

APPROVED *MD*
w/add'l direction
OCTOBER 7, 2019

CITY COUNCIL
PUBLIC HEARING

SUBJECT: **ZONE TEXT AMENDMENT: DEVELOPMENT REVIEW
AUTHORITY AND SETBACK DEVIATIONS**

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

STATEMENT ON THE SUBJECT:

The City Council will hold a public hearing to consider a Zone Text Amendment (ZTA) to (1) allow director review of certain mixed use projects, with a clarification on the same chart to eliminate redundant language on residential condominiums, and (2) allow a deviation from setbacks when life safety access requirements would conflict with the City's adopted goals and policies.

RECOMMENDATIONS:

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

1. ORDINANCE 19-XXXX: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 10,000 SF AND REMOVAL OF REDUNDANT LANGUAGE IN THE DEVELOPMENT REVIEW AUTHORITY CHART ON REVIEW OF RESIDENTIAL CONDOMINIUMS, IN THE CITY OF WEST HOLLYWOOD. (ATTACHMENT A)**
2. ORDINANCE 19-XXXX: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW A DEVIATION IN SETBACKS UNDER CERTAIN CIRCUMSTANCES, IN THE CITY OF WEST HOLLYWOOD. (ATTACHMENT C)**

BACKGROUND / ANALYSIS:

The purpose of this public hearing is for the City Council to review and make a determination on the proposed zone text amendments. The proposed zone text amendments are (1) changes to the development permit review authority chart to allow director review of mixed use projects less than 10,000 square feet, with a cleanup on the same chart to eliminate redundant language on residential condominiums, and (2) a new setback deviation to allow a deviation from setbacks when life safety access requirements would conflict with the City's adopted goals and policies.

On September 23, 2019, the City Council continued this item to the October 7, 2019 hearing without any discussion.

On July 18, 2019, the Planning Commission recommended approval with amendments of the ZTAs to the City Council. Initially, this item included an affordable housing bonus zone text amendment, but this item was removed for future review by the Planning Commission. The Planning Commission recommended the City Council only allow mixed use projects 10,000 square feet or less to be administratively approved, while staff recommends this threshold be 30,000 square feet, with projects between 10,000 and 30,000 square feet only being staff approvable if no bonuses or incentives are requested. Staff is providing two ordinances for this specific item, including the Planning Commission recommendation in Attachment A and staff's recommendation in Attachment B (which is included as an alternative ordinance). Attachment C includes the ordinance recommended by staff and the Planning Commission for the setback deviation. Planning Commission minutes are attached in Attachment G.

Development Permit Review Authority Amendments:

On December 17, 2018, the City Council adopted Ordinance 18-1051. This allowed for expanded Director review for commercial projects up to 30,000 SF, but once again required all mixed-use projects to be reviewed by the Planning Commission, regardless of size. Prior to that ordinance, any project up to 10,000 square feet could be Director-reviewed. The proposed amendment as recommended by the Planning Commission (see Attachment A) will allow the regulations to revert back to previous regulations that allowed mixed use projects up to 10,000 square feet to be administratively approved. Should a project have significant impacts, the Director can refer the project to the Planning Commission as necessary. This occurs when a project has an environmental impact or other major issues.

Alternatively, staff recommends the City Council allow mixed use projects up to 10,000 SF, and mixed use projects between 10,000 and 30,000 SF that do not utilize incentives or bonuses to be administratively approved (See Attachment B). This would allow for more streamlining of the development review process, and would match the 30,000 square feet threshold for Director review for projects in the Sunset Specific Plan, and as such with the proposed amendment, this threshold would apply equally citywide.

On February 5, 2018, the City Council adopted Ordinance 18-1020, which amended the Development Permit Review Authority chart. However, the inclusion of the line item of "residential condominiums" as reviewed by the Planning Commission can be confusing as to the intent of the previous changes. This amendment will correct that error in the development review authority chart to delete "residential condominiums" as their review is also covered under subdivisions. This will not create any substantive changes to the regulations, but will rather clear up confusing and duplicate information.

Setback Deviation

There have been a number of instances during the development review process where life safety concerns and requirements for access methods conflict with the City's

priorities, including negative impacts to tree canopy and disruption of the urban pattern. Specifically, the combination of height and setbacks on a particular project have created a situation where the Fire Department requires a fire lane to be installed, which would be disruptive to the development pattern provided by the City's required setbacks, or requires all front yard trees to be removed, which is contrary to the City's goal to protect and enhance the tree canopy. In these cases, currently the only way for the City to allow a deviation from required setbacks would be through a 10% deviation, which is often times not enough, or a variance, of which a hardship is required in order to grant. The Fire Department reviewed this item and had no comments or concerns regarding this amendment.

The proposed amendment (see Attachment C) would allow approval by the review authority of deviations from setback standards, only in the limited circumstances described above, with different threshold than a variance or modification. This would allow the City a very specific mechanism only to be used in extremely specific circumstances where the combination of height and setbacks triggers a requirement for life safety access methods that conflict with adopted City goals and policies.

Alternative:

1. Adopt the Planning Commission recommendation for administrative review for mixed use projects 10,000 square feet or less, as detailed in Attachment B.

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:

- OSP-2: Institutional Integrity.
- OSP-7: Collaborative Public Safety.

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

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.
- LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

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. Changing the development review process will not change a project's impacts or review, as the projects' discretionary review will not change by allowing administrative review of permits. As for a reduction in setbacks, this will not result in a significant impact to the environment, as it does not impact the number or size of units within a project but will help the city to allow projects that do not contradict City policy. Specifically, the allowed deviation in setbacks will allow for fewer impacts to front yards that can result in cutting of trees as requested by life safety agencies. The city does not have one standard setback and relies on averaging. So a deviation to respond to a life safety concern by a reviewing agency will not create unusual disruptions in the setbacks for a neighborhood. There is already variation built into the calculation and the change will be for the minimum extent necessary to respond to life safety concern created by the combination of height and setback required for the project. These minor deviations will be more in line with city goals and policies.

COMMUNITY ENGAGEMENT:

N/A

OFFICE OF PRIMARY RESPONSIBILITY:

PLANNING & DEVELOPMENT SERVICES DEPARTMENT / LONG RANGE & MOBILITY PLANNING DIVISION

FISCAL IMPACT:

None.

ATTACHMENTS:

- A. Draft Planning Commission Recommended Ordinance 19-_____
- B. Draft Alternative Staff recommended Ordinance 19-_____
- C. Draft Ordinance 19-_____
- D. Adopted PC Resolution 19-1334
- E. Adopted PC Resolution 19-1336
- F. PC Staff Report dated July 18, 2019
- G. PC Minutes from July 18, 2019
- H. Public correspondence

ORDINANCE NO CC 19-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 10,000 SF AND REMOVAL OF REDUNDANT LANGUAGE IN THE DEVELOPMENT REVIEW AUTHORITY CHART ON REVIEW OF RESIDENTIAL CONDOMINIUMS, IN THE CITY OF WEST HOLLYWOOD.

The City Council of the City of West Hollywood hereby ordains as follows:

SECTION 1. The purpose of this ordinance is to allow director review for mixed use projects that are less than 10,000 square feet.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 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 July 4, 2019. On July 18, 2019, the Planning Commission recommended approval of this item, with an amendment to allow mixed use projects up to 10,000 square feet to be administratively approved. On August 1, 2019, the Planning Commission adopted Resolution 19-1334.

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 continued this item to a date certain of October 7, 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. Changing the development review process will not change a project's impacts or review, as the projects' discretionary review will not change by allowing administrative review of permits.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0005 is consistent with the Goals and Policies of the General Plan. Specifically, the change to the development review authority is consistent with Goal G-2: Maintain transparency and integrity in West Hollywood's decision-making process. The subject zone text amendments will not impede any General Plan goals and policies. Overall, these changes streamline development review.

SECTION 6. Table 4-2 of Chapter 19.48, Development Permits, of Title 19, Zoning Ordinance, shall be amended to read as follows:

TABLE 4-2 DEVELOPMENT PERMIT REVIEW AUTHORITY

Type of Use or Project	Review Authority	
	Director	Commission
Residential Zoning Districts		
Residential project: Any project in R1 and R2 zones 6 or fewer units in R3 zones 10 or fewer units in R4 zones	<input type="checkbox"/>	
Residential project: 7 or more units in R3 zones 11 or more units in R4 zones Any project that utilizes affordable housing concession in Section 19.22.050(E)(2)(f)		<input type="checkbox"/>
Subdivision maps		<input type="checkbox"/>
Residential remodeling, with no additional units	<input type="checkbox"/>	
Non-residential use that does not require a Conditional Use Permit	<input type="checkbox"/>	
Parking lot or structure – Application to alter its structure or operation in a PK overlay zoning district		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	
Commercial Zoning Districts, except SSP		
Project of 30,000 gross sq. ft. or more of new or additional gross floor area, or requires a Conditional Use Permit or Variance, or requests bonuses or incentives beyond the baseline zoning requirements or as a mixed residential/commercial project larger than 10,000 square feet		<input type="checkbox"/>
Commercial only project between 10,000 to 30,000 gross sq. ft. of new or additional gross floor area that does not require a Conditional Use Permit or Variance, or does not request any bonuses or incentives beyond the baseline zoning requirements	<input type="checkbox"/> (1), <input type="checkbox"/> (2)	
Project of less than 10,000 gross sq. ft. of new or additional gross floor area, that does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (2)	
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	
Public Facilities (PF) Zoning District		
All projects		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>

Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	
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Sunset Specific Plan (SSP) Zoning District

Project of 30,000 sq. ft. or more, or requires a Conditional Use Permit or Variance		<input type="checkbox"/>
Project of less than 30,000 sq. ft., and does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (3)	
Major changes (as determined by the Director) to the above approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to the above approved by the Commission	<input type="checkbox"/>	

Notes:

(1) The following is required for commercial projects between 10,000 square feet and 30,000 square feet:

a. A Neighborhood Meeting must be conducted within 60 days of submission of a complete application.

(2) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review under Section 19.40.020.

(3) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review if the Director determines that the project meets the goals but not the requirements of the Sunset Specific Plan or if the project:

- a. Requires significant additional environmental study;
- b. Has unexpected traffic or parking projections;
- c. Has unique uses, or uses with unusually high occupancy expectations;
- d. Would have potential significant impacts which were unanticipated at the time the Sunset Specific Plan was written;
- e. Is of a unique design or contains an unusual new billboard structure;
- f. Is a new ground-floor bank or financial services use in the Sunset Specific Plan area.

All referrals to the Planning Commission shall be accompanied by a written explanation of the reason for the referral.

ORDINANCE NO. CC 19-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 30,000 SF AND REMOVAL OF REDUNDANT LANGUAGE IN THE DEVELOPMENT REVIEW AUTHORITY CHART ON REVIEW OF RESIDENTIAL CONDOMINIUMS, IN THE CITY OF WEST HOLLYWOOD.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The purpose of this ordinance is to allow director review for mixed use projects that are less than 10,000 square feet, and mixed use projects between 10,000 and 30,000 square feet that do not require a Conditional Use Permit or Variance, or do not request any bonuses or incentives beyond the baseline zoning requirements. This ordinance also removes residential condominiums from the development review list to eliminate redundancies.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 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 July 4, 2019. On July 18, 2019, the Planning Commission recommended approval of this item, with an amendment to allow mixed use projects up to 10,000 square feet to be administratively approved. On August 1, 2019, the Planning Commission adopted Resolution 19-1334.

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 continued this item to a date certain of October 7, 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. Changing the development review process will not change a project's impacts or review, as the projects' discretionary review will not change by allowing administrative review of permits.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0005 is consistent with the Goals and Policies of the General Plan. Specifically, the change to the development review authority is consistent with Goal G-2: Maintain transparency and integrity in West Hollywood's decision-making process. The subject zone text amendments will not impede any General Plan goals and policies. Overall, these changes streamline development review and provide for easier development of new housing.

SECTION 6. Table 4-2 of Chapter 19.48, Development Permits, of Title 19, Zoning Ordinance, shall be amended as follows:

TABLE 4-2 DEVELOPMENT PERMIT REVIEW AUTHORITY

Type of Use or Project	Review Authority	
	Director	Commission
Residential Zoning Districts		
Residential project: Any project in R1 and R2 zones 6 or fewer units in R3 zones 10 or fewer units in R4 zones	<input type="checkbox"/>	
Residential project: 7 or more units in R3 zones 11 or more units in R4 zones Any project that utilizes affordable housing concession in Section 19.22.050(E)(2)(f)		<input type="checkbox"/>
Subdivision maps		<input type="checkbox"/>
Residential remodeling, with no additional units	<input type="checkbox"/>	
Non-residential use that does not require a Conditional Use Permit	<input type="checkbox"/>	
Parking lot or structure – Application to alter its structure or operation in a PK overlay zoning district		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	
Commercial Zoning Districts, except SSP		
Project of 30,000 gross sq. ft. or more of new or additional gross floor area, or requires a Conditional Use Permit or Variance, or requests bonuses or incentives beyond the baseline zoning requirements		<input type="checkbox"/>
Projects between 10,000 to 30,000 gross sq. ft. of new or additional gross floor area that does not require a Conditional Use Permit or Variance, or does not request any bonuses or incentives beyond the baseline zoning requirements	<input type="checkbox"/> (1), <input type="checkbox"/> (2)	
Project of less than 10,000 gross sq. ft. of new or additional gross floor area, that does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (2)	
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	
Public Facilities (PF) Zoning District		
All projects		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits	<input type="checkbox"/>	

approved by the Commission		
Sunset Specific Plan (SSP) Zoning District		
Project of 30,000 sq. ft. or more, or requires a Conditional Use Permit or Variance		<input type="checkbox"/>
Project of less than 30,000 sq. ft., and does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (3)	
Major changes (as determined by the Director) to the above approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to the above approved by the Commission	<input type="checkbox"/>	

Notes:

- (1) The following is required for commercial projects between 10,000 square feet and 30,000 square feet:
 - a. A Neighborhood Meeting must be conducted within 60 days of submission of a complete application.
- (2) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review under Section 19.40.020.
- (3) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review if the Director determines that the project meets the goals but not the requirements of the Sunset Specific Plan or if the project:
 - a. Requires significant additional environmental study;
 - b. Has unexpected traffic or parking projections;
 - c. Has unique uses, or uses with unusually high occupancy expectations;
 - d. Would have potential significant impacts which were unanticipated at the time the Sunset Specific Plan was written;
 - e. Is of a unique design or contains an unusual new billboard structure;
 - f. Is a new ground-floor bank or financial services use in the Sunset Specific Plan area.

All referrals to the Planning Commission shall be accompanied by a written explanation of the reason for the referral.

ORDINANCE NO. CC 19-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW A DEVIATION IN SETBACKS UNDER CERTAIN CIRCUMSTANCES, IN THE CITY OF WEST HOLLYWOOD.

The City Council of the City of West Hollywood hereby ordains as follows:

SECTION 1. The purpose of this ordinance is to allow a deviation in required setbacks under circumstances where life safety concerns could result in conflict with the City's adopted policies.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 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 July 4, 2019. On July 18, 2019, the Planning Commission recommended approval of this item. On August 1, 2019, the Planning Commission adopted Resolution 19-1334.

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 continued this item to a date certain of October 7, 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. As for a reduction in setbacks, this will not result in a significant impact to the environment, as it does not impact the number or size of units within a project but will help the city to allow projects that do not contradict City policy. Specifically, the allowed deviation in setbacks will allow for less impacts to front yards that can result in cutting of trees as requested by life safety agencies. The city does not have one standard setback and relies on averaging. So a deviation to respond to a life safety concern by a reviewing agency will not create unusual disruptions in the setbacks for a neighborhood. There is already variation built into the calculation and the change will be for the minimum extent necessary to respond to life safety concern created by the combination of height and setback required for the project. These minor deviations will be more in line with city goals and policies.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0005 is consistent with the Goals and Policies of the General Plan. Specifically, the provision to allow deviations from setbacks is consistent with Goals H-5: Provide for a government environment that facilitates housing development and preservation, and LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. The subject zone text amendments will not impede any General Plan goals and policies. Overall, these changes improve the land use environment and a mechanism to reconcile conflicts during the entitlement process.

SECTION 6. Table 2-3, Residential Zoning District General Development Standards, of Section 19.06.040 of Chapter 19.06 of Title 19, Zoning Ordinance, West Hollywood Municipal

Code, is amended to add a new Note (10) and note references within the table to read as follows: TABLE 2-3: RESIDENTIAL ZONING DISTRICT GENERAL DEVELOPMENT STANDARDS

[Explanatory Notes Follow the Table, on Next Page]

Development Feature	Requirement by Zoning District		
	R1, R2	R3	R4
Minimum lot area ¹	5,000 sq. ft.		
Maximum lot area	No maximum	No maximum R3C-C: 10,000 sq. ft.	No maximum; R4B-C: 12,000 sq. ft.
Residential density ^{2, 6, 7}	See Table 2-4	1 unit for each 1,210 sq. ft. of site area 1 accessory dwelling unit where allowed by § 19.36.310(A). No more than 1 junior accessory dwelling unit per residential lot with an existing single-family dwelling (see § 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with 1 single-family dwelling.	1 unit for each 872 sq. ft. of site area 1 accessory dwelling unit where allowed by § 19.36.310(A). No more than 1 junior accessory dwelling unit per residential lot with an existing single-family dwelling (see § 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with 1 single-family dwelling.
Floor area ratio (FAR)	R1 – 0.5, R2 – N.A.	R3C-C – 1.0 ⁸	R4B-C – 0.5 ⁸
Setbacks required	Minimum setbacks required. See Section 19.20.150 for setback measurement.		
Front, 1st story	Average of front setbacks of the 2 structures closest to the front property lines on the 2 adjacent parcels, with the following minimums/maximums. ^{3 10}		
	10 ft. min. in Norma Triangle, 15 ft. min. elsewhere; 30 ft. max. ¹⁰	15 ft. minimum, 30 ft. maximum; No minimum setback for R3C-C. ¹⁰	7.5 ft. minimum, no maximum; ¹⁰ R4B-C: No 1st story front setback if commercial on the ground floor. ¹⁰
Front, 2nd & upper stories	An additional 6 ft. for 2nd and upper stories in addition to the 1st story setback. ⁴ For R3C-C, no additional 2nd or upper stories setback.		
Sides, interior lot	5 ft. ¹⁰ For lots less than 50 ft. wide, 10% of average lot width, with 3 ft. min. (See § 19.36.320 for additions to nonconforming buildings.) ¹⁰	5 ft. for lots with structures up to 2 stories. ¹⁰ For lots 50 ft. or less in width, 10% of average lot width, with a 3 ft. minimum, for structures up to 2 stories. ¹⁰ For all lots: An additional 1 ft. setback is required for each story above the 2nd story. ¹⁰	R3C-C: No minimum side setback. ¹⁰ R4B-C: 10 ft. setback with an additional 7.5 ft. stepback at 4th story is required when

			adjacent to R-1 zone. ^{9 10} If a commercial use is on the ground floor, no minimum side setback on the 1st floor where adjacent to a commercial zone district. ¹⁰
Street side, corner lot	5 ft. ¹⁰	5 ft. ¹⁰	
	10 ft. for reversed corner lots. ^{5 10}	7.5 ft. for reversed corner lots. ^{5 10}	
Rear	15 ft. For lots with a depth less than 75 ft., 20% of the average lot depth, but not less than 10 ft. ¹⁰		
	R3C-C: 10 ft. minimum rear setback. ¹⁰		
Between structures	As required by Section 19.20.040 (Distance Between Structures)		
Flag lots	As required by Section 19.20.150 (Setback Measurement and Projections into Yards)		
Open space	None required other than setbacks.	As required by Section 19.36.280 (Residential Uses – Multi-Family Dwellings)	
Height limit Primary structures	Maximum structure height. See Section 19.20.080 (Height Measurement and Exceptions).		
	R1-A, R1-B, R-2: 25 ft., 2 stories R1-C: 15 ft., 1 story	R3-A: 25 ft., 2 stories	R4-A: 35 ft., 3 stories
		R3-B: 35 ft., 3 stories	R-4-B: 45 ft., 4 stories
		R3-C and R3C-C: 45 ft., 4 stories	R-4B-C: 48 ft., 4 stories
Accessory	15 ft., 1 story		
Landscaping	As required by Chapter 19.26 (Landscaping Standards)		
Safety and Seismic Safety	For new construction and building additions, as required by Chapter 19.32 (Seismic Safety). Critical facilities, sensitive facilities (such as schools and daycare) and high occupancy facilities (such as religious facilities and hotels) are also subject to Chapter 19.32.		
Parking	As required by Chapter 19.28 (Off-Street Parking and Loading Standards)		
Sidewalks	Sidewalks shall be provided at a minimum width of 10 ft. See Section 19.20.160.		
Signs	As required by Chapter 19.34 (Sign Standards)		

Notes:

- (1) Minimum lot area for parcels proposed in new subdivisions and lot line adjustments. Condominium, townhome, or planned development projects may be subdivided with smaller parcel sizes for ownership purposes, with the minimum lot area requirement determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter.
- (2) Maximum number of dwellings allowed for each specified unit of land. See also Chapter 19.22 (Affordable Housing Requirements and Incentives) for possible density bonuses.

- (3) If a parcel on either side of the site is not zoned residential, or if the site is a corner lot, the first two adjacent residential lots shall be used for the purposes of calculating the average setback.
- (4) The Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.
- (5) Where the front yard of a key lot adjoining a reversed corner lot is less than 10 feet in depth, the reversed corner lot may have a street side yard of the same depth, to a minimum of five feet. See Figure 2-1.
- (6) Density limits may be exceeded to permit legalization of illegal dwelling units in accordance with Section 19.36.270.
- (7) See also Section 19.06.080 for required density development standards.
- (8) Floor area ratio (FAR) calculations shall be used for calculating the maximum non-residential density for neighborhood serving commercial uses, limited to the ground floor of projects in the R3C-C and R4B-C zoning districts. Residential density shall be calculated by residential density standards.
- (9) Additional side setbacks may be required above the second floor if the Director determines that additional side setbacks are necessary to ensure compatibility between the uses and structures.
- (10) The Review authority may grant deviations from required setbacks where the review authority finds, based on substantial evidence, that the combination of height and setbacks or similar standards for a code compliant development triggers requirements for life safety access methods that would conflict with city plans or policies that have been adopted by the City Council. The deviation shall be to the minimum extent necessary to avoid the conflict with city plans or policies. By way of example only, when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide fire department access to the development, the applicable setback may be reduced by the review authority to the minimum extent necessary to site the building closer to the street for the fire department to safely access the building without having to create a new fire lane or require removal of the mature trees.

SECTION 7. Table 2-6, Commercial and Public Zoning District General Development Standards, of Section 19.10.040 of Chapter 19.10 of Title 19, Zoning Ordinance, West Hollywood Municipal Code, is amended to add a new Note (4) and associated footnote references to read as follows:

TABLE 2-6: COMMERCIAL AND PUBLIC ZONING DISTRICT GENERAL DEVELOPMENT STANDARDS

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

Development Feature	Requirement by Zoning District				
	CN	CC	CA	CR	PF
Minimum lot area	5,000 sq. ft.				
Residential floor area ¹	Determined through land use permit process based on allowable FAR.				
Floor area ratio ²	CN1 and CN2: 1.0 maximum	CC1: 1.5 maximum	2.5 maximum	3.0 maximum	N/A
		CC2: 2.0 maximum			
Setbacks required ⁴	The following are the minimum setbacks required. See Section 19.20.150 for setback measurement.				
Front	See Section 19.10.060 (Commercial Building Façade Standards).				
Sides	10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures; none required otherwise.				
Street side, corner lot	No minimum required; a maximum of 25 ft. is allowed.				
Rear	10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures; none required otherwise.				
Upper floor	See Section 19.10.060 (Commercial Building Façade Standards).				
Between structures	As required by Section 19.20.040 (Distance Between Structures).				
Height limit ³	CN1 and CN2: 25 ft., 2 stories	CC1: 35 ft., 3 stories	60 ft., 5 stories	90 ft., 8 stories	N/A
		CC2: 45 ft., 4 stories			
Landscaping	As required by Chapter 19.26 (Landscaping Standards).				
Outdoor activities	All sales, displays and storage shall be conducted within an enclosed building, except for newsstands and flower stands in compliance with Section 19.36.185.				
Parking and loading	As required by Chapter 19.28 (Off-Street Parking and Loading Standards)				
Safety and seismic safety	For new construction and building additions, as required by Chapter 19.32 (Seismic Safety) in fault precaution zones and liquefaction areas. Critical facilities (such as police stations or hospitals), sensitive facilities (such as nursing homes or day care facilities) and high occupancy facilities (such as hotels, nightclubs or restaurants) are also subject to Chapter 19.32 (Seismic Safety).				
Sidewalks	Sidewalks shall be provided at a minimum width of 10 ft. See Section				

	19.20.160.
Signs	As required by Chapter 19.34 (Sign Standards)

Notes:

- (1) Maximum floor area that may be occupied by dwellings. See also Chapter 19.22 (Affordable Housing Requirements and Incentives) for possible density bonuses.
- (2) Maximum FAR allowed, except as otherwise provided by Section 19.10.050 (Commercial Development Incentives).
- (3) Maximum allowable height for structures, except as otherwise provided by Section 19.10.050 (Commercial Development Incentives). See Section 19.20.080 (Height Measurement and Exceptions).
- (4) The Review authority may grant deviations from required setbacks where the review authority finds, based on substantial evidence, that the combination of height and setbacks or similar standards for a code compliant development triggers requirements for life safety access methods that would conflict with city plans or policies that have been adopted by the City Council. The deviation shall be to the minimum extent necessary to avoid the conflict with city plans or policies. By way of example only, when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide fire department access to the development, the applicable setback may be reduced by the review authority to the minimum extent necessary to site the building closer to the street for the fire department to safely access the building without having to create a new fire lane or require removal of the mature trees.

RESOLUTION NO. PC 19-1334

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 19, WEST HOLLYWOOD ZONING ORDINANCE, TO ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 10,000 SQUARE-FEET AND REMOVAL OF REDUNDANT LANGUAGE IN THE DEVELOPMENT REVIEW AUTHORITY CHART ON REVIEW OF RESIDENTIAL CONDOMINIUMS, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. The purpose of this ordinance is to allow director review for mixed use projects that are less than 10,000 square feet.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 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 July 4, 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. Changing the development review process will not change a project's impacts or review, as the projects' discretionary review will not change by allowing administrative review of permits.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0005 is consistent with the Goals and Policies of the General Plan. Specifically, the change to the development review authority is consistent with Goal G-2: Maintain transparency and integrity in West Hollywood's decision-making process. The subject zone text amendments will not impede any General Plan goals and policies. Overall, these changes streamline development review.

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 2019-0005, which is attached hereto as Attachment A.

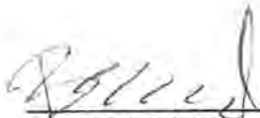
PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 1st day of August, 2019 by the following vote:

AYES:	Commissioner:	Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.
NOES:	Commissioner:	None.
ABSENT:	Commissioner:	Erickson.
ABSTAIN:	Commissioner:	None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



BIANCA SIEGL, LONG RANGE PLANNING MANAGER

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

Attachment A

SECTION 1. Table 4-2 of Chapter 19.48, Development Permits, of Title 19, Zoning Ordinance, shall be amended as follows:

TABLE 4-2 DEVELOPMENT PERMIT REVIEW AUTHORITY

Type of Use or Project	Review Authority	
	Direct or	Commiss ion

Residential Zoning Districts

Residential project: Any project in R1 and R2 zones 6 or fewer units in R3 zones 10 or fewer units in R4 zones	<input type="checkbox"/>	
Residential project: 7 or more units in R3 zones 11 or more units in R4 zones Any project that utilizes affordable housing concession in Section 19.22.050(E)(2)(f)		<input type="checkbox"/>
Subdivision maps		<input type="checkbox"/>
Residential remodeling, with no additional units	<input type="checkbox"/>	
Residential condominiums		<input type="checkbox"/>
Non-residential use that does not require a Conditional Use Permit	<input type="checkbox"/>	
Parking lot or structure – Application to alter its structure or operation in a PK overlay zoning district		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	

Commercial Zoning Districts, except SSP

Project of 30,000 gross sq. ft. or more of new or additional gross floor area, or requires a Conditional Use Permit or Variance, or requests bonuses or incentives beyond the baseline zoning requirements or as a mixed residential/commercial project <u>larger than 10,000 square feet</u>		<input type="checkbox"/>
<u>Commercial only</u> project between 10,000 to 30,000 gross sq. ft. of new or additional gross floor area that does not require a Conditional Use Permit or Variance, or does not request any bonuses or incentives beyond the baseline zoning requirements	<input type="checkbox"/> (1), (2)	

Project of less than 10,000 gross sq. ft. of new or additional gross floor area, that does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (2)	
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	

Public Facilities (PF) Zoning District

All projects		<input type="checkbox"/>
Major changes (as determined by the Director) to any of the above permits approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	<input type="checkbox"/>	

Sunset Specific Plan (SSP) Zoning District

Project of 30,000 sq. ft. or more, or requires a Conditional Use Permit or Variance		<input type="checkbox"/>
Project of less than 30,000 sq. ft., and does not require a Conditional Use Permit or Variance	<input type="checkbox"/> (3)	
Major changes (as determined by the Director) to the above approved by the Commission		<input type="checkbox"/>
Minor changes (as determined by the Director) to the above approved by the Commission	<input type="checkbox"/>	

Notes:

- (1) The following is required for commercial projects between 10,000 square feet and 30,000 square feet:
 - a. A Neighborhood Meeting must be conducted within 60 days of submission of a complete application.
- (2) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review under Section 19.40.020.
- (3) The Planning and Development Services Director may defer action and refer the application to the Planning Commission for review if the Director determines that the project meets the goals but not the requirements of the Sunset Specific Plan or if the project:
 - a. Requires significant additional environmental study;
 - b. Has unexpected traffic or parking projections;
 - c. Has unique uses, or uses with unusually high occupancy expectations;
 - d. Would have potential significant impacts which were unanticipated at the time the Sunset Specific Plan was written;
 - e. Is of a unique design or contains an unusual new billboard structure;
 - f. Is a new ground-floor bank or financial services use in the Sunset Specific Plan area.

All referrals to the Planning Commission shall be accompanied by a written explanation of the reason for the referral.

RESOLUTION NO. PC 19-1336

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 19, WEST HOLLYWOOD ZONING ORDINANCE, TO ALLOW A DEVIATION IN SETBACKS UNDER CERTAIN CIRCUMSTANCES, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. The purpose of this ordinance is to allow a deviation in required setbacks under circumstances where life safety concerns could result in conflict with the City's adopted policies.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of July 18, 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 July 4, 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. As for a reduction in setbacks, this will not result in a significant impact to the environment, as it does not impact the number or size of units within a project but will help the city to allow projects that do not contradict City policy. Specifically, the allowed deviation in setbacks will allow for less impacts to front yards that can result in cutting of trees as requested by life safety agencies. The city does not have one standard setback and relies on averaging. So a deviation to respond to a life safety concern by a reviewing agency will not create unusual disruptions in the setbacks for a neighborhood. There is already variation built into the calculation and the change will be for the minimum extent necessary to respond to life safety concern created by the combination of height and setback required for the project. These minor deviations will be more in line with city goals and policies.

SECTION 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0005 is consistent with the Goals and Policies of the General Plan. Specifically, the provision to allow deviations from setbacks is consistent with Goals H-5: Provide for a government environment that facilitates housing development and preservation, and LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. The subject zone text amendments will not impede any General Plan goals and policies. Overall, these changes improve the land use environment and a mechanism to reconcile conflicts during the entitlement process.

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 2019-0005, which is attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 1st day of August, 2019 by the following vote:

AYES:	Commissioner:	Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.
NOES:	Commissioner:	None.
ABSENT:	Commissioner:	Erickson.
ABSTAIN:	Commissioner:	None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



BIANCA SIEGL, LONG RANGE PLANNING MANAGER

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

Attachment A

SECTION 1. A new Note (10) is added to Table 2-3, Residential Zoning District General Development Standards, of Section 19.06.040 of Chapter 19.06 of Title 19, Zoning Ordinance, West Hollywood Municipal Code, as follows:

19.06.040 Residential Zoning District General Development Standards.

A. General Requirements. Subdivisions, land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-3, in addition to the applicable development standards in Article 19-3 (Site Planning and General Development Standards).

B. Requirements for the SSP (Sunset Specific Plan) District. Residential development within the SSP (Sunset Specific Plan) zoning district shall comply with the Sunset Specific Plan as well as this Zoning Ordinance. The Sunset Specific Plan shall control in the event of any conflicts.

TABLE 2-3
RESIDENTIAL ZONING DISTRICT GENERAL DEVELOPMENT STANDARDS

[Explanatory Notes Follow the Table, on Next Page]

Development Feature	Requirement by Zoning District		
	R1, R2	R3	R4
Minimum lot area ¹	5,000 sq. ft.		
Maximum lot area	No maximum	No maximum R3C-C: 10,000 sq. ft.	No maximum; R4B-C: 12,000 sq. ft.
Residential density ^{2, 6, 7}	See Table 2-4	1 unit for each 1,210 sq. ft. of site area 1 accessory dwelling unit where allowed by § 19.36.310(A). No more than 1 junior accessory dwelling unit per residential lot with an existing single-family dwelling (see § 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with 1 single-family dwelling.	1 unit for each 872 sq. ft. of site area 1 accessory dwelling unit where allowed by § 19.36.310(A). No more than 1 junior accessory dwelling unit per residential lot with an existing single-family dwelling (see § 19.36.310(B)). Accessory dwelling units and junior accessory dwelling units are only allowed on a property with 1 single-family dwelling.
Floor area ratio	R1 – 0.5, R2 –	R3C-C – 1.0 ⁸	R4B-C – 0.5 ⁸

(FAR)	N.A.		
Setbacks required	Minimum setbacks required. See Section 19.20.150 for setback measurement.		
Front, 1st story	Average of front setbacks of the 2 structures closest to the front property lines on the 2 adjacent parcels, with the following minimums/maximums. ^{3 10}		
	10 ft. min. in Norma Triangle, 15 ft. min. elsewhere; 30 ft. max. ¹⁰	15 ft. minimum, 30 ft. maximum; No minimum setback for R3C-C. ¹⁰	7.5 ft. minimum, no maximum; ¹⁰ R4B-C: No 1st story front setback if commercial on the ground floor. ¹⁰
Front, 2nd & upper stories	An additional 6 ft. for 2nd and upper stories in addition to the 1st story setback. ⁴ For R3C-C, no additional 2nd or upper stories setback.		
Sides, interior lot	5 ft. ¹⁰ For lots less than 50 ft. wide, 10% of average lot width, with 3 ft. min. (See § 19.36.320 for additions to nonconforming buildings.) ¹⁰	5 ft. for lots with structures up to 2 stories. ¹⁰ For lots 50 ft. or less in width, 10% of average lot width, with a 3 ft. minimum, for structures up to 2 stories. ¹⁰ For all lots: An additional 1 ft. setback is required for each story above the 2nd story. ¹⁰	R3C-C: No minimum side setback. ¹⁰ R4B-C: 10 ft. setback with an additional 7.5 ft. stepback at 4th story is required when adjacent to R-1 zone. ^{9 10} If a commercial use is on the ground floor, no minimum side setback on the 1st floor where adjacent to a commercial zone district. ¹⁰
Street side, corner lot	5 ft. ¹⁰	5 ft. ¹⁰	
	10 ft. for reversed corner lots. ^{5 10}	7.5 ft. for reversed corner lots. ^{5 10}	
Rear	15 ft. For lots with a depth less than 75 ft., 20% of the average lot depth, but not less than 10 ft. ¹⁰ R3C-C: 10 ft. minimum rear setback. ¹⁰		
Between structures	As required by Section 19.20.040 (Distance Between Structures)		
Flag lots	As required by Section 19.20.150 (Setback Measurement and Projections into Yards)		

Open space	None required other than setbacks.	As required by Section 19.36.280 (Residential Uses – Multi-Family Dwellings)	
Height limit Primary structures	Maximum structure height. See Section 19.20.080 (Height Measurement and Exceptions).		
	R1-A, R1-B, R-2: 25 ft., 2 stories R1-C: 15 ft., 1 story	R3-A: 25 ft., 2 stories	R4-A: 35 ft., 3 stories
		R3-B: 35 ft, 3 stories R3-C and R3C-C: 45 ft., 4 stories	R-4-B: 45 ft., 4 stories R-4B-C: 48 ft., 4 stories
Accessory	15 ft., 1 story		
Landscaping	As required by Chapter 19.26 (Landscaping Standards)		
Safety and Seismic Safety	For new construction and building additions, as required by Chapter 19.32 (Seismic Safety). Critical facilities, sensitive facilities (such as schools and daycare) and high occupancy facilities (such as religious facilities and hotels) are also subject to Chapter 19.32.		
Parking	As required by Chapter 19.28 (Off-Street Parking and Loading Standards)		
Sidewalks	Sidewalks shall be provided at a minimum width of 10 ft. See Section 19.20.160.		
Signs	As required by Chapter 19.34 (Sign Standards)		

Notes:

- (1) Minimum lot area for parcels proposed in new subdivisions and lot line adjustments. Condominium, townhome, or planned development projects may be subdivided with smaller parcel sizes for ownership purposes, with the minimum lot area requirement determined through the subdivision review process, provided that the overall development site complies with the lot area requirements of this chapter.
- (2) Maximum number of dwellings allowed for each specified unit of land. See also Chapter 19.22 (Affordable Housing Requirements and Incentives) for possible density bonuses.
- (3) If a parcel on either side of the site is not zoned residential, or if the site is a corner lot, the first two adjacent residential lots shall be used for the purposes of calculating the average setback.
- (4) The Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.
- (5) Where the front yard of a key lot adjoining a reversed corner lot is less than 10 feet in depth, the reversed corner lot may have a street side yard of the same depth, to a minimum of five feet. See Figure 2-1.
- (6) Density limits may be exceeded to permit legalization of illegal dwelling units in accordance with Section 19.36.270.
- (7) See also Section 19.06.080 for required density development standards.
- (8) Floor area ratio (FAR) calculations shall be used for calculating the maximum non-residential density for neighborhood serving commercial uses, limited to the ground

floor of projects in the R3C-C and R4B-C zoning districts. Residential density shall be calculated by residential density standards.

(9) Additional side setbacks may be required above the second floor if the Director determines that additional side setbacks are necessary to ensure compatibility between the uses and structures.

(10) The Review authority may grant deviations from required setbacks where the review authority finds, based on substantial evidence, that the combination of height and setbacks or similar standards for a code compliant development triggers requirements for life safety access methods that would conflict with city plans or policies that have been adopted by the City Council. The deviation shall be to the minimum extent necessary to avoid the conflict with city plans or policies. By way of example only, when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide fire department access to the development, the applicable setback may be reduced by the review authority to the minimum extent necessary to site the building closer to the street for the fire department to safely access the building without having to create a new fire lane or require removal of the mature trees.

SECTION 2. A new Note (4) is added to Table 2-6, Commercial and Public Zoning District General Development Standards, of Section 19.10.040 of Chapter 19.10 of Title 19, Zoning Ordinance, West Hollywood Municipal Code, as follows:

19.10.040 Commercial and Public District General Development Standards.

A. General Requirements. Proposed land uses and structures, and alterations to existing land uses and structures, shall be designed, constructed, and/or established in compliance with the requirements in Table 2-6, in addition to the applicable development standards (e.g., landscaping, parking and loading, etc.) in Article 19-3 (Site Planning and General Development Standards).

B. Requirements for the SSP (Sunset Specific Plan) District. Standards for development and land uses within the SSP (Sunset Specific Plan) zoning district shall be determined by the Sunset Specific Plan. Floor area ratio (FAR) and height incentive bonuses may be allowed in addition to the FARs and maximum structure heights allowed by the Sunset Specific Plan in compliance with Section 19.10.050 (Commercial Development Incentives).

C. Requirements for the PDCSP (Pacific Design Center Specific Plan) District. Standards for development and land uses within the PDCSP zoning district shall be determined by the Pacific Design Center Specific Plan.

D. Additional Requirements. The development standards in Table 2-6 are supplemented by Sections 19.10.050 (Commercial Development Incentives), and 19.10.060 (Commercial Building Façade Standards).

TABLE 2-6
COMMERCIAL AND PUBLIC ZONING DISTRICT GENERAL DEVELOPMENT
STANDARDS

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

Development Feature	Requirement by Zoning District				
	CN	CC	CA	CR	PF
Minimum lot area	5,000 sq. ft.				
Residential floor area ¹	Determined through land use permit process based on allowable FAR.				
Floor area ratio ²	CN1 and CN2: 1.0 maximum	CC1: 1.5 maximum CC2: 2.0 maximum	2.5 maximum	3.0 maximum	N/A
Setbacks required ⁴	The following are the minimum setbacks required. See Section 19.20.150 for setback measurement.				
Front	See Section 19.10.060 (Commercial Building Façade Standards).				
Sides	10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures; none required otherwise.				
Street side, corner lot	No minimum required; a maximum of 25 ft. is allowed.				
Rear	10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures; none required otherwise.				
Upper floor	See Section 19.10.060 (Commercial Building Façade Standards).				
Between structures	As required by Section 19.20.040 (Distance Between Structures).				
Height limit ³	CN1 and CN2: 25 ft., 2 stories	CC1: 35 ft., 3 stories CC2: 45 ft., 4 stories	60 ft., 5 stories	90 ft., 8 stories	N/A
Landscaping	As required by Chapter 19.26 (Landscaping Standards).				
Outdoor activities	All sales, displays and storage shall be conducted within an enclosed building, except for newsstands and flower stands in compliance with				

	Section 19.36.185.
Parking and loading	As required by Chapter 19.28 (Off-Street Parking and Loading Standards)
Safety and seismic safety	For new construction and building additions, as required by Chapter 19.32 (Seismic Safety) in fault precaution zones and liquefaction areas. Critical facilities (such as police stations or hospitals), sensitive facilities (such as nursing homes or day care facilities) and high occupancy facilities (such as hotels, nightclubs or restaurants) are also subject to Chapter 19.32 (Seismic Safety).
Sidewalks	Sidewalks shall be provided at a minimum width of 10 ft. See Section 19.20.160.
Signs	As required by Chapter 19.34 (Sign Standards)

Notes:

(1) Maximum floor area that may be occupied by dwellings. See also Chapter 19.22 (Affordable Housing Requirements and Incentives) for possible density bonuses.

(2) Maximum FAR allowed, except as otherwise provided by Section 19.10.050 (Commercial Development Incentives).

(3) Maximum allowable height for structures, except as otherwise provided by Section 19.10.050 (Commercial Development Incentives). See Section 19.20.080 (Height Measurement and Exceptions).

(4) The Review authority may grant deviations from required setbacks where the review authority finds, based on substantial evidence, that the combination of height and setbacks or similar standards for a code compliant development triggers requirements for life safety access methods that would conflict with city plans or policies that have been adopted by the City Council. The deviation shall be to the minimum extent necessary to avoid the conflict with city plans or policies. By way of example only, when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide fire department access to the development, the applicable setback may be reduced by the review authority to the minimum extent necessary to site the building closer to the street for the fire department to safely access the building without having to create a new fire lane or require removal of the mature trees.

SUBJECT: ZONE TEXT AMENDMENTS: 1) ALLOW UNLIMITED DWELLING UNITS IN 100% AFFORDABLE HOUSING PROJECTS, 2) ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 30,000 SF AND CLEANUP OF THE DEVELOPMENT REVIEW AUTHORITY CHART, AND 3) ALLOW A DEVIATION FROM SETBACK REQUIREMENTS UNDER LIMITED CIRCUMSTANCES

PREPARED BY: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

(Bianca Siegl, Manager, Long Range Planning)

(Rachel Dimond, AICP, Senior Planner)

HUMAN SERVICES & RENT STABILIZATION DEPARTMENT

(Pete Noonan, AICP CEP, Rent Stabilization & Housing Manager)

(Alicen Bartle, Project Development Administrator)

STATEMENT ON THE SUBJECT:

The Planning Commission will hold a public hearing to consider a zone text amendment to (1) amend the affordable housing requirements and incentives chapter to allow the maximum number of dwelling units to be waived for 100% affordable housing projects, (2) allow director review of mixed use projects less than 30,000 square feet that do not utilize any density bonuses or incentives, with a clarification on the same chart to eliminate redundant language on residential condominiums, and (3) allow a deviation from setbacks when life safety access requirements would conflict with the City's adopted goals and policies.

RECOMMENDATION:

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

- 1. RESOLUTION PC 19-1334: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 19, ZONING ORDINANCE, TO ALLOW UNLIMITED DENSITY FOR 100% AFFORDABLE HOUSING PROJECTS; TO ALLOW DIRECTOR REVIEW OF MIXED USE PROJECTS LESS THAN 30,000 SF AND REMOVAL OF REDUNDANT LANGUAGE IN THE DEVELOPMENT REVIEW AUTHORITY CHART ON REVIEW OF RESIDENTIAL CONDOMINIUMS; AND TO ALLOW A DEVIATION IN SETBACKS UNDER CERTAIN CIRCUMSTANCES, IN THE CITY OF WEST HOLLYWOOD. (ATTACHMENT A)**

BACKGROUND / ANALYSIS:

The purpose of this public hearing is for the Planning Commission to review the proposed zone text amendments and provide a recommendation to the City Council. The proposed zone text amendments are (1) changes to the 100% affordable housing projects bonus to allow the maximum number of dwelling units to be waived for 100% affordable housing projects, (2) changes to the development permit review authority chart to allow director review of mixed use projects less than 30,000 square feet that do not utilize any density bonuses or incentives, with a cleanup on the same chart to eliminate redundant language on residential condominiums, and (3) a new setback deviation to allow a deviation from setbacks when life safety access requirements would conflict with the City's adopted goals and policies.

100% Affordable Housing Projects Bonus:

Existing regulations allow projects in the R3 and R4 Districts with at least 50% affordable housing to obtain a bonus of an equal percentage to the percentage of affordable housing with the building. This means 100% affordable housing projects are provided a 100% density bonus for the number of units (i.e. A building that is permitted to have 10 dwelling units is permitted to build up to 20 affordable housing units in a 100% affordable housing project.)

As part of the City Council's recent policy discussion on affordable housing pilot programs on April 1, 2019, the City Council directed staff to initiate a zone text amendment to allow 100% affordable housing projects to have no limit on the number of dwelling units. This is in line with the City's many goals and policies that aim to provide affordable housing. This amendment will help facilitate the production of affordable housing in the City and make such projects more feasible for nonprofit housing developers. This amendment also complements the City's affordable housing loan program and partnerships with housing providers. For reference, see Attachment C for the associated City Council report.

The proposed amendment will not change the allowable size of the building envelope, which is regulated by setback and height limitations in the R3 and R4 zoning districts, but would allow for a greater number of units within that envelope. This is achieved through an amendment to the Affordable Housing Requirements and Incentives Section of the Zoning Ordinance that would allow an unlimited number of units only for 100% affordable housing projects that are developed and operated by a non-profit affordable housing organization. The number of units will then be dependent on the site, with affordable housing units skewing much smaller than market rate units. The building code allows units as small as approximately 300 square feet to be built, but averages from local affordable housing providers hover around 600 square feet in order to be meaningful, livable independent units with their own facilities.

In West Hollywood, 100% affordable housing projects serve seniors, low income tenants with 30-60% of Area Median Income (AMI), and special needs populations. These buildings include a large proportion of common spaces such as laundry facilities, lobbies, space for service providers, and community common space.

Some community members have expressed a concern that this type of amendment could be used with the waiver provision under the State's Density Bonus Law (California Government Code Sections 65915 – 65918) to build more than the typically requested one story over allowable height concession. The City cannot prohibit a developer from requesting the use of a state-provided waiver from certain development standards such as height. However, a project that is much larger than a standard infill project within the city would trigger an environmental impact report, and as it would likely be found to create significant impacts on the environment, the City would be able to address this issue. In addition, the economics of affordable housing development do not suggest that extremely tall buildings are a feasible option due to expanded construction costs of high rise buildings. Based on these circumstances, staff does not feel that the increased incentive for 100% affordable housing projects creates an undue risk of projects with excess height.

An analysis hypothetical based on a recently constructed affordable housing projects shows three scenarios for construction below for reference:

	Market-Rate Multi-Family	Existing Affordable Housing Bonus	Proposed 100% Affordable Housing Bonus
Allowable Units (Density)	11	22	45
Height/Stories	45' / 4	45' / 4	55' / 5
Average Unit Size	1,500 SF	743 SF	596 SF
Residential Floor Area (Unit Interior Only)	16,500 SF	16,346 SF	26,820
Circulation	6,498 SF	4,874 SF	6,123 SF
Common Floor Area	2,533 SF	1,817 SF	2,979 SF
Private Open Space (60sqft/Unit)	660 SF	1,320 SF	2,700 SF
Total (Interior + Private Outdoor)	26,191 SF	24,353 SF	38,622 SF
Parking	1 level subterranean	1 level ground floor	2 levels subterranean

Development Permit Review Authority Amendments:

On January 21, 2019, the City Council adopted Ordinance 19-1051. This allowed for expanded Director review for commercial projects up to 30,000 SF, but required all mixed use projects to be reviewed by the Planning Commission, regardless of size. Prior to that ordinance, any project up to 10,000 square feet could be Director-reviewed. The proposed amendment will allow mixed use projects up to 30,000 square feet that do not request any bonuses or incentives to be administratively approved. Should a mixed-use project under 30,000 square feet have significant impacts, the Director can refer the project to the Planning Commission as necessary. 30,000 square feet is also the threshold for Director review in the Sunset Specific Plan, and as such with the proposed amendment, this threshold would apply equally citywide.

On February 5, 2018, the City Council adopted Ordinance 18-1020, which amended the Development Permit Review Authority chart. However, the inclusion of the line item of "residential condominiums" as reviewed by the Planning Commission can be confusing as to the intent of the previous changes. This amendment will correct that error in the development review authority chart to delete "residential condominiums" as their review is also covered under subdivisions. This will not create any substantive changes to the regulations, but will rather clear up confusing and duplicate information.

Setback Deviation

There have been a number of instances during the development review process where life safety concerns and requirements for access methods conflict with the City's priorities, including negative impacts to tree canopy and disruption of the urban pattern. Specifically, the combination of height and setbacks have created a situation where the Fire Department requires a fire lane to be installed, which would be disruptive to the development pattern provided by the City's required setbacks, or requires all front yard trees to be removed, which is contrary to the City's goal to protect and enhance the tree canopy. In these cases, currently the only way for the City to allow a deviation from required setbacks would be through a 10% deviation, which is often times not enough, or a variance, of which a hardship is required in order to grant.

The proposed amendment would allow approval by the review authority of deviations from setback standards, only in these limited circumstances, with different threshold than a variance or modification. This would allow the City a very specific mechanism only to be used in extremely specific circumstances where the combination of height and setbacks triggers a requirement for life safety access methods that conflict with adopted City goals and policies.

LONG RANGE SUBCOMMITTEE DISCUSSION:

The Planning Commission Long Range Subcommittee reviewed these items on June 20, 2019. Regarding the first item, the subcommittee members voiced support for creation of more affordable housing, but voiced concern over the ability to regulate the building envelope. Regarding the second and third items, the subcommittee members expressed support for the changes to the development permit review authority chart, and also for the setback deviation provision. Two members of the public spoke. Ed

Levin voiced his concern over the potential use of waivers with an unlimited number of units. Ric Abramson voiced his support for the setback deviation item and the development permit review authority item.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

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. While allowing unlimited number of dwelling units in a 100% affordable housing project may increase the number of units overall, the total number of units is limited by a number of factors. Factors include the minimum size of a dwelling unit required by the building code, and other state and federal requirements, typically about 300 square feet per unit. Another factor in the overall size of a building would be the limitations of the building envelope, which is governed by setbacks, building height and other development standards. Further, the construction of dwelling units will be limited by the ability to provide parking and other requirements on site. The increase in affordable housing units will be offset by requirements for green building that will reduce impacts to the environment, including limiting water usage through low flow fixtures, reducing greenhouse gas emission through improved construction methods and materials, and improved energy efficiency through certified appliances and efficient building systems. Furthermore, affordable housing projects will be located in high priority transit zones that provide multiple bus routes in close proximity, which will reduce driving by tenants. Changing the development review process will not change a project's impacts or review, as the projects' discretionary review will not change by allowing administrative review of permits. As for a reduction in setbacks, this will not result in a significant impact to the environment, as it does not impact the number or size of units within a project but will help the city to allow projects that do not contradict City policy. Specifically, the allowed deviation in setbacks will allow for less impacts to front yards that can result in cutting of trees as requested by life safety agencies. The city does not have one standard setback and relies on averaging. So a deviation to respond to a life safety concern by a reviewing agency will not create unusual disruptions in the setbacks for a neighborhood. There is already variation built into the calculation and the change will be for the minimum extent necessary to respond to life safety concern created by the combination of height and setback required for the project. These minor deviations will be more in line with city goals and policies.

COMPLIANCE WITH THE WEST HOLLYWOOD GENERAL PLAN 2035

Zone Text Amendment 2019-0004 is consistent with the Goals and Policies of the General Plan. Specifically, the affordable housing provision is consistent with Goal H-1: Provide affordable rental housing, and H-4: Provide for adequate opportunities for new construction of housing. The change to the development review authority is consistent with Goal G-2: Maintain transparency and integrity in West Hollywood's decision-making process. The provision to allow deviations from setbacks is consistent with Goals H-5: Provide for a government environment that facilitates housing development and preservation, and LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. The subject zone text

amendments will not impede any General Plan goals and policies. Overall, these changes improve the land use environment, promoting affordable housing, streamlined development review, and a mechanism to reconcile conflicts during the entitlement process.

CONCLUSION

The proposed Zone Text Amendments will increase allowable affordable housing, streamline development review, and allow setback deviations to ensure alignment with City policies in the development review process. These amendments are consistent with the West Hollywood General Plan. The amendments will further improve the development review process and provide development consistent with community goals and priorities. Staff recommends the Planning Commission adopt Resolution No. 19-1334, which recommends the City Council approve the subject zone text amendments.

ATTACHMENTS:

- A. Resolution No. 19-1334
- B. Index to Zoning Code Changes
- C. Affordable Housing Pilot Program City Council Staff Report dated April 1, 2019



**PLANNING COMMISSION
SUMMARY ACTION MINUTES
Regular Meeting
July 18, 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 6:35 p.m.
2. **PLEDGE OF ALLEGIANCE:** Ted Green led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, Bass, Buckner, Erickson, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.

Commissioners Absent: None.

Staff Present: Adrian Gallo, Associate Planner, Doug Vu, Senior Planner, Rachel Dimond, Senior Planner, Jennifer Alkire, Senior Planner, David DeGrazia, Current and Historic Preservation Planning Manager, Lauren Langer, Assistant City Attorney and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**
ACTION: Approve the Planning Commission Agenda of Thursday, July 18, 2019 as presented. **Moved by Commissioner Erickson, seconded by Commissioner Hoopingarner and unanimously passes.**
5. **APPROVAL OF MINUTES.**

A. **June 20, 2019**

ACTION: 1) Approve the Planning Commission regular meeting minutes of Thursday, June 20, 2019 as presented. **Moved by Commissioner Bass, seconded by Chair Jones and unanimously passes.**
6. **PUBLIC COMMENT.**
TED GREEN, WEST HOLLYWOOD spoke regarding the zone text amendment on dwelling unit clarifying definitions; which was a recommendation to City Council.

ACTION: 1) Bring back a revised draft resolution on Thursday, August 1, 2019 incorporating both modifications, 2) add the following to Section 8 (Design Requirements): *"The project shall be modified in conjunction with the required management and use plan for delivery vehicles to provide the necessary loading back-up space necessary without altering, without widening the width of the driveway, or altering the exterior design of the building prior to issuance of the building permit;"* 3) any other changes as deemed necessary to be consistent; and 4) Close the Public Hearing for Item 10.C. **Moved by Commissioner Erickson, seconded by Commissioner Bass and passes, noting the NO votes of Commissioner's Altschul, Buckner and Hoopingarner.**

THE COMMISSION TOOK A FIVE (5) MINUTE RECESS AT 9:10 P.M. AND RECONVENED AT 9:15 P.M.

D. Zone Text Amendment, Property Maintenance Standards.

A request to remove the property maintenance language from the West Hollywood Zoning Ordinance and reference a new chapter; Neighborhood Preservation, found in Title 9 of the West Hollywood Municipal Code, citywide.

Staff is requesting a continuance to Thursday, September 5, 2019.

ACTION: 1) Continue to Thursday, September 5, 2019. **Moved by Commissioner Hoopingarner, seconded by Commissioner Erickson and unanimously passes as part of the approved agenda.**

E. Zone Text Amendment, Miscellaneous Code Amendments.

Rachel Dimond, Senior Planner provided a verbal presentation and background information, as presented in the staff report dated Thursday, July 18, 2019.

She stated for the record the portion of this item related to housing – allowing unlimited dwelling units in 100% affordable housing projects, shall be continued and discussed to date uncertain.

She stated the purpose is for the Planning Commission to review the proposed zone text amendments and provide a recommendation to the City Council.

The proposed zone text amendments are: (1) changes to the development permit review authority chart to allow director review of mixed use projects less than 30,000 square feet that do not utilize any density bonuses or incentives, with a cleanup on the same chart to eliminate redundant language on residential condominiums.

She clarified the proposed amendment will allow mixed use projects up to 30,000 square feet that do not request any bonuses or incentives to be administratively approved. Should a mixed-use project less than 30,000 square feet have significant impacts, the Director can refer the project to the Planning Commission as necessary. 30,000 square feet is also the threshold for Director review in the Sunset Specific Plan, and as such with the proposed amendment, this threshold would apply equally citywide.

This amendment will correct that error in the development review authority chart to delete “residential condominiums” as their review is also covered under subdivisions. This will not create any substantive changes to the regulations, but will rather clear up confusing and duplicate information.

(2) a new setback deviation to allow a deviation from setbacks when life safety access requirements would conflict with the City’s adopted goals and policies.

She stated there have been a number of instances during the development review process where life safety concerns and requirements for access methods conflict with the City’s priorities, including negative impacts to tree canopy and disruption of the urban pattern. Specifically, the combination of height and setbacks have created a situation where the Fire Department requires a fire lane to be installed, which would be disruptive to the development pattern in a residential neighborhood, or requires all front yard trees to be removed, which is contrary to the City’s goal to protect and enhance the tree canopy. In these cases, currently the only way for the City to allow a deviation from required setbacks would be through a 10% deviation, which is often times not enough, or a variance, of which a hardship is required in order to grant.

The proposed amendment would allow approval by the review authority of deviations from setback standards, only in these limited circumstances, with different threshold than a variance or modification. This would allow the City a very specific mechanism only to be used in extremely specific circumstances where the combination of height and setbacks triggers a requirement for life safety access methods that conflict with adopted City goals and policies.

She amended the first sentence of Note (10) and (4) of draft Resolution No. PC 19-1334, Attachment A to read as follows:

(10) (4) “The Review Authority may grant deviations from required setbacks where the Review Authority finds based on substantial evidence that the combination of height and setbacks or similar standards for a code compliant development triggers requirements for life safety access methods that would conflict with City plans or policies that have been adopted by the City Council.”

The commission questioned the review authority for setback deviations, and requested clarification regarding 30,000 square-feet.

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

EDWARD LEVIN, WEST HOLLYWOOD has concerns regarding this item. He spoke regarding the 30,000 square-foot threshold, and detailed the deviation from setback issues.

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

The commission had concerns and discussed the issues with mixed-use projects between 10,000 and 30,000 square-feet, design review, transparency, review authority, neighborhood meetings and noticing, and residential review.

Rachel Dimond, Senior Planner stated the following changes would be recommended by carrying forward the elimination of residential condominiums from the table, and to clarify that projects of less than 10,000 square-feet of new or additional gross floor area that don't require an conditional use permit or variance, also includes mixed-use projects that are 10,000 square-feet or less.

Staff could change the first line under Commercial Zoning Districts, to projects of 30,000 square-feet or more of new or additional gross floor area, or requires a conditional use permit or variance, or requests bonuses or incentives beyond the baseline zoning requirement, or is a mixed-use residential / commercial project larger than 10,000 square-feet.

For the second line, she stated it would read commercial only projects between 10,000 to 30,000 square-feet of new or additional gross floor area, or requires a conditional use permit or variance, or requests bonuses or incentives beyond the baseline zoning requirement, or is a mixed residential / commercial project larger than 10,000 square-feet.

Lauren Langer, Assistant City Attorney, suggested the Fire Department deviation could be put on a future agenda for discussion.

Rachel Dimond, Senior Planner read into the record the consensus and direction given.

Draft Resolution No. PC 19-1334, Attachment A, a) Section 1 - shall be removed, b) Section 2 [now Section 1.] (Table 4.2 Development Permit Review Authority) – “residential condominiums” shall be removed from the code language; c) Table 4.2 (Commercial Zoning Districts) the first line shall reads as follows: *Projects of 30,000 gross square-feet or more of new or additional gross floor area, or requires a conditional use permit or*

variance, or requests bonuses or incentives beyond the baseline zoning requirement, or is a mixed-use residential / commercial project larger than 10,000 square-feet;" d) the second line shall read as follows: "Commercial only projects between 10,000 to 30,000 gross square-feet of new or additional gross floor area, that does not require a conditional use permit or variance, or does not request any bonuses or incentives beyond the baseline zoning requirement;" e) Section 3 [now Section 2] the note shall read as follows: "The review Authority may grant deviations from required setbacks where the Review Authority finds based on substantial evidence that the combination of height and setbacks or similar standards for code compliant development triggers requirements for life safety access methods that would conflict with City plans or policies that have been adopted by the City Council. The deviations shall be the minimum extent necessary to avoid the conflict with City plans or policies. By way of example only when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide Fire Department access to the development, the applicable setback may be reduced by the Review Authority to the minimum extent necessary to site the building closer to the street for the Fire Department to safely access the building without having to create a new fire lane or removal of the mature trees;" and f) Section 4 [now Section 3] the note shall read as follows: "The review Authority may grant deviations from required setbacks where the Review Authority finds based on substantial evidence that the combination of height and setbacks or similar standards for code compliant development triggers requirements for life safety access methods that would conflict with City plans or policies that have been adopted by the City Council. The deviations shall be the minimum extent necessary to avoid the conflict with City plans or policies. By way of example only when the combination of height and setbacks triggers the need for installation of a new fire lane or the removal of mature trees to provide Fire Department access to the development, the applicable setback may be reduced by the Review Authority to the minimum extent necessary to site the building closer to the street for the Fire Department to safely access the building without having to create a new fire lane or removal of the mature trees."

Rachel Dimond, Senior Planner reiterated any language relating to the 100% affordable housing projects shall be eliminated from the draft Resolution.

Commissioner Hoopingartner stated her motion should include the amended language as presented by staff and have it return as two separate items as a Consent Calendar item at the next meeting.

Seconded by Commissioner Erickson.

ACTION: 1) Bring back two separate draft Resolutions on Consent Calendar, including the amended language read into the record by staff on Thursday, August 1, 2019. **Moved by Commissioner Hoopingarner, seconded by Commissioner Erickson and unanimously passes.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.**

A. **Update on Composition of Planning Commission Subcommittees.**

John Keho, Director, Planning & Development Services Department provided background information from a previous discussion regarding the make-up of subcommittees.

He stated staff will be adding to the official agenda under Items From Commissioners, a subsection to address scheduled absences, recusals or radius issues from the standing subcommittees, since there will no longer be appointed alternates. He stated this will be to alleviate any concerns or issues with possible Brown Act violations.

The subsection shall read as follows:

A. ***Subcommittee Management.***

SUBJECT: This time has been set aside for commissioners serving on standing subcommittees to report any scheduled absences or conflicts of interest that would prevent them from being present at an upcoming subcommittee meeting. If more than two subcommittee members cannot be present at a meeting, the Chair may reschedule the time or date of the meeting or change the composition of the subcommittee to ensure a quorum can be present.

The commission discussed and had concerns regarding the elimination of alternates.

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

14. **ITEMS FROM STAFF.**

A. **Planning Manager's Update.** None.

15. **PUBLIC COMMENT.**

EDWARD LEVIN, WEST HOLLYWOOD spoke regarding subcommittee alternates, the 10,000 square-footage, and modifications.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 1st day of August, 2019 by the following vote:

AYES: Commissioner: Altschul, Bass, Buckner, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: Erickson.

ABSTAIN: Commissioner: None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY

15 July 2019

Planning Commission
City of West Hollywood
8300 Santa Monica Boulevard
West Hollywood, California 90069

LEVIN~MORRIS

re: 18 July 2019, Item 10.E – Zone Text Amendments

Honorable Chair and Members of the Planning Commission:

At your hearing of 18 July 2019, Item 10.E asks you to approve three ZTAs:

1. No density limit for 100% affordable housing projects;
2. Director review of 30,000 mixed-use projects;
3. Front setback deviation.

I'll address only the first and last of these here.

1. Unlimited Density Should Not Be Approved - It Will Mean a Bigger Building Envelope in R4
This ZTA should not be approved. It will not work as proposed and there are better alternatives.

The Staff Report states, "*The proposed amendment will not change the allowable size of the building envelope, which is regulated by setback and height limitations in the R3 and R4 zoning districts, but would allow for a greater number of units within that envelope.*" But this claim is not true for R4 sites – even based on staff's own numbers,

Staff's hypothetical analysis on page 3 of the Staff Report is based on an R3-zoned site. That analysis suggests that a 45-unit project on an 11-unit base density R3 site would produce a 55'-high, 5-story building. That's entirely true.

However, if that same 45-unit project were built on an 11-unit base density R4 site, it would result in a 75'-high, 7-story building. I fully agree with staff's assumption, as indicated on the chart on page 3, that a 45-unit project with ± 600 sq ft units would have a total gross area of $\pm 38,622$ sq ft. But on an R4 site, that total gross area would result in a 7-story building. Here's why:

On an 11-unit R4 Site, a Total Gross Area of 38,622 Sq Ft Requires a 7-story Building

An 11-unit base density R4 site will have a site area of 9,592 sq ft (11.0 units \times 872 sq ft of site area / unit = site area of 9,592 sq ft) – at most. Given typical WeHo R4 site depths, a 9,592 sq ft site can be assumed to have dimensions of 64' by 150'. With 15' setbacks front & rear and 8' side setbacks (assuming a 5-story building), the buildable site dimensions would be 48' by 120'. This yields a buildable site area of 5,760 sq ft (120' \times 48' = 5,760 sq ft).

Therefore, even as a simple box built all the way out to every setback, a 38,622 sq ft building on a site with a buildable area of only 5,760 sq ft requires 6.7 floors. In other words, it would be a 7-story building.

Again, this is based on staff's own hypothetical analysis of 45 units on a site with a base density of 11 units. With no density limit, there's no reason an applicant couldn't propose 60 or 100 units on that same "11-unit" site.

Don't Gamble with Zoning

Staff suggests that such higher unit counts – and even taller buildings – are unlikely. (“Based on these circumstances, staff does not feel that the increased incentive for 100% affordable housing projects creates an undue risk of projects with excess height.”)

But you should not base legislation on predicting the future economics of construction methods and building codes. Do not assume that developers are less clever than zoning code writers.

Don't Allow What You're Not Prepared to Accept

The most fundamental principle of land-use legislation is this: Don't allow anything you're not prepared to live with. If you're not prepared to accept 7-story buildings in our R4 neighborhoods, don't allow unlimited density.

A Physical Accommodation Waiver is Harder to Stop than Staff Suggests

If you go forward with unlimited density, you will not be able to control the building envelope. A Govt. Code 65915(e) waiver requires that the City waive any development standard that physically precludes accommodating the full allowable density, including bonus, on the project site. The Staff Report vaguely – and I believe incorrectly – suggests that the City could somehow prevent the resulting much larger and bulkier building envelopes:

“However, a project that is much larger than a standard infill project within the city would trigger an environmental impact report, and as it would likely be found to create significant impacts on the environment, the City would be able to address this issue.” [p 3]

It's Very Hard to Turn Down an Affordable Housing Project for Environmental Impacts

It's unlikely that an EIR would be required. A Govt. Code 65915(e) waiver can be turned down only for “a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.”

And per 65589.5(2)(d) “a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” WeHo has no quantifiable, objective standards for “specific, adverse impact” based on building envelope.

Also, under Govt. Code 65589.5, the Housing Accountability Act an affordable housing project can't be reviewed under CEQA for aesthetic impacts or shadow impacts or neighborhood compatibility. So an EIR could not be required for aesthetics or shadow impacts or compatibility. Without doubt there would be greater than usual environmental impacts during construction. But construction air-quality impacts are temporary, and would likely require an Initial Study for a Mitigated Negative Declaration, not a full EIR. Again, a Govt. Code 65915(e) waiver can be turned down only if there are objective, identified written public health or safety impacts that cannot be mitigated.

There are Better Approaches to Accomplish our Affordable Housing Goals

I believe there are indeed better ways to achieve a higher number of units in a 100% affordable building, while maintaining the current R4 building envelope. One such approach would be to ensure that the building envelope of a 100%

affordable building is the same as a comparable R4 density-bonus project by ensuring that the buildings' total unit square footage is the same.

Starting with staff's example of 11-unit base density site, a 'standard' R4 building with a 35% density bonus would allow 15 total units (11 base + 35% = 14.85). Based on the maximum allowable number of units, that number of units can be multiplied by the R4 maximum average unit size of 1,200 sq ft, to define a Total Allowable Unit Area. In this hypothetical, the Total Allowable Unit Area would be 18,000 sq ft (15 × 1200 sq ft = 18,000 sq ft).

Simply allow a 100% affordable building to divide the Total Allowable Unit Area however the applicant wishes. Let the applicant balance the total number of units against their average size.

Assuming a 743 sq ft unit size from staff's chart, a total unit area of 18,000 sq ft would result in 24 units – more than the 22 allowed with the current bonus. Alternatively, an applicant could elect to build 30 units at an average of 600 sq ft, or 45 units at an average of 400 sq ft, or whatever other balance suits the applicant's objectives, with the caveat that an applicant should not be permitted to build fewer than the 15 units allowed with a standard 35% bonus.

Based on the assumptions outlined in the Staff Report itself, this approach would yield a flexible relationship between number of units and unit size, and would likely yield more affordable units than the current 100% bonus for 100% affordable units. But because it would contain the same total allowable unit area and essentially the same gross building area as a standard R4 density-bonus project, it would not result in a larger building envelope.

Send Item 1 Back for Further Study

Again, don't allow anything you're not prepared to live with. We want to create more affordable units, but we have to balance that against impacts to our R4 neighborhoods. If we don't want to live with 7-story buildings (or taller) in our R4 zones, we can't allow unlimited density for 100% affordable buildings.

I believe there are better alternative approaches. But in any case, this item needs further study and should not move forward as proposed.

3. Front Setback Deviation Should be Approved, but Expanded

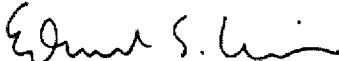
This ZTA should be approved – but I would urge you to go even farther.

You are regularly asked to grant variances from front setback averaging. And while that is often a reasonable request, it currently requires a variance, which means you must either make formal variance findings that are impossible to legally justify, or you must ignore the variance findings and rely only on 'common sense'. Neither alternative is particularly satisfactory.

So this ZTA should be expanded to allow deviations not only for fire / life safety conflicts, as staff requests, but for *any* situation where deviation from front setback averaging simply makes sense or better achieves the City's goals.

As always, I appreciate your time and attention.

Sincerely,


Edward S. Levin

Memo

To: Mayor, City Councilmembers, City Manager, Assistant City Manager, and City Attorney
From: Alyssa T. Poblador, Administrative Specialist IV *ATP*
CC: J. KEHO, R. DIMOND
Date: October 7, 2019
Re: Correspondence Concerning Item 3.C. on the 10/7/19 Agenda

Attached please find correspondence received relating to Item 3.C. on the October 7, 2019 Council Agenda.

3.C. ZONE TEXT AMENDMENT: DEVELOPMENT REVIEW AUTHORITY AND SETBACK DEVIATIONS

Melissa Crowder

From: Lindsey Horvath
Sent: Saturday, October 5, 2019 5:12 PM
To: Melissa Crowder
Subject: Fwd: Council Meeting 9/23/19 Item 3.C ZTA

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Lindsey P. Horvath

Mayor Pro Tempore, City of West Hollywood
8300 Santa Monica Blvd., 3rd Floor
West Hollywood CA 90069
LHorvath@weho.org
p: 323.848.6460
c: 323.632.7530

Begin forwarded message:

From: Colin Booker <colinbooker@rocketmail.com>
Date: October 5, 2019 at 4:48:58 PM PDT
To: "council@weho.org" <council@weho.org>
Subject: Council Meeting 9/23/19 Item 3.C ZTA
Reply-To: "colinbooker@rocketmail.com" <colinbooker@rocketmail.com>

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.

Dear Council Members, I would like to convey my position on the ZTA proposal you will decide on this Monday. This is item 3.C - ZTA Projects Spanning Commercial and Residential Zones. I support the recommendation made by [the Planning Commission or staff]. Sincerely, West Hollywood Resident

Sent f I think we should make all projects much smallerrom Yahoo Mail on Android