



Planning Commission Report

Meeting Date: March 10, 2016

Subject: **Ancillary Uses Discussion**

Project Applicant: City Initiated Project

Recommendation: Conduct study session on ancillary commercial uses and provide staff with direction regarding a potential Zone Text Amendment

REPORT SUMMARY

The Beverly Hills Municipal Code (BHMC) regulates uses that are allowed in each zone. Uses that are allowed in C-3 zones are outlined in BHMC §10-3-16 and uses that are allowed in C-5 zones are outlined in BHMC §10-3-20. The zoning code does not currently contain language pertaining specifically to secondary uses (ancillary uses) that are not expressly allowed, but may support or a principally permitted use. Staff has observed that a number of commercial businesses in the City have expressed interest in augmenting their principally permitted use with an ancillary use, but there is currently no established mechanism to do so. The purpose of this study session is to receive direction from the Planning Commission regarding a potential Zone Text Amendment that would add language in the BHMC to allow certain ancillary uses in commercial areas.

BACKGROUND

Ancillary Uses

Retail establishments with ancillary uses are becoming more popular as businesses strive to create “experiences” for customers and gain a competitive advantage over online businesses. For example, a retail establishment may want to serve coffee or tea in a small portion of a clothing store in order to provide an extra service to customers. Alternatively, a cookware store may wish to dedicate a small portion of floor area as a place where one-on-one or small group cooking demonstrations can be held. As retail establishments continue to innovate and develop new ways to compete with online retailers, staff expects the requests for ancillary uses in commercial areas to continue. While this is an emerging issue city-wide, the Planning Division is also currently processing a request for the establishment of an ancillary “pet wellness center” use as part of a pet oriented retail establishment.

Ancillary uses can be described as uses that are secondary to and supportive of a principally permitted use on a site. Often, ancillary uses are defined as¹:

¹ Staff consulted the zoning codes of West Hollywood, Santa Monica, Palos Verdes Estates, Culver City, and Palo Alto as well as planning literature when researching this topic.



- Only present in a small portion of the business (such as limited to no more than 10% of the floor area)
- Subordinate to the principally permitted use
- Related to the principally permitted use
- Operated by the same operator as the principally permitted use

Ancillary uses in the Code

The zoning code currently explicitly names permitted uses, restricted uses, and conditionally permitted uses in commercial zones. As part of the list of permitted uses, the Code allows for “any similar use,” which applies to many uses that would be considered ancillary to most principal permitted uses. However, if a use is not explicitly permitted, restricted, or conditionally permitted, there is no mechanism to approve or deny it as part of a principal use or project.

The following types of uses fall outside of the current categories in the code and would benefit from the ancillary use category:

- Those uses that are not addressed as permitted uses and could not realistically fall into the “similar use” category. For example, a demonstration area in a retail establishment;
- Those uses that would affect the parking requirements of the site if they were larger in size or were the principal use, such as food or beverage service; and,
- Those uses that would otherwise require a Conditional Use Permit if they were the principally permitted use, such as educational uses.

Currently, there is no language in the Beverly Hills Municipal Code that specifically addresses ancillary uses. While the “other similar use” category provides staff with some flexibility for considering certain ancillary uses, the phrase is vague and does not specifically address ancillary uses that support expressly permitted uses. Including language addressing such uses in the code would allow staff to address requests for ancillary uses in a uniform manner and would also establish a process for application and approval of ancillary uses. Furthermore, establishing a mechanism for ancillary uses would allow the City to adapt to changing business models and remain at the forefront of business attraction and retention.

DISCUSSION

Staff is seeking Planning Commission direction regarding a potential zone text amendment to address ancillary uses in commercial areas of the City. Specifically, staff is interested in understanding if the Planning Commission would be supportive of a Zone Text Amendment that would allow ancillary uses by right under certain circumstances.

Direction requested from the Planning Commission

Would the Planning Commission consider a Zone Text Amendment that would allow certain ancillary uses under specific circumstances?

Staff suggests the following circumstances to be met in order to allow an ancillary use:

- The ancillary use is subordinate to and related to the principally permitted use;
- The ancillary use is operated by the same operator as the principally permitted use;



- The ancillary use inhabits 10% or less of the floor area of the business
- The ancillary use is not a medical use or medical office as defined in BHMC § 10-3-100
- The ancillary use is on the list of allowed ancillary uses (see proposed list below)

What is the maximum floor area that would be allowed for ancillary uses in a commercial project?

Staff suggests that no more than 10% of the total floor area of any business be dedicated to an ancillary use (or uses).

What ancillary uses would the Commission consider allowing?

If the Planning Commission is supportive of a Zone Text Amendment to allow ancillary uses in commercial zones, staff suggests that the code provision specify types of uses that could be established. This list could change over time with Planning Commission approval. Staff recommends that the Planning Commission consider the following as allowed ancillary uses in commercial zones:

- Pet adoption
- Pet wellness center (wellness services such as basic shots, limited to animals; would not include any human medical treatment)
- Pet grooming/training area
- Small café area
- Instruction or educational class areas
- Child care (this may be useful in larger office developments that wish to have a small childcare area that supports the office use, or in a gym that wishes to have a childcare area)
- Gym (this may be useful in a larger office development, where a gym is provided for employee use only)

What minimum level of required review would be appropriate?

Staff proposes that the Commission consider allowing ancillary uses that are on an approved list and that meet the conditions outlined in the zoning code (if the Planning Commission elects to consider a Zone Text Amendment) to be approved at the Director Level. If the proposed ancillary use exceeds the percentage or size in floor area as determined by the Commission, or an applicant would like to establish an ancillary use that is not defined in the approved list, then a different process could be required, such as a Minor Accommodation or CUP. Staff seeks direction on the desired level of review for projects meeting the criteria for ancillary uses and level of review for those proposals that exceed the parameters established.



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RECOMMENDATION

Conduct a study session on ancillary commercial uses. Provide staff with direction regarding a possible Zone Text Amendment addressing ancillary uses in commercial areas.

Report Reviewed By:

A handwritten signature in blue ink, appearing to read "Ryan Gohlich", written over a horizontal line.

Ryan Gohlich, AICP, Assistant Director of
Community Development / City Planner