

APPROVED
with Duran and Heilman voting NO.
JA 10/21/19

CITY COUNCIL
LEGISLATIVE

OCTOBER 21, 2019

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

PREPARED BY: **PLANNING & DEVELOPMENT SERVICES DEPARTMENT**
(John Keho, AICP, Director) JA for JK
(Rachel Dimond, AICP, Acting Long Range Planning Manager) RD

STATEMENT ON THE SUBJECT:

On October 7, 2019, the City Council moved to adopt regulations to require commercial and residential zone districts to be developed separately above ground while allowing common subterranean parking that spans the entire project, with additional amendments detailed below. The purpose of this item is to adopt the ordinance as approved by City Council on October 7, 2019.

RECOMMENDATION:

Staff recommends the City Council 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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA. (ATTACHMENT A)

BACKGROUND / ANALYSIS:

The purpose of this item is introduce an ordinance on first reading that adopts amendments approved by City Council on October 7, 2019. The City Council adopted standards provided in Attachment A of the October 7, 2019 staff report which allows projects to have common subterranean garages, but require those projects to be separated and meet all setbacks and other development standards above ground. In addition, the City Council required that (1) there be at least 1 canopy tree for every 6,000 square feet of lot area, (2) the project meets the goals and objectives of the Climate Action Plan and (3) the minimum lot area be amended to 50,000 SF. In order to meet the first criteria, staff considered a number of requirements for canopy trees, but each tree species has different requirements for the amount of dirt required in each direction. As a result, staff crafted language requiring the tree be planted at ground level in a location deemed appropriate for that species at maturity by a licensed arborist. This will allow an expert to weigh in on a case by case basis to determine the appropriate location and parameters necessary for the tree to grow to maturity.

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:

- LU-4: Provide for an urban environment oriented and scaled to the pedestrian.
- 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 ordinance.

COMMUNITY ENGAGEMENT:

This item was included as part of a community meeting conversation regarding a number of Long Range Planning projects at Plummer Park in 2018. In addition, there have been five public hearings for this item that have been noticed and provided an opportunity for public input.

OFFICE OF PRIMARY RESPONSIBILITY:

PLANNING & DEVELOPMENT SERVICES DEPARTMENT / LONG RANGE PLANNING DIVISION

FISCAL IMPACT:

None.

ATTACHMENTS:

- A. Draft Ordinance 19-XXXX

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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, 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 above grade, which will improve neighborhood compatibility of development projects, while permitting subterranean garages to span the entire project site.

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. On September 23, 2019, the City Council held a public hearing and requested staff return with an amendment that would require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site. The City Council continued this item to a date certain of October 7, 2019. On October 7, 2019, the City Council adopted a motion to require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site, with additional amendments to minimum site size, canopy tree requirements, and compliance with the Climate Action Plan.

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 but would also be allowed to share a subterranean parking structure, which creates efficiencies and better opportunities for ingress and egress and will reduce impacts through less site disturbance and shared building systems. Therefore, the proposed amendment 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 above grade and allowing shared parking below grade, the ordinance will not impede the City's implementation of its General Plan designations, policies and goals. Following multiple public hearings on this subject, this ordinance strikes an appropriate balance between all of the many competing interests associated with the subject mixed-use projects and that in turn, reflects and supports the various land use and housing interests that are balanced in the General Plan.

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 as a separate site, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries, in further compliance with Section 19.36.170.

SECTION 7. Subsection (A) of 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:

- 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 50,000 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.
 - e. Be consistent with the goals and objectives of the Climate Action Plan.
7. Loss of Neighborhood Commercial Uses. The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.
8. Development as separate sites: The residential and commercially zoned portions of the site shall be developed as separate sites, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean

parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries.

9. Canopy Trees: One canopy tree for every 6,000 square feet of site area shall be planted at ground level in a location deemed appropriate to grow a mature canopy tree of the specified species as determined by a licensed arborist.

Memo

To: Mayor, City Councilmembers, City Manager, and City Attorney
From: Yvonne Quarker, City Clerk *YQ*
CC: J. KEHO, R. DIMOND
Date: October 21, 2019
Re: Supplemental Memo and Documents relating to Item 6.A. on the 10/21/19 Agenda

Attached please find a **Supplemental Memo and documents** from Senior Planner Rachel Dimond for Item 6.A. on the October 21, 2019 Council Agenda.

6.A. ZONE TEXT AMENDMENT: PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS

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

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

STATEMENT ON THE SUBJECT:

On October 7, 2019, the City Council moved to adopt regulations to require commercial and residential zone districts to be developed separately above ground while allowing common subterranean parking that spans the entire project, with additional amendments detailed below. The purpose of this supplemental report is to provide an amended ordinance that clarifies that canopy trees required in projects that span commercial and residential zone districts be planted in the ground. The previous ordinance lacked clarity on this subject. Planting trees in the ground will ensure their permanence and ability to grow to maturity. The amended language, which adds the term "in the ground," can be found in Section 7 of the attached ordinance, within Subsection 19.36.170A(9), Canopy Trees.

RECOMMENDATION:

Staff recommends the City Council introduce on first reading the following ordinance, as amended:

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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA. (ATTACHMENT A)

ATTACHMENTS:

- A. Amended Draft Ordinance 19-XXXX

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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, 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 above grade, which will improve neighborhood compatibility of development projects, while permitting subterranean garages to span the entire project site.

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. On September 23, 2019, the City Council held a public hearing and requested staff return with an amendment that would require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site. The City Council continued this item to a date certain of October 7, 2019. On October 7, 2019, the City Council adopted a motion to require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site, with additional amendments to minimum site size, canopy tree requirements, and compliance with the Climate Action Plan.

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 but would also be allowed to share a subterranean parking structure, which creates efficiencies and better opportunities for ingress and egress and will reduce impacts through less site disturbance and shared building systems. Therefore, the proposed amendment 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 above grade and allowing shared parking below grade, the ordinance will not impede the City's implementation of its General Plan designations, policies and goals. Following multiple public hearings on this subject, this ordinance strikes an appropriate balance between all of the many competing interests associated with the subject mixed-use projects and that in turn, reflects and supports the various land use and housing interests that are balanced in the General Plan.

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 as a separate site, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries, in further compliance with Section 19.36.170.

SECTION 7. Subsection (A) of 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:

- 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 50,000 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.
 - e. Be consistent with the goals and objectives of the Climate Action Plan.
7. **Loss of Neighborhood Commercial Uses.** The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.
8. **Development as separate sites:** The residential and commercially zoned portions of the site shall be developed as separate sites, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean

parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries.

9. Canopy Trees: One canopy tree for every 6,000 square feet of site area shall be planted at ground level in the ground in a location deemed appropriate to grow a mature canopy tree of the specified species as determined by a licensed arborist.

Memo

To: Mayor, City Councilmembers, City Manager, and City Attorney
From: Yvonne Quarker, City Clerk *YQ*
CC: J. KEHO, R. DIMOND
Date: October 21, 2019
Re: Supplemental Memo #2 relating to Item 6.A. on the 10/21/19 Agenda

Attached please find **Supplemental Memo #2 and red-lined Ordinance** from Senior Planner Rachel Dimond for Item 6.A. on the October 21, 2019 Council Agenda.

6.A. ZONE TEXT AMENDMENT: PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS

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

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

STATEMENT ON THE SUBJECT:

On October 7, 2019, the City Council moved to adopt regulations to require commercial and residential zone districts to be developed separately above ground while allowing common subterranean parking that spans the entire project, with additional amendments detailed below. The purpose of this supplemental report is to provide the redlined version of the ordinance as provided to City Council on October 21, 2019 in the first supplemental report.

RECOMMENDATION:

Staff recommends the City Council introduce on first reading the following ordinance, as amended:

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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, CITYWIDE, IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA. (ATTACHMENT A)

ATTACHMENTS:

- A. REDLINED Draft Ordinance 19-XXXX

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 TO REQUIRE ABOVE GRADE SEPARATION BETWEEN RESIDENTIAL AND COMMERCIAL ZONE DISTRICTS WHILE ALLOWING SUBTERANEAN GARAGES TO SPAN ACROSS THE ENTIRE DEVELOPMENT SITE, 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 above grade, which will improve neighborhood compatibility of development projects, while permitting subterranean garages to span the entire project site.

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. On September 23, 2019, the City Council held a public hearing and requested staff return with an amendment that would require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site. The City Council continued this item to a date certain of October 7, 2019. On October 7, 2019, the City Council adopted a motion to require buildings above grade to be separated and meet all setback and development standards of the district, while allowing subterranean garages to span commercial and residential zone districts on the entire project site, with additional amendments to minimum site size, canopy tree requirements, and compliance with the Climate Action Plan.

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 but would also be allowed to share a subterranean parking structure, which creates efficiencies and better opportunities for ingress and egress and will reduce impacts through less site disturbance and shared building systems. Therefore, the proposed amendment 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 above grade and allowing shared parking below grade, the ordinance will not impede the City's implementation of its General Plan designations, policies and goals. Following multiple public hearings on this subject, this ordinance strikes an appropriate balance between all of the many competing interests associated with the subject mixed-use projects and that in turn, reflects and supports the various land use and housing interests that are balanced in the General Plan.

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 as follows (additions in underline and deletions in ~~strikethrough~~):

- 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.~~ as a separate site, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries, in further compliance with Section 19.36.170.

SECTION 7. Subsection (A) of Section 19.36.170, Mixed-Use Projects, of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code is amended as follows (additions in underline and deletions in ~~strikethrough~~):

- 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~~ 50,000 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.
 - e. Be consistent with the goals and objectives of the Climate Action Plan.
7. **Loss of Neighborhood Commercial Uses.** The project shall not reduce the existing supply of commercial land uses serving the immediate residential neighborhood.
8. Development as separate sites: The residential and commercially zoned portions of the site shall be developed as separate sites, in compliance with the requirements of the applicable district, including density, setbacks, height, and other applicable development standards, except that subterranean

parking may be constructed as connected floor plates with no setbacks between district or parcel boundaries.

9. Canopy Trees: One canopy tree for every 6,000 square feet of site area shall be planted at ground level in the ground in a location deemed appropriate to grow a mature canopy tree of the specified species as determined by a licensed arborist.

Memo

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

From: Yvonne Quarker, City Clerk *YQ.*

CC: J. KEHO, R. DIMOND

Date: October 21, 2019

Re: Correspondence relating to Item 6.A. on the 10/21/19 Agenda

Attached please find correspondence regarding Item 6.A. on the October 21, 2019 Council Agenda.

6.A. ZONE TEXT AMENDMENT: PROJECTS SPANNING COMMERCIAL AND RESIDENTIAL ZONE DISTRICTS

Yvonne Quarker

Subject: FW: Council 21 Oct - Item 6.A

From: Ed Levin [mailto:edwardlevin@levin-morris.com]
Sent: Thursday, October 17, 2019 10:22 AM
To: City Council Web Email Address
Cc: Paul Arevalo; 'Lauren Langer'; John Keho; Rachel Dimond
Subject: Council 21 Oct - Item 6.A

CAUTION - EXTERNAL SENDER. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Honorable Mayor and Members of the City Council,

This coming Monday, 21 Oct, Item 6.A comes to you as the "corrected" text of a resolution dealing with spanning commercial and residential zones.

However, some of the language in the proposed reso does not fully reflect the intent of the motion you made at your 7 Oct meeting. Specifically, the reso proposes to add 19.36.070(A)(9), reading:

"9. Canopy Trees: One canopy tree for every 6, 000 square feet of site area shall be planted at ground level in a location deemed appropriate to grow a mature canopy tree of the specified species as determined by a licensed arborist." [my emphasis]

But just saying "at ground level" allows the required trees to be provided in 'enclosed' planter boxes. Such trees can never grow to be sustainable "canopy trees"; they are merely arboreal potted plants. Requiring that they be planted in ground ensures that the trees have the capacity to become sustainably established, to grow to a canopy size that provides adequate shade, and to recharge the aquifer. All of these factors are essential to support our Climate Action Plan.

Therefore "planted at ground level" should be changed to "planted in ground, with no structure beneath, and in a planting area having a minimum dimension of 10 feet." Not coincidentally, "in ground" is the term we currently use in connection with canopy trees in our Green Building ordinance.

A 10-foot minimum dimension means only represents a minimum of 100 square feet of tree well for every 6,000 square feet of site area – less than 2% of the site area (my proposal to you at your last meeting was for a set-aside of 20%). Allowing subterranean garages to span between districts represents a substantial financial advantage to a developer. A less than 2% set-aside isn't a burdensome exchange.

In short, one canopy tree per 6,000 square feet of site area is already a de minimis requirement; let's not make it utterly meaningless by requiring only "at ground level" instead of "in ground".

Regards,
Ed

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