

SUBJECT: **AMENDMENT TO THE ZONING ORDINANCE REGARDING COVERED COMMERCIAL PARKING ADJACENT TO RESIDENTIAL ZONES**

PREPARED BY: **COMMUNITY DEVELOPMENT DEPARTMENT**  
Stephanie DeWolfe, Community Development Director  
John Keho, Assistant Director of Community Development  
Bianca Siegl, Long Range & Mobility Planning Manager  
Tara Worden, Assistant Planner

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**STATEMENT ON THE SUBJECT:**

The City Council will hold a public hearing to consider an amendment to the Zoning Ordinance to introduce new standards that allow projections into the rear and interior setback for covered driveways accessing subterranean parking on commercially zoned properties when adjacent to residentially zoned properties.

**RECOMMENDATIONS:**

Staff recommends that the City Council hold the public hearing, consider all pertinent testimony, and introduce on first reading the following:

Ordinance No. 17-\_\_\_\_\_: **“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO PERMIT ENCLOSED DRIVEWAY RAMPS TO PROJECT INTO THE INTERIOR SIDE OR REAR SETBACK ON COMMERCIAL ZONED PROPERTY WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTY, CITYWIDE.” (ATTACHMENT A)**

**BACKGROUND / ANALYSIS:**

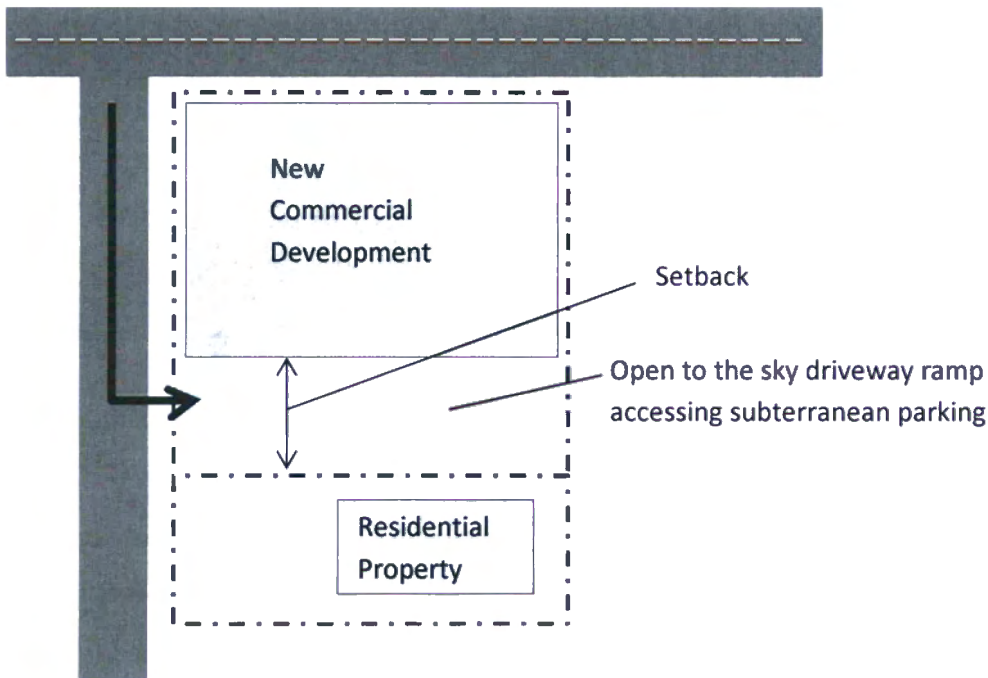
On December 7, 2015, City Council approved a variance of the development standards that allowed for encroachment of an enclosed driveway structure into the rear setback for a commercial development project located at 8650 Melrose Avenue. This driveway enclosure was requested at the behest of neighbors that were concerned about the impacts of light and noise from the uncovered driveway ramp accessing subterranean parking on their adjacent residential properties. City Council directed staff to propose changes to the Zoning Ordinance that would allow commercial development projects to encroach into the rear or interior side setbacks in the event that an encroachment would buffer the commercial activities from adjacent residential properties.

In order to allow new commercial developments to integrate an enclosed driveway accessing subterranean parking into the design of their building, the current Zoning

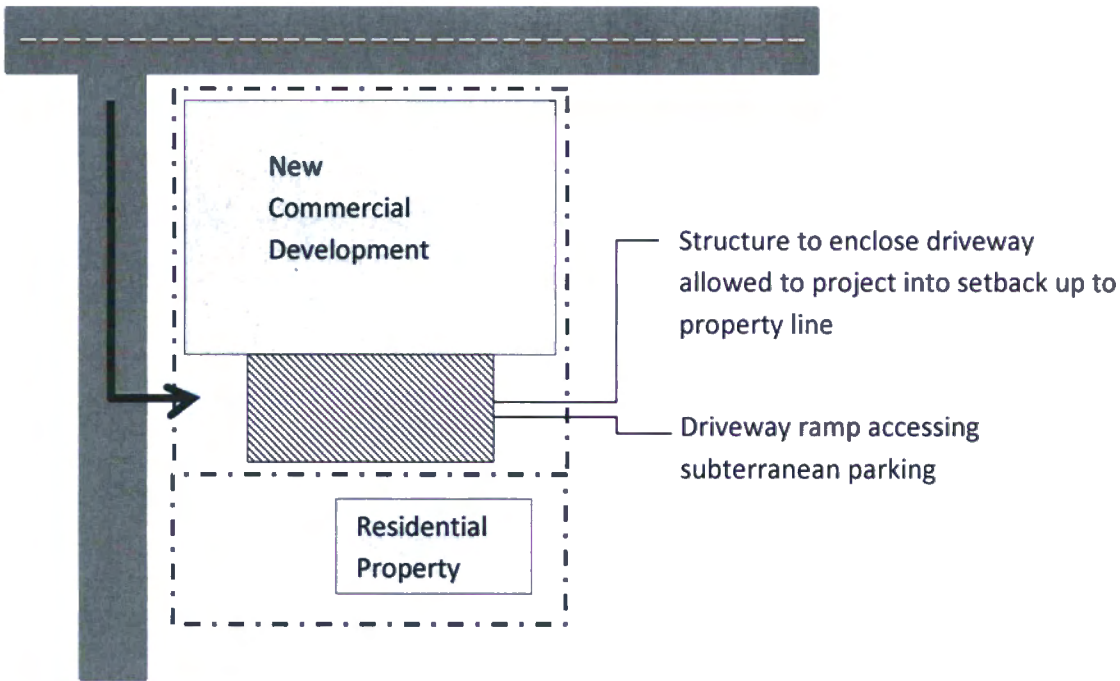
Ordinance must be amended to allow for architectural projections up to the property line on the rear and interior side setbacks. This allowance would foster better architecture by permitting the enclosed driveway to be thoughtfully and carefully incorporated into the design of the structure.

At present, the City of West Hollywood Municipal Code Zoning Ordinance requires a rear and side setback of "10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures" (Section 19.10.040, Table 2-6). The proposed zone text amendment introduces new standards to allow covered or enclosed driveway ramps to encroach on the rear or interior side setback of commercially zoned property when adjacent to residentially zoned property up to the property line. This change to the Zoning Ordinance would buffer commercial activities from the adjacent residential neighborhood.

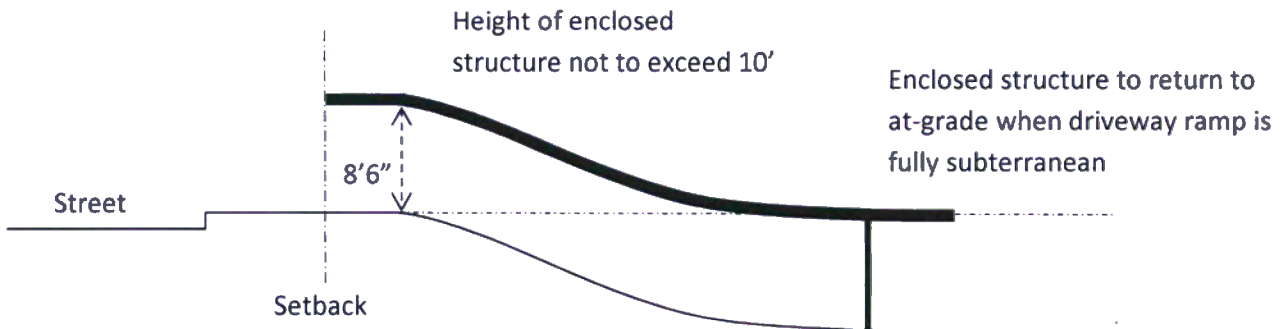
***Current Development Scenario***



**Proposed Development Scenario**



The proposed changes to the Municipal Code Zoning Ordinance would limit the maximum height of the enclosed driveway to ten feet to allow the safe passage of vehicles accessing subterranean parking via the enclosed driveway ramp. This height maximum corresponds with the current parking standards defined in Section 19.28.090 of the Municipal Code Zoning Ordinance, *Parking Area and Layout Standards*, Subsection B. *Parking Space and Lot Dimensions* (4) Vertical Clearance which states the minimum vertical clearance shall be eight feet six inches. The difference between the minimum vertical clearance and the maximum height of the enclosed driveway provides one foot six inches for the structural components of the enclosure.



The proposed amendment to the Zoning Ordinance prohibits the use of the rooftop of the enclosed driveway. Access to the rooftop is limited to maintenance related purposes. Additionally, the proposed amendment prohibits the commercial development project from building usable square footage above the enclosed driveway structure. The enclosed driveway structure is defined as a projection into a setback. In the instance where a mixed use development project utilizes this allowed projection with the construction of an enclosed driveway, the enclosed driveway is considered a projection into the setback and is not included in the requirement that the “25 feet of the structure located closest to the residential zoning district shall be limited to 35 feet in height”, (Section 19.10.050, A. 1. a.).

### **Planning Commission Input**

The proposed zone text amendment was discussed by the Long-Range Planning Subcommittee on February 16, 2017 and considered by the full Commission on April 6, 2017 (see Attachment C for Planning Commission Staff Report). The Commission engaged in a brief discussion and voted unanimously 6:0 to recommend approval of Resolution 17-1195 (Attachment D). The Commission expressed that the proposed amendment would provide more separation between commercial activities and adjacent residential properties.

The Commission’s comments are summarized as follows:

- The proposed zone text amendment limits the height of the enclosed structure to 10 feet, with an 8’ 6” interior clearance, which could have a potential impact on commercial deliveries if the loading zone was staged in the subterranean parking garage. The city requires loading zones for commercial developments to be onsite. These are typically at-grade loading docks as additional clearance needed to stage loading zones in subterranean parking garages would drastically impacts development costs.
- The proposed zone text amendment limits access to the roof of the enclosed structure for maintenance related purposes. Maintenance in this regard is specifically related to the upkeep and care of the structure.
- The proposed zone text amendment should encourage adequate landscaping to enhance the aesthetic quality of the enclosed driveway structure.
- Changes to the zone text were made to reflect the Commission’s concerns regarding landscaping, as noted in Section 7 of Ordinance 17 - \_\_\_\_\_.

### **CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:**

This item is consistent with the following Primary Strategic Goal (PSG)

- PSG-1: Maintain the City’s Unique Urban Balance with Emphasis on Residential Neighborhood Livability.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- SN-4: Minimize transportation-related noise.

**EVALUATION PROCESSES:**

N/A

**COMMUNITY ENGAGEMENT:**

N/A

**ENVIRONMENTAL SUSTAINABILITY AND HEALTH:**

N/A

**OFFICE OF PRIMARY RESPONSIBILITY:**

COMMUNITY DEVELOPMENT DEPARTMENT / CURRENT & HISTORIC  
PRESERVATION PLANNING DIVISION

**FISCAL IMPACT:**

There is no fiscal impact.

**ATTACHMENTS:**

- A. Ordinance No. 17-
- B. April 6, 2017 Planning Commission Staff Report
- C. Planning Commission Resolution (signed)

ORDINANCE NO. 17-\_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO PERMIT ENCLOSED DRIVEWAY RAMPS TO PROJECT INTO THE INTERIOR SIDE OR REAR SETBACK ON COMMERCIAL ZONED PROPERTY WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTY, CITYWIDE.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance to allow projections into the rear and interior setback for covered driveways accessing subterranean parking on commercially zoned properties when adjacent to residentially zoned properties.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 6, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on March 23, 2017, and required state and local agencies, and the City website and by announcement on City Channel 6 by April 6, 2017.

SECTION 3. The West Hollywood City Council properly reviewed and considered this matter at a public hearing on May 1, 2017. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on April 20, 2017 and by announcement on City Channel 6, as well as the City website and City Hall on April 20, 2017. Notices were mailed to all West Hollywood Neighborhood Watch groups on April 21, 2017.

SECTION 4. The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines, which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed zone text amendments will not have a significant effect on the environment because the zone text amendments will reduce potential nuisances associated with subterranean commercial parking facilities by allowing for a buffer to separate commercial activities from adjacent residential properties.

SECTION 5. The West Hollywood City Council hereby finds that this Ordinance is consistent with the Goals and Policies of the General Plan, Goal SN-4, which states that the City should "minimize transportation-related noise". Specifically, this Ordinance is consistent with Policy SN-4.1, which states that the City should, "require new

development and/or modifications to existing development to include sound-reducing design measures, where needed, to maintain compatibility with adjacent and surrounding uses.” Further, this Ordinance, which is consistent with existing parking standards, does not impede the City’s ability to meet and implement its General Plan.

SECTION 6: An introductory sentence is added to Table 2-6 of Section 19.10.040 in Chapter 19.10 of Title 19 of the West Hollywood Municipal Code to read as follows. The rest of the table remains unchanged:

*The following are the minimum setbacks required. See Section 19.20.150 for setback measurement. See Table 3-2 for projections allowed into setbacks.*

SECTION 7: Paragraph A. 1. (a) of Section 19.10.050 of Chapter 19.10 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

- a. If the proposed project is adjacent to an R1, R2, R3, or R4 residential zoning district, the 25 feet of the structure located closest to the residential zoning district, not including projections into setbacks, shall be limited to 35 feet in height, and the impact of the structure shall be mitigated to the satisfaction of the Commission with architectural, or additional landscape elements; and

SECTION 8: Paragraph H is added to Section 19.28.110 of Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

- H. *Enclosed Driveways.* Enclosed driveways accessing subterranean parking on a commercially zoned property may project into setbacks in compliance with Section 19.20.150(E) (Allowed Projections into Setbacks), provided the commercially zoned property is adjacent to a residentially zoned property. The design of the enclosure shall be compatible with the project and be adequately landscaped adjacent to the structure and is subject to review and approval by review authority as part of land use permit approval for project.

SECTION 9: A new line item and a new note (4) are added to the end of Table 3-2 of Section 19.20.150 (Setback Measurement and Projections into Yards) of Chapter 19.20 (General Property Development and Use Standards) of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Projecting Feature	Maximum Projection into <i>Setback</i>				Minimum from property line
	Front <i>Setback</i>	Street Side	Interior Side	Rear <i>Setback</i>	
Enclosed driveway ramps to access subterranean parking	None	None	To property	To property	N.A.

for commercially zoned properties adjacent to residentially zoned properties. Maximum height of 8ft above adjacent grade. <sup>4</sup>			line	line	
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Notes:

(4) Use of the rooftop of the enclosed driveway is prohibited. Access to the rooftop shall be limited to maintenance related purposes.

PASSED, APPROVED, AND ADOPTED by the West Hollywood City Council at a regular meeting held this 1st day of May 2017, by the following vote:

- AYES: Councilmember:
- NOES: Councilmember:
- ABSENT: Councilmember:
- ABSTAIN: Councilmember:

\_\_\_\_\_  
LAUREN MEISTER, MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk



SUBJECT: AMENDMENT TO THE ZONING ORDINANCE REGARDING COVERED COMMERCIAL PARKING ADJACENT TO RESIDENTIAL ZONES

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT  
(Bianca Siegl, Long Range & Mobility Planning Manager)  
(Tara Worden, Assistant Planner)

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## STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider an amendment to the Zoning Ordinance to introduce new standards that allow projections into the rear and interior setback for covered driveways accessing subterranean parking on commercially zoned properties when adjacent to residentially zoned properties.

## RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and adopt the following:

Resolution No. PC 17-1195: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT AMENDMENT 17-0003 TO PERMIT ENCLOSED DRIVEWAY RAMPS TO PROJECT INTO THE INTERIOR SIDE OR REAR SETBACK ON COMMERCIAL ZONED PROPERTY WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTY, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

## OVERVIEW OF PROPOSED AMENDMENT

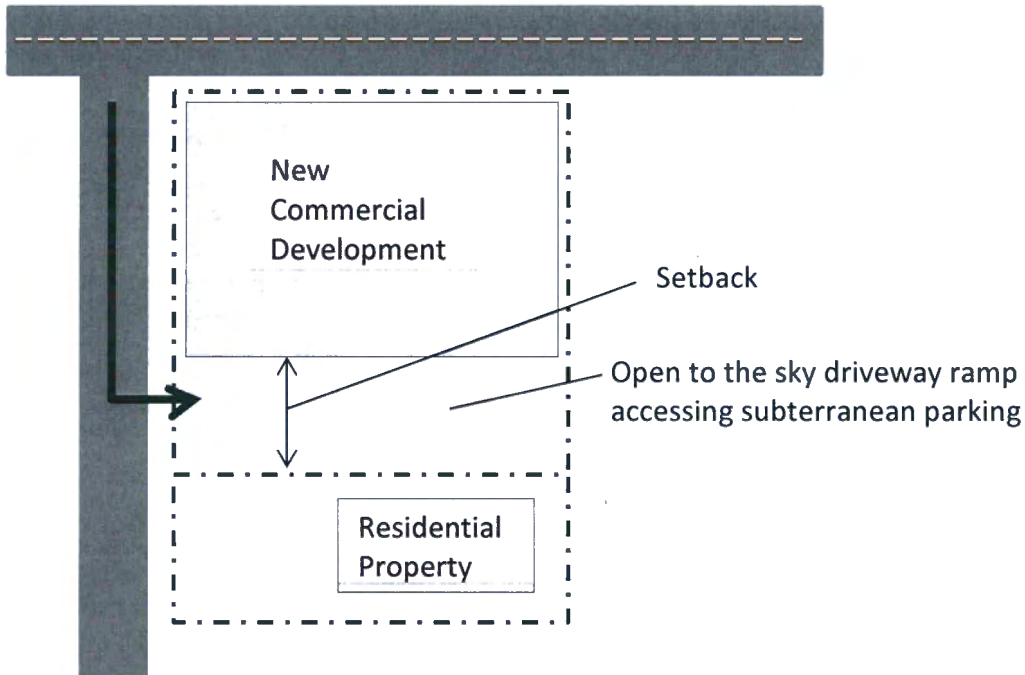
At present, the City of West Hollywood Municipal Code Zoning Ordinance requires a rear and side setback of “10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures” (Section 19.10.040, Table 2-6). The proposed zone text amendment introduces new standards to allow covered or enclosed driveway ramps to encroach on the rear or interior side setback of commercially zoned property when adjacent to residentially zoned property up to the property line. This change to the Zoning Ordinance would buffer commercial activities from the adjacent residential neighborhood.

## BACKGROUND

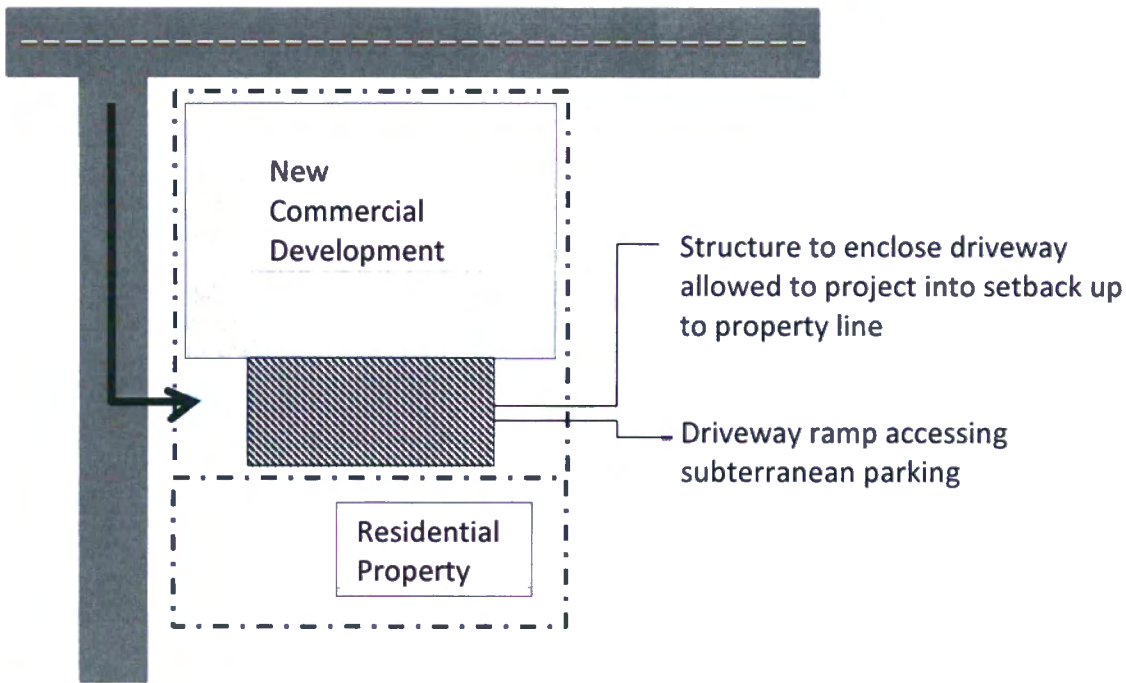
On December 7, 2015, City Council approved a variance of the development standards that allowed for encroachment of an enclosed driveway structure into the rear setback for a commercial development project located at 8650 Melrose Avenue. This driveway enclosure was requested at the behest of neighbors that were concerned about the impacts of light and noise from the uncovered driveway ramp accessing subterranean parking on their adjacent residential properties. City Council directed staff to propose changes to the Zoning Ordinance that would allow commercial development projects to encroach into the rear or interior side setbacks in the event that an encroachment would buffer the commercial activities from adjacent residential properties.

In order to allow new commercial developments to integrate an enclosed driveway accessing subterranean parking into the design of their building, the current Zoning Ordinance must be amended to allow for architectural projections up to the property line on the rear and interior side setbacks. This allowance would foster better architecture by permitting the enclosed driveway to be thoughtfully and carefully incorporated into the design of the structure.

