY HILLS applicant's attorney, stated units would be upgraded, but confirmed there is no current timeline. The building will continue to be operated as a multi-family residential building in the foreseeable future. The inclusionary units would be a negotiable factor with the City of West Hollywood.

Commissioner Dutta disclosed for the record he made a site visit.

Commissioner Lombardi disclosed for the record he made a site visit.

Commissioner Vinson disclosed for the record she made a site visit.

There were no other official disclosures.

IDA ABASHESIAN, WEST HOLLYWOOD has concerns regarding this item. She spoke about renovations, piping, and security doors.

MARK EGERMAN, BEVERLY HILLS applicant's attorney, presented the applicant's report. He stated to maximize this buildings value, the building will have a total state of repair at the time it is marketed for sale.

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

The commission requested clarification if rental to condominium conversions need to meet all the development standards which a new multi-family development project would, and discussed maintaining rental housing stock, housing protections, tenant rights and protections, and ninety-day subdivision timelines.

Discussion was held regarding the subdivision map act and subdivision timelines.

Lauren Langer, City Attorney read into the record the following amendment:

Condition 8.1(c) add the following sentence: "Notice is provided under Government Code Section §66427.1f and §66452.20."

Commissioner Thomas moved to: 1) approve staff's recommendation with the amendment provided by the City Attorney.

Seconded by Commissioner Carvalho.

ACTION: 1) Approve staff's recommendation of approval; 2) **Adopt Resolution No. PC 21-1389 as amended:** a) amend Condition 2.2) *"Approval is for the tentative tract map reviewed and approved by the Planning Commission at its meeting of June 3, 2021. A copy of said map shall be maintained in the files of the Current and Historic Planning Division. The project shall be developed and maintained in substantial conformance with said map and plans, except as otherwise specified in these conditions of approval."*; b) amend Section 8.1 (c) by adding the following sentence: *"All tenants occupying a unit which has been approved for conversion in accordance with applicable law shall have a nontransferable right of first refusal to purchase the occupied unit at the same or better terms than those offered to the general public. The right of first refusal shall be effective for a period of not less than 90 days from the date of issuance of the subdivision public report from the Real Estate Commissioner pursuant to Section 11018.2 of the Business and Professions Code. The tenant shall exercise the right of first refusal by signing an agreement or a deposit receipt setting forth the terms of sale. Notice is provided under Government Sections §66427.1(f) and §66452.20."*; "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD CONDITIONALLY APPROVING A TENTATIVE TRACT MAP (MAJOR LAND DIVISION NO. 82976), FOR THE CONVERSION OF AN EXISTING THREE-STORY, 21-UNIT RENTAL HOUSING DEVELOPMENT INTO A COMMON INTEREST DEVELOPMENT LOCATED AT 8815 CYNTHIA STREET, WEST HOLLYWOOD, CALIFORNIA"; and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Thomas, seconded by Commissioner Carvalho and unanimously passes.**

*The Resolution the Planning Commission just approved for the properties located at **8815 Cynthia Street, West Hollywood, California** 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.*

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 7:40 P.M. AND RECONVENED AT 7:45 P.M.

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS.

A. Housing Element Update, Sites Inventory.

This discussion item was officially continued from Thursday, May 20, 2021.

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, June 3, 2021.

She stated the purpose of this meeting is to continue the discussion on the Housing Element update with a specific focus on the draft sites inventory. The sites inventory includes analysis of housing capacity from the existing planned and pending projects, accessory dwelling unit trends, previously identified sites, and underutilized sites. The identified capacity for housing units is more than adequate to meet the City's Regional Housing Needs Assessment (RHNA) allocation of 3,933 housing units, plus the required buffer. The City's existing land use and development potential can accommodate its regional housing requirement and no rezoning is necessary to accommodate more housing units.

She spoke on the Housing Element and components and the Housing Element community engagements.

Ryan Russell, Associate Planner, Rincon Consultants continued the presentation. He spoke and detailed the RHNA allocations, compliance with Senate Bill 166, site inventory and the identification process, site selection characteristics, credits towards RHNA, approved projects map, pending projects map, City owned properties, City properties map, and site inventory and existing credits.

The commission requested clarification regarding density bonuses and questioned the data of the Melrose Triangle Project and the Palm Project.

He continued with the presentation and spoke and detailed sites used in previous Housing Elements, and previously identified underutilized sites.

The commission questioned how availability is being determined, buy-right properties, and requested clarification on RHNA allocation numbers and affordable and lower income units within existing policies.

He detailed underutilized sites, mixed-use incentives overlay sites for residential development, height and floor-area-ratio, housing needs along commercial corridors, and provided a draft sites inventory summary.

Discussion and clarification were held regarding the feasibility of building affordable housing and low-income units, to potentially facilitate housing.

Chair Hoopingarner opened the public comment for Item 12.A.

ANGIE BROOKS, VENICE has concerns regarding this item. She spoke regarding zoning, higher density, incentivizing larger units, home density limits, shared housing models, and stated there should be more mixed-use along commercial corridors.

VICTOR OMELCZENKO, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding various available parcels and questioned if the site inventory is double-dipping.

ACTION: Close public comments for Item 12.A. **Motion carried by consensus of the Commission.**

The commission commented on, discussed and requested clarification regarding the different cycles, ministerial approvals versus the public process, interpretation and intent of state law, buy-right projects, removing certain projects during a certain cycle, and placing them in the next cycle, accessory dwelling units trends and calculations, transit overlay zones, calculations regarding commercial properties, readjusting average maximum unit sizes, and clarity of the zoning ordinance for the public.

Chair Hoopingarner suggested a special meeting date could be scheduled on Thursday, July 29, 2021 if needed for further discussion.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

Jennifer Alkire, Current and Historic Preservation Planning Manger provided an update of tentative items scheduled for upcoming Planning Commission, Design Review Subcommittee, Long Range Planning Projects Subcommittee, and the Sunset Arts & Advertising Subcommittee meetings.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments.

Vice-Chair Jones commented on a public hearing notice regarding 9157 Sunset Boulevard and requested confirmation of the City Council hearing date for this item.

Jennifer Alkire, Current and Historic Preservation Planning Manager stated the billboard item located at 9157 Sunset Boulevard is scheduled to be heard by the City Council on Monday, June 21, 2021.

Commissioner Dutta requested clarification regarding the community survey.

Commissioner Thomas provided an update on Senate Bill 314 - extending the life of the emergency outdoor dining created in response to the Covid-19 emergency. She commended the City and staff on the Harvey Milk celebration and thanked the public for their participation in the public hearing process.

B. Subcommittee Management. None.

17. ADJOURNMENT. The Planning Commission adjourned at 9:40 p.m. to a regularly scheduled meeting on Thursday, June 17, 2021, 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 1st day of July, 2021 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:



LYNN M. HOOPINGARNER, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY