

SUBJECT: STREAMLINE OF COMMERCIAL PROJECTS UNDER 30,000  
SQUARE FEET ZONE TEXT AMENDMENT

PREPARED BY: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
(Bianca Siegl, Long Range Planning Manager)  
(Jerry Hittleman, Contract Planner)

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The City's Zoning Code (Section 19.48.030) allows development permit applications for commercial projects of less than 10,000 sq. ft. of new or additional gross floor area to be reviewed, approved, modified or denied by the Community Development Director (now Planning and Development Services Director) if the project requires less than 49 parking spaces and does not require a Conditional Use Permit or Variance. Commercial projects are reviewed, approved, modified or denied by the Planning Commission if they are 10,000 sq. ft. or more of new or additional gross floor area, or if the project requires 49 or more parking spaces, or requires a Conditional Use Permit or Variance. The Sunset Specific Plan (SSP) Zoning District increases the threshold for Planning Commission review from "less than 10,000 sq. ft." to "less than 30,000 sq. ft."

On October 16, 2017, the City Council directed the Planning and Development Services Department staff to amend the Zoning Ordinance to allow streamlined (Director) review of Development Permits for commercial projects under 30,000 square feet subject to certain limitations. The intention is to streamline the approval process for smaller, less impactful commercial projects that adhere to the Zoning Code, and to provide greater certainty and quickness with regard to these requests for development approval (see Attachments A and B). Since 2014, the City has received sixteen applications for new commercial projects or added square footage of less than 30,000 square feet.

### **COUNCIL DIRECTIVE**

1. Applications for new and additional floor area in commercial development projects of less than 30,000 square feet and requiring 150 parking spaces or less are to be reviewed and approved or denied by the Planning and Development Services Director, if they do not require the following:
  - a. Conditional use permit for a related use (i.e. alcohol sales)
  - b. Variance
  
2. Projects do not request any:
  - a. Bonuses,
  - b. Incentives,
  - c. Parking reductions
  - d. Minor modifications

Staff addresses Council Directives 1 and 2 in the proposed Zone Text Amendment language in the section below. The Development Permit review process for new and expanded commercial development projects is regulated in Chapter 19.48 Development Permits, of the Zoning Ordinance. The proposed Zone Text Amendments revise this chapter to allow commercial projects below 30,000 square feet to be reviewed by the Director subject to the requirements listed above, with some suggested adjustments by staff. This would provide a more streamlined process for these projects in line with the Council's directive.

Staff also recommends adding the addition of a 3<sup>rd</sup> category for review – Maintain the existing process for commercial projects less than 10,000 square feet in size. For this category, bonuses and incentives beyond the baseline zoning requirements would be processed by the Director as they are currently. Variances and conditional use permits associated with commercial projects under 10,000 square feet would continue to be heard by the Planning Commission. Without maintaining the existing process, the approval process of many smaller buildings would instead of being streamlined, become more lengthy with the need for a public meeting.

Regarding Council Directive 1 – Section 19.48.030 Review Authority, Table 4-2, requires that commercial projects with 49 or more parking spaces be reviewed by the Planning Commission. The City Council directed staff to revise this standard from 49 to 150 parking spaces. Staff does not believe that any parking space criteria should be used for determining the review authority for commercial projects. This benchmark is not viable because most commercial projects less than 30,000 square feet will not require more than 150 parking spaces. In addition, the existing commercial parking standards are currently being analyzed by staff and a zone text amendment will be processed this fall proposing a reduction in the amount of parking spaces required for most commercial uses.

Regarding Council Directive 2.d – The Council suggested that commercial projects requesting minor modifications be heard by the Planning Commission. According to Section 19.60.020.B the Planning and Development Services Director may grant a modification to a project of no more than 10 percent to the standards of the Zoning Ordinance. The minor modification category was in fact created to help streamline projects where there was only the need for a minor adjustment of standards. Additionally, modification applications do not require public notice or a hearing (Section 19.60.030.B). Requests for project modifications are acted upon at the administrative level by the Director for a wide range of projects, while the Planning Commission is required to act on variance requests, which involve a greater than 10 percent deviation from the zoning standards. Therefore, staff recommends eliminating minor modifications as criteria for requiring Planning Commission review of commercial projects under 30,000 square feet.

## **PROPOSED ZONE TEXT AMENDMENT LANGUAGE**

New language is in underline and deletions are in ~~strikethrough~~.

**Chapter 19.48 Development Permits**  
**Section 19.48.030 Review Authority**

Development permit applications shall be reviewed, approved, modified, or denied by the review authority identified in the following table. For review of amendments to already approved projects, see also Section 19.62.070, Amendments to Approved Projects.

**Table 4-2**  
**Development Permit Review Authority**

Type of Use or Project	Review Authority	
	Director	Commission
<b>Commercial Zoning Districts, except SSP</b>		
Project of <u>30,000</u> <del>40,000</del> <u>gross</u> sq. ft. or more of new or additional gross floor area, <del>or requires 49 or more parking spaces,</del> or requires a Conditional Use Permit or Variance, <u>or requests bonuses or incentives beyond the baseline zoning requirements, or is a mixed residential/commercial project if above 10,000 sq. ft.</u>		■
Project of less than <u>30,000</u> and <u>greater than 10,000 gross</u> sq. ft. of new or additional gross floor area, that <del>requires less than 49 parking spaces,</del> and does not require a Conditional Use Permit or Variance, <u>and does not request any bonuses or incentives beyond the baseline zoning requirements</u>	■ <u>(1)(2)</u>	
<u>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.</u>	■ <u>(2)</u>	
Major changes (as determined by the Director) to any of the above permits approved by the Commission		■
Minor changes (as determined by the Director) to any of the above permits approved by the Commission	■	
<b>Sunset Specific Plan (SSP) Zoning District</b>		
Project of 30,000 sq. ft. or more, or requires a Conditional Use Permit or Variance		■
Project of less than 30,000 sq. ft., and does not require a Conditional Use Permit or Variance	■ <u>(2)</u>	
Major changes (as determined by the Director) to the above approved by the Commission		■
Minor changes (as determined by the Director) to the above approved by the Commission	■	

**Notes:**

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

a. The A Neighborhood Meeting must be conducted within 45-days of submission of a complete application.

(24) 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 is a commercial project of less than 30,000 sq. ft.:

- 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; or
- 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.

**ATTACHMENTS:**

- A. City Council staff report from October 16, 2017
- B. City Council minutes from October 16, 2017

SUBJECT:           **STREAMLINE REVIEW OF COMMERCIAL PROJECTS UNDER  
30,000 SQUARE FEET IN COMMERCIAL ZONING DISTRICTS**

INITIATED BY:     **COUNCILMEMBER LAUREN MEISTER  
COUNCILMEMBER LINDSEY HORVATH**

PREPARED BY:     Andi Lovano, Senior Management Analyst



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**STATEMENT ON THE SUBJECT:**

The City Council will consider directing staff to amend the Zoning Ordinance to allow applications for new or additional floor area in commercial development projects of less than 30,000 square feet and requiring 150 parking spaces or less, to be reviewed, approved or denied by the Community Development Director if they do not require a conditional use permit or variance, and do not request any bonuses, incentives, parking reductions or "minor modifications" above the baseline zoning requirements. The intention is to streamline the approval process for smaller, less impactful commercial projects that fully adhere to the Zoning Code, and to provide greater certainty and quickness with regard to these requests for development approvals.

**RECOMMENDATION:**

- 1) Direct staff to amend the Zoning Ordinance (W.H.M.C. Section 19.48.030, Table 4-2) to allow development permit applications for commercial projects of less than 30,000 sq. ft. to be reviewed, approved, modified or denied by the Community Development Director, if the project:
  - a. Does not require a Conditional Use Permit or Variance,
  - b. Does not request any bonuses or incentives beyond the baseline zoning requirements,
  - c. Does not request "minor modifications" or reductions in development standards,
  - d. Allows for interactive, community input by way of a neighborhood meeting prior to Director review.

## **BACKGROUND / ANALYSIS:**

The City's Zoning Code (Section 19.48.030) allows development permit applications for commercial projects of less than 10,000 sq. ft. of new or additional gross floor area to be reviewed, approved, modified or denied by the Community Development Director if the project requires less than 49 parking spaces and does not require a Conditional Use Permit or Variance. Commercial projects are reviewed, approved, modified or denied by the Planning Commission if they are 10,000 sq. ft. or more of new or additional gross floor area, or if the project requires 49 or more parking spaces, or requires a Conditional Use Permit or Variance.

The Sunset Specific Plan (SSP) Zoning District increases the threshold for Planning Commission review from "less than 10,000 sq. ft." to "less than 30,000 sq. ft." The SSP Zoning District allows projects of less than 30,000 sq. ft., which do not require a Conditional Use Permit or Variance, to be reviewed, approved, modified, or denied at the Director level. Projects of 30,000 sq. ft. or more, or projects that require a Conditional Use Permit or Variance, are required to be reviewed by the full Planning Commission.

Over the years, the City has approved a number of new developments in our commercial zoning districts. While new development has provided the City many benefits, it has also raised some concerns among the development community as well as community members, particularly with regard to required design standards, how meaningful community input can be solicited, and how applications for these smaller sized commercial projects are being processed.

This item directs staff to amend the Zoning Ordinance to increase the threshold for Planning Commission review of commercial projects from "less than 10,000 sq. ft." to "less than 30,000 sq. ft." throughout the City, rather than only in the Sunset Specific Plan. This Zone Text Amendment ("ZTA") would allow commercial development projects with less than 30,000 sq. ft. of new or additional gross floor area to be reviewed, approved, modified or denied by the Community Development Director if the project does not require a Conditional Use Permit or Variance, does not request bonuses or incentives beyond the base zoning requirements, and does not request "minor modifications" or parking reductions.

The ZTA would only apply to "commercial only" projects, and not to mixed-use projects or residential projects in commercial zones. Projects that request any bonuses, incentives, etc. – including but not limited to mixed-use bonus, Avenues bonus, affordable housing density bonus, green building bonus – would still be required to go through the full Planning Commission process.

As outlined in the Sunset Specific Plan, the Director may defer action and refer a project to the Planning Commission for review under certain circumstances, such as, if the project requires significant additional environmental study, has unexpected traffic or parking projections, has unique or controversial uses, or uses with unusually high occupancy expectations.

### Process

Projects with gross floor area in the 10,000 sq. ft. to less than 30,000 sq. ft. range would be eligible for Director level review. Applicants shall be required to conduct a neighborhood meeting, and applications shall undergo review by the City's project planner, engineering and environmental public works staff, and urban designer or equivalent licensed design professional. Public feedback in the way of comment letters, phone calls and emails shall also be considered, as they are currently. City staff will make recommendations to the Director based on their findings. In addition, as currently stated in the Zoning Code, any decision rendered by the Director may be appealed to the Planning Commission.

### Proposed Streamlined Timeline

Once the application is submitted, the neighborhood meeting must be conducted within 45 days. Staff must take an action deeming the project complete no later than 60 days (assuming all the materials have been provided by the applicant), and then the Director must take action on the application within 90 days.

### Intention

The proposed Zone Text Amendment is intended to provide a more streamlined approval process for smaller, less impactful commercial projects while still allowing community members to be involved through neighborhood meetings and the appeal process, if necessary.

At a recent Council meeting, the City Council gave direction to amend the requirements for review for residential projects to allow projects that do not receive any variances, density bonuses, or incentives to be approved at the Director level rather than be required to go through the complete Planning Commission process. This item is in line with that direction by expanding by-right approval for smaller commercial project applications that do not request discretionary actions.

Lastly, this item supports the City's Small Business Initiative, which directed staff to research policies and planning tools that will help attract independent, small businesses to West Hollywood and keep our existing small business community intact by making operating small business in our City more economically feasible.

**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-3: Promote Economic Development while Maintaining Business Vitality & Diversity.

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

- ED-1.6: As feasible, develop strategies for business recruitment that support the intended physical environment and land use vision for each commercial subarea, as described in the Land use and Urban Design Chapter.
- LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.
- LU-4: Provide for an urban environment oriented and scaled to the pedestrian.

**EVALUATION PROCESSES:**

Staff will report back to the City Council in 2 years with an analysis of development projects resulting from the new guidelines and ZTA, including the number of projects approved and community feedback (residents and businesses), to determine if the new guidelines and ZTA are meeting the goals of this item.

**ENVIRONMENTAL SUSTAINABILITY AND HEALTH:**

N/A

**COMMUNITY ENGAGEMENT:**

N/A

**OFFICE OF PRIMARY RESPONSIBILITY:**

COMMUNITY DEVELOPMENT DEPARTMENT / LONG RANGE & MOBILITY PLANNING DIVISION

**FISCAL IMPACT:**

None at this time. Staff will incorporate activities related to this item into currently budgeted work plans.



mentioned that for further study, staff should speak with former homeless individuals. She also suggested that staff look at other cities' success stories, and conduct this assessment every year. She commented on the public relations campaign that staff is working on for homeless education, and reiterated her suggestion regarding a temporary homeless service center that provides non-shelter services. Finally, she mentioned that the City's app should include the capability for residents to report issues with homeless individuals.

Mr. Giugni responded to Councilmember Meister's concerns regarding the issuance of TAP cards to some homeless individuals and clarified that there is a way to track that the cards.

Councilmember Horvath commented on the additional funds and services provided since 2015 for homelessness. She inquired what the actionable items are at this point.

Social Services Supervisor Corri Planck further commented on the action item and next steps.

Mayor Heilman commented that the Council would like to receive the homeless initiative update report separate from the Social Services annual report.

**ACTIONS:** Receive and provide additional direction. **Motion by Mayor Pro Tempore Duran, seconded by Councilmember Horvath, and approved.**

**5. NEW BUSINESS:**

**5.A. STREAMLINE REVIEW OF COMMERCIAL PROJECTS UNDER 30,000 SQUARE FEET IN COMMERCIAL ZONING DISTRICTS [L. MEISTER, L. HORVATH, A. LOVANO]:**

*SUBJECT: The City Council will consider directing staff to amend the Zoning Ordinance to allow applications for new or additional floor area in commercial development projects of less than 30,000 square feet and requiring 150 parking spaces or less, to be reviewed, approved or denied by the Community Development Director if they do not require a conditional use permit or variance, and do not request any bonuses, incentives, parking reductions or "minor modifications" above the baseline zoning requirements. The intention is to streamline the approval process for smaller, less impactful commercial projects that fully adhere to the Zoning Code, and to provide greater certainty and quickness with regard to these requests for development approvals.*

**ACTION: This Item was moved to the Consent Calendar.**

**5.B. RUSSIAN ADVISORY BOARD APPOINTMENT – AT LARGE VACANCY [Y. QUARKER, M. CROWDER]:**

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