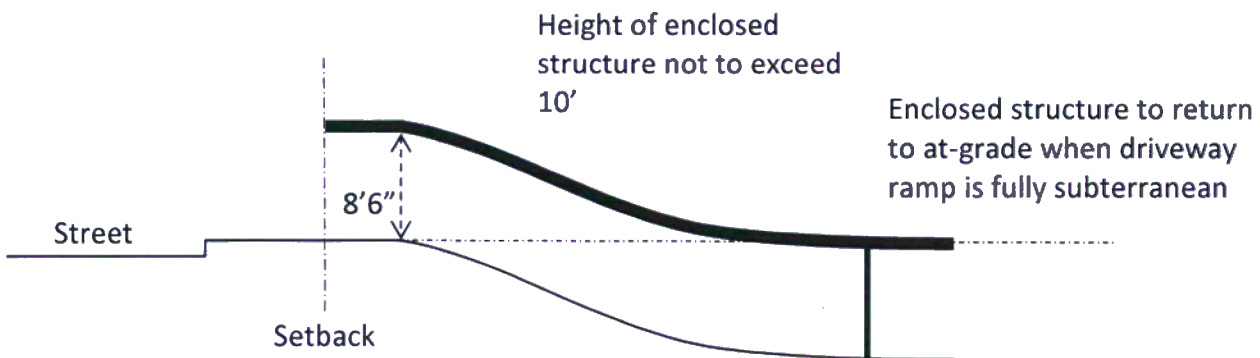
### *Current Development Scenario*



**Proposed Development Scenario**



The proposed changes to the Municipal Code Zoning Ordinance would limit the maximum height of the enclosed driveway to ten feet to allow the safe passage of vehicles accessing subterranean parking via the enclosed driveway ramp. This height maximum corresponds with the current parking standards defined in Section 19.28.090 of the Municipal Code Zoning Ordinance, *Parking Area and Layout Standards*, Subsection B. *Parking Space and Lot Dimensions* (4) Vertical Clearance which states the minimum vertical clearance shall be eight feet six inches. The difference between the minimum vertical clearance and the maximum height of the enclosed driveway provides one foot six inches for the structural components of the enclosure.



The proposed amendment to the Zoning Ordinance prohibits the use of the rooftop of the enclosed driveway. Access to the rooftop is limited to maintenance related purposes. Additionally, the proposed amendment prohibits the commercial development project from building usable square footage above the enclosed driveway structure. The enclosed driveway structure is defined as a projection into a setback. In the instance where a mixed use development project utilizes this allowed projection with the construction of an enclosed driveway, the enclosed driveway is considered a projection into the setback and is not included in the requirement that the “25 feet of the structure located closest to the residential zoning district shall be limited to 35 feet in height”, (Section 19.10.050, A. 1. a.).

#### Public Notice

The City published a legal notice in the *Beverly Press* and *West Hollywood Independent* on March 2, 2017.

#### California Environmental Quality Act (CEQA)

The zone text changes are Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possibility exists that the proposed zone text amendments will have a significant effect on the environment.

#### Planning Commission Long-Range Planning Subcommittee

The Long-Range Planning Subcommittee discussed the proposed zone text amendments on February 16, 2017. The Commissioners were supportive of the amendment and suggested it for approval by the Planning Commission.

#### EXHIBITS

- A. Resolution 17 - 1195

## RESOLUTION NO. PC 17-1195

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO PERMIT ENCLOSED DRIVEWAY RAMPS TO PROJECT INTO THE INTERIOR SIDE OR REAR SETBACK ON COMMERCIAL ZONED PROPERTY WHEN ADJACENT TO RESIDENTIALLY ZONED PROPERTY, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.**

The Planning Commission for the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance, Article 19 of the Municipal Code to allow enclosed driveway ramps to project into the interior side and rear setback on commercially zoned property when adjacent to residentially zoned property.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 6, 2017 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by April 6, 2017.

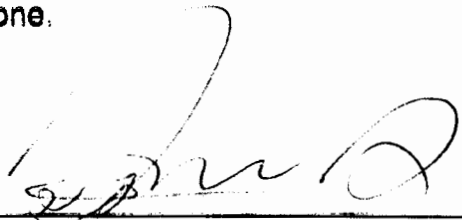
SECTION 3. The zone text changes are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No possibility exists that the proposed zone text amendments will have a significant effect on the environment.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2017-0003 is consistent with the Goals and Policies of the General Plan, specifically Goal LU-1: "Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future."; Goal LU-8: "Maintain and enhance residential neighborhoods."; Goal SN-3: "Minimize the impact of point source noise and ambient noise levels throughout the community." ; Goal SN-4: "Minimize transportation-related noise." The incorporation of this new standard will mitigate the impacts of commercial activity on the adjacent residential neighborhood.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment 2017-0003, which is attached hereto as Attachment A.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of West Hollywood at a regular meeting held this 6<sup>th</sup> day of April, 2017 by the following vote:

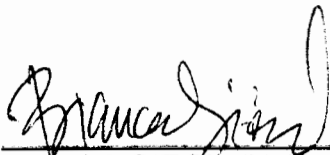
<b>AYES:</b>	<b>Commissioner:</b>	Altschul, DeLuccio, Jones, Lightfoot, Vice-Chair Buckner, Chair Aghaei.
<b>NOES:</b>	<b>Commissioner:</b>	None.
<b>ABSENT:</b>	<b>Commissioner:</b>	None.
<b>ABSTAIN:</b>	<b>Commissioner:</b>	None.



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DAVID AGHAEI, CHAIRPERSON

**ATTEST:**



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BIANCA SIEGL, PLANNING MANAGER  
LONG RANGE AND MOBILITY PLANNING

*Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.*

# Attachment A

## ZONE TEXT AMENDMENT 17-0002 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underlining, deleted text with strikethrough.)

**Section 1.** The following introductory sentences for required setbacks in Table 2-6 of Section 19.10.040 (Commercial and Public District General Development Standards) in Chapter 19.10 of Title 19 of the West Hollywood Municipal Code is amended to read as follows. The rest of the table remains unchanged:

*The following are the minimum setbacks required. See Section 19.20.150 for setback measurement. See Table 3-2 for projections allowed into setbacks.*

**Section 2.** The following clause is added to Subsection A. 1. (a) (Mixed-Use Development Incentives. Mixed- Use Incentive Overlay Zone.) of Section 19.10.050 (Commercial Development Incentives) of Chapter 19.10 (Commercial and Public Zoning Districts) of Title 19 of the West Hollywood Municipal Code as follows:

a. If the proposed project is adjacent to an R1, R2, R3, or R4 residential zoning district, the 25 feet of the structure located closest to the residential zoning district, not including projections into setbacks, shall be limited to 35 feet in height, and the impact of the structure shall be mitigated to the satisfaction of the Commission with architectural, or additional landscape elements; and

**Section 3.** A new subsection (H) added to Section 19.28.110 (Parking Structure and Rooftop Parking Standards) of Chapter 19.28 (Off-Street Parking and Loading Standards) of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

H. Enclosed Driveways. Enclosed driveways accessing subterranean parking on a commercially zoned property may project into setbacks in compliance with Section 19.20.150(E) (Allowed Projections into Setbacks), provided the driveway is located adjacent to a residentially zoned property. The design of the enclosure shall be compatible with the project and be adequately landscaped adjacent to the structure and is subject to review and approval by review authority as part of land use permit approval for project.

**Section 4.** A new line item and a new note (4) are added to the end of Table 3-2 of Section 19.20.150 (Setback Measurement and Projections into Yards) of Chapter 19.20 (General Property Development and Use Standards) of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

**TABLE 3-2  
ALLOWED PROJECTIONS INTO SETBACKS**

Projecting Feature	Maximum Projection into Setback				Minimum from property line
	Front Setback	Street Side	Interior Side	Rear Setback	
<u>Enclosed driveway ramps on commercially zoned properties located adjacent to residentially zoned properties. Maximum height of 10ft above the driveway gradient.<sup>4</sup></u>	<u>None</u>	<u>None</u>	<u>To property line</u>	<u>To property line</u>	<u>N.A.</u>

Notes:

(4) Use of the rooftop of the enclosed driveway is prohibited. Access to the rooftop shall be limited to maintenance related purposes.