



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
September 19, 2024**

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 INDIVIDUAL DISCUSSIONS 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 Lombardi called the meeting of the Planning Commission to order at 6:34 p.m.

2. **PLEDGE OF ALLEGIANCE.** Vice Chair Gregoire led the Pledge of Allegiance.

3. **ROLL CALL:**

Commissioners Present: Carvalho, Hoopingarner, Jones, Matos, Solomon, Vice-Chair Gregoire, Chair Lombardi.

Commissioners Absent: None.

Staff Present: Anthea Rosenbaum, Long Range Planning Intern, Tahirah Farris, Senior Planner, Danny Rivas, Director of Community Safety, Francisco Contreras, Long Range Planning Manager, Isaac Rosen, Deputy Legal Counsel, and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission agenda of Thursday, September 19, 2024, as presented. **Moved by Commissioner Matos, seconded by Commissioner Hoopingarner and unanimously passes.**

5. **APPROVAL OF MINUTES.**

Secretary Gillig read in the record the following changes:

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~~It was stated Section 4.1.5 needs to be tightened due to meaningful construction, and the term should be clarified. It was indicated “meaningful construction” as~~
written in Section 4.1.5. needs further clarification.

A. September 5, 2024

ACTION: Approve the verbatim minutes of Thursday, 2024, as amended.
Moved by Commissioner Jones, seconded by Commissioner Carvalho and unanimously passes.

6. PUBLIC COMMENT.

Secretary Gillig read into the record correspondence received after the deadline on behalf of:

WENDY GOLDMAN, WEST HOLLYWOOD. Congregation Kol Ami will be hosting an in-person West Hollywood City Council Candidates Forum on Sunday September 22, 2024, 3:00 p.m. – 5:00 p.m. at 1200 N. La Brea Avenue, West Hollywood, California. Doors open at 2:30 p.m. For more information visit www.kol-ami.org or 323-606-0996.

7. DIRECTOR'S REPORT.

Nick Maricich, Community Development Director, stated on Monday, September 16, 2024, the City Council received and filed the latest quarterly update on major development projects in the city. The entire report can be accessed via the on-line City Council agenda – Item E.4.

The city will be hosting a Mobility Expo on Saturday, October 5, 2024, Plummer Park on the [~~Great Lawn~~] Vista Lawn from 10:00 a.m. – 2:00 p.m. The event is free. Community members are invited to explore and engage with various mobility vendors, including free to low-cost transit services such as The City Line, The WeHo Pickup, LA Metro, and available transportation services for older adults and people with disabilities. Vendors will also share emerging transportation technology, such as autonomous vehicles and electric vehicle options. The event will also include a community bike ride and demos on bicycle safety. Further information can be found at planning@weho.org

8. CONSENT CALENDAR. None.

**9. PUBLIC HEARINGS SECTION I:
PROJECTS SUBJECT TO THE HOUSING ACCOUNTABILITY ACT.** None.

**10. PUBLIC HEARINGS, SECTION II:
OTHER ITEMS THAT REQUIRE A PUBLIC HEARING UNDER THE LAW.**

**A. GENERAL PLAN AMENDMENT
LOCAL HAZARD MITIGATION PLAN:**

Anthea Rosenbaum, Long Range Planning Intern, provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 19, 2024.

She stated the city needs to process a General Plan Amendment to formalize this FEMA approved plan, a resolution recommending the City Council adopt a General Plan Amendment replacing Appendix A with the updated 2024 Local Hazard Mitigation Plan in the Safety and Noise Element of the West Hollywood General Plan 2035.

She provided a history of the plan, stating the City Council originally approved this plan in November 2023. The Local Hazard Mitigation Plan was then approved by the Federal Emergency Management Agency (FEMA) in July 2024. There are no changes to the content of the Local Hazard Mitigation Plan, since this was already approved by the City Council.

She detailed the Local Hazard Mitigation Plan, stating hazard mitigation planning reduces loss of life and property by minimizing the impact of disasters. It begins with state, tribal, and local governments identifying disaster risks and vulnerabilities that are common in their area.

There are two agencies at the center of the hazard mitigation process: 1) Federal Emergency Management Agency (FEMA), and 2) California Office of Emergency Services (Cal OES). The following inform the hazard mitigation planning process: 1) Disaster Mitigation Act of 2000, 2) California Government Code Section §65302 subsection (g) and FEMA Local Hazard Mitigation Policy Guide.

West Hollywood's original plan was written in 2004, with updates in 2010, 2015, and 2018. The previous plan was set to expire in November 2023. The updated plan includes identification, description, and graphics of new hazards such as cyberattack, earthquake, infectious disease, terrorism, power outages, severe weather events, wildfire, and hazardous materials as well as the potential impact of these hazards to people, buildings, infrastructure, and property. The updated plan also includes substantial changes to mitigation actions and strategies to identify projects that may be eligible for future funding, and the updated plan includes administrative changes to reorganize sections and remove references to non-critical facilities and multi-jurisdictional plans.

Staff recommends the Planning Commission adopt a resolution recommending the City Council approve a resolution approving the Safety and Noise Element of the General Plan to include the updated 2024 Local Hazard Mitigation Plan.

There were no official disclosures.

Chair Lombardi opened public comments for Item 10.A.

KEVIN BURTON, WEST HOLLYWOOD spoke in support of staff's recommendation for approval to the City Council. He stated for further local participation in emergency services, please visit www.wehorecert.org

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

Seconded by Commissioner Carvalho.

The commission pointed out a typographical spelling error in the heading of Resolution No. PC 24-1567 regarding the word "amending".

Isaac Rosen, Deputy Legal Counsel stated the recommendation should include the correct spelling for the word "amending".

Commissioner Matos agreed to this amendment to the motion.

Commissioner Carvalho agreed to this amendment to the motion.

ACTION: 1) **Adopt Resolution No. PC 24-1567 as amended:** 2) A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A RESOLUTION AMENDING AMENDING THE SAFETY AND NOISE ELEMENT OF THE GENERAL PLAN TO INCLUDE THE UPDATED 2024 LOCAL HAZARD MITIGATION PLAN." and 3) Close the Public Hearing for Item 10.A. **Moved by Commissioner Matos, seconded by Commissioner Carvalho and unanimously passes.**

B. ZONE TEXT AMENDMENT

DEMOLITION PERMITS FOR PROBLEMATIC VACANT BUILDINGS:

Tahirah Farris, Senior Planner, provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 19, 2024.

She stated this is a recommendation to the City Council on a Council-initiated zone text amendment to modify Section §19.50.020 (Demolition Permits – Applicability) of Title 19 of the West Hollywood Municipal Code, with a two-year sunset provision, to allow the issuance of demolition permits for vacant properties that pose public safety risks. This amendment applies to residential and commercial properties whether or not they have existing entitlements.

She detailed and provided a description of vacant properties, stating "Vacant Property" is defined in the West Hollywood Municipal Code as any property that is substantially vacant, unoccupied, or abandoned for more than forty-five (45) days

A vacant property is also where construction, pursuant to an active building permit, is not taking place or where an inspection by the Building and Safety Division, pursuant to an active building permit, has not been conducted within the previous ninety (90) days.

“Stable Properties” are defined as “those that are well maintained, require few if any repairs, and can easily be reoccupied.”

“At-Risk Properties” are classified as “Properties that are fairly well maintained but have repairs that are needed (e.g. peeling paint, dead vegetation, graffiti, broken fence, etc.). At-Risk properties show that the owners are responsive to City requests.”

“Problematic Properties” are defined as “those that are not maintained by the owners. The structures are not determined to be unsafe but require significant repairs and/or there is evidence of intrusion into the property.”

“Failed Properties” are “those that are completely unmaintained and pose a significant threat to the broader community. Structures are unsafe to enter or occupy and there is evidence of intrusion into the property.”

She stated there are currently fifty-three vacant properties within the city, and there have been a growing number of complaints from members of the community regarding vacant properties being broken into and used by trespassers for shelter or other purposes. These actions pose public safety concerns for the individuals trespassing, as well as for neighbors in the surrounding area.

These types of public safety impacts do not rise to the level of creating an “imminent hazard posed by a building” as determined by the City’s Building Official under the City’s Zoning Ordinance and would not trigger the issuance of demolition permits prior to having all other discretionary permits approved according to the current code requirements. However, these types of buildings are likely not going to be repaired by the owners or re-occupied and can therefore pose imminent public safety hazards. Community members are concerned with the state of disrepair these buildings are in and with the ongoing trespassing activity, resulting in multiple calls for service to the West Hollywood Sheriff’s Station, Los Angeles County Fire Department, and City Code Enforcement.

On March 18, 2024, the City Council directed staff to work with the City Attorney’s Office to explore amending the West Hollywood Municipal Code to establish an alternate mechanism to authorize the demolition of vacant properties that pose a risk to public safety.

On August 5, 2024, the City Council directed staff to expedite the direction that was previously provided in March.

This included drafting a zone text amendment to enable the issuance of demolition permits (i.e., prior to the approval of all other discretionary permits) for certain vacant properties based on public safety impacts. Under the ordinance, concurrent processing of permits shall not be required to process and approve a demolition permit when ongoing and imminent public safety hazards are present on the property.

The intent is for this to include properties in which there have been multiple calls to the West Hollywood Sheriff's Station, West Hollywood Fire Stations, and/or City Code Enforcement, ongoing and confirmed complaints from neighbors about safety and security of the property, and ongoing and confirmed reports of public safety issues such as trespassing, fires, vandalism, etc.

The City Council directive recommended the proposed zone text amendment would apply to residential and commercial projects with or without entitlements. Once a building is demolished, the owner will still be required to ensure the vacant lot is maintained appropriately in accordance with the City's existing vacant property requirements.

The zone text amendment includes a two-year sunset date on the ordinance so the city can reassess at two years if it makes sense to make this a permanent code change. This will allow staff and the City Council to assess if there are unanticipated impacts from this new policy. The program can be made permanent at that time as well.

She elaborated and detailed the current requirements in Section 15.10 - Demolition of the current code: Sections §19.50.20 Applicability, §19.50.050 Concurrent Processing of Permits, and §19.50.04(c) Concurrent Processing Exemptions,

The proposed zone text amendment addresses special circumstances in which vacant property buildings that pose a threat to public safety would be allowed to proceed with a demolition regardless of existing entitlements by creating Subsections A through E and adding new language to Section §19.50.020 to specify the criteria for those special circumstances.

The proposed zone text amendment also removes language from Subsection C of Section §19.50.040 and adds language to the new Subsection A(1) in Section §19.50.020 to be more consistent with the authority granted under Title 13 (Buildings and Construction) of the West Hollywood Municipal Code.

She detailed the following changes:

Section 19.50.020 – Applicability

- A. “Discretionary approval of a demolition permit shall be secured under the provisions of this chapter before any demolition of any building or structure (see demolition definition §19.20.020, Definitions of Specialized Terms and Phrases) and before commencement of a substantial remodel as that term is defined in Section §19.48.020(D). (Development permits – Applicability). Approval of a demolition permit shall also be required before a structure is moved from any site within the city. Notwithstanding the above, discretionary approval of a demolition permit under this Chapter shall not be required when:
1. A building or structure is deemed an unsafe building as defined under the West Hollywood Building Code, as determined by the Building Official; or
 2. A vacant property as defined in Chapter 9.64 (Vacant Properties) has been deemed an imminent threat to public safety, as determined by the Director of Community Safety, or other designee as designated by the City Manager, in consultation with the Director of Community Development. This provision shall only be in effect through [insert date 2 years from Effective Date].”

Under this new Subsection A(2) of Section §19.50.020, the Director of Community Safety (in consultation with the Community Development Director) would have the authority to authorize the issuance of demolition permits when a property has been deemed an imminent threat to public safety. The following criteria will be listed under Subsection A(2).

Subsection B is added to Section §19.50.020 to state that in circumstances under which the Director of Community Safety has determined a vacant property meets the criteria of an imminent threat to public safety and permits demolition, demolition permits may also be issued for adjacent structures that are held under common ownership if those buildings are contributing to the issues on site. By allowing the Director of Community Safety, in consultation with the Director of Community Development, to authorize the issuance of demolition permits, this will address concerns raised by the public and as directed by the City Council to address an imminent threat to public safety. By creating this avenue to address imminent threats to public safety, Code Enforcement can follow various procedures, including the existing abatement process pursuant to Chapter 1.32 (Abatement of Nuisances) of the WHMC, as they deem necessary.

Subsection C of Section §19.50.040 would be amended so that concurrent processing of permits is not required for interim uses. Previously, an unsafe building as determined by the Building Official was included as Subsection C(1). Subsection C(1) of Section §19.50.040 has been removed and that language is added to a new Subsection A(1) of Section §19.50.020. This change means that the demolition of an unsafe building will be exempt from discretionary approval, rather than exempt from concurrent processing. This change will provide consistency in accordance with the West Hollywood Building Code. Subsection C of Section §19.50.040 would be amended to read as follows:

She clarified the new exemptions regarding criteria to help determine what would constitute an imminent public safety threat and detailed how Code Compliance would be utilized in enforcement, historic resources, vegetation and trees onsite, and spoke regarding compliance with the West Hollywood Municipal Code and State law.

Staff recommends the Planning Commission adopt a resolution recommending to the City Council approval of an ordinance adopting an amendment to Title 19 to authorize the issuance of demolition permits for vacant properties that pose public safety risks.

Chair Lombardi disclosed for the record he has had conversions with community members.

Commissioner Hoopingarner disclosed for the record she has had conversions with community members.

There were no other official disclosures.

The commission questioned how a two-year sunset clause was decided on and requested clarification regarding descriptions of problematic properties and failed properties. They questioned if the vacant property on Sierra Bonita Avenue was listed as “failed”. The commission asked if a list will be maintained regarding calls for service and requested clarification regarding enforcement procedures.

Danny Rivas, Director of Community Safety stated the property on Sierra Bonita was not classified as a “failed” classification at that time. He spoke and explained the Vacant Property Registration Program and stated this program would remain in place. He confirmed Code Enforcement staff will be keeping track of all cases.

The Commission questioned if there is a condemnation process and if there are receiver costs. Several hypothetical situations were questioned including investigations of possible crimes committed and outcomes, citations, who deems the properties unsafe, and questioned fire related hazards, categorical classifications of vegetation and trees, tree removal

process, security enhancements and maintenance for vacant lots, future and interim uses of vacant lots, process of determination, and clarifying the definition of “at risk”.

Chair Lombardi opened public comments for Item 10.B.

There were no public speakers for this item.

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

The commission thanked staff for bringing this item forward and supports staff’s recommendation for approval. Concerns were raised regarding the development permit process and the [possibility] of developers taking advantage of the system. They commented on several current properties that have deteriorated after being entitled and not constructed and spoke regarding the sunset clause.

Some commissioners do not see this as an incentive, but as a disincentive for developers. They spoke regarding current maintenance concerns, enforcement with vacant properties and quality of life issues.

Commissioner Matos moved to: 1) approve staff’s recommendation of approval to the City Council.

Seconded by Vice-Chair Gregoire.

ACTION: 1) **Adopt Resolution No. PC 24-1568 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE ADOPTING AN AMENDMENT TO TITLE 19, THE ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE, TO AUTHORIZE THE ISSUANCE OF DEMOLITION PERMITS FOR VACANT PROPERTIES THAT POSE PUBLIC SAFETY RISKS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA AND FINDING THE ACTION EXEMPT FROM CEQA;” and 2) Close the Public Hearing for Item 10.B. **Moved by Commissioner Matos, seconded by Vice Chair Gregoire and unanimously passes.**

C. FIREARMS ORDINANCE

DISTANCE LIMITATION BETWEEN FIREARM AND ALCOHOL SALES:

Isaac Rosen, Legal Counsel, provided a verbal presentation and background information, as presented in the staff report dated Thursday, September 19, 2024.

He stated this is a recommendation to the City Council to adopt a City Council-initiated ordinance that would amend the Zoning Ordinance to prohibit any establishment selling firearms from being located within 1,000 feet of any establishment selling alcoholic beverages, within or outside the City of West Hollywood.

He affirmed in June 2023; the City Council directed the City Attorney to evaluate the legality of potential ordinances that the City could adopt in furtherance of the City's commitment to combat gun violence and provide for the health and safety of City residents. Amongst the potential regulations, there was an additional restriction on the location of establishments that offer firearms for sale that would prohibit such an establishment from being within 1,000 feet of establishments that sell alcohol.

The proposed Zone Text Amendment would amend Section §19.36.134 of the Municipal Code by adding language that would prohibit an establishment from offering firearms for sale if the establishment is within the 1,000 feet of an establishment that offers alcoholic beverage sales, within or outside the City. The Municipal Code already prohibits an establishment that offers Firearm Sales from being located within 1,000 feet of another establishment that offers Firearm Sales, within or outside the City. Firearm sales include the retail sales of guns, ammunition, and related products and accessories as defined in Section §19.90.020.

The proposed restriction in the Zone Text Amendment applies to an establishment that offers "alcoholic beverage sales," and that term is defined in Section §19.90.020 as "the retail sale of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption." The revisions to Section §19.36.134 will only apply to establishments that sell alcohol for onsite or off-site consumption, such as liquor stores, restaurants, and nightclubs.

He provided legal authority as it relates to the Second Amendment, Ninth Circuit decisions and the City's police powers.

Staff recommends approval of the Ordinance amending the West Hollywood Municipal Code.

The commission requested clarification regarding radius legalities outside the city jurisdictional boundaries and questioned why a 1,000-foot boundary was decided on verses a 500 feet boundary.

There were no official disclosures.

Chair Lombardi opened public comments for Item 10.C.

There were no public speakers for this item.

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

ACTION: 1) **Adopt Resolution No. PC 24-1571 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE AMENDING THE WEST HOLLYWOOD MUNICIPAL CODE TO PROHIBIT AN ESTABLISHMENT THAT OFFERS FIREARMS FOR SALE FROM BEING LOCATED WITHIN 1,000 FEET OF AN ESTABLISHMENT OFFERING ALCOHOLIC BEVERAGE SALES, CITYWIDE, WEST HOLLYWOOD, AND FINDING THE ACTION EXEMPT FROM CEQA;” and 2) Close the Public Hearing for Item 10.C. **Moved by Vice-Chair Gregoire, seconded by Commissioner Matos and unanimously passes.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

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

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 Thursday, October 3, 2024 will be cancelled due to a religious holiday.

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.

15. **PUBLIC COMMENT.** None.

16. **ITEMS FROM COMMISSIONERS.**

ADJOURNMENT. Noting the cancellation of the Planning Commission meeting on Thursday, October 3, 2024, the Planning Commission adjourned at 8:00 p.m. to a regularly scheduled meeting on Thursday, October 17, 2024, 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 October 2024 by the following vote:

AYES: Commissioner: Carvalheiro, Hoopingarner, Matos, Solomon,
Vice Chair Gregoire, Chair Lombardi.

NOES: Commissioner: None.

ABSENT: Commissioner: Jones.

ABSTAIN: Commissioner: None.



MICHAEL A. LOMBARDI, MIES LC LEED AP BD+C
CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY