

SUBJECT: ZONE TEXT AMENDMENT REGARDING EXISTING NON-RESIDENTIAL SURFACE PARKING IN RESIDENTIAL ZONES

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT
(Bianca Siegl, Long Range and Mobility Planning Manager)
(Garen Srappyan, Assistant Planner)

STATEMENT ON THE SUBJECT

Officially continued from Thursday, October 1, 2015 and Thursday, October 15, 2015. The Planning Commission will hold a public hearing to consider changes to the Zoning Ordinance to update standards for existing non-residential surface parking in residential zones.

RECOMMENDATION

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

- 1) Draft Resolution No. PC 15-1130: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO ADD CONDITIONS FOR EXISTING NON-RESIDENTIAL SURFACE PARKING IN RESIDENTIAL ZONES, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

OVERVIEW OF PROPOSED CHANGES

The proposed amendments to the Zoning Ordinance would (1) increase the City’s standards governing the operation and use of existing non-residential surface parking in residential zones and (2) mitigate the most undesirable impacts associated with such facilities (e.g. glare from headlights, illumination spillage, loitering, and vehicular noise).

This item was continued from October 15, 2015 at the Planning Commission’s request. This additional time allowed staff to return to the Long Range Planning Projects Subcommittee and meet with members of the community (please see Exhibit C for previous staff report). In response to the community’s concerns and to clarify that new non-residential parking structures (not associated with a permitted use) are not allowed in residential zones, staff has revised and streamlined the draft zone text change to emphasize that these new regulations will apply only to existing (non-conforming) non-residential surface parking facilities in residential zones. New stand-alone non-residential parking structures are not allowed in residential zones, nor will they be allowed by the proposed text changes.

BACKGROUND

The City has received complaints over the past few years from residents concerned about noise and other impacts from existing non-residential surface parking facilities in residential zones. In order to address this nuisance, staff has developed changes to the Zoning Code to mitigate the negative impacts associated with such facilities. The use of these surface parking facilities has resulted in disturbances to neighboring residences, including frequent glare from headlights, lighting spillage, loitering, traffic, and vehicular noise. While these facilities may be associated with positive and productive contributors to the residential life of our neighborhoods, the parking operations sometimes detract significantly from these benefits. Without major imposition to the property owner, the proposed regulations will encourage such existing facilities to fit within the residential character of the neighborhood.

Section 19.28.090(F) of the Zoning Ordinance (Parking Area Design and Layout Standards) currently contains minimal language addressing existing non-residential surface parking in residential zones. The City has recently determined the need to bring existing surface parking facilities not operated by a Conditional Use Permit into conformance. The proposed zone text amendment includes a set of baseline standards for existing non-residential surface parking in residential zones – minimizing glare, lighting spillage, loitering, traffic and noise impacts on adjacent residential neighborhoods.

Proposed Regulations

The City of West Hollywood has an estimated nineteen (19) non-residential parking facilities in residential zones that are not located in a Parking Overlay Zone. See Exhibit B for a list of these facilities. The City is concerned with existing non-conforming surface parking facilities with ten or more spaces, which typically pose a nuisance to residential neighborhoods. Staff has identified three surface parking facilities that may be directly affected by this ordinance:

- 1300 Crescent Heights Boulevard (portion not on a Parking Overlay Zone);
- 1317 Crescent Heights Boulevard; and
- 1022 N Palm Ave.

Staff recommends applying the new regulations to existing surface parking facilities comprised of ten (10) or more parking spaces. This threshold size is consistent with thresholds for existing regulations for parking lots. The new regulations for existing surface parking facilities shall apply only to facilities **not** currently conditioned through a Conditional Use or Development Permit.

These new regulations shall require existing surface parking facilities meeting the above criteria to obtain an *Administrative Permit* that ensures compliance with the new standards, helping protect the character of our residential neighborhoods. Staff recommends the following baseline standards for existing non-residential surface parking in residential zones. The review authority may require additional conditions to mitigate potential impacts on non-residential surface parking in residential zones, if necessary.

- 1) **Facilities Must Be Locked During Non-Operating Hours** – when not in use, facilities must be locked to prevent late night and unauthorized use; and
- 2) **Facilities Must Implement Perimeter Visual Screening** (e.g. landscape hedging).

Exempt from the new standards are: (1) surface parking facilities already regulated by a Development/Conditional Use Permit, (2) surface parking facilities located in a Parking Overlay Zone, and (3) surface parking facilities with nine (9) or fewer spaces.

Implementation

Upon the City Council's adoption of the zone text changes, staff will notify owners of all applicable facilities of the new standards as shown in Exhibit A. These owners will have 180 days from the effective date of the ordinance to file an application for an Administrative Permit. The City will not require owners of existing facilities to pay any application fees associated with this process so long as the application is timely submitted (within the 180 days). Parking facilities with existing Conditional Use or Development Permits will continue to be governed by the conditions of the approved permits.

Public Notice

The City published a legal notice in the *Beverly Press* and *West Hollywood Independent* on October 1, 2015. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups by October 1, 2015. Additionally, the two properties that may be directly affected by the proposed changes were mailed personal notices on October 2, 2015.

California Environmental Quality Act (CEQA)

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 because the zone text amendments will reduce potential impacts of non-residential parking facilities in residential zones such as light, glare, and noise.

Planning Commission Long-Range Planning Subcommittee

The Long-Range Planning Subcommittee discussed the proposed zone text amendments on November 19, 2015. The Commissioners were supportive of the zone text changes and requested staff to include landscaping and/or visual screening on the entire perimeter of the surface parking facility instead of only adjacent to residential properties. The subcommittee also requested staff to clarify that the changes apply only to non-residential *surface* parking facilities. The text changes in Exhibit A of this staff report address these concerns.

EXHIBITS

- A. Draft Resolution No. PC 15- 1130
- B. Summary of Non-Residential Parking in Residential Zones
- C. October 15, 2015 Planning Commission staff report

RESOLUTION NO. PC 15-1130

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO ADD CONDITIONS FOR EXISTING NON-RESIDENTIAL SURFACE PARKING IN RESIDENTIAL ZONES, 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 modify parking standards for existing non-residential surface parking of ten (10) or more spaces in residential zones.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of October 15, 2015 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper on October 1, 2015, and required state and local agencies, and the City website and by announcement on City Channel 6 by October 2, 2015. This item was continued to December 3, 2015 by the Planning Commission.

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 because the zone text amendments will reduce potential nuisances associated with non-residential parking facilities in residential zones such as light, glare, and noise.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2015-0006 is consistent with the Goals and Policies of the General Plan, specifically Policy M-7, which states that the City should “protect and preserve residential neighborhoods from intrusion of non-residential traffic.” Additional standards will help meet this goal.

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 2015-0006, 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 3rd day of December 2015 by the following vote:

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

CHAIRPERSON

ATTEST:

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 2015-0006 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

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

Section 1: A line item in Table 2-2 of Section 19.06.030 in Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is added to read as follows:

LAND USE ²	PERMIT REQUIRED BY ZONE				Specific Use Regulations
	R1	R2	R3	R4	
<u>Parking (existing non-residential surface parking as of {insert date of ordinance})</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>P¹</u>	<u>19.28.090</u>

Section 2: Paragraph F is amended in Section 19.28.090 of Title 19 of the West Hollywood Municipal Code to read as follows:

F. Non-Residential Parking in Residential Zones. Covered parking spaces may be required at the discretion of the review authority to mitigate impacts. Rooftop parking is prohibited.

Section 3: Paragraph G is added in Section 19.28.090 of Title 19 of the West Hollywood Municipal Code to read as follows:

G. Existing Non-Residential Surface Parking in Residential Zones. Existing non-residential surface parking facilities as of {insert date of ordinance} shall comply with the following standards:

1. Permits Required.
 - a. Any existing non-residential surface parking facility located in a residential zone shall obtain an Administrative Permit (Chapter 19.44) and shall comply with the standards in this section. These facilities shall have one hundred and eighty (180) days from {insert date of ordinance} to file an application for an Administrative Permit. Upon review, the Director may decide to add conditions that are in addition to the standards in this section.
2. Exemptions. The following types of non-residential surface parking facilities in residential zones are exempt from an Administrative Permit and the standards below:

- a. Facilities with a Conditional Use Permit and/or Development Permit approved prior to {insert date of ordinance}.
 - b. Facilities with nine (9) or fewer spaces.
 - c. Facilities located in a Parking Overlay District per Section 19.14.070.
3. Design and Operations. Non-residential surface parking facilities in residential zones shall comply with the following standards:
- a. Parking facilities shall install perimeter landscaping or other visual screening, subject to approval by the review authority.
 - b. When not in use, parking facilities shall be locked to prevent late night and unauthorized use between the hours of 10:00 p.m. and 8:00 a.m. The Director of Public Works may authorize the City parking enforcement officers to lock facilities that fail to comply with this condition between the hours of 10:00 p.m. and 8:00 a.m.

EXHIBIT B

Non-residential parking facilities in residential zones in the City of West Hollywood.

Name	Location	# of Spaces	Type of Parking	Current Permit	Affected by Proposed Changes?
Nichiren Shoshu Temple	1401 Crescent Heights	90	Surface	CUP, DVP	No
Beverly Hills Baptist	9025 Cynthia	11	Surface	CUP	No
Crescent Heights United Methodist Church	1296 Fairfax	8	Surface	CUP, MCUP	No
(closed)	801 Westmount Dr	10	Surface	CUP	No
JT Car Connection	1201 Fairfax	27	Surface	CUP	No
Veno Kado	7714 Fountain	2	Surface	-	Exempt
Senior Care Facility	1000 Gardner	2	Surface	DVP	No
US Post Office	1125 Fairfax	3	Surface	DVP	No
Parking Lot	1022 Palm	36	Surface	-	Yes
Pacific Hills School/ St Victor's Catholic Church	8628/8634 Holloway	82	Surface	CUP	No
Iranian American Jewish Center	1300 Crescent Heights (applicable to portion not in a Parking Overlay Zone)	65	Surface	-	Yes
Iranian American Jewish Center	1317 Crescent Heights	65	Surface	-	Yes
Larchmont Charter School/St Ambrose Catholic Church	1261 -1265/1281 Fairfax	110	Surface	CUP	No
Children's Center Happy Notes	1211 Vista St	3	Home Garage	CUP	No
WeHo Children Academy	1030 Vista	4	Home Garage + Surface	CUP	No
Petit Ermitage	8822 Cynthia	57	Subterranean	CUP	No
Le Montrose Suite Hotel	900 Hammond	92	Subterranean	-	Exempt
Le Parc Suite Hotel	733 West Knoll	134	Subterranean	CUP, MCUP	No
Chamberlain Hotel	1000 Westmount	129	Subterranean	CUP, MCUP	No

Notes:
CUP: Conditional Use Permit
MCUP: Minor Conditional Use Permit
DVP: Development Permit

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SUBJECT: ZONE TEXT AMENDMENT REGARDING NON-RESIDENTIAL
PARKING FACILITIES IN RESIDENTIAL ZONES

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT
(Bianca Siegl, Long Range and Mobility Planning Manager)
(Georgia Sheridan, AICP, Senior Planner)
(Garen Srapyan, Assistant Planner)

STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider text changes to the Zoning Ordinance to update standards for non-residential parking in residential zones.

RECOMMENDATION

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

- 1) Draft Resolution No. PC 15-1130: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO UPDATE THE CONDITIONS FOR NON-RESIDENTIAL PARKING FACILITIES IN RESIDENTIAL ZONES, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

OVERVIEW OF PROPOSED CHANGES

The proposed amendments to the Zoning Ordinance would (1) increase the City's standards governing the operation and use of non-residential facilities in residential zones and (2) mitigate the most undesirable impacts associated with such facilities (e.g. glare from headlights, illumination spillage, loitering, and vehicular noise).

BACKGROUND

The City has received complaints over the past few years from residents concerned about noise and other impacts from un-regulated non-residential surface parking facilities in residential zones. In order to address this nuisance, staff has developed changes to the Zoning Code to mitigate the negative impacts associated with non-residential surface parking facilities in residential zones. The use of these parking facilities can result in disturbances to neighboring residences, including frequent glare from headlights, lighting spillage, loitering, traffic, and vehicular noise. While these facilities may be associated with positive and productive contributors to the residential

life of our neighborhoods, the parking operations sometimes detract significantly from these benefits. Without major imposition to the property owner, the proposed regulations will encourage such facilities to fit within the residential character of the neighborhood.

The City of West Hollywood has an estimated nineteen (19) non-residential parking facilities in residential zones that are not located in a Parking Overlay Zone. See Exhibit B for a list of these facilities. The City is concerned with un-regulated surface parking lots with ten or more spaces, which typically pose a nuisance to residential neighborhoods. Staff has identified three surface parking facilities that may be directly affected by this ordinance:

- 1300 Crescent Heights Boulevard;
- 1317 Crescent Heights Boulevard; and
- 1022 N Palm Ave.

Section 19.28.090(F) of the Zoning Ordinance (Parking Area Design and Layout Standards) currently contains minimal language addressing non-residential parking in residential zones. Typically, the City has regulated new facilities of this type on a case-by-case basis by requiring the development projects with which they are associated to obtain a Conditional Use or Development Permit imposing conditions that address operations and mitigate nuisances. The City has recently determined the need to clarify existing language and bring parking facilities not operated by a Conditional Use Permit into conformance. The proposed zone text amendment includes a set of baseline standards for non-residential parking in residential zones – minimizing glare, lighting spillage, loitering, traffic and noise impacts on adjacent residential neighborhoods.

Proposed Regulations

Staff recommends applying the new regulations to both existing and new facilities with surface and/or structured lots comprised of ten (10) or more parking spaces. This threshold size is consistent with thresholds for existing regulations for parking lots. The new regulations for existing facilities shall apply only to surface facilities **not** currently conditioned through a Conditional Use or Development Permit.

These new regulations shall require existing surface parking facilities meeting the above criteria to obtain an *Administrative Permit* that ensures compliance with new standards, helping protect the character of our residential neighborhoods. For non-residential parking included in any new development project, the City will permit and condition the facility as part of the applicable permit process.

Staff recommends the following baseline standards for new and existing non-residential parking in residential zones. The review authority may require additional conditions to mitigate potential impacts on non-residential parking in residential zones, if necessary, for an individual project.

- 1) **Facilities Must Be Locked During Non-Operating Hours** – when not in use, facilities must be locked to prevent late night and unauthorized use;
- 2) **Facilities Must Implement Visual Screening** (e.g. landscape hedging);
- 3) **No Rooftop Parking** for new facilities; and
- 4) **No Non-Adjacent Parking** for new facilities.

Exempt from the new standards are: (1) parking facilities already regulated by a Development/Conditional Use Permit, (2) parking facilities located in a Parking Overlay Zone, (3) subterranean parking facilities, and (4) parking facilities with nine (9) or fewer spaces.

Implementation

Upon the City Council's adoption of the zone text changes, staff will notify owners of all applicable facilities of the new standards as shown in Exhibit A. These owners will have 180 days from the effective date of the ordinance to file an application for an Administrative Permit. The City will not require owners of existing facilities to pay any application fees associated with this process so long as the application is timely submitted (within the 180 days). Facilities with existing Conditional Use or Development Permits will continue to be governed by the conditions of the approved permits.

Public Notice

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Planning Commission Long-Range Planning Subcommittee

The Long-Range Planning Subcommittee discussed the proposed zone text amendments on September 17, 2015. The Commissioners were supportive of the zone text changes and requested staff to make changes to Exhibit B to reflect more clearly which parking facilities will be affected by the Ordinance.

EXHIBITS

- A. Draft Resolution No. PC 15-1130
- B. Summary of Non-Residential Parking in Residential Zones

PREVIOUS PC STAFF REPORT