



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
December 15, 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:** Acting Chair Thomas called the meeting of the Planning Commission to order at 6:30 p.m.

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

3. **ROLL CALL:**

Commissioners Present: Carvalheiro, Copeland, Gregoire, Lombardi, Matos, Acting Chair Thomas.

Commissioners Absent: Chair Jones.

Staff Present: Ric Abramson, Urban Design and Architecture Studio Manager, Jerry Hittleman, Senior Contract Planner, Rincon Consultants, Antonio Castillo, Senior Planner, Francisco Contreras, Long Range Planning Manager, Jennifer Alkire, Current and Historic Preservation Planning Manager, Lauren Langer, City Attorney, Isaac Rosen, Assistant City Attorney, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

Acting Chair Thomas requested Item 10.A. – 8465 Santa Monica Boulevard be moved and heard after Item 10.C. Zone Text Amendment, Accessory Dwelling Units Update, and move Item 14. – Items from Staff after Item 9. Consent Calendar.

ACTION: Approve the Planning Commission agenda of Thursday, December 15, 2022 as amended. **Moved by Commissioner Matos, seconded by Commissioner Carvalheiro and passes, noting Chair Jones absent.**

5. APPROVAL OF MINUTES.

A. November 17, 2022

Officially continued from Thursday, December 1, 2022.

ACTION: Approve the verbatim minutes of Thursday, November 17, 2022 as presented. **Moved by Commissioner Matos, seconded by Commissioner Gregoire and passes, noting Chair Jones absent.**

B. December 1, 2022

ACTION: Approve the action minutes of Thursday, December 1, 2022 as presented. **Moved by Commissioner Matos, seconded by Commissioner Lombardi and passes, noting Chair Jones absent.**

6. PUBLIC COMMENT.

ABBE LAND, WEST HOLLYWOOD spoke in support of staff's recommendation of approval for agenda Item 10.A. – 8465 Santa Monica Boulevard.

7. DIRECTOR'S REPORT.

John Keho, Director, Planning and Development Services Department stated at the last City Council meeting on Monday, December 5, 2022, the council approved the zone text and ordinance changes regarding gender neutral restrooms. They stated they would like the requirements to also apply to tenant changes. Therefore, this item will be brought back to the Planning Commission at a future date for discussion and recommendation.

He wished everyone a happy holiday season.

8. ITEMS FROM COMMISSIONERS.

Commissioner Gregoire wished everyone happy holidays and looks forward to working with everyone in 2023.

9. CONSENT CALENDAR. None.

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

14. ITEMS FROM STAFF.

A. Planning Manager's Update.

Francisco Contreras, Long Range Planning Manager provided an update of tentative items scheduled for upcoming Planning Commission meetings.

He confirmed the meeting on January 5, 2023 has been officially cancelled. The next regular meeting of the Planning Commission will take place on Thursday, January 19, 2023.

B. Subcommittee Management.

Francisco Contreras, Long Range 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.

He confirmed the Design Review subcommittee meeting on Thursday, January 12, 2023 will be cancelled and replaced with a special teleconference meeting of the Sunset Arts & Advertising Subcommittee.

10. PUBLIC HEARINGS.

The following item was moved and heard after Item 10.C. – Zone Text Amendment, Accessory Dwelling Units Update as part of the amended agenda:

A. 8465 SANTA MONICA BOULEVARD:

The proposal is (1) a determination of general plan consistency for both the acquisition of the real property located at 8465 Santa Monica Boulevard (Holloway Motel or Property) by the City for the future purpose of converting the former motel building to transitional housing with supportive services; and approval of the replacement of the existing one sided static billboard with a new two-sided static billboard; and (2) consideration of a development agreement with Seaview Palms & Company for the access, operation and maintenance of the replacement billboard; and (3) recommendation to the City Council on a zone map amendment to place the property in the Development Agreement Overlay Zone.

**B. ZONE TEXT AMENDMENT
WEST HOLLYWOOD WEST NEIGHBORHOOD OVERLAY DISTRICT
DESIGN STANDARDS:**

Officially continued from Thursday, December 1, 2022.

Ric Abramson, Urban Design and Architecture Studio Manager provided a verbal presentation and background information, as presented in the staff report dated Thursday, December 15, 2022.

He stated the Planning Commission will consider a zone text amendment to repeal the existing West Hollywood West Neighborhood Overlay District provisions and replace them with updated standards for development. The proposed amendment incorporates insight and feedback from the public hearing on October 6, 2022 at which time the item was originally presented to the Planning Commission.

The intent is to refresh existing and introduce new objective standards to preserve the neighborhood's distinct physical scale and development patterning and to align more directly with the City's goals for safety, sustainability, and resilience.

The proposed changes, including updates to existing policy and new objective standards, largely involve enhancing public safety, mitigating construction impacts, and promoting environmental goals and climate action related recommendations. The updated overlay effort is intended to address concerns and issues raised by the neighborhood as well as to support new residential development being in greatest alignment with the city's goals for neighborhood livability and safety, sustainable growth, energy efficient construction, water and natural resource conservation, wildlife propagation, and climate responsive design.

He stated at the previous hearing, the Commission had extended discussions and weighed specific alternatives and policy recommendations. The Commission either expressed comfort with or had no objections to recommendations in the following areas:

a) Maximum dwelling unit floor area/Lot area provisions; b) soil permeability provisions; c) driveway visibility standards; d) property frontage provisions; e) acoustic trespass mitigation strategies; f) height limits and roof profile configurations; g) exterior finish and materials standards; h) accessory structures standards; i) tree canopy and landscape provisions; and j) garage and carport standards systems.

The confirmed the Commission did not express specific changes regarding synthetic turf limitations or downspout and storm water management provisions but did ask for new language related to vegetative roof referencing CALGreen practices and clarifications to the driveway width limitation for the first 30% of the property frontage.

He stated the Commission also requested that staff conduct additional research and provide additional guidance, if possible, regarding three specific topics or issues:

- 1) Relationships of front and side yard hedges and visibility on public safety;
- 2) relationship of basements (and their size) to potential impacts from dewatering, changes to the aquifer, settlement on adjacent properties, and construction staging; and
- 3) effects and impacts of recessed exterior lighting located under roof overhangs and soffits.

He confirmed there were several neighborhood meetings and community outreach to the West Hollywood West neighborhood and surrounding community.

Since the last public hearing, staff has also reached out to professionals with technical expertise and continued to have discussions and email correspondence with concerned residents.

Proposed Zone Text Amendment Updates:

1. Hedges, Fences, Walls, and Gates: Staff consulted with public safety officials and researched studies related to the relationship between “eyes on the street” principles and public safety. Staff was unable to uncover specific research in the context of hedges and sidewalk safety and visibility to draw any conclusions, one way or the other. Nor was staff able to uncover any data or evidence that hedges provide any greater security or more effective physical safety results than fences and gates, perimeter walls, home security monitoring devices, motion sensor lighting, operable shutters, trained dogs, or security alarm systems.

Staff position regarding a safety-based need to prevent blind conditions and visibility at the junction of driveways and the public way remains unchanged. He reiterated many concerns expressed have related to privileging the perception of privacy or personal security over known physical, blind, or unsafe driveway visibility conditions created by tall hedges along the public right-of-way. Ongoing investigation into existing hedges along public frontages within the overlay district have also revealed numerous examples in which untrimmed or improperly maintained hedges have not only fostered blind conditions but also project out over the sidewalk creating a narrowing of sidewalks and resulting in impacts to minimum paths of travel within the public right-of-way required by law to ensure accessibility for the disabled community.

After careful consideration of multiple factors, staff recommends that there be no changes to the existing height limitations on hedges, fences, walls, and gates except that an objective standard will clarify that only hedges in the corners of front yards and side yards adjacent to the public way shall be limited to 28 inches high within a quantitatively prescribed viewing angle to ensure adequate driveway visibility for drivers to the sidewalk and pedestrians regarding vehicles exiting the property. All other requirements for front, side, and rear hedges, fences, walls, and gates included in the proposed updates are intended to remain the same as in the existing overlay district.

Should the Commission prefer an alternative recommendation to the City Council, staff includes the following two alternatives for consideration:

Alternative #1: Based on driveway visibility considerations, eliminate hedges altogether from all front yards and leave existing limitations for side and rear yards in place. This provision would also have the effect of reinforcing the original development pattern for the West Hollywood West area of the city that lacked hedges.

Alternative #2: Based on driveway visibility considerations, limit the height of hedges for the entire front yard setback area to 28 inches in parallel with current limits on vegetation to ensure full visibility. All other requirements for side, and rear hedges, fences, walls, and gates included in the proposed updates would remain the same as in the existing overlay district.

2. Basements: During discussion and deliberation about potential impacts regarding basements, the Commission asked for additional information regarding the effects of dewatering and the displacement of water based on fully subterranean basement construction practices. Staff consulted with structural engineers and geologists regarding potential underground water impacts as well as differential settlement raised by members of the community.

Feedback from these experts indicated that, in cases of single-family residential construction on individual lots where shallow groundwater exists, dewatering resulting from basement excavation operations, when necessary, is limited to the construction period only and does not extend beyond completion of the basement itself. Their opinion is that, with reasonable basement size limitations on typical infill lot conditions, impacts based specifically on groundwater levels are minimal if any. However, based on their collective field experience, evidence suggests that while soil equilibrium will be disturbed during basement excavations, a properly designed shoring system should minimize soil movement and reduce settlement impacts to structures in close proximity during excavation and backfilling operations.

Apart from on-site grading and excavation operations, basements do have impacts off site, in front of the property and on the street, because of the staging operations associated with construction including excavation, hauling, shoring, waterproofing, backfilling, and compacting that require multiple trades extended over a lengthy period of time, when compared to construction using conventional foundations on grade when basements are not present.

Based on consultations with engineering and construction experts, Urban Design and Architecture Studio (UDAS) staff does believe that basements of limited size, if constructed in accordance with proper engineering and excavation best practices for soil containment, would not cause impacts to adjacent dwelling units' properties or cause extended long delays and street closures during construction. Therefore, staff continues to recommend a limited basement size at 400 square feet as consistent with the Norma Triangle. Staff is also recommending adding a maximum basement depth provision of nine (9) feet based on construction staging issues raised by the neighborhood.

Should the Commission elect to make other recommendations to the Council, staff is including two alternatives below:

Alternative #1 – Understanding that analyses and consultations have identified potential construction-related impacts from constructing larger basements on adjacent dwelling units and extended street staging required during construction, the Commission may recommend that basements be prohibited until such time that a neighborhood specific study on the environmental impacts of basements on dewatering, affects to the aquifer, displacement of groundwater, and differential settlement can be conducted; or,

Alternative # 2 – Understanding that analyses and consultations have identified potential construction-related impacts from constructing larger basements on adjacent dwelling units and extended street staging required during construction, the Commission may recommend not limiting the size of basements other than that they may not be located within setbacks.

3. Exterior Lighting and Light Trespass: The Commission discussed options regarding potential impacts from recessed downlights in close proximity to one another. Options included requiring special filters or lenses to be included on the one hand to eliminating them altogether on the other. Because not all downlights can be fitted with lenses or filters, and because there are many, many other options, and even better ones than recessed downlights to provide safety lighting at night, while staff still believes wider spacing between fixtures to be a viable option as proposed.

4. Dwelling Unit Floor Area: In addition to these three primary areas of expressed further interest by the Commission, discussions with residents have also continued regarding the dwelling unit floor area. A key purpose in adopting the WHWNOD was to manage and maintain the scale and development patterning of the neighborhood. Staff recommendations focused on a total floor area of 2,000 square feet for lots of 4,000 square feet or less. This recommendation is in alignment with the current 0.5 FAR standard and more generous for properties less than 4,000 square feet. For properties greater than 4,000 square feet, staff recommends a maximum dwelling floor area of 2,500 square feet. Any accessory dwelling units (ADU) or junior accessory dwelling units (JADU) will be governed by state law and WHMC Section §19.36.310.

Staff also has an additional recommendation for existing lots that have been merged previously. In cases where a previously merged lot exceeds 7,999 square feet, two detached dwelling units up to 2,500 square feet or a 0.5 FAR (whichever is less) may be constructed.

He reiterated the existing provisions in the West Hollywood West Neighborhood Design standards shall remain in place and provisions adopted through this update shall go into effect upon formal adoption by the City Council. Minor remodels shall be exempt. New standards and policies shall apply to new activities that require a permit.

The commission questioned if this would apply to new developments within the overlay zone only, and requested clarification regarding permitted development activity on the property, current and past overlay requirements and how it would be applied, environmental impacts, tighter mitigation on a case-by-case basis, conforming versus non-conforming hedges, view corridors, basement limitations and depths, lighting heights, non-conforming uses, average lot sizes and requested a synopsis of the geotechnical report.

Acting Chair Thommas opened the public hearing for Item 10.B.

ALEX NORTH, WEST HOLLYWOOD has concerns regarding this item. She spoke on average lot sizes, grandfathered properties, hedge heights and security, and basements.

MATT LOUCHHEIM, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

JONATHAN FINESTONE, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

IGNACIO DARNAUDE, WEST HOLLYWOOD spoke in support of Alternative A of the revised standards to the West Hollywood West neighborhood overlay standards.

MAYUMI KHARABI, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

DARIUS KHARABI opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

ERALD SEJDINI, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

BILL GILLILAND, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

KERRY STICHUVEH, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

JONATHAN ZAGU, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

JAY JACOBSON, WEST HOLLYWOOD spoke in support of Alternative A of the revised standards to the West Hollywood West neighborhood overlay standards.

PATRICK FOGARTY, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

MUSETTA CELENTANO, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

ELLYN LERNER, WEST HOLLYWOOD spoke in support of staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

BEVERLY DENENBERG, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

STUART DENENBERG, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

DANIEL BANCHEC, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the restriction on property rights, basement sizes, and floor area ratios.

KIERAN MCKIERNOM, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

KIMBERLY WINICK, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding lot sizes and overlay consistency.

RYAN NEWMAN, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

JOEL BECKER, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding housing dimensions, lot sizes, basements, and environmental studies on single sites.

LESLIE KARLISS, WEST HOLLYWOOD has concerns regarding this item. She spoke regarding the driveway visibility triangle and grandfathering issues.

DOUG BERNARD, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

PHILLIPE PHANEUF, WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

JENNA L., WEST HOLLYWOOD opposes staff's recommendation of revised standards to the West Hollywood West neighborhood overlay standards.

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

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 8:45 P.M. AND RECONVENED AT 8:50 P.M.

The commission had concerns limiting property owners to specific basement sizes, depth restrictions, de-watering and community impacts, excavations, absence of significant findings that would back-up any type of policy change, the purpose of the West Hollywood West Neighborhood Overlay District, standard and quality of neighborhood guidelines, floor area ratios, hedges and height, safety and privacy, grandfathering non-conforming uses, multi-generational families, downlighting and glare concerns, affordability, neighborhood engagement, impacts of foundation cracks and property movement, noise trespass, and vegetative roofs on porte cochères.

The commission had questions regarding Alternative No. 1 and requested clarifications regarding basements. Consultants from Tetra Tech clarified the impacts to adjacent properties and spoke on pre-construction surveys.

Further discussion was held regarding [possible] different basement sizes, lighting, non-compliance standards, and non-conforming structures. They had concerns presenting arbitrary numbers as a matter of policy decision.

The commission discussed and stated basements need more study, along with construction impacts. Different recommendation(s) were discussed to forward to the city council.

They stated there are several issues that still need to be addressed and worked out; more input from the community, more input from the residents, more input from staff and technical experts. They suggested something that would be more universally understood should be brought back to the commission, so a recommendation can be made to city council at that time as a whole package.

Commissioner Matos moved to: 1) continue to a date uncertain; to allow staff to engage in different research as it pertains to basements and impacts, but also engage the community on hedges and frontage visibility issues and porte cochère issues.

Seconded by Commissioner Copeland.

ACTION: 1) Continue to a date uncertain, a) which will allow staff to engage in further research as it pertains to basements, and b) include further engagement with the community regarding hedges and frontage visibility issues, and porte cochère concerns. **Moved by Commissioner Matos, seconded by Commissioner Copeland and passes, noting Chair Jones absent.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 10:05 P.M. AND RECONVENED AT 10:15 P.M.

C. ZONE TEXT AMENDMENT

ACCESSORY DWELLING UNITS UPDATE:

Jerry Hittleman, Senior Contract Planner, Rincon Consultants provided a verbal presentation and background information, as presented in the staff report dated Thursday, December 15, 2022.

He stated this is a proposed zone text amendment to amend the City's local regulations governing accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs") to comply with recent changes in state law. The proposed ordinance is statutorily exempt from CEQA.

He provided background information stating the following the bills in 2020 and 2021, the California Legislature approved, and the Governor signed into law Assembly Bill 3182 and Assembly Bill 345.

AB 3182 expanded the scenarios under which the City must allow certain ADUs and JADUs with only a building permit. AB 345 required cities to allow the separate sale or conveyance of certain ADUs that satisfy the conditions outlined in Government Code section §65852.26. Such conditions include the ADU, or the primary dwelling was constructed by a qualified nonprofit, and the ADU is sold to a qualified low-income buyer.

In September 2022, the California Legislature approved, and the Governor signed into law, a new bill Senate Bill 897 that further amends state ADU and JADU law. SB 897: requires the City to allow certain ADUs to be higher—up to 18 or 25 feet, depending on the situation;

Requires the City's front setback requirement to yield for certain ADUs;

Requires the City to justify a denial with a full set of detailed comments describing the deficiencies in the application and explaining how to remedy them;

Removes the automatic repeal in 2025;

Prohibits the City from denying an application to create an ADU solely because corrections are needed to address nonconforming zoning conditions, building code violations, or unpermitted structures elsewhere on the lot that do not present a threat to public health and safety and are not affected by the construction of the ADU; and

In instances where a JADU will share a bathroom with the primary dwelling, the City must require the JADU to have an interior entry to the primary dwelling's "main living area," independent of the exterior entrances of the JADU and primary dwelling.

AB 3182 and AB 345 took effect on January 1, 2021, and January 1, 2022. SB 897 takes effect on January 1, 2023. The City's local regulations governing ADUs and JADUs are contained in Section §19.36.310 of the West Hollywood Municipal Code. The updated municipal code language will amend WHMC Section §19.36.310 to comply with AB 3182, AB 345, and SB 897.

He stated the City of West Hollywood can significantly increase its supply of ADUs. Up to this point, 115 ADUs (including one JADU) have been built, permitted, or applied for approval in the City:

He detailed the proposed amendments to WHMC Section §19.36.310:

ADU Height Limit. Current WHMC regulations limit the height of a single-story attached or detached ADU to 16 feet above grade and a detached ADU not to exceed one story in height. SB 897 (effective January 1, 2023) imposes new minimum height limits for certain classifications of ADUs.

WHMC: The current ADU height restriction limits single-story attached and detached ADUs to 16' in height; detached ADUs are also limited to one story.

Proposed amendments mandated by SB 897:

Detached ADUs. Detached ADUs are limited to 16 feet in height above grade, with two exceptions:

Exception 1: Detached ADUs on a lot with an existing or proposed single-family or multi-family dwelling can be up to 18 feet in height (and 2 additional feet, for a total of 20 feet, to accommodate a roof pitch) if the ADU is built on a lot that is within a half-mile walking distance of a major transit stop or high-quality transit corridor, as defined by the California Public Resources Code.

Exception 2: Detached ADUs up to 18 feet in height if the ADU is built on a lot with a multistory (above grade) multi-family dwelling.

Attached ADUs. Attached ADUs may be 25 feet in height or the height for a primary dwelling unit in that zone, whichever is lower. The City can limit these ADUs to no more than two stories.

Minimum Unit Size. Exception for Zone Clearance ADUs. For ADUs that require a building permit and zone clearance under WHMC section 19.36.310, state law prohibits any local FAR, lot coverage, and open space requirements from preventing an ADU from being at least 800 square feet. SB 897 added any local front yard setback requirements to this exception.

WHMC: Currently provides that ADUs cannot be required to be under 800 square feet. At least an 800-square-foot unit must be allowed regardless of general FAR, lot coverage, and open space requirements.

Application Review Procedures. SB 897 imposed additional requirements for the ADU permitting process in some instances and restrictions on application denials.

WHMC: Complies with State requirements for ADU application review, approval, and denial processes effective prior to January 1, 2021.

Proposed Amendments Mandated by SB 897:

Require the City to provide each denied applicant a list of comments on the application's deficiencies and guidance for remedy of these. These must be noticed within 60 days of receipt of the application.

Require that demolition permits for detached garages to be replaced with an ADU be reviewed and issued simultaneously as the ADU permit.

Prohibit denial of an ADU application based on existing nonconforming zoning conditions, building code violations, or unpermitted structures elsewhere on the lot that do not present a public health and safety threat and are not affected by the construction of the ADU or JADU.

JADU Requirements. The State expanded where JADUs can be built and changed JADU configuration and access requirements.

WHMC: Complies with State requirements for JADU development effective prior to January 1, 2021.

Proposed Amendment per SB 897:

Expressly allow JADUs to be built within any portion of a single-family primary dwelling unit, including non-livable spaces, such as an attached garage.

Require JADUs that share a bathroom with the primary dwelling unit to contain an interior entryway to the primary unit's main living area.

Number of Bedrooms per ADU approved with a Zone Clearance. The WHMC currently limits ADUs to 850 square feet for a studio or one-bedroom unit and 1,200 square feet for a unit with two bedrooms, with no more than two bedrooms allowed in any ADU. HCD's interpretation of state law is that a bedroom limit discriminates based on familial status.

WHMC: The current bedroom requirements could prohibit a diverse range of ADUs for various housing needs and are out of compliance with State law.

Proposed Amendment: Remove the prohibition on ADUs exceeding two bedrooms.

ADU Impact Fees. The Zoning Ordinance does not currently require impact fees to be paid for an ADU upon issuance of a building permit. While state law limits the City's ability to impose impact fees on developers based on the size of the unit, impact fees may be charged for ADUs that are 750 square feet or larger. West Hollywood does not currently charge impact fees for any size ADU, and staff recommends continuing this policy not to disincentivize the production of new housing units.

WHMC: West Hollywood does not charge impact fees for any size ADU.

Proposed Amendment: No change – no impact fee is required to be paid for an ADU upon issuance of a building permit.

Number of Converted ADUs and JADUs on a Lot with a Single-Family Dwelling. State law requires cities to allow certain ADUs and JADUs with only a building permit in residential or mixed-use zones. Among the ADUs and JADUs cities must allow with only a building permit are "converted" ADUs and JADUs on a lot with a single-family dwelling that are constructed within the proposed space of the single-family dwelling, existing space of the single-family dwelling or an accessory structure. WHMC Section §19.36.310(C)(1)(a) currently provides that applicants can build one converted ADU **or** one converted JADU. Following AB 3182, cities must allow applicants to build one converted ADU and one converted JADU on a lot with a single-family dwelling.

WHMC: Allows only one converted ADU **or** one converted JADU per single-family lot in a residential or mixed-use zone.

Proposed Amendment: Allow one converted ADU and one converted JADU (provided that the lot contains a single-family dwelling and the ADU and/or JADU meets the specified statutory requirements).

ADU Building Separation Requirement. The Zoning Ordinance does not require a minimum 6-foot separation between the primary residence and detached ADUs. For health, safety, and privacy reasons, a 6-foot separation is generally required between structures on residential lots. State law prohibits the City from imposing this requirement on building-permit-only ADUs approved under WHMC Section §19.36.310(C)(1)(a)-(d). The City may apply this standard to ADUs approved with a building permit and zone clearance under WHMC Section §19.36.310(C)(2).

WHMC: Does not include a requirement for a minimum 6-foot separation between the primary residence and detached ADUs.

Proposed Amendment: Add a provision to require a minimum 6-foot separation between a detached ADU, which requires a building permit and a zone clearance, and other residential structures on a legal residential or mixed-use lot.

This proposed amendment is not mandated by state law. Staff is proposing the following changes:

ADU Roof Decks. Currently, the WHMC does not include language regulating roof decks on ADUs, meaning roof decks are not permitted. However, this is not expressly stated in the zoning code for reference by developers and applicants.

WHMC: Currently is silent on roof decks. Staff's position is that this omission means that roof decks are not permitted.

Proposed Amendment: Explicitly prohibits roof decks on new or existing detached ADUs.

The City's existing ADU ordinance does not include language permitting roof decks. The proposed amendment would not change existing policy but would include language clarifying up-front for developers and owners that roof decks are prohibited.

The commission questioned and requested clarification regarding multi-family dwelling unit height limits, parking, in-fill standards, minimum bedroom size, minimum lot size restrictions, income levels, and language pertaining to entryways.

Acting Chair Thomas opened the public hearing for Item 10.C.

There were no public speakers.

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

Francisco Contreras, Long Range Planning Manager stated for the record staff would like to add the following to the end of sub-section 5. - Nonconforming ADUs and Discretionary Approval (page 7 of 13) of draft Resolution No. PC 22-1486: *"Notwithstanding the foregoing, the City will not issue a development permit to allow a rooftop deck on an accessible dwelling unit (ADU)."*

Legal clarified and amended subsection 2. – Height (b) (page 8 of 13): *"A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be plus up to an additional two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit."*

Commissioner Gregoire moved to: 1) approve staff's recommendation as amended.

Seconded by Commissioner Carvalho.

ACTION: 1) Approve staff's recommendation of approval; 2) **Adopt Resolution No. PC 22-1486 as amended:** a) add to sub-section 5 - Nonconforming ADUs and Discretionary Approval (page 7 of 13) "*Not withstanding the foregoing, the City will not issue a development permit to allow a rooftop deck on an accessible dwelling unit (ADU).*"; b) amend subsection 2. – Height (b) (page 8 of 13): "~~*A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or a high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be plus up to an additional two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.*~~" "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING VARIOUS PROVISIONS WITHIN TITLE 19 (ZONING) OF THE WEST HOLLYWOOD MUNICIPAL CODE REGARDING ACCESSORY AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION STATUTORILY EXEMPT FROM CEQA, WEST HOLLYWOOD, CALIFORNIA" and 3) Close the Public Hearing for Item 10.C. **Moved by Commissioner Gregoire, seconded by Commissioner Carvalho and passes, noting Chair Jones absent.**

Commissioner Gregoire recused himself from the dais stating he lives within 500' of the project site located at 8465 Santa Monica Boulevard.

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

A. 8465 SANTA MONICA BOULEVARD:

Officially continued from Thursday, October 6, 2022 and Thursday, December 1, 2022.

Antonio Castillo, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, December 15, 2022.

He provided background on the subject property and stated this item is to consider the determination of general plan consistency for the City's acquisition of real property, and replacement of an existing one-sided static billboard with a new two-sided billboard, with a zone map amendment and a development agreement.

He stated the following is being addressed: 1) a determination of General Plan Consistency for both the acquisition of the property located at 8465 Santa Monica Boulevard by the City; and approval of the replacement of the existing one-sided static billboard with a new two-sided static billboard; 2) a recommendation to the City Council on the development agreement with Seaview Palms & Company for the access, operation and maintenance of the replacement billboard and a sign permit for the replacement billboard; and 3) a recommendation to the City Council on a zone map amendment to place the property in the development agreement overlay zone.

The City Council identified the Holloway Motel as an eligible motel for the conversion into interim housing with on-site supportive services, and in June 2022, approved a purchase sale agreement for the Holloway Motel.

The City and seller are currently in escrow and one of the conditions during the escrow period is for the Planning Commission to review the purchase of the property for consistency with the general plan.

The City has been granted Homekey funds for interim housing on the site and there is a foreseeable future use.

The acquisition of the property and the replacement of the static billboard as part of the acquisition agreement will provide various benefits to the City and would not impede the implementation of the goals and policies of the general plan.

A condition of the purchase sale agreement required to complete the acquisition of the property is to provide the seller an exclusive easement for the operation, maintenance, improvement, replacement, and leasing of a two-sided static billboard in the location of an existing one-sided static billboard. The entitlement for the billboard to be replaced includes a development agreement with a revenue share provision which allows the City to receive 30 percent of the additional revenue the billboard will generate over the 30-year term of the development agreement.

He clarified this item does not include the actual change of use of the motel building or any physical improvements to the building at this time.

Future use of the building, after the City acquires the property, will be subject to conformance with the applicable development standards in the zoning ordinance, consistency with the City's general plan, and CEQA.

Staff recommends approval.

The commission requested clarification and assurance with the language and term of the development agreement regarding the billboard. They questioned the height of the sign, lighting, and operation and maintenance of the billboard.

Acting Chair Thomas opened the public hearing for Item 10.A.

There were no public speakers.

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

The commission discussed the signage, homeless funding, and general plan consistency.

Commissioner Carvalho moved to: 1) approve staff's recommendation of approval and recommendation to City Council.

Seconded by Commissioner Lombardi.

ACTION: 1) Approve staff's recommendation of approval; 2) **Adopt Resolution No. PC 22-1488 as presented:** 3) "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, FINDING GENERAL PLAN CONSISTENCY FOR THE ACQUISITION OF REAL PROPERTY AND FOR THE REPLACEMENT OF AN EXISTING ONE-SIDED STATIC OFF-SITE ADVERTISING BILLBOARD WITH A TWO-SIDED STATIC BILLBOARD, AND CONDITIONAL APPROVAL OF A SIGN PERMIT, LOCATED AT 8465 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." 4) **Adopt Resolution No. PC 22-1489 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONING MAP AMENDMENT IN CONJUNCTION WITH A DEVELOPMENT AGREEMENT FOR THE OFF-SITE ADVERTISING BILLBOARD REPLACEMENT AT 8465 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." 5) **Adopt Resolution No. PC 22-1490 as presented:** "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DEVELOPMENT AGREEMENT IN CONJUNCTION WITH THE OFF-SITE ADVERTISING BILLBOARD REPLACEMENT AT 8465 SANTA MONICA BOULEVARD, WEST HOLLYWOOD, CALIFORNIA." and 6) Close the Public Hearing for Item 10.A. **Moved by Commissioner Carvalho, seconded by Commissioner Lombardi and passes, noting Commissioner Gregoire recused and Chair Jones absent.**

Resolution No. PC 22-1488 the Planning Commission just approved for the property located at **8465 Santa Monica Boulevard** 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.

Resolution Nos. PC 22-1489 and PC 2-1490 are recommendations to the City Council; therefore, they are not appealable.

- 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.**
 - B. **Subcommittee Management.**

- 15. **PUBLIC COMMENT.** None.

- 16. **ITEMS FROM COMMISSIONERS.**

- A. **Commissioner Comments.**

Commissioner Copeland wished everyone happy holidays and looks forward to working with everyone in the coming year.

Commissioner Carvalheiro wished everyone happy holidays and thanked Acting Chair Thomas for her leadership.

Commissioner Matos wished everyone happy holidays, thanked Acting Chair Thomas for her leadership and thanked staff for their work throughout the year.

Commission Lombardi wished everyone happy holidays, thanked Acting Chair Thomas for her leadership and thanked staff for their work throughout the year.

Acting Chair Thomas wished everyone happy holidays, thanked staff for their work throughout the year and thanked the public for their participation.

ADJOURNMENT. Noting the cancellation of the Planning Commission meeting on Thursday, January 5, 2023, the Planning Commission adjourned at 11:20 p.m. to a regularly scheduled meeting on Thursday, January 19, 2023 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 19th day of January, 2023 by the following vote:

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

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: Chair Jones.



STACEY E. JONES, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY