



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
November 3, 2022**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, 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

Land Acknowledgment: “The West Hollywood Planning Commission acknowledges that the land on which we gather and that is currently known as the City of West Hollywood is the occupied, unceded, seized territory of the Gabrieleño Tongva and Gabrieleño Kizh peoples.”

1. **CALL TO ORDER:** Chair Jones called the meeting of the Planning Commission to order at 6:35 p.m.

2. **PLEDGE OF ALLEGIANCE:** Commissioner Gregoire led the Pledge of Allegiance.

3. **ROLL CALL:**
Commissioners Present: Carvalheiro, Copeland, Gregoire, Lombardi, Matos, Vice-Chair Thomas, Chair Jones.

Commissioners Absent: None.

Staff Present: Laurie Yelton, Associate Planner, Ben Galan, Buidling and Safety Manager, Francisco J. Contreras, Long Range Planning Manager, Jennifer Alkire, Current and Historic Preservation Planning Manager, Ric Abramson, Urban Design and Architecture Studio Manager, Lauren Langer, City Attorney, Isaac Rosen, Assistant City Attorney, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**
Chair Jones requested agenda Item 14.A., Planning Manager’s Update to be moved before agenda Item 10.A., Public Hearings.

ACTION: Approve the Planning Commission agenda of Thursday, November 3, 2022 as amended. **Moved by Chair Jones, seconded by Commissioner Matos and unanimously passes.**

5. APPROVAL OF MINUTES.

A. October 6, 2022

Officially continued from Thursday, October 20, 2022.

ACTION: Approve the minutes of Thursday, October 6, 2022 as presented.
Moved by Commissioner Lombardi, seconded by Commissioner Matos and passes, noting Chair Jones recused.

B. October 20, 2022

Staff is requesting a continuance to allow time for the meeting minutes to be officially and legally transcribed for a court transcription.

ACTION: Continue to Thursday, November 17, 2022. **Motion carried by consensus of the Commission.**

6. PUBLIC COMMENT.

VICTOR OMELCZENKO, WEST HOLLYWOOD commented on the appeal that was filed and noticing concerns regarding the project located at 8500 Santa Monica Boulevard.

LYNN RUSSELL, WEST HOLLYWOOD commented on an article by Mayor Meister regarding land use issues and governmental regulations.

7. DIRECTOR'S REPORT.

John Keho, Director, Planning and Development Services Department stated there are no planning projects coming forward at the next City Council meeting on Monday, November 7, 2022. He provided an update and timelines regarding the Housing Element.

8. ITEMS FROM COMMISSIONERS.

Commissioner Matos reminded everyone of the upcoming election on Tuesday, November 8, 2022 and encouraged everyone to participate.

Chair Jones apologized and stated she had to exit the last meeting momentarily due to an emergency financial transaction that needed to be verified.

9. CONSENT CALENDAR. None.

The following item was moved as part of the amended agenda.

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 stated the draft environmental impact report for 9160-9176 Sunset Boulevard is currently available on-line at [Environmental Documents | City of West Hollywood \(weho.org\)](https://www.cityofweho.org/Environmental-Documents).

Subcommittee Management.

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

She confirmed there will be no special meeting of the Sunset Arts & Advertising Subcommittee on Thursday, December 8, 2022 due to a city scheduling conflict and stated there will be no special meeting on Thursday, December 15, 2022 due to a lack of quorum. She stated she will return with possible alternative dates.

10. PUBLIC HEARINGS.

A. 1236 N. FAIRFAX AVENUE:

Laurie Yelton, Associate Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 3, 2022.

She provided background information on the project site and stated the request is to approve a tentative tract map for a previously approved, four-story, seven-unit, multi-family residential building that was approved by the Planning and Development Services Director in 2015, into a common interest development.

A tentative tract map was previously approved by the Planning Commission in 2018 and has since expired.

She clarified at the time the staff report was prepared, the project has not been issued a Certificate of Occupancy nor occupied with rental tenants, so the requested subdivision is not considered a conversion of rental units.

The building is currently under construction and is nearing completion.

Staff recommends approval of the subdivision permit.

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

VICTOR OMELCZENKO, WEST HOLLYWOOD commented on noticing and state mandated regulations regarding subdivision requests.

The commission questioned the applicant and requested clarification why they are requesting a subdivision and if this development was originally presented as rental units.

ROAN KELSHU, LOS ANGELES, representing the owner, stated the original intention has always been condominiums, not rental units.

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

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

Seconded by Vice-Chair Thomas.

ACTION: 1) Approve staff's recommendation of approval; and 2) **Adopt Resolution No. PC 22-1492 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, ADOPTING A CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION §15332 (IN-FILL DEVELOPMENT PROJECTS AND APPROVING A TENTATIVE TRACT MAP (MINOR LAND DIVISION NO. 82111) FOR THE SUBDIVISION OF A FOUR-STORY, SEVEN-UNIT RESIDENTIAL BUILDING INTO A COMMON INTEREST DEVELOPMENT LOCATED AT 1236 N. FAIRFAX AVENUE, WEST HOLLYWOOD, CALIFORNIA.;" and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Gregoire, seconded by Vice-Chair Thomas and unanimously passes.**

The Resolution the Planning Commission just approved for the property located at **1236 N. Fairfax Avenue** 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.

B. ZONE TEXT AMENDMENT

MULTI-STALL GENDER NEUTRAL RESTROOM FACILITIES:

Ben Galan, Building and Safety Manager provided a verbal presentation and background information, as presented in the staff report dated Thursday, November 3, 2022.

He stated the Planning Commission will consider a zone text amendment to amend Chapter 19.20 (General Property Development and Use Standards) to require multi-stall gender-neutral restroom facilities in all new commercial developments and major remodels and find that the amendments are exempt from CEQA pursuant to Guidelines Section §15061, citywide, West Hollywood, California.

He clarified clarify and provided background information on the request, stating this ordinance is geared towards facilities in privately owned commercial properties such as offices, restaurants, and retail stores.

Gender-segregated restroom facilities have posed safety concerns for vulnerable people such as transgender and gender non-conforming people and creates challenges for caregivers of disabled persons of the opposite sex as well as parents with opposite sex children.

In 2014, West Hollywood adopted an ordinance to require all single-stall restrooms in the City to be gender neutral. In 2016, the State of California passed Assembly Bill 1732 that made this mandatory throughout the state. These provisions did not apply to multi-stall restroom facilities.

On May 3, 2021, City Council directed staff and the City Attorney to evaluate and develop an ordinance to require all multi stall restroom facilities in businesses and places of public accommodation to serve all genders.

This bill relieves local jurisdictions from the CPC's outdated regulations and gives local governments the tools they need to help provide all-inclusive access to safe restroom facilities.

It authorizes cities and counties to adopt an ordinance or resolution that would require all privately owned, newly constructed or significantly renovated places of public accommodation to have gender neutral multi-stall public restroom facilities.

The bill allows restroom facilities to be designed and constructed with single-user toilet compartments and identified for use by all genders. It also gives jurisdictions the flexibility to exclude certain occupancies from these requirements.

Senate Bill 1194 passed through the Senate unopposed and with bipartisan support. It was signed by Governor Newsom into law on September 29, 2022.

He confirmed our ordinance will be amending our Municipal Code and add Section §19.20.260 - Gender Neutral Public Toilet Facilities, to our Zoning Ordinance.

It will also remove language in Section §19.36.200 – Nightclub and Related Uses, that conflicts with the design standards found in the CA Plumbing Code.

Revisions to Section 5.D.(4) of the resolution to include an appeal process to the Director's decisions on waivers /modification.

The design standards developed are different than the traditional multi stall layouts. These re-envisioned facilities will be designed and constructed with single-user toilet compartments and identified for use by all genders.

He confirmed water closets will be designed as single-user compartments and designated for use by no more than one occupant at a time, or for family or assisted use.

The water closets will be enclosed on all sides by walls or partitions extending from the floor to the ceiling and a door enclosing the fixture for privacy. Urinals shall be in an area visually separated from the remainder of the facility or in their own compartment.

Lavatories may be in the same compartment as a water closet or grouped in an adjacent common use area accessible to all users.

Adequate light and ventilation shall be provided within each compartment and each area of the facility.

This ordinance will not allow for the reduction in the number of ADA or accessible facilities required by federal and State laws.

Francisco Contreras, Long Range Planning Manager requested two clarifying revisions to draft Resolution No. PC 22-1495.

Section 4. (page 3 of 5):

Subparagraph (C)(2) (“Restrooms”) of subsection (C) (“Interior Design Requirements”) of Section §19.36.200 (“Nightclubs and Related Uses”) of Title 19 (Zoning Ordinance) is hereby deleted in full, and subparagraph (C)(1) (“Interior Lighting”) will remain.

[The purpose of the requested revision is to avoid deleting existing interior light requirements for nightclubs.]

Section 5. (page 3 of 5):

Staff is recommending adding a new Section 5.D.(4) that says: “The policy for the consideration, approval and appeal of the Director’s decision on waiver or modification requests under this Section will be adopted by the City Manager or their designee.”

The commission requested clarification and elucidation of a major remodel and questioned the omission of language in the draft resolution regarding new commercial leases. They asked staff to expound on the safety advantages and disadvantages and questioned why the floor to ceiling doors are in the design guidelines and not in the zone text amendment. They asked how the design standards will be made available and posted, and questioned future noticing when the parks and recreation centers are included.

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

VICTOR OMELCZENKO, WEST HOLLYWOOD has concerns regarding this item. He questioned why this item is considered urgent and stated several advisory boards were not included for review.

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

The commission stated their support for this item, stating it is very progressive. They had concerns and discussed accommodation of traditional urinals, floor to ceiling doors on stalls, unnecessary costs on the business community regarding number of facilities required based on occupancy. They would like to see some way to gain access regarding the floor to ceiling doors in case of medical emergencies and they encouraged staff to reach out to all boards and commissions to receive their input.

Staff clarified the outreach efforts to the community and other commission and advisory boards.

Vice-Chair Thomas moved to: 1) approve staff's recommendation of approval to the City Council; and 2) include staff's changes to the draft resolution.

Seconded by Commissioner Matos.

ACTION: 1) **Adopt Resolution No. PC 22-1495 as amended:** a) Section 4. Subparagraph (C)(2) ("Restrooms") of subsection (C) ("Interior Design Requirements") of Section §19.36.200 ("Nightclubs and Related Uses") of Title 19 (Zoning Ordinance) is hereby deleted in full, and subparagraph (C)(1) ("Interior Lighting") will remain; and b) adding a new Section 5.D.(4) that says: "The policy for the consideration, approval and appeal of the Director's decision on waiver or modification requests under this Section will be adopted by the City Manager or their designee."; "**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 19 (WEST HOLLYWOOD ZONING ORDINANCE) OF THE WEST HOLLYWOOD MUNICIPAL CODE BY ADDING SECTION §19.20.260 (GENDER NEUTRAL PUBLIC TOILET FACILITIES) TO CHAPTER 19.20 (GENERAL PROPERTY DEVELOPMENT AND USE STANDARDS) AND MAKING ADDITIONAL, RELATED CHANGES TO TITLE 19, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA;**" and 2) Close the Public Hearing for Item 10.B. **Moved by Vice-Chair Thomas, seconded by Commissioner Matos and unanimously passes.**

THE COMMISSION TOOK A TWENTY-FIVE (25) MINUTE RECESS DUE TO TECHNICAL ISSUES AT 7:40 P.M. AND RECONVENED AT 8:05 P.M.

Commissioner Gregoire recused himself from the dais stating he lives within 500' of the proposed project located at 8527-8555 Santa Monica Boulevard, and 8532-8552 N. West Knoll Drive.

C. 8527-8555 SANTA MONICA BOULEVARD, AND 8532-8552 N. WEST KNOLL DRIVE:

Continued from Thursday, September 15, 2022. The Planning Commission will hold a public hearing to consider a request to demolish all existing structures on six contiguous parcels, and construct a new five story, mixed-use development, and certify a final environmental impact report.

TEHCHINCAL ISSUES PREVENTED THIS ITEM TO BE FULLY HEARD AS A PUBLIC HEARING ITEM.

ACTION: 1) Continue to Thursday, December 1, 2022. **Motion carried by consensus of the Commission**

11. NEW BUSINESS. None.

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

The following item was moved and heard after Item 9., Consent Calendar.

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS.

A. Commissioner Comments. None.

B. Subcommittee Management.
See Agenda Item 14.A.

17. ADJOURNMENT. Due to technical issues, the Planning Commission adjourned at 8:35 p.m. to a regularly scheduled meeting on Thursday, November 17, 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.**

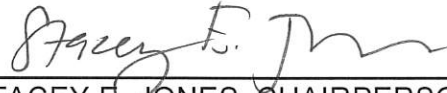
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 17th day of November, 2022 by the following vote:

AYES: Commissioner: Carvalheiro, Copeland, Gregoire, Lombardi, Matos, Vice-Chair Thomas, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY