

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

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

STATEMENT ON THE SUBJECT

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

RECOMMENDATION

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

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

OVERVIEW OF PROPOSED AMENDMENT

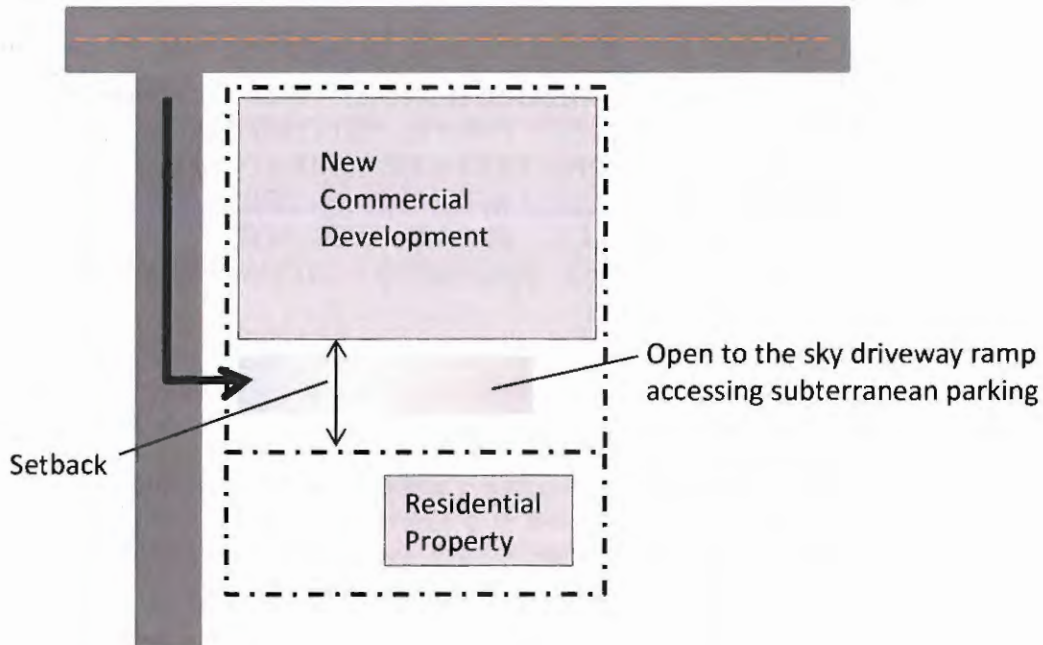
At present, the City of West Hollywood Municipal Code Zoning Ordinance requires a rear and side setback of “10 ft. if adjacent to a parcel in a residential zoning district, or more as necessary to provide a minimum separation of 15 ft. between commercial and residential structures” (Section 19.10.040,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

BACKGROUND

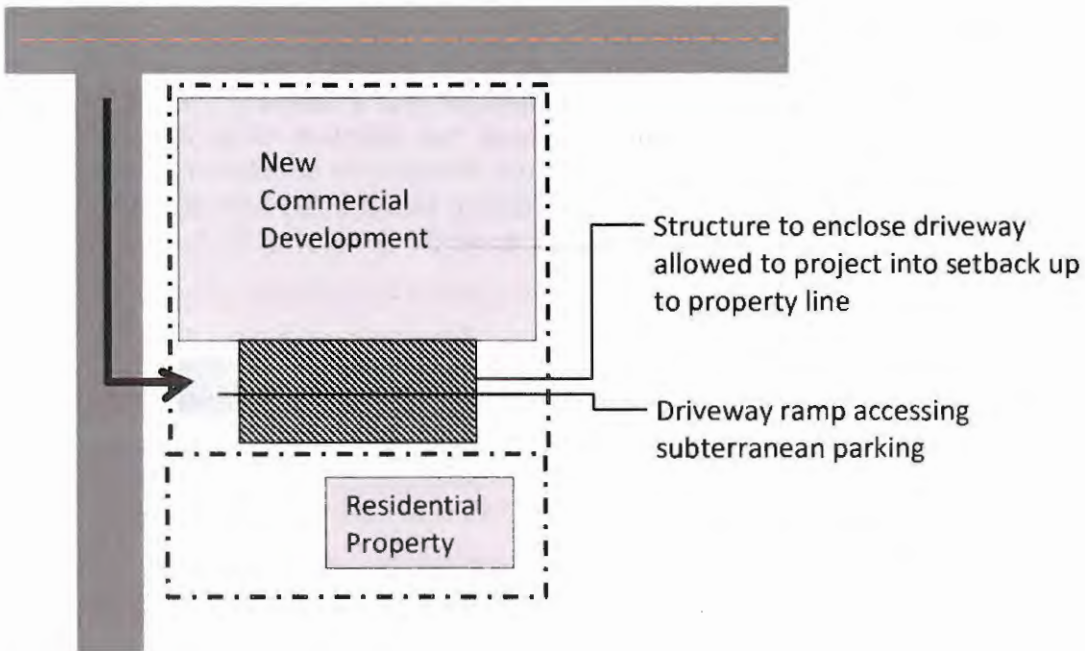
On December 7, 2015, City Council approved a variance of the development standards that allowed for encroachment of an enclosed driveway structure into the rear setback for a commercial development project located at 8650 Melrose Avenue. This driveway enclosure was requested at the behest of neighbors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

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

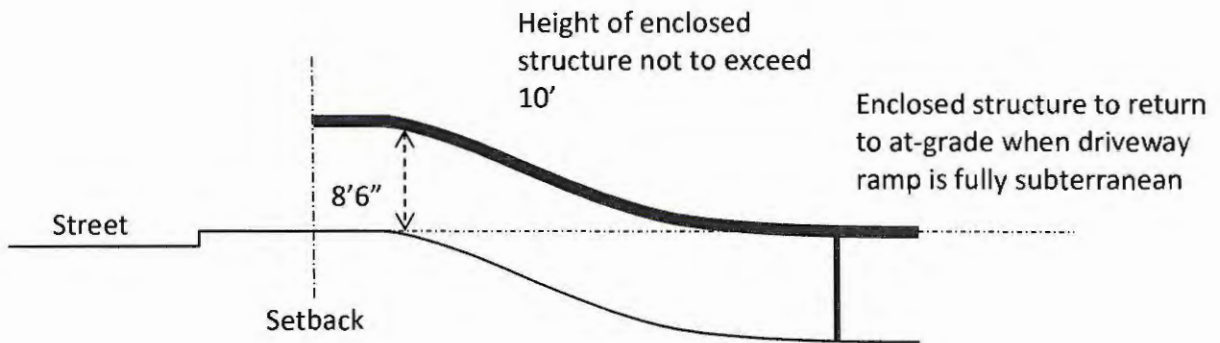
Current



Proposed



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



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

Public Notice

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

California Environmental Quality Act (CEQA)

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

Planning Commission Long-Range Planning Subcommittee

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

EXHIBITS

A. Draft Resolution No. PC 17-1195

RESOLUTION NO. PC 17-1195

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

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

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

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

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

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

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

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

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

DAVID AGHAEI, CHAIRPERSON

ATTEST:

BIANCA SIEGL, PLANNING MANAGER
LONG RANGE AND MOBILITY PLANNING

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

Attachment A

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

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

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

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

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

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

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

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

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

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

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

Notes:

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

DRAFT