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CITY COUNCIL
PUBLIC HEARING

SEPTEMBER 23, 2019

SUBJECT: **ZONE TEXT AMENDMENT: PROJECTS SPANNING
COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS**

PREPARED BY: **PLANNING & DEVELOPMENT SERVICES DEPARTMENT**
(John Keho, AICP, Director) SK
(Rachel Dimond, AICP, Acting Long Range Planning Manager) en

STATEMENT ON THE SUBJECT:

The Zoning Ordinance allows buildings to be constructed on properties that include both commercial and residential zone districts. The proposed zone text amendment as recommended by the Planning Commission would require such sites be developed separately, with one or more buildings on the residentially zoned property and one or more buildings on the commercially zoned property. Staff alternatively recommends elimination of the minimum lot size and the required prevailing front setbacks along residential streets, as well as the requirement for no overall net loss in setback area as compared to projects developed separately in residential and commercial districts.

RECOMMENDATION:

Staff recommends the City Council hold a public hearing, listen to all pertinent testimony, and introduce on first reading the following ordinance:

1. **ORDINANCE NO. CC 19-____**: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO AMEND STANDARDS FOR PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA. (ATTACHMENT A)

BACKGROUND / ANALYSIS:

The purpose of this item is to amend the standards for projects that span, or straddle, both commercial and residential zone districts. Previously, the City Council considered prohibiting projects spanning both commercial and residential zone districts unless under a development agreement or specific plan("previous version"), but declined to adopt that zone text amendment and requested that staff develop specific standards to increase neighborhood compatibility for these types of projects.

Prior Actions by Reviewing Bodies:

On January 23, 2017, the City Council directed staff to bring forward a zone text amendment that addresses development projects that span both commercial and residential zone districts. The Council item identified the following concerns with this type of development:

- Maintaining neighborhood livability and the integrity of existing residential zones

- adjacent to commercial zone districts;
- Ensuring the ability to develop appropriately scaled and sustainably-designed mixed use projects that address climate change and our local ecological footprint; and
 - Reducing the impact of larger buildings on residential buildings' solar access.

The Council's initial recommendation was to require these types of projects to be developed as though the lots were not being tied, with separate buildings meeting all development standards of each zone district (i.e. setbacks, height, density, open space, parking, loading, etc.) and to require that any bonuses, incentives, and/or concessions be applied only to each building within their individual zone district. The Council's recommendation would provide for additional space between zone districts in the form of setbacks, but would eliminate any efficiency created by combining parcels for one development site.

To address the Council's direction, staff developed four options:

1. Require separate development of commercial and residentially zoned properties;
2. Allow only subterranean connection between buildings separated by commercial and residential zone district boundaries;
3. Require street-facing side yards in residential zone districts to maintain front setback requirements along the street to match neighboring residential properties, thus improving neighborhood compatibility; and/or
4. No change to regulations.

On August 2, 2018, the Planning Commission held a public hearing to consider the previous version, and was presented with all four alternatives. The Planning Commission recommended that projects spanning commercial and residential zone districts be developed as fully separated projects, and requested eliminating Municipal Code sections on specific requirements for projects that span commercial and residential zone districts. On August 16, 2018, the Planning Commission adopted Resolution 18-1277, which included additional language to implement their recommendation.

On October 1, 2018, the City Council held a public hearing on the previous version of the ZTA, with staff forwarding the Planning Commission recommendation adopted in Resolution 18-1277. A motion to approve the item was made and seconded, but failed to be adopted. A subsequent motion was adopted to direct staff to return to the Council with specific recommendations for amendments to standards for projects spanning commercial and residential zone districts, including requirements for additional greenery, respect of the residential neighborhood, and requirements for exemplary design. The Zoning Ordinance requires Planning Commission input if there are significant changes to an item.

On May 19, 2019, the Planning Commission held a public hearing, and again voted unanimously (6-0-0) to recommend removing regulations for projects from spanning both commercial and residential zone districts, thus prohibiting them without a Development Agreement or Specific Plan, adopting Resolution 19-1318.

EXISTING REGULATIONS:

The existing regulations (see Attachment D) for projects that span both commercial and residential districts allow legally combined sites of 60,000 square feet or more to be developed as one property, with setbacks only required at the outer extents of the combined site property lines, and buildings permitted to cross district boundaries. Buildings are required to meet all other standards except internal setbacks, applicable to each district, including height and density standards.

Mixed-use projects that span both commercial and residential zone districts are required to comply with three different sections of the Zoning Ordinance:

- Section 19.04.040(C), Standards for Parcels with Multiple Zoning Districts,
- Section 19.36.170(A) Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts and
- Section 19.36.170(C) Mixed-Use Projects that Span both Residential and the Sunset Specific Plan Zoning Districts, as applicable.

These projects are only permitted in the R3 and R4 residential zoning districts and density cannot exceed what is permitted in these zones. In the commercial zone, residential ground floor uses are not permitted within 40 feet of the street frontage and can only developed alongside street frontages in residential districts. Alleys are required to be maintained, unless determined to be unnecessary for loading or circulation (which would be rare considering the circulation and parking needs associated with most alleys). Projects are required to be compatible with adjacent land uses, and maintain the scale and character of a neighborhood. Further, the regulations require that any new development maintain or increase the number of residential units and commercial square footage on site.

Projects:

There are two pending project that spans both commercial and residential zone districts, located at 7811 Santa Monica Boulevard. This project is on a site less than 60,000 square feet and is requesting relief from this requirement in the form of an affordable housing incentive. Another project located at 8555 Santa Monica Boulevard (Collar and Leash) previously requested a waiver for a lot less than 60,000 square feet, but has now added another adjoining lot to put the total aggregate lot size over 60,000 square feet.

Additionally, the projects that span both commercial and residential zone districts that have been entitled, through development agreements or specific plans (legislative approvals), including the following:

- Sunset Time (Sunset Specific Plan, and Sunset Specific Plan R4)
- 8899 Beverly (CN1 and R1- entitled as 8899 Beverly Specific Plan)
- Ramada Inn (CC1 and R4B)
- 901 Hancock (CC1 and R4B)

No projects spanning commercial and residential zone districts have been entitled or built without modifications to the existing standards. As such, prohibiting projects from

spanning commercial and residential zone districts will only result in these types of projects being entitled by a Development Agreement without a baseline set of standards from which to digress.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission adopted Resolution 19-1318, which is reflected in the Ordinance in Attachment A. This ordinance reflects the Planning Commission direction to require projects spanning commercial and residential districts to be developed separately and as though the lots were not being tied, with the separate buildings meeting all development standards of each commercial or residential zone district (i.e. setbacks, height, density, open space, parking, loading, etc.). It would also require that any bonuses, incentives, and/or concessions be applied to each building only within their individual zone district, unless utilizing a provision in state law to transfer density bonus incentives from residential to commercial projects. This would ensure all prevailing setbacks are met, so that the street frontage is always the front yard setback in that district, and that there is an at-grade landscaped area at the district boundary.

STAFF RECOMMENDATION:

The Council requested that staff return with specific recommendations for amendments to standards. Staff assessed a number of design guideline and development standard options. While the Planning Commission recommendation is provided within the ordinance in Attachment A, staff's recommendation is provided in ordinance form in Attachment B.

In order to address Council's concerns, and to provide for coherent, attractive and compatible development for these types of projects, staff recommends the following amendments to the requirements:

1. Eliminate the 60,000 SF aggregate lot size requirement
2. Require prevailing front setback along the residential street side setback.
3. Require that total ground floor setback areas are equal or greater to what would be required if the project was developed separately
4. Design Guidelines for commercial and mixed use development to be prepared in the future by the Urban Design and Architecture Studio

The following explains the benefits of each of the above recommendations:

1. Eliminate the Minimum Aggregate Lot Size: The current code requires that the lot area for mixed use projects in both residential and commercial districts be a minimum of 60,000 square feet. The regulation was established with the Zoning Code rewrite of 2001. Staff recommends eliminating this provision in order to allow smaller mixed use projects that span both commercial and residential zone districts. This addresses City Council's concerns to maintain the ability to develop appropriately scaled projects that are more environmentally friendly because the large lot size requirement makes it difficult to assemble adjacent lots large enough to design a quality project. The minimum lot size is 5,000 square feet for all applicable

zone districts, so effectively this requirement could mean assembling up to 12 minimum sized lots. As noted above, the two pending projects of this type have requested waivers from this requirement, which is an indication that this standard makes development difficult.

The ability to build on smaller parcels would have two primary impacts: (1) allow for smaller projects that are more compatible with the neighborhood, but (2) would also allow for more sites that can accommodate these types of projects. There are 43 blocks in the city that have commercial zones directly adjacent to R3 or R4 zones (not separated by an alley) that can accommodate a 60,000 SF development (see Exhibit C for map). While a 60,000 SF lot can be accommodated, the ability to reduce the size of the aggregate lots will greatly reduce the impact of a project on each block because it will reduce the size of the project itself. There are also four blocks, shown in Figure 2 below, which are less than 60,000 SF and would not qualify. In order to develop projects that can span both zones in these blocks, some form of relief from the minimum aggregate lot size would have to be requested. As evidenced by the examples below in Figure 1, a 60,000 SF aggregate lot, shown as an outline in green, takes up a large portion of these example blocks. Smaller lot size means smaller projects, but it also means more potential project sites that can span commercial and residential zone districts.

Alternative: While staff recommends that this provision be eliminated completely, one alternative to this elimination would be to cut the required aggregate lot size to 20,000 SF. This would allow for projects to be more in line with other mixed use projects within the City that have proven to be compatible with the adjacent neighborhood. As an example, the Crown Project at 8350 Santa Monica Boulevard is on a 20,281 SF lot. While it does not span both commercial and residential zone districts, it provides a good idea of the scale of projects along commercial boulevards that also border residential streets. In this way, it shows..... Further, 20,000 SF represents four minimum sized lots in both commercial and residential zone districts that would need to be assembled to meet this alternative recommendation. Lot assembly is difficult at best, so creating a situation where many lots would need to be assembled, in the 60,000 SF model, to allow for a viable project seems impractical.

Another alternative for this item is to require a maximum lot size for projects spanning commercial and residential zone districts. This would limit the ability for a project to encroach too deep into a residential zone. It would also ensure projects that are larger than that maximum amount are entitled through development agreements or specific plans.



Figure 1: Examples of 60,000 SF aggregate lot size along applicable blocks illustrating that...

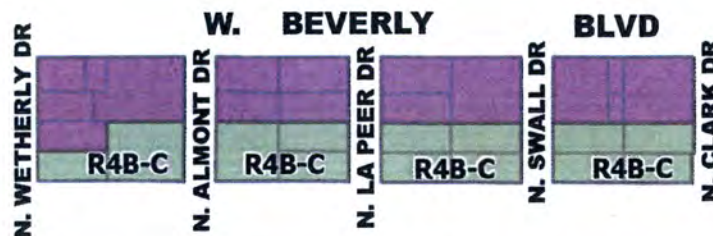


Figure 2: Blocks that are <60,000 SF total illustrating that...

2. Setback along Residential Street Frontage: In these projects, the property line adjacent to a commercial street is deemed the front property line. The property line along the residential street is then considered a side yard. This can result in incompatibility because adjacent residential properties are required to utilize the front setback along the residential street while a project spanning commercial and residential zones would have a side setback along what is typically a front yard. Staff determined that an effective course of action to improve open space and neighborhood compatibility would be to require side setbacks along residential streets to be built to match residential front setback requirements so setbacks are consistent with neighboring properties. This could reduce the size of the building on the residential property, and would also ensure that the development has a similar setback pattern to the rest of the residential neighborhood. This would address the Council's concerns by maintaining existing neighborhood development patterns and integrity by maintaining prevailing front setbacks along a residential street frontage. It would also lead to appropriately scaled projects, and would increase access to light and air at the street frontage. See figures 3 and 4 for graphical representation of this requirement.

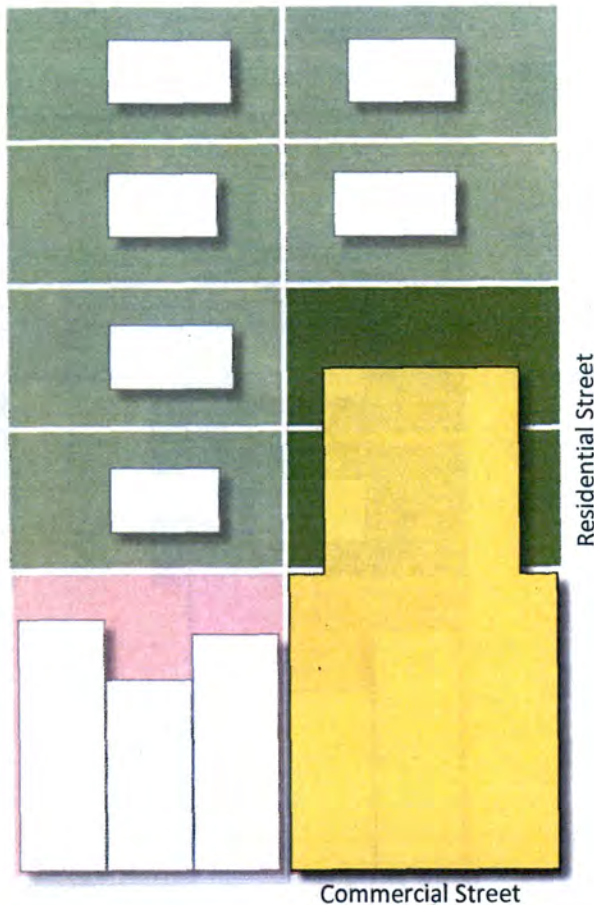


Figure 3: Existing Regulations for Projects Spanning Commercial and Residential Districts

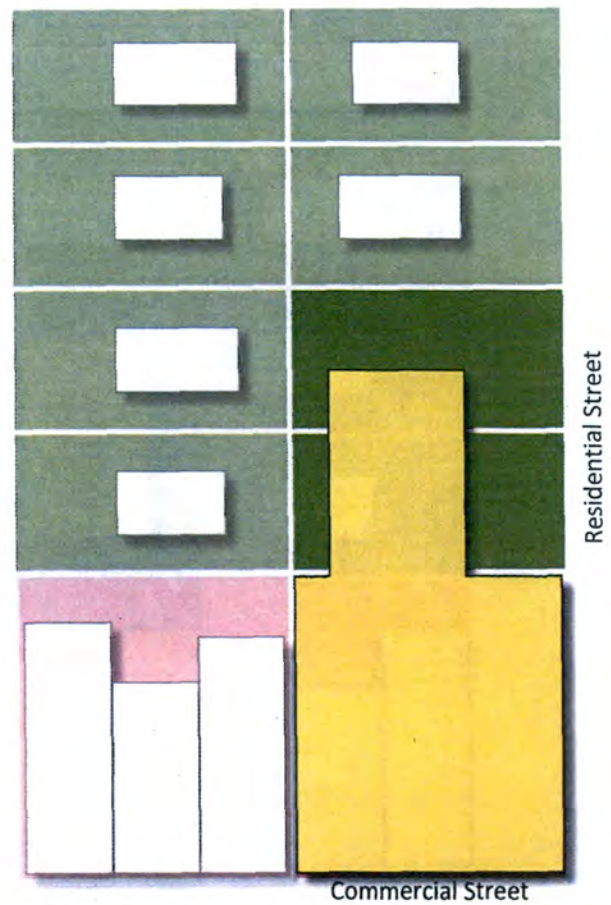


Figure 4: Proposed Front Setback Regulation for Projects Spanning Commercial and Residential Districts

- 3. Setback Area on Ground Floor:** As currently written, the proposed staff recommended ZTA would require that the total cumulative setback area be equal to or greater than what would be required if the properties were developed separately within each zone district. This would result in no net loss of ground floor open air setback area for projects that combine residential and commercial lots for development. For example, if the required setbacks for a project on a commercial site totaled 10,000 square feet of setback area, and a residential project requires 5,000 square feet of setback area, the combined mixed use project would be required to provide at least 15,000 square feet of ground floor open space, including required setback areas around the perimeter of the project. This will help ensure that these types of projects do not excessively reduce ground floor setback area as open space. As an example, Figure 5 shows two separate projects in two zone districts and Figure 6 shows one project with the front setback requirement along residential streets. An analysis of a sample project is provided in the Planning Commission staff report in Attachment D. Figure 6 shows that the project would be required additional setback area to meet this requirement, shown in hatched area for reference.

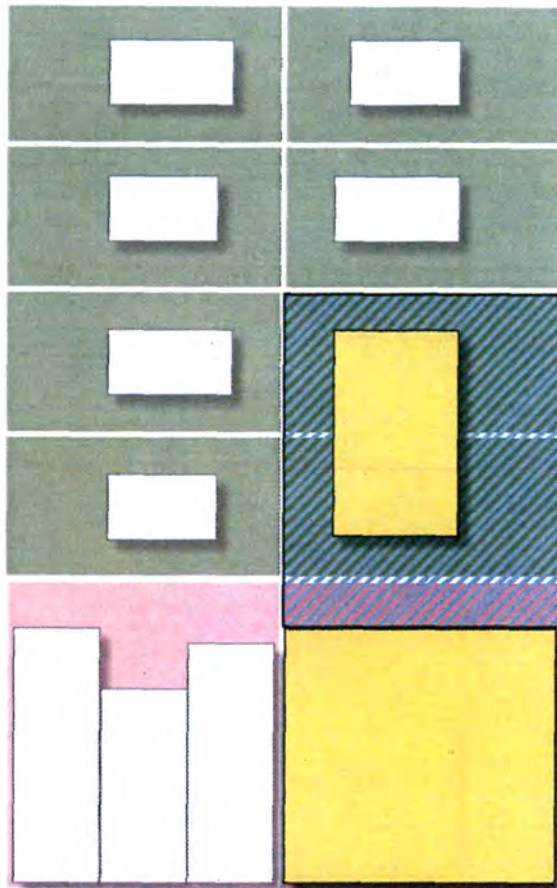


Figure 5: Required Setbacks for Projects Spanning Commercial and Residential Districts Developed Separately

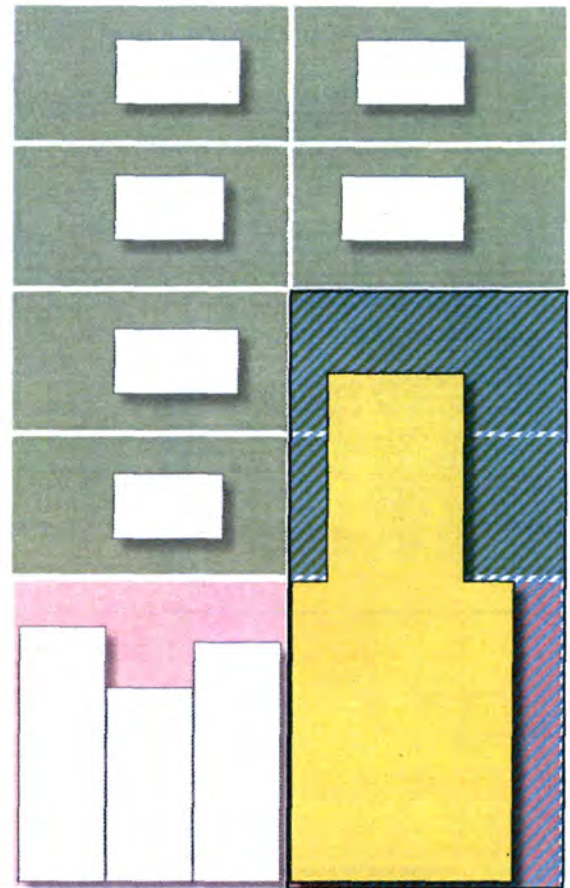


Figure 6: Proposed Required Setback Area Equal or Greater to Figure 5

4. Exemplary Design:

Recent changes in the Housing Accountability Act support the inclusion of objective development standards, which help the City achieve its design goals while also implementing the various state laws that promote affordable housing. Essentially, in order to be enforceable under state law, all design guidelines and development standards need to be objective and cannot be arbitrary or vague in nature. The term exemplary design is utilized as a threshold for deviation from the second floor stepback. Staff considered a provision requiring exemplary design in response to the Council's direction, but opted not to include this required finding, as it is not an objective standard. A zone text amendment to further define exemplary design is on hold for future completion by the Urban Design and Architecture Studio Manager.

Alternatives:

1. Adopt Staff's recommendation as described above and detailed in the draft ordinance in Attachment B.

2. Recommend an alternative minimum aggregate lot size rather than eliminate the minimum requirement of 60,000 SF, such as the 20,000 SF discussed above.
3. Recommend no change to the existing regulations. This option would maintain status quo, but would not address the Council's direction. Mixed use projects that span commercial and residential zone districts would continue to be governed by the applicable regulations that apply to each district. The overall flexibility of the regulations would help facilitate creative development, and existing regulations such as the aggregate lot size could be requested to be waived or amended as an affordable housing concession. By maintaining the 60,000 square foot minimum for projects spanning commercial and residential districts, the code would continue to support only larger mixed use projects.

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

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- PSG-1: Maintain the City's Unique Urban Balance with Emphasis on Residential Neighborhood Livability.
- OSP-9: Upgrade Existing Buildings & Infrastructure.

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

- LU-4: Provide for an urban environment oriented and scaled to the pedestrian.
- LU-5: Encourage a high level of quality in architecture and site design in all construction and renovation of buildings.
- LU-7: Seek to expand urban green spaces and sustainable landscapes.
- LU-8: Maintain and enhance residential neighborhoods.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

The proposed zone text amendments are 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. A detailed explanation of each CEQA exemption is found in the attached ordinances.

COMMUNITY ENGAGEMENT:

This item was included as part of a community meeting conversation regarding a number of Long Range Planning projects at Plummer Park on

OFFICE OF PRIMARY RESPONSIBILITY:

PLANNING & DEVELOPMENT SERVICES DEPARTMENT / LONG RANGE
PLANNING DIVISION

FISCAL IMPACT:

None.

ATTACHMENTS:

- A. Draft Ordinance with Planning Commission recommendation
- B. Draft Ordinance with Staff recommendation
- C. Adopted Planning Commission Resolution No. 19-1318
- D. Planning Commission Staff Report dated May 16, 2019
- E. Planning Commission minutes from May 16, 2019 (in part)
- F. Original Council Direction staff report dates January 23, 2017
- G. Public Correspondence

ORDINANCE NO. CC 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO PROHIBIT PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. Projects spanning commercial and residential zone districts need to be compatible with the surrounding neighborhoods. The proposed zone text amendment will require development projects which span residential and commercial zone districts to construct separate buildings, which will improve neighborhood compatibility of development projects.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 4, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting March 21, 2019. On April 4, 2019, the Planning Commission continued this item to a date certain of May 16, 2019. On May 16, 2019, the Planning Commission made a recommendation to the City Council to ban projects from spanning between commercial and residential zone districts.

SECTION 3. A public hearing was duly noticed for the City Council meeting of September 23, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting September 12, 2019.

SECTION 4. 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. Requiring separated buildings in commercial and residential zone districts will decrease the size of buildings and increase open space in setbacks, which will not have any significant impacts on the environment. The standards for the buildings stay the same and will essentially be more compatible with general plan and zoning requirements, as they must meet all standards for each building. Each building will have a reduced size compared to what could be built today and therefore, will not have the potential for causing a significant effect on the environment.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2018-0008 is consistent with the Goals and Policies of the General Plan, including Policy H-2.4: Establish and maintain development standards

that support housing and mixed-use developments while protecting and enhancing the quality of life goals and Policy LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. Additionally, the expanded green space will further Goal LU-9, Encourage multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs. By encouraging projects that are consistent with their underlying zoning, the ordinance will not impede the City's implementation of its General Plan designations, policies and goals.

SECTION 6. Subsection (C) of Section 19.04.040, Standards for Parcels with Multiple Zoning Districts, of Chapter 19.04 of Title 19, West Hollywood Municipal Code is amended to read as follows:

C. Standards for Parcels with Multiple Zoning Districts. Where a parcel is zoned in two or more zoning districts, each portion of the parcel in a separate district shall be developed and used in compliance with the requirements of the applicable district. Where a parcel is zoned in both commercial and residential zoning districts, the portion of the parcel in any residential district shall be developed as one residential site while the portion of the parcel in commercial districts shall be developed as a separate commercial site.

SECTION 7. Section 19.36.170, Mixed-Use Projects, of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code, is amended to read as follows:

19.36.170 Mixed-Use Projects. (See also Sections 19.10.050 (Commercial Development Incentives), and 19.28.060 (Reduction of Off-Street Parking Requirements).

A. *Mixed-Use Projects in Commercial Zoning Districts*. A proposal to construct a new mixed-use project within a commercial zoning district shall comply with the following standards:

1. Density. The allowable density of the project for both commercial and residential uses shall be based on the allowable FAR and any bonuses or incentives that are approved.

2. Location of Uses. Commercial and residential uses within a mixed-use project shall be fully separated, with residential units limited to the rear portion of the first story, or on the second and higher stories.

3. Residential Parking. All parking spaces required for the residential use shall be provided on-site. Parking spaces to serve the residential units shall be specifically designated and shall be reserved for the exclusive use of the residents.

4. Existing Alleys. Existing alleys shall be retained within the project.

5. Open Space Requirements. Mixed-use projects shall meet total square footage of open space required in Section 19.36.280; however, the review authority may permit the common open space to be decreased or eliminated as long as there is an equal increase in private open space that results in the same total open space square footage as would otherwise be required.

ORDINANCE NO. CC 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO AMEND STANDARDS FOR PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD HEREBY FINDS, RESOLVES, AND ORDERS AS FOLLOWS:

SECTION 1. Projects spanning commercial and residential zone districts need to be compatible with the surrounding neighborhoods. The proposed zone text amendment will eliminate minimum aggregate lot area, increase the setback from a side setback to the prevailing front setback along residential streets, and require equal or greater ground floor open space compared to if the project was developed separately, which will support neighborhood compatibility of the certain mixed use projects that span commercial and residential zone districts.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 4, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting March 21, 2019. On April 4, 2019, the Planning Commission continued this item to a date certain of May 16, 2019. On May 16, 2019, the Planning Commission made a recommendation to the City Council to ban projects from spanning between commercial and residential zone districts.

SECTION 3. A public hearing was duly noticed for the City Council meeting of September 23, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting September 12, 2019.

SECTION 4. 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. The proposed amendments will provide expanded street facing setbacks along residential streets, will potentially decrease the size of projects spanning commercial and residential, and will also increase the amount of open space equal or greater than if the project was developed separately. These types of changes will not have a significant impact on the environment, as they will help to increase open space, and decrease the size of mixed use buildings within the residential zone district.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2018-0008 is consistent with the Goals and Policies of the General Plan, including Policy H-2.4: Establish and maintain development standards that support housing and mixed-use developments while protecting and enhancing the quality of life goals and Policy LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. Additionally, the expanded green space along the residential street will further Goal LU-9, Encourage multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs. This ZTA does not impede any of these goals because it makes projects more compatible with the vision for the community. It promotes mixed use projects in a more compatible manner, which supports multiple General Plan goals and policies cited above.

SECTION 6. Subsection A of Section 19.36.170, Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts, West Hollywood Municipal Code, of Chapter 19.36 of Title 19 is amended to read as follows:

- A. *Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts.* A proposal to consolidate abutting residential and commercial parcels into a unified mixed-use project shall comply with the following standards.
1. Zoning District Limitations. Each residential parcel included in the project shall be designated within the R3 or R4 zoning districts.
 2. Density. The residential density of the project shall not exceed that allowed by the applicable zoning district.
 3. Ground Floor Uses. The portions of the ground floor of a mixed-use project adjacent to a public street frontage shall be used as follows:
 - a. Commercial Frontage. Residential uses shall not be located within 50 feet of the site street frontage within a commercial zoning district; and
 - b. Residential Frontage. Only residential uses shall be developed along the site street frontage within a residential zoning district.
 4. Existing Alleys. Existing alleys shall be retained within the project unless the review authority determines that the alleys are not needed for loading or circulation.
 5. Design Standards. A proposed mixed-use project shall be designed and constructed to:
 - a. Be compatible with and complement adjacent land uses;
 - b. Maintain the scale and character of development in the immediate neighborhood;
 - c. Maintain or increase the existing number of residential units generally and specifically those for seniors and low- and moderate-income households; and
 - d. Mitigate glare, light, noise, traffic, and other potential environmental impacts to the maximum extent feasible.

6. Loss of Neighborhood Commercial Uses. The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.
7. Setbacks:
 - a. Residentially Zoned Street Frontage Setbacks. The street frontage that is the prevailing front yard on residentially zoned properties shall meet the requirements of a front setback of the subject zone district.
 - b. Total Setback Area: The total setback area shall be equal or greater to the setback area that would be required if the project was developed separately as one project in each zone district.

RESOLUTION NO. PC 19-1318

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT AMENDING TITLE 19, WEST HOLLYWOOD ZONING ORDINANCE, TO AMEND STANDARDS FOR PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. Projects spanning commercial and residential zone districts need to be compatible with the surrounding neighborhoods. The proposed zone text amendment will require development projects which span residential and commercial zone districts to construct separate buildings, which will improve neighborhood compatibility of development projects.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of April 4, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting March 21, 2019. On April 4, 2019, the Planning Commission continued this item to a date certain of May 16, 2019.

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. Requiring separated buildings in commercial and residential zone districts will decrease the size of buildings and increase open space in setbacks, which will not have any significant impacts on the environment.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2018-0007 is consistent with the Goals and Policies of the General Plan, including Policy H-2.4: Establish and maintain development standards that support housing and mixed-use developments while protecting and enhancing the quality of life goals and Policy LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. Additionally, the expanded green space will further Goal LU-9, Encourage multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs.

SECTION 5. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zone Text Amendment 2018-0007, which is attached hereto as Attachment A.

Attachment A

Additional language shown in underline. Deleted language in ~~strikethrough~~.

Section 1. Section 19.04.040(C), Standards for Parcels with Multiple Zoning Districts, West Hollywood Municipal Code, of Chapter 19.36 of Title 19 shall be amended as follows:

C. Standards for Parcels with Multiple Zoning Districts. Where a parcel is zoned in two or more zoning districts, each portion of the parcel in a separate district shall be developed and used in compliance with the requirements of the applicable district. Where a parcel is zoned in both commercial and residential zoning districts, the portion of the parcel in any residential district shall be developed as one site while the portion of the parcel in commercial districts shall be developed as a separate site.

Section 2. Section 19.36.170, Mixed-Use Projects, West Hollywood Municipal Code, of Chapter 19.36 of Title 19 shall be amended as follows:

19.36.170 Mixed-Use Projects.

(See also Sections 19.10.050 (Commercial Development Incentives), and 19.28.060 (Reduction of Off-Street Parking Requirements).

~~A. Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts. A proposal to consolidate abutting residential and commercial parcels into a unified mixed-use project shall comply with the following standards.~~

- ~~1. Minimum Site Area. The proposed parcels shall contain a minimum aggregate area of 60,000 square feet.~~
- ~~2. Zoning District Limitations. Each residential parcel included in the project shall be designated within the R3 or R4 zoning districts.~~
- ~~3. Density. The residential density of the project shall not exceed that allowed by the applicable residential zoning district.~~
- ~~4. Ground Floor Uses. The portions of the ground floor of a mixed-use project adjacent to a public street frontage shall be used as follows:
 - ~~a. Commercial Frontage. Residential uses shall not be located within 50 feet of the site street frontage within a commercial zoning district; and~~
 - ~~b. Residential Frontage. Only residential uses shall be developed along the site street frontage within a residential zoning district.~~~~

- ~~5. Existing Alleys. Existing alleys shall be retained within the project unless the review authority determines that the alleys are not needed for loading or circulation.~~
- ~~6. Design Standards. A proposed mixed-use project shall be designed and constructed to:
 - ~~a. Be compatible with and complement adjacent land uses;~~
 - ~~b. Maintain the scale and character of development in the immediate neighborhood;~~
 - ~~c. Maintain or increase the existing number of residential units generally and specifically those for seniors and low- and moderate-income households; and~~
 - ~~d. Mitigate glare, light, noise, traffic, and other potential environmental impacts to the maximum extent feasible.~~~~
- ~~7. Loss of Neighborhood Commercial Uses. The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.~~

~~B. Mixed-Use Projects in Commercial Zoning Districts. A proposal to construct a new mixed-use project within a commercial zoning district shall comply with the following standards:~~

- ~~1. Density. The allowable density of the project for both commercial and residential uses shall be based on the allowable FAR and any bonuses or incentives that are approved.~~
- ~~2. Location of Uses. Commercial and residential uses within a mixed-use project shall be fully separated, with residential units limited to the rear portion of the first story, or on the second and higher stories.~~
- ~~3. Residential Parking. All parking spaces required for the residential use shall be provided on-site. Parking spaces to serve the residential units shall be specifically designated and shall be reserved for the exclusive use of the residents.~~
- ~~4. Existing Alleys. Existing alleys shall be retained within the project.~~
- ~~5. Open Space Requirements. Mixed-use projects shall meet total square footage of open space required in Section 19.36.280; however, the review authority may permit the common open space to be decreased or eliminated as long as there is an equal increase in private open space that results in the same total open space square footage as would otherwise be required.~~

~~C. Mixed-use Projects that Span Both Residential and the Sunset Specific Plan~~

~~Zoning Districts. A proposal to consolidate abutting residential and Sunset Specific Plan parcels into a unified mixed-use project shall comply with the following standards:~~

- ~~1. Maximum Height. Each R4 residential parcel included in the project shall have a maximum height limit of 45 feet, four stories.~~
- ~~2. Maximum Average Unit Size. No maximum average unit size shall be required for each R3 or R4 residential parcel included in the project.~~
- ~~3. Required Density. No minimum density shall be required for each R3 or R4 residential parcel included in the project.~~

PC RESOLUTION

SUBJECT: ZONE TEXT AMENDMENT REGARDING PROJECTS SPANNING
COMMERCIAL AND RESIDENTIAL DISTRICTS

PREPARED BY: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT
(Bianca Siegl, Long Range Planning Manager)
(Rachel Dimond, AICP, Senior Planner)

STATEMENT ON THE SUBJECT:

The Planning Commission will hold a public hearing to consider a zone text amendment (ZTA) to amend standards for projects spanning commercial and residential districts. The proposed amendments will eliminate the minimum aggregate lot size, require a prevailing front setback along street fronting residential zones, and will require ground floor setbacks to be equal or greater than if the project was developed separately. The purpose of this public hearing is for the Planning Commission to provide a recommendation to the City Council on the proposed ZTA.

RECOMMENDATION:

Staff recommends the Planning Commission hold a public hearing, listen to all pertinent testimony, and adopt the following resolution:

1. Draft Resolution No. PC 19-1318: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO TITLE 19, ZONING ORDINANCE, TO MODIFY STANDARDS FOR PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

BACKGROUND / ANALYSIS:

The purpose of this item is to amend the standards for projects that span both commercial and residential zone districts. Previously, the City Council considered banning projects that span both commercial and residential zone districts (“previous version”), but declined to adopt that Zone Text Amendments and requested that s develop specific standards to increase neighborhood compatibility for these types of projects. Because the item has changed significantly since Planning Commission last heard this item, the West Hollywood Municipal Code requires that the item be remanded back to the Planning Commission for consideration.

Prior Actions by Reviewing Bodies:

On January 23, 2017, the City Council directed staff to bring forward a zone text amendment that addresses development projects that span both commercial and residential zone districts. The Council item identified the following concerns with this type of development:

- Maintaining neighborhood livability and the integrity of existing residential zones adjacent to commercial zone districts;
- Ability to develop appropriately scaled and sustainably-designed mixed use projects that address climate change and our local ecological footprint; and
- Impact of larger buildings on residential buildings' solar access.

The Council's initial recommendation was to require projects spanning commercial and residential districts to be developed as though the lots were not being tied, with separate buildings meeting all development standards of each zone district (i.e. setbacks, height, density, open space, parking, loading, etc.) and to require that any bonuses, incentives, and/or concessions be applied to each building within their individual zone district. The Council's recommendation would provide for additional space between zone districts in the form of setbacks, but would eliminate any efficiency created by combining parcels for one development site.

To address the Council's direction, staff developed four options:

1. Require separate development of commercial and residentially zoned properties;
2. Allow only subterranean connection between buildings separated by commercial and residential zone district boundaries;
3. Require street-facing side yards in residential zone districts to maintain front setback requirements along the street to match neighboring residential properties, thus improving neighborhood compatibility; and/or
4. No change to regulations.

On June 21, 2018, the above options went before the Planning Commission Long Range Subcommittee. The Subcommittee discussed the need for landscaping buffers and open space, maintaining neighborhood compatibility, and allowing flexibility for mixed-use projects. The Subcommittee members voiced support for two concepts, including Council's recommendation to require separate development in different zone districts, and conversely, the no change alternative 4.

On August 2, 2018, the Planning Commission held a public hearing to consider the previous version, and was presented with all four alternatives. The Planning Commission recommended that projects spanning commercial and residential zone districts be developed as fully separated projects, and requested eliminating Municipal Code sections on specific requirements for projects that span commercial and residential zone districts. On August 16, 2018, the Planning Commission adopted Resolution 18-1277, which included additional language to implement their recommendation.

On October 1, 2018, the City Council held a public hearing on the previous version of the ZTA, with staff forwarding the Planning Commission recommendation adopted in Resolution 18-1277. A motion to approve the item was made and seconded, but failed to be adopted. A subsequent motion was adopted to direct staff to return to the Council with specific recommendations for amendments to standards for projects spanning commercial and residential zone districts, including requirements for additional greenery, respect of the residential neighborhood and requirements for exemplary design. The Zoning Ordinance requires Planning Commission input if there are significant changes to an item.

On February 21, 2019, this item was again discussed at the Long Range Planning Subcommittee of the Planning Commission. The Long Range Subcommittee had the following comments:

- Concerned about eliminating minimum lot size
- Desire to maintain compatibility in residential neighborhoods
- Concerned with loss of interior setback between districts
- Emphasis on walkability and sight lines
- Preference for variability in projects, not specific standards that result in uniformity of design

EXISTING REGULATIONS:

The existing regulations (see Exhibit C) for projects that span both commercial and residential districts allow legally combined sites of 60,000 square feet or more to be developed as one property, with setbacks only required at the outer extents of the combined site property lines, and buildings permitted to cross district boundaries. Buildings are required to meet all other standards applicable to each district, including height and density standards.

Mixed-use projects that span both commercial and residential zone districts are required to comply with Section 19.04.040(C), Standards for Parcels with Multiple Zoning Districts, Section 19.36.170(A) Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts and Section 19.36.170(C) Mixed-Use Projects that Span both Residential and the Sunset Specific Plan Zoning Districts, as applicable. Projects spanning commercial and residential districts are only permitted in the R3 and R4 residential zoning districts. Density cannot exceed that allowed by the applicable residential district. Ground floor uses have specific limitations and distance requirements, with residential uses not permitted within 40 feet of the street frontage in the commercial district, and only developed alongside street frontages in residential districts. Alleys are required to be maintained, unless determined to be unnecessary for loading or circulation (which would be rare considering the circulation and parking access typically utilizes the alley). Projects are required to be compatible with adjacent land uses, and maintain the scale and character of a neighborhood. Further, the regulations require that new development maintain or increase the number of residential units and commercial square footage on site.

Projects:

There are two pending projects that span both commercial and residential zone districts, including 8555 Santa Monica Boulevard (Collar and Leash) and 7985 Santa Monica Boulevard (French Market). Both projects are on sites less than 60,000 square feet and are requesting relief from this requirement in the form of a waiver or incentive.

Additionally, the two projects that span both commercial and residential zone districts that have been entitled thus far have been through development agreements or specific plans, including the following:

- Sunset Time (Sunset Specific Plan, and Sunset Specific Plan R4)
- 8899 Beverly (CN1 and R1- entitled as 8899 Beverly Specific Plan)

No projects spanning commercial and residential zone districts have been entitled or built without modifications to the existing standards.

STAFF RECOMMENDATION:

The Council requested that staff return with specific recommendations for amendments to standards for projects spanning commercial and residential zone districts, including requirements for additional greenery, respect of the residential neighborhood and requirements for exemplary design. Staff assessed a number of design guideline and development standard options.

In order to address Council's concerns, staff recommends the following amendments to the requirements for projects spanning commercial and residential zone districts:

1. Eliminate the 60,000 SF aggregate lot size requirement
2. Required prevailing front setback along the residential street side setback.
3. Require that total ground floor setback areas are equal or greater to what would be required if the project was developed separately
4. Design Guidelines for commercial and mixed use development to be prepared in the future by the Urban Design and Architecture Studio

1. Minimum Aggregate Lot Size: The current code requires that the lot area for mixed use projects in both residential and commercial districts be a minimum of 60,000 square feet. The regulation was established with the Zoning Code rewrite of 1992. Staff recommends eliminating this provision in order to allow smaller mixed use projects that span both commercial and residential zone districts. This addresses City Council's concerns to maintain the ability to develop appropriately scaled projects that are more environmentally friendly. The aggregate lot size requirement makes it difficult to build mixed use projects that span commercial and residential zone districts because it can be challenging to assemble adjacent lots large enough. The minimum lot size is 5,000 square feet for all applicable zone districts, so effectively this requirement means assembling 12 minimum sized lots. As noted above, the two pending projects that span both commercial and residential zone districts have requested waivers from this requirement.

The ability to build on smaller parcels would have two primary impacts: (1) allow for smaller projects that are more compatible with the neighborhood, but (2) would also allow for more sites that can accommodate these types of projects. There are 43 blocks in the city that have commercial zones directly adjacent to R3 or R4 zones (not separated by an alley) that can accommodate a 60,000 SF development (see Exhibit D for map). While a 60,000 SF lot can be accommodated, the ability to reduce the size of the aggregate lots will heavily reduce the impact of a project on each block because it will reduce the size of the project itself. There are also four blocks, shown in Figure 2 below, that are less than 60,000 SF and would not qualify for projects spanning commercial and residential zone districts. In order to develop projects spanning both commercial and residential zone districts on these blocks, some form of relief from the minimum aggregate lot size would have to be

requested. As evidenced by the examples below in Figure 1, a 60,000 SF aggregate lot, shown as an outline in green, takes up a large portion of these example blocks.

Alternative: While staff recommends that this provision be eliminated completely, one alternative to this elimination would be to cut the required aggregate lot size to 20,000 SF. This would allow for projects to be more in line with other mixed use projects within the City that are compatible with the adjacent neighborhood. As an example, the Crown Project at 8350 Santa Monica Boulevard is on a 20,281 SF lot. While it does not span both commercial and residential zone districts, it provides a good idea of the scale of projects along commercial boulevards that also border residential streets. Further, 20,000 SF represents four minimum sized lots in both commercial and residential zone districts that would need to be assembled to meet this alternative recommendation.

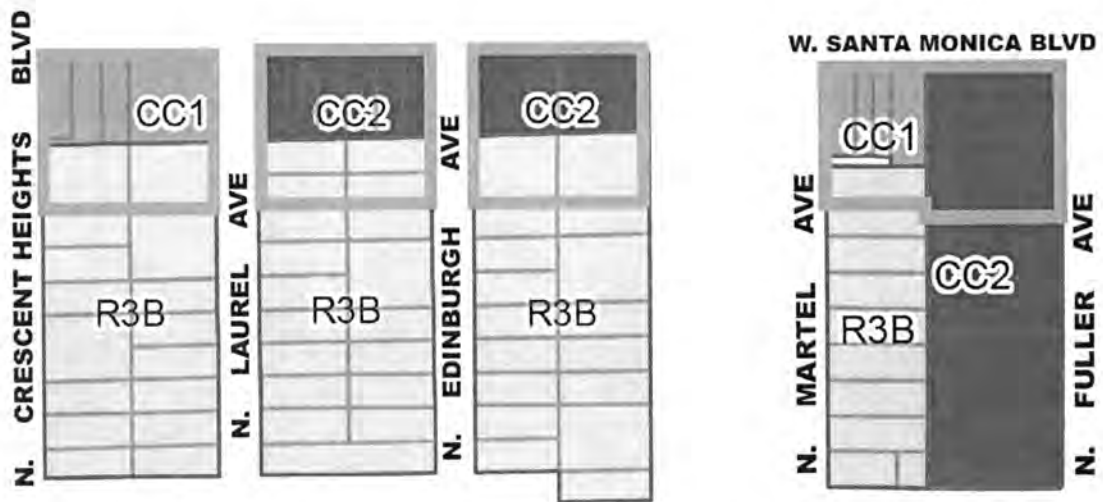


Figure 1: Examples of 60,000 SF aggregate lot size along applicable blocks

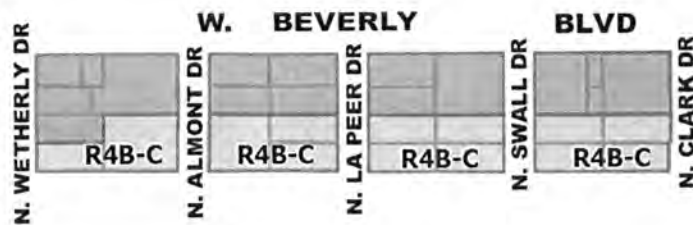


Figure 2: Blocks that are <60,000 SF total

2. Setback along Residential Street Frontage: In projects that span commercial and residential zone districts, the property line adjacent to a commercial street is deemed the front property line, and as a result, a side property line and side setback requirement, are along the side residential street. This can result in incompatibility because adjacent residential properties are required to utilize the front setback along the residential street. Staff determined that an effective course of action to improve open space and neighborhood compatibility would be to require side setbacks along residential streets to be built to match residential front setback requirements so setbacks are consistent with neighboring properties. This could reduce the size of the building on the residential property, and would also ensure that the development has a similar setback pattern to the rest of the residential neighborhood. This would address the Council's concerns by maintaining existing neighborhood development patterns and integrity by maintaining prevailing front setbacks along a residential street frontage. It would also lead to appropriately scaled projects, and would increase access to light and air at the street frontage. See figures 3 and 4 for graphical representation of this requirement.

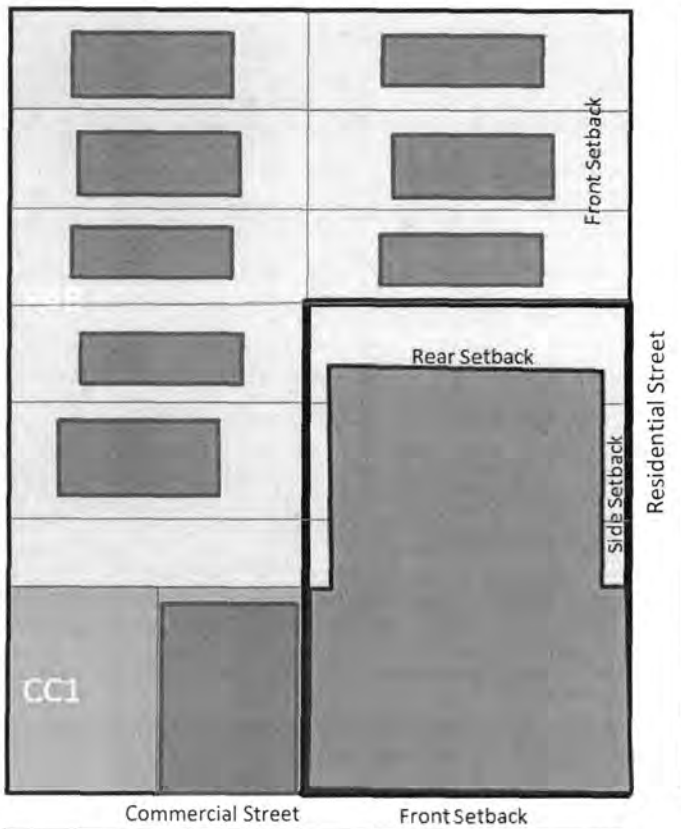


Figure 3: Existing Regulations for Projects Spanning Commercial and Residential Districts

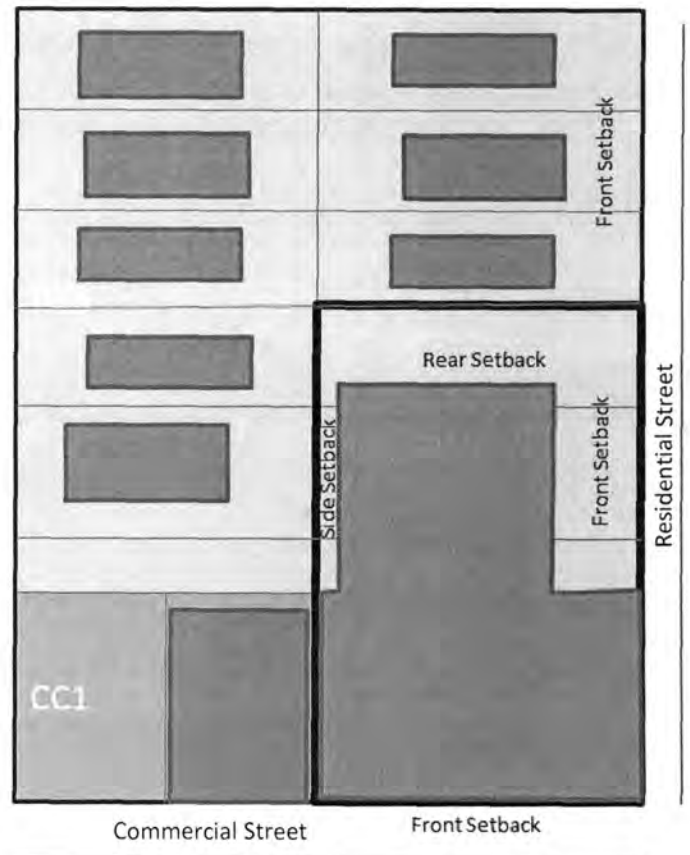


Figure 4: Proposed Front Setback Regulation for Projects Spanning Commercial and Residential Districts

3. Setback Area on Ground Floor: The proposed ZTA would require that the total cumulative setback area be equal or greater to that required if the properties were developed separately within each zone district. This would result in no net loss of ground floor open air setback area for projects that combine residential and commercial lots for development. For example, if the required setbacks for a project on a commercial site totaled 10,000 square feet of setback area, and a residential project requires 5,000 square feet of setback area, the combined mixed use project would be required to provide at least 15,000 square feet of ground floor open space, including required setback areas around the perimeter of the project. This will help ensure that these types of projects do not excessively reduce ground floor setback area as open space.

As an example, Figure 5 shows two separate projects in two zone districts and Figure 6 shows one project with the front setback requirement along residential streets. Table 1 on the next page shows the required setback areas, and shows that the proposed required no net loss of setback area on the ground floor would require an additional 3662.5 SF of setback area to be added to the sample project in Figure 6. This area would be required on the perimeter of the building, and not in a fully enclosed courtyard. A potential location to provide additional ground floor open space is identified in yellow in Figure 6.

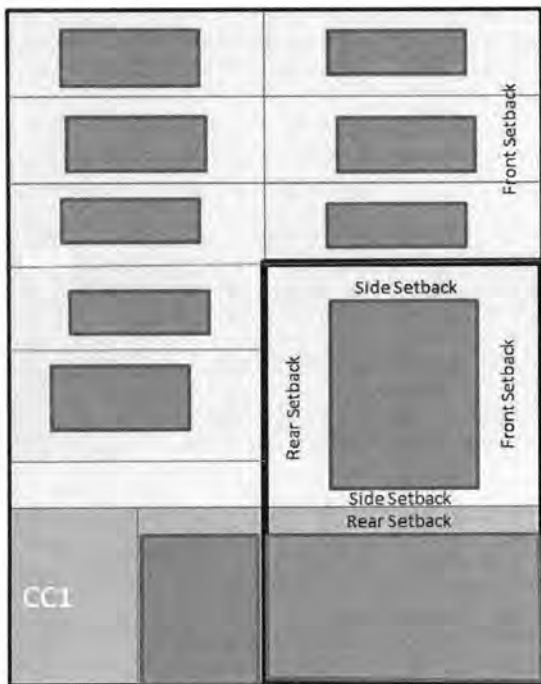


Figure 5: Existing Regulations for Projects Spanning Commercial and Residential Districts

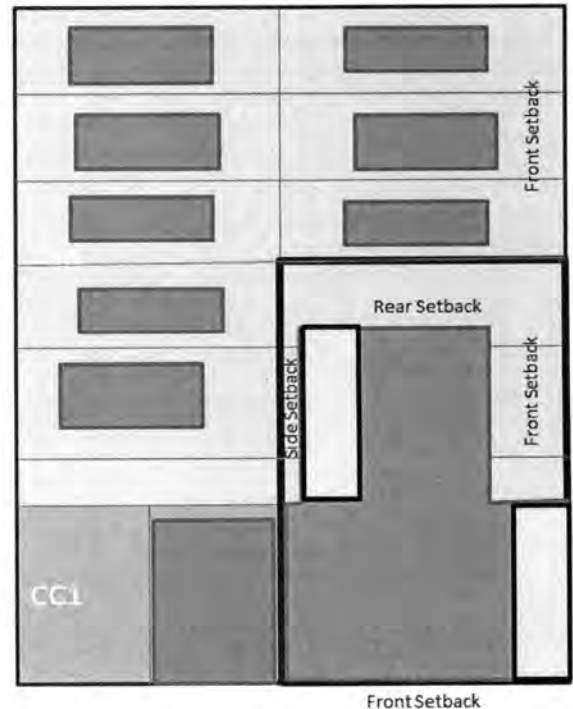


Figure 6: Proposed Regulations for Projects Spanning Commercial and Residential Districts

Table 1: Summary of Setbacks: Sample Project

	Lot dimensions	Front Setback	Side Setback	Side Setback #2	Rear Setback	TOTAL setback area
CC1	200' front x 130' side	0 SF	0 SF	0 SF	10' x 200' = 2000 SF	2000 SF
R4B	170' front x 200' side	7.5' x 170' = 1,275 SF	5' x 200'(minus front 7.5' and rear 15')= 5' x 177.5 = 887.5 SF	5' x 200'(minus front 7.5' and rear 15')= 5' x 177.5 = 887.5 SF	15' x 170' = 2,550 SF	5600 SF
TOTAL IF PROJECTS DEVELOPED SEPARATELY						8600 SF
CC1 + R4B	200' front x 300' side	Along commercial: 0 SF	Residential Front Setback Required: along residential street: 7.5' x 170' (minus rear 15') = 7.5' x 155' 1,162.5 SF	5' x 170' (minus rear setback 15')= 5' x 155'= 775 SF	15' x 200' = 3000 SF	4937.5 SF
TOTAL IF DEVELOPED TOGETHER UNDER CURRENT REGULATIONS:						4937.5SF
ADDITIONAL OPEN SPACE REQUIRED UNDER PROPOSED ZTA:						3662.5SF (42% INCREASE)

Exemplary Design:

Recent changes in the Housing Accountability Act support the inclusion of objective development standards, which help the City achieve its design goals while also implementing the various state laws that promote affordable housing. Essentially, in order to be enforceable under state law, all design guidelines and development standards need to be objective and cannot be arbitrary in nature. The term exemplary design is utilized as a threshold for deviation from the second floor setback. Staff considered a provision requiring exemplary design in response to the Council's direction, but opted not to include this required finding, as it is not an objective standard. A zone text amendment to further define exemplary design is on hold for future completion by the Urban Design and Architecture Studio Manager.

Conclusion

The proposed Zone Text Amendments will allow for smaller projects on smaller lots, and will increase ground floor open space and setbacks on projects that span commercial and residential zone districts. This addresses the Council's concerns to improve neighborhood compatibility and increase green space. Should the Planning Commission seek to provide an alternative direction, some alternative options are outlined below.

Alternatives:

1. Recommend projects spanning commercial and residential zone districts be prohibited: This is the previous recommendation of the Planning Commission.
2. Recommend an alternative minimum aggregate lot size rather than eliminate the minimum requirement of 60,000 SF, such as the 20,000 SF discussed above.
3. Recommend no change to the existing regulations. This option would maintain status quo, but would not address the Council's direction. Mixed use projects that span commercial and residential zone districts would continue to be governed by the applicable regulations that apply to each district. The overall flexibility of the regulations would help facilitate creative development, and existing regulations such as the aggregate lot size could be requested to be waived or amended as an affordable housing concession. By maintaining the 60,000 square foot minimum for projects spanning commercial and residential districts, the code would continue to support larger mixed use projects.

EXHIBITS

- A. Draft Resolution No. PC 19-1318
- B. Index to Zoning Code Changes
- C. Existing Regulations
- D. Map Exhibit

Index to Zoning Code Changes

Code Section	Equivalent Section in Current Code	Description of Change
<p>Title 19 Zoning Ordinance Article 19-3 Site Planning and General Development Standards Chapter 19.36 Standards For Specific Land Uses</p> <p>19.36.170 Mixed Use Projects</p> <p>19.36.170A Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts</p>		
<p>Subsection 19.36.170A(1)</p>	<p>N/A</p>	<p>Delete minimum lot size requirements; require utilizing the required residential front setback for residentially zoned street fronting side yards for mixed use projects that span both commercial and residential zone districts; require setback area equal or greater than projects that are developed separately.</p>

EXHIBIT D: APPLICABLE EXISTING REGULATIONS (IN PART)

19.04.040 Zoning District Regulations.

C. Standards for Parcels with Multiple Zoning Districts. Where a parcel is zoned in two or more zoning districts, each portion of the parcel in a separate district shall be developed and used in compliance with the requirements of the applicable district.

19.36.170 Mixed-Use Projects.

(See also Sections 19.10.050 (Commercial Development Incentives), and 19.28.060 (Reduction of Off-Street Parking Requirements).

A. Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts. A proposal to consolidate abutting residential and commercial parcels into a unified mixed-use project shall comply with the following standards.

- 1. Minimum Site Area. The proposed parcels shall contain a minimum aggregate area of 60,000 square feet.*
- 2. Zoning District Limitations. Each residential parcel included in the project shall be designated within the R3 or R4 zoning districts.*
- 3. Density. The residential density of the project shall not exceed that allowed by the applicable residential zoning district.*
- 4. Ground Floor Uses. The portions of the ground floor of a mixed-use project adjacent to a public street frontage shall be used as follows:
 - a. Commercial Frontage. Residential uses shall not be located within 50 feet of the site street frontage within a commercial zoning district; and*
 - b. Residential Frontage. Only residential uses shall be developed along the site street frontage within a residential zoning district.**
- 5. Existing Alleys. Existing alleys shall be retained within the project unless the review authority determines that the alleys are not needed for loading or circulation.*
- 6. Design Standards. A proposed mixed-use project shall be designed and constructed to:
 - a. Be compatible with and complement adjacent land uses;*
 - b. Maintain the scale and character of development in the immediate neighborhood;*
 - c. Maintain or increase the existing number of residential units generally and specifically those for seniors and low- and moderate-income households; and*
 - d. Mitigate glare, light, noise, traffic, and other potential environmental impacts to the maximum extent feasible.**
- 7. Loss of Neighborhood Commercial Uses. The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.*

C. Mixed-use Projects that Span Both Residential and the Sunset Specific Plan Zoning Districts. A proposal to consolidate abutting residential and Sunset Specific Plan parcels into a unified mixed-use project shall comply with the following standards:

- 1. Maximum Height. Each R4 residential parcel included in the project shall have a maximum height limit of 45 feet, four stories.*
- 2. Maximum Average Unit Size. No maximum average unit size shall be required for each R3 or R4 residential parcel included in the project.*
- 3. Required Density. No minimum density shall be required for each R3 or R4 residential parcel included in the project.*



**Projects Spanning Commercial and Residential Zone Districts:
Applicable Blocks**

May 16, 2019



ITEM 10.C. EXHIBIT D



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
May 16, 2019**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

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

1. **CALL TO ORDER:** Chair Jones called the meeting of the Planning Commission to order at 6:40 p.m.

2. **PLEDGE OF ALLEGIANCE:** Cathy Blavis led the Pledge of Allegiance.

3. **ROLL CALL:**
Commissioners Present: Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalho, Chair Jones.

Commissioners Absent: Erickson.

Staff Present: Laurie Yelton, Associate Planner, Rachel Dimond, Senior Planner, John Gilmore, Principal Civil Engineer, Gwynne Pugh, Urban Design Consultant, David DeGrazia, Current and Historic Preservation Planning Manager, Bianca Siegl, Long Range Planning Manager, Peter Noonan, Rent Stabilization and Housing Manager, John Keho, Director, Planning and Development Services Department, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.

4. **APPROVAL OF AGENDA.**
Move New Business Item 11.A. – Exemplary Design Discussion before Public Hearing Item 10.A. – 8000-8022 Fountain Avenue; 1281 N. Laurel Avenue.

ACTION: Approve the Planning Commission Agenda of Thursday, May 16, 2019 as amended. **Moved by Commissioner Hoopingarner, seconded by Commissioner Buckner and passes, noting Commissioner Erickson absent.**

5. **APPROVAL OF MINUTES.**

A. **May 2, 2019**

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, May 2, 2019 as presented. **Moved by Commissioner Bass, seconded by Commissioner Hoopingarner and passes, noting Commissioner Erickson absent.**

3. 19.26.040 – Areas of Required Landscaping: This section mandates the areas where landscaping is required. This amendment adds a reference to the proposed parkway standards (11.46).
4. 19.36.030 – Property Maintenance Standards: Subsection J of 19.30.030 makes it a violation to fail to maintain the landscape and hardscape and makes references to several other codes which should be referred to. This amendment adds a reference to the proposed parkway chapter (11.46).

The commission requested clarification regarding the maintenance of parkways, parkway design standards, poisonous landscaping, and questioned public outreach to the Public Facilities Commission.

Rachel Dimond, Senior Planner alleviated the concerns regarding the term “poisonous”, and stated staff will look into clarifying Chapter 11.46 before it is submitted to City Council.

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

RICHARD GIESBRET, WEST HOLLYWOOD has concerns regarding this item. He spoke regrading green space and minimizing hardscape.

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

Commissioner Bass moved to: 1) approve staff’s recommendation to City Council recommending approval.

Seconded Commissioner Buckner.

ACTION: 1) **Adopt Resolution No. PC 19-1324 as presented:** “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A ZONE TEXT AMENDMENT TO MODIFY THE ZONING ORDINANCE, TITLE 19, TO ADD REFERENCES TO NEW PARKWAY STANDARDS IN TITLE 11, WEST HOLLYWOOD, CALIFORNIA;” and 2) Close the Public Hearing for Item 10.B. **Moved by Commissioner Bass, seconded by Commissioner Buckner and passes, noting Commissioner Hoopingartner voting NO, and Commissioner Erickson absent.**

C. Zone Text Amendment, Projects Spanning Commercial and Residential Zone Districts.

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, May 16, 2019.

She provided a background history and stated the Planning Commission will consider a zone text amendment to amend standards for projects spanning commercial and residential districts.

The proposed amendments will eliminate the minimum aggregate lot size, require a prevailing front setback along street fronting residential zones, and will require ground floor setbacks to be equal or greater than if the project was developed separately.

She spoke and detailed existing policy, original council intent, previous actions, map of applicable locations, examples of 60,000 square-foot lots, blocks of less than 60,000 square-feet, prevailing front setback in residential, no net loss in setback areas, and alternatives.

She stated City Council requested that staff return with specific recommendations for amendments to standards for projects spanning commercial and residential zone districts, including requirements for additional greenery, respect of the residential neighborhood and requirements for exemplary design. Staff assessed a number of design guideline and development standard options.

In order to address Council's concerns, staff recommends the following amendments to the requirements for projects spanning commercial and residential zone districts:

1. Eliminate the 60,000 SF aggregate lot size requirement
2. Required prevailing front setback along the residential street side setback.
3. Require that total ground floor setback areas are equal or greater to what would be required if the project was developed separately
4. Design Guidelines for commercial and mixed use development to be prepared in the future by the Urban Design and Architecture Studio

Alternatives:

1. Recommend projects spanning commercial and residential zone districts be prohibited: This is the previous recommendation of the Planning Commission.
2. Recommend an alternative minimum aggregate lot size rather than eliminate the minimum requirement of 60,000 SF, such as the 20,000 SF discussed above.

3. Recommend no change to the existing regulations. This option would maintain status quo, but would not address the Council's direction. Mixed use projects that span commercial and residential zone districts would continue to be governed by the applicable regulations that apply to each district. The overall flexibility of the regulations would help facilitate creative development, and existing regulations such as the aggregate lot size could be requested to be waived or amended as an affordable housing concession. By maintaining the 60,000 square foot minimum for projects spanning commercial and residential districts, the code would continue to support larger mixed use projects.

The commission questioned how 60,000 square-feet was attained, lot sizes, properties that may include alleys, and community interactions.

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

GREG PORT, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding square-footage and neighborhood compatibility. He questioned why this is going forward.

STEVE MARTIN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding commercial development and residential displacement.

DANIELLE WILSON, WEST HOLLYWOOD opposes staff's recommendation of approval to the City council.

CYNTHIA BLATT, WEST HOLLYWOOD opposes staff's recommendation of approval to the City Council.

STEPHANIE HARKER, WEST HOLLYWOOD opposes staff's recommendation of approval to the City Council.

EDWARD LEVIN, WEST HOLLYWOOD has concerns regarding this item. He questioned what should be allowed to span zones by right; and what should not be allowed to span zones by right. He further spoke regarding subterranean parking, separating commercial and residential buildings, and specific plans.

RICHARD GIESBRET, WEST HOLLYWOOD opposes staff's recommendation of approval to the City Council.

THE FOLLOWING CHOSE NOT TO PUBLICLY SPEAK, BUT OPPOSE STAFF'S RECOMMENDATION OF APPROVAL TO CITY COUNCIL:
VIRGINIA GILLICK, WEST HOLLYWOOD, KIMBERLY COPELAND, WEST HOLLYWOOD, SUSANA LAGUDIS, WEST HOLLYWOOD, CATHY BLAIVIS, WEST HOLLYWOOD.

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

The commission discussed and made comments regarding the 60,000 square-foot, CEQA implications, subterranean parking, spanning commercial and residential lots, neighborhood capability, and use of specific plans.

The commission stood by their original decision and recommendation to City Council and spoke in support of Alternate No. 1

Commissioner Hoopingarner moved to: 1) recommend Alternative No. 1 to City Council; noting that any other recommendation provided by staff to City Council is not the recommendation directed by the commission.

Seconded by Commissioner Altschul.

ACTION: 1) **Adopt Resolution No. PC 19-1318 as amended: a) *Alternative No. 1 shall be presented to City Council.* "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO TITLE 19, WEST HOLLYWOOD ZONING ORDINANCE, TO MODIFY STANDARDS FOR PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS, WEST HOLLYWOOD CALIFORNIA;" and 2) Close the Public Hearing for Item 10.C. Moved by Commissioner Hoopingarner, seconded by Commissioner Altschul and passes, noting Commissioner Erickson absent.**

11. NEW BUSINESS.

A. Exemplary Design Discussion.

ACTION: 1) This item was heard out of order and placed before Public Hearing items as part of the amended agenda. **Moved by Commissioner Hoopingarner, seconded by Commissioner Buckner and passes, noting Commissioner Erickson absent.**

12. UNFINISHED BUSINESS. None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update. None.


APPROVED
1/23/17
RECOMM. #1
with add'l
Direction

CITY COUNCIL
UNFINISHED BUSINESS

JANUARY 23, 2017

SUBJECT: **DEVELOPMENT STANDARDS FOR PROJECTS THAT SPAN
BOTH COMMERCIAL AND RESIDENTIAL ZONING DISTRICTS**

INITIATED BY: **MAYOR LAUREN MEISTER**

PREPARED BY: Andi Lovano, Project Development Administrator 

STATEMENT ON THE SUBJECT:

In order to maintain neighborhood livability and the integrity of existing residential zones adjacent to commercial zoning districts, and to promote appropriately scaled and sustainably-designed mixed use projects that address climate change and our local ecological footprint, the City Council will consider amending the Zoning Ordinance with regard to mixed-use projects that combine properties located in both residential and commercial zoning districts.

RECOMMENDATIONS:

1. Direct the Community Development Department's Long Range & Mobility Planning Division to draft a Zone Text Amendment to establish that when a lot tie is requested that would tie together adjacent properties that span commercial and residential zoning districts, the project shall be reviewed and evaluated with respect to development standards as a separate commercial or mixed-use project(s) within a commercial zone and an independent residential project within a residential zone as if they were on separate lots as they existed before the parcel combination (lot tie) occurred.
 - a. For each lot, all development standards for setbacks, height, density, open space, parking, loading, etc., for its respective zoning district, shall apply.
 - b. Bonuses, incentives and/or concessions shall be applied within their individual zones and shall not be combined or transferred across original lot lines from one zone to another.
2. If the developer obtains a lot line adjustment or buildings straddle the lot line for other reasons (for example, in the case of a Specific Plan), the developer would be required to provide buffer and green space on other parts of the property to accommodate the loss of open space between the lots.

ALTERNATIVE:

Direct the Community Development Department to draft a Zone Text Amendment to amend Section 19.36.170 to prohibit new developments from spanning the commercial and residential zone boundaries (and lot lines) which would result in one building that does not provide separation and green space between the lots and zones.

BACKGROUND / ANALYSIS:

This item was originally brought forward at the City Council meeting on November 7, 2016. It was tabled to a future meeting to allow for further discussion.

The West Hollywood Municipal Code ("W.H.M.C.") provides density bonuses, incentives and concessions for new development projects. The affordable housing density bonuses, incentives and concessions have been amended to be consistent with State density bonus laws contained in Government Code Section 65915 (sometimes referred to as "SB 1818"). Affordable housing bonuses, incentives and concessions apply equally to housing projects in both residential and commercial zones. Pursuant to California law, the density bonus is supposed to be calculated by the number and types of affordable units being provided and is to be applied solely to the residential/housing portion of a project.

In addition, the W.H.M.C. also provides mixed-use development incentives and Green Building incentives in limited commercially-zoned areas along Santa Monica Boulevard, Beverly Boulevard, La Cienega Boulevard, Fairfax Avenue and La Brea Avenue for mixed-use projects that include both commercial and residential development. These incentives are currently applied in addition to the City's affordable housing density bonus, incentives and concessions.

Over the last few years, the implementation of the state density bonus, combined with our local mixed-use and "green building" bonuses has resulted in an unprecedented influx of large-scale development along the City's commercial corridors. Many of the new projects have been eligible to apply three separate bonus or incentive offerings resulting in these type of developments being granted much more floor area and up to two extra stories than what would have otherwise been allowed according to the base zoning and scale for the site as envisioned in the General Plan.

Issue:

Unintended consequences have arisen based on the combining of adjacent residential parcels with commercial parcels for mixed-use projects. When adjacent commercial and residentially zoned properties are combined there is the potential for significant land use and environmental impacts because of unanticipated relationships between scale, character and height, significant impacts from reduced access to sunlight and increased introduction of shade and shadow into open spaces, and the elimination of setbacks

and open landscaped green space between zoning districts. This type of development results in greater impacts on both zones with projects that do not complement one another and/or have land uses that are not compatible with one another. Furthermore, the manner in which height is measured between the commercial and residential properties contributes to greater scale than otherwise intended.

In addition, this type of development is creating larger scale and more dense projects than what was anticipated by our community, and at the expense of maintaining the City's character and neighborhood livability. Environmentally it is also contributing to a reduction in the City's green space, the export of the City's fertile topsoil, reducing access to the sun when solar generated power will be needed in the future, and an increase of a local "heat island effect." These impacts directly affect local climate change, an arena the City has taken great pains to address.

Further, the number of comments and complaints the City has received in recent years from community members concerned about neighborhood livability, over-scaled residential and mixed-use development, parking standards, traffic congestion, loss of small neighborhood-serving business, and the change of the City's "main street" character along Santa Monica Boulevard, has increased at a demonstrable rate. In fact, a clear majority of over 50% of residents noted "too much growth and development" as a serious problem in a recent survey conducted for the City.

Proposed Zone Text Amendment:

Figure 1 below illustrates an example of two neighboring commercial and residential zoning districts.



Figure 1: Zoning Districts

Current Zoning Code (Section 19.36.170, included as Attachment 1) allows for mixed-use projects that span both residential and commercial zoning districts to consolidate parcels into a unified mixed-use project with certain restrictions, as seen in Figure 2.

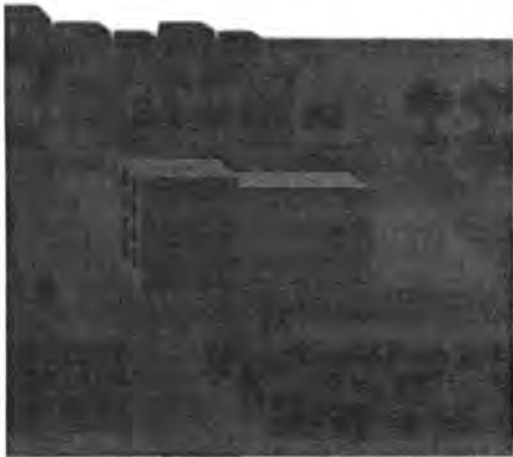


Figure 2: Current Zoning Allowances

This item proposes a change to the Zoning Code that would require mixed-use projects that span both residential and commercial zoning districts to be reviewed and evaluated separately, as seen in Figure 3 below.



Figure 3: Proposed Zoning Code Change

West Hollywood has become an exceedingly attractive locale for new development, with or without any incentives. This is a unique time for the Creative City – an opportunity to encourage not only interesting, exceptional, well-designed projects, but development that complements and also enhances our diverse neighborhoods, and meets the highest environmental standards.

This item is consistent with the City's codes and policies:

- W.H.M.C. 19.36.170 specifically requires "Design Standards" – i.e., that a proposed mixed-use project shall be designed and constructed to be compatible with and complement adjacent land uses (a), and maintain the scale and character of

development in the immediate neighborhood (b).

- In 2011, the City of West Hollywood adopted a Climate Action Plan (CAP), "designed to address climate change and reduce the community's greenhouse gas (GHG) emissions at the local level." The CAP states "West Hollywood community members, employees, and elected officials have expressed a strong desire for the City to continue to take aggressive action to do its part to reduce its ecological footprint and remain a national leader in environmental and social initiatives."
- In September 2016, Council approved an initiative to direct staff to review residential, commercial and mixed use project applications and projects in the pipeline, and all future development projects, with specific attention to design standards to ensure solar access for residential and lower scale commercial properties adjacent to proposed development projects so that new construction will not impede on adjacent property owners' ability to comply with State Zero Net Energy Law and Title 24 Energy Standards by integrating solar power (and solar powered domestic water heating systems). To ensure local compliance with State Zero Net Energy Law and Title 24 Energy Standards and avoid future legal challenges, there is an immediate need to address new development projects that will be adjacent to residential properties and/or lower scale commercial and will result in a difference in height of more than 10 feet.

Intent:

Maintaining neighborhood livability is a priority in our General Plan and our community. The intent of this item is to amend the Zoning Ordinance in order to maintain the integrity of residential zones, promote appropriately scaled development and do our part to address climate change and reduce the community's greenhouse gas (GHG) emissions at the local level.

It should be noted that when the City adopted its current multi-family zoning, it specifically removed double or triple incentives and/or bonuses in residential zones in order to promote projects that were compatible with the neighborhood. However, commercial zones were permitted to compile multiple incentives and/or bonuses in order to encourage new housing along commercial transit-oriented corridors.

The unintended consequences of combined parcels have not been addressed specifically, and without a clarification of intent will result in over-scaled development that is not compatible with the surrounding neighborhood and a loss of setbacks and on-grade green space for our urban forest of canopy trees which help protect the City's ecosystem and contribute to a healthier climate.

These amendments would not limit the availability of the affordable housing density bonus for projects that are eligible to receive it. In fact, Governor Jerry Brown recently signed new legislation, AB 2501, which will amend Section 65915 of the Government

Code to make the process of receiving density bonuses more straightforward, as well as other changes that will help facilitate the development of affordable housing. The City, which has been a leader in promoting affordable housing, will continue to do so, but in a way that is environmentally responsible and respectful of its zoning districts and its residents.

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

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- 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:

- G-1.1: Increase and enhance the City's urban forest to capture and store carbon and reduce building energy consumption.
- G-1.3 Establish an innovative program to increase green space throughout the City.
- H-2.4: Establish and maintain development standards that support housing and mixed-use developments while protecting and enhancing the quality of life goals.
- IRC-6: Reduce the City's contribution to global climate change and adapt to its effects.
- LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.
- LU-9: Encourage multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs.
- M-7: Protect and preserve residential neighborhoods from intrusion of non-residential traffic.
- M-8: Manage parking supply to serve residents, businesses and visitors.

EVALUATION PROCESSES:

N/A.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

COMMUNITY ENGAGEMENT:

N/A

OFFICE OF PRIMARY RESPONSIBILITY:

COMMUNITY DEVELOPMENT DEPARTMENT / LONG RANGE & MOBILITY
PLANNING DIVISION

FISCAL IMPACT:

The complexity of the requested zone text amendment may require outside study and support by professional services firms. The scale and timeframe, including whether or not to engage with consultants, will depend on the direction provided by Council during the discussion and final recommendation of this item.

ATTACHMENT:

1. West Hollywood Municipal Code Section 19.36.170 Mixed-Use Project

Title 19 Zoning OrdinanceArticle 19-3 Site Planning and General Development StandardsChapter 19.36 Standards for Specific Land Uses**19.36.170 Mixed-Use Projects.**

(See also Sections 19.10.050 (Commercial Development Incentives), and 19.28.060 (Reduction of Off-Street Parking Requirements)).

A. *Mixed-Use Projects that Span Both Residential and Commercial Zoning Districts.* A proposal to consolidate abutting residential and commercial parcels into a unified mixed-use project shall comply with the following standards.

1. Minimum Site Area. The proposed parcels shall contain a minimum aggregate area of 60,000 square feet.
2. Zoning District Limitations. Each residential parcel included in the project shall be designated within the R3 or R4 zoning districts.
3. Density. The residential density of the project shall not exceed that allowed by the applicable residential zoning district.
4. Ground Floor Uses. The portions of the ground floor of a mixed-use project adjacent to a public street frontage shall be used as follows:
 - a. Commercial Frontage. Residential uses shall not be located within 50 feet of the site street frontage within a commercial zoning district; and
 - b. Residential Frontage. Only residential uses shall be developed along the site street frontage within a residential zoning district.
5. Existing Alleys. Existing alleys shall be retained within the project unless the review authority determines that the alleys are not needed for loading or circulation.
6. Design Standards. A proposed mixed-use project shall be designed and constructed to:
 - a. Be compatible with and complement adjacent land uses;
 - b. Maintain the scale and character of development in the immediate neighborhood;
 - c. Maintain or increase the existing number of residential units generally and specifically those for seniors and low- and moderate-income households; and
 - d. Mitigate glare, light, noise, traffic, and other potential environmental impacts to the maximum extent feasible.
7. Loss of Neighborhood Commercial Uses. The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.

B. *Mixed-Use Projects in Commercial Zoning Districts.* A proposal to construct a new mixed-use project within a commercial zoning district shall comply with the following standards.

1. Density. The allowable density of the project for both commercial and residential uses shall be based on the allowable FAR and any bonuses or incentives that are approved.
2. Location of Uses. Commercial and residential uses within a mixed-use project shall be fully separated, with residential units limited to the rear portion of the first story, or on the second and higher stories.
3. Residential Parking. All parking spaces required for the residential use shall be provided on-site. Parking spaces to serve the residential units shall be specifically designated and shall be reserved for the exclusive use of the residents.
4. Existing Alleys. Existing alleys shall be retained within the project.
5. Open Space Requirements. Mixed-use projects shall meet total square footage of open space required in Section 19.36.280; however, the review authority may permit the common open space to be decreased or eliminated as long as there is an equal increase in private open space that results in the same total open space square footage as would otherwise be required.

C. *Mixed-use Projects that Span Both Residential and the Sunset Specific Plan Zoning Districts.* A proposal to consolidate abutting residential and Sunset Specific Plan parcels into a unified mixed-use project shall comply with the following standards:

1. **Maximum Height.** Each R4 residential parcel included in the project shall have a maximum height limit of 45 feet, four stories.

2. **Maximum Average Unit Size.** No maximum average unit size shall be required for each R3 or R4 residential parcel included in the project.

3. **Required Density.** No minimum density shall be required for each R3 or R4 residential parcel included in the project.

(Ord. 09-813U § 7, 2009; Ord. 09-812 § 7, 2009; Ord. 08-787 § 6, 2008; Ord. 01-594 § 2 (Exh. A), 2001)

View the [mobile version](#).

Memo

To: Mayor, City Councilmembers, City Manager, and City Attorney

From: Yvonne Quarker, City Clerk *YQ*

CC: A. LOVANO

Date: January 20, 2017

Re: Correspondence concerning Item 4.A. on the 1/23/17 Agenda

Attached please find correspondence received relating to Item 4.A. on the January 23, 2017 City Council Agenda.

**4.A. DEVELOPMENT STANDARDS FOR PROJECTS THAT SPAN
BOTH COMMERCIAL AND RESIDENTIAL ZONING**

8535 N West Knoll Drive

West Hollywood, CA 90069

20 January 2017

City of West Hollywood Council

8300 Santa Monica Blvd.

West Hollywood, CA 90069

TRANSMISSION VIA EMAIL

RE: Council Meeting January 23, 2017 – Item 4.A “Development Standards”

Dear Honorable Councilors,

We appreciate the council’s work to clarify standards for projects that span both commercial and residential zoning districts. Since commercial and residential each have their own set of building standards, this convergence we imagine must have been complicated to unravel.

By making guidelines *more rational and clear*, we all will see better development in our community and stronger adherence to our General Plan.

We support this good effort and encourage you to support the initiative too. We look forward to hearing your discussion this Monday.

Sincerely,

A handwritten signature in black ink that reads "Adam & Jim". The signature is written in a cursive, flowing style.

Adam Koffman & Jim Campbell

From: Max Thayer
To: [David Gillig](#)
Subject: 10c
Date: Thursday, August 02, 2018 3:07:47 PM

Dear Mr. Gilling.

I support the original direction of City Council to NOT allow lot ties when developer wants to develop across different zones.

I have lived at 7777 Santa Monica at the corner of Ogden for over 35 years.

I love our neighborhood and the feeling of community that we have.

Please don't let Ogden turn into a commercial street.

Sincerely,

Max Thayer

7777 Santa Monica #3

West Hollywood, CA 90046

From: Evan Johnson
To: [David Gillig](#)
Subject: Concerned resident: Item10C tonight, Project: 7811 Santa Monica
Date: Thursday, August 02, 2018 3:49:30 PM

Mr. Gillig,

Please forward my email to all of the Planning Commissioners in prep for tonight's meeting.

I live at 1154 3/4 N Orange Grove Avenue. A large part of why we chose to live on this block in West Hollywood is because of the neighborhood feel of this street. It is unlike other areas of West Hollywood with multiple massive apartment buildings, hotels, and parking garages encroaching on the homes and smaller, historical buildings that make up the unique fabric of our local community.

I strongly support what was originally directed by City Council: to **NOT** allow lot ties when a developer wants to develop across different zones. I want **each lot to be developed individually** based on its zoning, with the required setback heights and density, based on its zoning. No exception.

This way it is better for the environment. It will result in less bulky, massive buildings. It will maintain the integrity of our zoning code. It will help maintain the character of the neighborhood. Please do not turn our block into a canyon of tall buildings for the benefit of a developer. We do not want lot ties in our neighborhood.

I am very concerned about allowing lot ties.

Sincerely,
Evan Johnson
Resident: 1154 3/4 N Orange Grove Avenue

--

Sent from Gmail Mobile

16 May 2019

Honorable Stacey Jones, Chair and
Honorable Members of the West Hollywood Planning Commission
c/o the City of West Hollywood Department of Community Development
8300 Santa Monica Boulevard
West Hollywood, CA 90069

LEVIN~MORRIS

RE: 16 May 2019 – Agenda Item 10.C

Honorable Chair and Commissioners:

Last August, you were asked to approve a Zone Text Amendment for projects spanning commercial and residential zones. At that time you recommended that spanning of commercial and residential zones should not be allowed by-right, regardless of project site area; rather buildings on commercially-zoned parcels should conform to commercial zoning standards, and buildings on residentially-zoned parcels should conform to residential zoning standards. Therefore you recommended repealing the current zoning provision §19.36.170 that allows spanning by-right for project sites over 60,000 square feet in aggregate area.

Your recommendation was then forwarded to the City Council, who questioned it based, it must be said, on a misunderstanding of its implications. Council asked staff to study the matter further, and it is now back before you.

Staff has now come back to you with new recommendations – some of which go beyond Council direction, while others simply reflect some lack of clarity about the issues involved in spanning commercial and residential zoning districts.

Defining Zone Spanning – A 'Single CEQA Project' vs. a 'Single Building'

One thing that wasn't clarified the last time you considered this question is that there is a difference between allowing a *single CEQA project with multiple components* that spans commercial and residential zoning districts, and allowing a *single physical building* to span zoning districts. It's worth noting here that the zoning provision in question, §19.36.170, speaks of allowing a *single project* – not a *single building* – to span zoning districts. *This is a crucial difference.*

There are good reasons why we separate commercial and residential zoning districts, each with its own set of regulations, rather than have just a single set of zoning provisions that apply equally to both. Commercial zoning provisions cannot work on residential sites, and residential zoning provisions do not work for commercial sites.

Therefore, we should allow by-right a single CEQA *project* – if *and only if* it has a conforming commercial or mixed-use building component on the commercially-zone parcels, and a physically-separate conforming residential building component on the residentially-zoned parcels. *But we should not allow by-right a single building to physically span above grade between commercial and residential zoning districts.*

Since you considered this question last August, you have reviewed the proposed project at 8555 Santa Monica Blvd. Regardless of how you come down on its merits, the project offers a clear demonstration that the by-right provisions

of the City's zoning ordinance are not capable of handling buildings that physically span zoning districts above grade.

Spanning is not a Question of Minimum Aggregate Lot Area

The problem with zone-spanning is one of zoning concept, not one of scale.

Staff's Recommendation 1, "Eliminate the 60,000 SF aggregate lot size requirement," and staff's Alternative to reduce the minimum aggregate site area to 20,000 square feet do not address the relevant question. Again, that relevant question is not "How large or small should an aggregated lot be?" Instead the real question is "What aspect of a project should be allowed to span zones?"

Again, there are good reasons why we have separate commercial and residential zoning, rather than a single set of provisions that applies to both. In your review of 8555 Santa Monica Blvd. *there was considerable confusion about what zoning provisions apply to which parts of the building, because the physical building itself spanned above grade between commercial and residential zones.*

Single Buildings that Span Districts Cannot Handle Density Bonus

It's also worth noting that §19.36.170 was enacted prior to SB1818, which changed the application of residential density bonus under Govt. Code 65915. Density bonus compounds the problem of applying by-right zoning to a building that spans commercial and residential zoning districts.

On a commercially-zoned site, density, both base and bonus, is *based on square footage – floor area ratio (FAR)*. On a commercially-zoned site, unit count is determined solely by the applicant "declaring" a base unit count.

On a R3 or R4-zoned site, base density and bonus density are *based on unit density – units per acre*. Residential square footage is defined only in terms of maximum average unit size, multiplied by the unit count, plus a grossing factor.

In your review of 8555 Santa Monica Blvd. there was considerable confusion about how to properly calculate the required affordable housing percentage and how to apply density bonus. This confusion was primarily the consequence of a conjoined building that physically spanned commercial and residential zones.

Neither our zoning ordinance nor State law offers any guidance as to how to merge these different density-bonus calculation methods within a single building that occupies both commercial and residential parcels. *That's one more reason why buildings should not be allowed to physically span above grade between commercial and residential zones by-right.*

By-Right 'One-Size-Fits-All' Design Criteria Will Not Work

Staff Recommendations 2, 3 and 4 are exercises in deck chair rearrangement. *The problem here isn't merely one of setbacks or design criteria. Again, it's a question of what is permitted to span by-right and what is not.*

As Commission previously acknowledged, the conditions where commercially-zoned properties abut residentially-zoned properties are simply too varied for a single solution. Some adjacencies are topographically level, while others slope either up or down from commercial to residential. In some instances there would be significant shadow impacts on adjoining residential properties; in other cases not. In some adjacencies the residential zone actually allows taller buildings than the commercial zone; in other situations it is just the opposite.

Given such diverse circumstances, it is impossible to devise a "one size fits all" ordinance that anticipates and addresses every permutation of commercial

and residential adjacencies within the City. If single buildings are allowed to physically span above grade by-right, unintended consequences are certain.

Spanning of Subterranean Parking Should be Considered By-Right but with Restrictions

Spanning should be considered by-right for subterranean parking, but only with restrictions that prevent commercial traffic from unduly impacting residential streets, and with restrictions that do not allow subterranean construction from property line to property line over the entire aggregated site, with no allowance for planting trees in-ground or allowing some undisturbed site permeability.

There are generally significant advantages to an applicant in allowing a single subterranean parking structure to span between commercial and residential zoning districts, even if the buildings above grade are physically separate. Typically, the larger the parking structure the greater its efficiency; the less square footage required for each car. And when two such structures can be combined into one, only a single ramp system is required, further increasing efficiency. These efficiencies have obvious economic benefits for the applicant.

However, a single subterranean structure serving a project with separate commercial and residential components can create worse traffic impacts in the adjoining residential neighborhood than two independent parking garages would.

Therefore, *there should be restrictions that prevent ingress/egress serving commercial parking spaces from being located within the residential zone, or immediately adjacent to the residential zone.* And a traffic study should be required either in every instance or at a lower threshold than ordinarily required.

Because of the increased efficiencies inherent in a combined subterranean garage spanning zoning districts, *Commission should consider requiring that any such combined garage not extend from property line to property line in both directions.* Rather, a spanning garage should allow some portion of the site to remain with no subterranean structure beneath. This trade-off would ensure that some portion of the site remains capable of supporting substantial canopy trees.

A Building that Physically Spans Above Grade Should Require a Specific Plan

Because commercial zoning doesn't work on residential sites, and residential zoning doesn't work for commercial sites, there are serious conflicts in trying to apply both sets of zoning requirements simultaneously to a building that physically spans zoning districts above grade. Instead, buildings that span zoning districts need a customized combination of requirements.

This is precisely what Specific Plans are for. They are designed for dealing with projects that cannot be adequately handled by strict application of by-right zoning requirements. Specific Plans create zoning requirements *specifically tailored* to suit the unique circumstances and site context of particular projects.

In other words, the application of the zoning ordinance to a building that physically spans zoning districts above grade is something that must be negotiated in every case. The only question is whether it will be negotiated openly, in a Specific Plan process involving the Planning Commission, or behind closed doors between staff and the project applicant, with Planning Commission left to try to puzzle things out afterwards during the public hearings.

That's why buildings that physically span commercial and residential zoning districts above grade should not be allowed by-right, but only with a Specific Plan or similar formal mechanism.

With or Without a Specific Plan, a Spanning Project Remains a Single CEQA Project

Whether a building physically spans by-right only below grade, or physically spans above grade under a Specific Plan, CEQA treats the aggregated site as a single project. Therefore requiring a Specific Plan doesn't impose additional requirements for environmental assessment under CEQA. *A Specific Plan accommodates special zoning requirements, while imposing no practical additional burden on the applicant.*

The Sunset Strip is Already Under a Specific Plan

At the City Council hearing last October, some Councilmembers expressed a particular concern that requiring a Specific Plan for spanning projects could have an adverse effect on projects on the Sunset Strip. But of course the Sunset Strip is already under a Specific Plan; the Strip is zoned "SSP" – "Sunset Specific Plan."

Beyond that, most major projects, whether on the Strip (such as the "Arts Club" or "Sunset Time") or elsewhere, have been approved under Development Agreements. Development Agreements always involve individualized Specific Plans and General Plan Amendments – otherwise they wouldn't require special agreements in the first place; they'd simply be developed by-right.

Therefore requiring a Specific Plan for projects spanning commercial and residential districts would have no practical affect on any of the major projects that the City sees – least of all projects on the Sunset Strip.

Conclusion: the ZTA Needs More Work Before Moving to Council

Again, there are very good reasons why we separate commercial and residential zoning districts, instead of having a single set of zoning provisions that apply equally to both. *That's why the real question in allowing span commercial and residential districts by-right concerns single or conjoined buildings that span the districts above grade.* The ZTA as written, does not adequately address the fundamental issues involved with spanning commercial and residential districts, and it does not create an adequate zoning mechanism to deal with those issues.

In short, the proposed ZTA is heading in the right direction, but this Item ought to be continued, and remanded back to your Long-Range Subcommittee. *More work is required at Commission level before this moves to Council.*

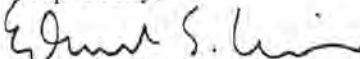
Failing that, you should recommend the following to Council

- Projects spanning commercial and residential zoning districts should be permitted by-right to be treated as a single CEQA project;
- Subterranean parking structures should be permitted to physically span between zoning districts, but only subject to specified restrictions;
- Above grade, no single building or conjoined buildings may physically span between commercial and residential zoning districts by-right;
- The building components in each zoning district should conform to the zoning regulations for that district, except under a Specific Plan or similar formal mechanism.

As I say, though, the Planning Commission itself should be involved in further study of the issues outlined above before this moves forward to the City Council.

As always, I appreciate your time and attention to this matter.

Respectfully,


Edward S. Levin