



**PLANNING COMMISSION  
SUMMARY ACTION MINUTES  
Regular Teleconference Meeting  
June 16, 2022**

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](http://www.weho.org/weho-tv/other-city-meetings)

1. **CALL TO ORDER:** Acting Chair Thomas called the meeting of the Planning Commission to order at 6:33 p.m.
2. **PLEDGE OF ALLEGIANCE:** Commissioner Gregoire led the Pledge of Allegiance.
3. **ROLL CALL:**  
Commissioners Present: Carvalho, Gregoire, Lombardi, Acting-Chair Thomas.  
  
Commissioners Absent: Chair Jones.  
  
Staff Present: Paige Portwood, Associate Planner, Anne McIntosh, Interim Long Range Planning Manager, Jennifer Alkire, Current and Historic Preservation Planning Manager, Isaac Rosen, Acting City Attorney, and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**  
**ACTION:** Approve the Planning Commission agenda of Thursday, June 16, 2022 as presented. **Moved by Commissioner Gregoire, seconded by Commissioner Carvalho and passes, noting Chair Jones absent.**
5. **APPROVAL OF MINUTES.**  
  
A. **June 2, 2022**  
  
**ACTION:** Continue to Thursday, July 21, 2022. **Motion carried by consensus of the Commission.**
6. **PUBLIC COMMENT.**  
MICHAEL WOJKIELEWICZ, WEST HOLLYWOOD commented on affordable housing, service providers, ageing in place, and governmental communications.  
  
LYNN RUSSELL, WEST HOLLYWOOD commented on the approved affordable housing project located at 1201-1207 N. Detroit Street.

**7. DIRECTOR'S REPORT.**

Jennifer Alkire, Current and Historic Preservation Planning Manager stated the City Council meeting on Monday, June 27, 2022 will be reviewing and discussing the budget, giving direction regarding the survey of the R1A and R1C zoning districts, and the billboard project located at 8730 Sunset Boulevard.

She stated Metro will be holding a virtual neighborhood meeting regarding the Crenshaw Line extension into West Hollywood on Tuesday, June 21, 2022 at 6:00 p.m. You may reach out at: [www.crenshawnorth@metro.net](mailto:www.crenshawnorth@metro.net) or [www.weho.org/metro](http://www.weho.org/metro)

**8. ITEMS FROM COMMISSIONERS.**

Commissioner Lombardi had concerns regarding the lack of a full commission in relation to agenda items 11.A – Design Review Subcommittee Representative and 11.B. – Sunset Arts and Advertising Project Subcommittee Meeting Dates.

**9. CONSENT CALENDAR.** None.

**10. PUBLIC HEARINGS.**

**A. ZONE TEXT AMENDMENTS**

**POST-PANDEMIC ACTION ITEMS:**

Paige Portwood, Associate Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, June 16, 2022.

She stated the request is to consider two proposed zone text amendments to: 1) allow qualifying restaurants to sell alcoholic beverages for on-site consumption (takeout via pickup), consistent with recent State law; and 2) eliminate outdoor dining parking requirements, citywide.

She provided background information on the proposed zone text amendments, stating these are part of a larger City Council initiative. She stated the purpose of this item is to transition some of the successful elements of the temporary ordinances to permanent policy; which include: 1) establishing a permanent program for OUTZones in the public right-of-way, 2) creating a unified vision for the public realm regarding OUTZones by way of design standards, and 3) to allow businesses six months following the end of the emergency ordinance to remove the OUTZone operations or apply under the permanent program.

Regarding the zone text amendment to eliminate parking requirements for outdoor dining, the Long Range Planning Projects Subcommittee directed staff to:

- 1) Exclude ADA parking and loading spaces from being eliminated from off-street parking lots.

Staff amended the proposed zone text amendment to exclude ADA parking and loading spaces from being able to be eliminated or reduced. Staff also consulted with Building and Safety who confirmed that if a business is required to have no off-street parking spaces, then no ADA parking would not be required.

- 2) Look into the impacts of overflow of commercial parking into residential permit parking areas.

Staff reached out to Code Compliance and Parking Enforcement to assess the parking impact of the temporary OUTZones in a number of complaints and/or parking citations. Code Compliance reported no complaints were made over the last two years regarding lack of parking due to the OUTZones. Additionally, Parking Enforcement saw little to no increase in the number of citations in residential permit parking areas. Most of the parking citations in commercial corridors have been related to parking in red zones, obstructing traffic from deliveries, and peak hour parking (cars parked during no parking hours for morning and evening commutes).

- 3) Conduct additional outreach beyond the outreach that was done in 2021.

Staff presented at two 2022 Chamber of Commerce hosted meetings for the business community to attend and provide feedback.

- 4) Estimate how many outdoor dining spaces have been permitted and how many are greater than 250 square-feet.

Staff estimates that there are about 88 permanent outdoor dining spaces in the City, with 45% being over 250 square-feet (40). There are 68 temporary outdoor dining spaces (OUTZones) with 79% of those over 250 square-feet (54). It is noted the temporary outdoor dining spaces will have to reapply under the permanent program and are not guaranteed an outdoor dining space of the same size, location, or footprint.

Alcoholic beverage sales for on-site consumption are when a customer purchases and consumes an alcoholic beverage on the premises of the food establishment (i.e., standard dine-in experience).

Off-site consumption for a restaurant is when a customer purchases an alcoholic beverage with a bona fide meal off premises (i.e., through the business website or third-party such as Postmates, Grubhub or UberEats) and will pick-up the order to consume the food and beverage off premises, commonly known as takeout. Off-site consumption does not allow public consumption of alcohol.

Staff is requesting to bring this zone text amendment to conform with State Law, Senate Bill 389 (SB 389), which went into effect January 1, 2022 and will expire on January 1, 2027 (unless extended) to expand off-sale privileges for certain ABC licensees allowing them to sell distilled spirits, beer and/or wine for off-sale consumption (takeout via pick-up). State Law stipulates that the consumer who places the order for an alcoholic beverage shall pick-up the order directly from the ABC licensee with proper identification. State law also stipulates that alcohol for takeout may only be served with a bona-fide meal and it currently does not allow an alcoholic beverage to be ordered for delivery.

Additionally, qualifying ABC license(s) are allowed to sell distilled spirits, beer and/or wine for takeout provided that alcoholic beverages are in a manufacturer-sealed container. A licensee may provide distilled spirits and/or wine for takeout in non-manufacturer-sealed containers but must notify ABC of their intent to do so and are subject to additional restrictions (beer cannot be sold for takeout in a non-manufacturer-sealed container). Lastly, this bill does not *require* on-sale licensees to sell alcohol for off-sale consumption through takeout and therefore, this policy is optional for qualifying food establishments.

The proposed zone text amendment changes Section §19.06.030, Table 2-2 regarding alcohol sales in residential zoning districts. The proposed amendment edits the current language to allow alcoholic beverage sales for both on- and off-site consumption in residential zoning districts with a Minor Conditional Use Permit.

The proposed zone text amendment also amends Section §19.10.030, Table 2-5 of the Municipal Code to permit restaurants with alcoholic beverages sales for both on- and off-site consumption, which is consistent with SB 389. Additionally, it proposes to eliminate the requirement for a public hearing for alcoholic beverage sales for on- and off-site consumption, except for restaurants with outdoor dining areas that wish to provide alcohol service after 11:00 p.m. Alcoholic beverage sales will be reviewed and approved through an Administrative Permit rather than a MCUP. Staff amended Section §19.40.020 Applicability to reflect this permit requirement.

The primary guiding regulations for Alcohol Beverage Sales are defined in Section §19.36.060. Staff added Section §19.36.060(B)(7) which states all restaurants with alcohol for off-site consumption shall meet all State requirements, which are summarized in this report, above. It also adds that the section of the WHMC will be repealed January 1, 2027 unless extended by State law.

She stated there are two amendments: 1) on the recommended change to Section §19.36.060.7, the last sentence should read: “This section shall be repealed as of January 1, 2027, unless Section §23401.5 of the California Business and Professions Code is extended by State law;” and 2) Under the Section §19.40.020.A, the new definition should be changed to read: “ABC or ABC Department. The California State Department of Alcoholic Beverage Control.”

The commission had concerns regarding the lack of a full commission to decide on both items presented. The commission requested clarification regarding secure packaging.

#### Eliminating Outdoor Dining Parking Requirements:

This proposed zone text amendment is a permanent measure to what was temporarily established through the OUTZones under Urgency Ordinance No. 20-1106U and eliminates parking requirements for outdoor dining areas at public eating establishments. The proposed ordinance is intended to ensure the economic viability and longevity of restaurants and other related uses in the City. This zone text amendment is also a component of a larger City Council directive to evaluate parking minimums for all land uses in the city which is currently underway.

The West Hollywood Municipal Code allows up to 250 square feet of outdoor dining without requiring additional parking. For areas that are greater than 250 square-feet, the Municipal Code requires 3.5 parking spaces for every 1,000 square-feet of outdoor dining, which is based on existing requirements under Section §19.28.040, Table 3-6 of the West Hollywood Zoning Code. The Municipal Code does not allow and/or provide guidance on requirements for businesses that would like to provide outdoor dining on private off-street parking lots.

The number of parking spaces provided on-site that are required by Section §19.28.040 may be reduced if the review authority authorizes the use of parking credits as part of the Parking Credits Program as set forth in Chapter 10.28 of the Municipal Code.

Staff proposes to allow outdoor dining spaces to operate without additional parking, regardless of square footage. Specifically, it would eliminate parking requirements for all outdoor dining areas in the public-right-of-way (sidewalks and metered parking) and on private property.

Staff also amended Section 19.28.060, Table 3-7 to allow the reduction of off-street parking requirements for outdoor dining areas on private off-street parking spaces (parking lots). Specifically, up to 100 percent of required parking spaces for restaurants may be replaced with outdoor dining, except for required accessible parking (ADA) and loading spaces, upon review approval.

Upon approval of the proposed zone text amendment, businesses a part of the Parking Credits Program would need to contact Planning and Development Services staff to withdraw their business from the Parking Credits Program as it will no longer apply.

The commission questioned if the City Council has given staff any guidance on public parking minimums.

Acting Chair Thomas presented the Long Range Planning Projects subcommittee report.

The commission requested clarification regarding the review authority for conditional use permits and minor conditional use permits, and the relocation of ADA parking, accessible parking spots and loading zones.

There were no public speakers.

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

The commission stated their support for both zone text amendments, but had concerns and discussed eliminating parking requirements, quality of life issues, off-site parking, traffic impacts, design aspects for businesses,

**Commissioner Carvalho moved to: 1) approve staff's recommendations to City Council.**

**Seconded by Commissioner Gregoire.**

Discussion and clarification were given regarding the review authorities for conditional use permits and minor conditional use permits.

**ACTION:** 1) Approve staff's recommendation of approval to City Council; 2) **Adopt Resolution No. PC 22-1469 as amended:** a) *on the recommended change to Section §19.36.060.7, the last sentence should read: "This section shall be repealed as of January 1, 2027, unless Section §23401.5 of the California Business and Professions Code is extended by State law."* b) *Under the Section §19.40.020.A, the new definition should be changed to read: "ABC or ABC Department. The California State Department of Alcoholic Beverage Control."* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 19, ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE, TO ALLOW A RESTAURANT TO SELL ALCOHOLIC BEVERAGES FOR ON- AND OFF-SITE CONSUMPTION, INCLUDING OFF-SITE ALCOHOL CONSUMPTION FOR TAKEOUT VIA PICKUP IN ACCORDANCE WITH RECENTLY ADOPTED STATE LAW (SB389) AND FINDING THE ACTION CATEGORICALLY EXEMPT FROM CEQA, WEST HOLLYWOOD, CALIFORNIA";

3) **Adopt Resolution No. PC 22-1409 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 19, ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE, TO ELIMINATE PARKING REQUIREMENTS FOR OUTDOOR DINING FOR RESTAURANTS AND OTHER RELATED USES IN THE CITY OF WEST HOLLYWOOD AND FINDING THE ACTION CATEGORICALLY EXEMPT FROM CEQA, WEST HOLLYWOOD, CALIFORNIA”; and 4) Close the Public Hearing for Item 10.A. **Moved by Commissioner Carvalho, seconded by Commissioner Gregoire and passes, noting Chair Jones absent.**

**11. NEW BUSINESS.**

**A. Design Review Subcommittee Representative:**

The Planning Commission Chair will appoint one (1) current design review subcommittee member to the City Manager’s Playhouse Advisory Group, until completed.

**ACTION:** 1) Appoint Commissioner Carvalho to the City Manager’s Playhouse Advisory Group, until completed. **Motion carried by consensus of the Commission.**

**B. Sunset Arts and Advertising Project Subcommittee Meeting Dates:**

Jennifer Alkire, Current and Historic Preservation Planning Manager requested to schedule a special meeting of the `Sunset Arts and Advertising Subcommittee on Thursday, July 28, 2022.

**ACTION:** 1) Schedule a special meeting of the Sunset Arts and Advertising Subcommittee on Thursday, July 28, 2022. **Motion carried by consensus of the Commission.**

**12. UNFINISHED BUSINESS.** None.

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

**14. ITEMS FROM STAFF.**

**A. Planning Manager’s Update.**

Jennifer Alkire, Current and Historic Preservation Planning Manager provided an update of tentative items scheduled for upcoming Planning Commission meetings.

She confirmed Kimberly Copeland will be sworn in on Thursday, July 21, 2022.

**15. PUBLIC COMMENT.** None.

**16. ITEMS FROM COMMISSIONERS.**

**A. Commissioner Comments.**

Commissioner Lombardi congratulated Commissioner Carvalheiro on his appointment to the City Manager's Playhouse Advisory Group.

Commissioner Gregoire stated he will be absent from the meeting on Thursday, August 18, 2022. He wished everyone a Happy Pride month.

Acting Chair Thomas congratulated Commissioner Carvalheiro on his appointment to the City Manager's Playhouse Advisory Group. She commented on the Pride festivities.

**B. Subcommittee Management.**

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

**ADJOURNMENT.** Noting the cancellation of the Planning Commission meeting on Thursday, July 7, 2022, the Planning Commission adjourned at 7:55 p.m. to a regularly scheduled meeting on Thursday, July 21, 2022, 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.**



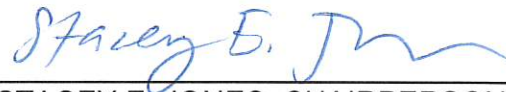
**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 21<sup>st</sup> day of July, 2022 by the following vote:

AYES: Commissioner: Carvalho, Gregoire, Lombardi, Vice-Chair Thomas.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Chair Jones.



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STACEY E. JONES, CHAIRPERSON

ATTEST:



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DAVID K. GILLIG, COMMISSION SECRETARY