

ORDINANCE NO. 18-1020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, APPROVING A ZONE TEXT AMENDMENT AMENDING PORTIONS OF TITLE 19, ZONING ORDINANCE, TO AMEND THE 90% DENSITY REQUIREMENTS FOR R3 AND R4 DISTRICTS; TO AMEND THE DENSITY BONUS CONCESSION MENU; AND TO AMEND THE APPLICABLE REVIEWING BODIES IN THE DEVELOPMENT REVIEW PROCESS, WEST HOLLYWOOD, CALIFORNIA.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. On June 5, 2017, the City Council directed staff to address concerns in the community regarding development projects in multi-family zoned neighborhoods. Council directed staff to reduce the 90% density requirements for the R3 and R4 Districts, streamline the development review process for certain projects, and to address height in R3 and R4 zones.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of November 16, 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 November 2, 2017. The Planning Commission held a public hearing on November 16, 2017, and directed staff to return with a resolution recommending approval of the Zone Text Amendment with changes. The resolution was approved on the consent calendar on November 30, 2017.

SECTION 3. A public hearing was duly noticed for the City Council special meeting of January 16, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by January 4, 2018. The City Council held a public hearing on January 16, 2018 and approved the Zone Text Amendment, with amendments reflected in the zone text language.

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. 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. 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. Specifically, the elimination of the 90% density rule will allow smaller buildings, which will have a reduced impact on the environment than the projects that are currently required by mandating projects build to 90% of the permitted density. The change to the density bonus concessions only makes administrative changes regarding the review authority for on-menu and off-menu concessions. All bonuses and concessions provided for under state law remain available. Furthermore, the change to review authority would not result in any change to projects, but would instead regulate who approves certain projects, which is an administrative change.

SECTION 5. The City Council of the City of West Hollywood hereby finds that Zone Text Amendment 2017-0013 is consistent with the Goals and Policies of the General Plan, specifically Goal LU-1, which calls for maintaining an urban form and land use pattern that enhances quality of life and meets the community's vision for its future. The zone text amendments are also consistent with Goal LU-9, which encourages multi-family residential neighborhoods that are well maintained and landscaped, and include a diversity of housing types and architectural designs, Goal H-3, which encourages a diverse housing stock to address the needs of all socioeconomic segments of the community and Goal H-4, which states there should be adequate opportunities for new construction of housing. The subject zone text amendments provide developers with a wider range of options for development of sites in the R3 and R4 Districts, with incentives and the allowance for smaller projects where they did not exist before. While smaller buildings do not push the city towards its housing goals as quickly, a varied landscape of residential projects will further enhance the city's neighborhoods and urban pattern, providing a range of choices for a variety of socioeconomic segments.

SECTION 6. Section 19.06.080 R3 and R4 Zoning District Development Standards – Required Density of Chapter 19.06 of Title 19 is amended to read as follows:

All new residential projects in the R3 and R4 zoning districts shall be built to have no net loss in dwelling units, unless the number of existing dwelling units is greater than allowed by zoning, in which case the project shall build to the maximum number of units allowed by the residential density requirements in Section 19.06.040. The director may approve a reduction in required units where unusual conditions do not allow redevelopment of a site with no net loss in units. This provision shall apply only if all existing dwelling units on the site are demolished and new dwelling units are constructed.

SECTION 7. Section 19.22.050E(2), Available Concessions, of Chapter 19.22 of Title 19 is amended to read as follows:

2. Available Concessions. The following concessions may be requested:
 - a. Ten percent reduction in the minimum rear yard setback; or
 - b. Ten percent reduction in the minimum front yard setback; or
 - c. Ten percent reduction in the minimum side yard setback on one side; or

- d. Ten percent reduction in total common open space required; or
- e. Ten percent reduction in private open space for up to 50 percent of the units.
- f. An additional story, not to exceed 10 feet of total project height or other regulatory concessions that result in identifiable, and actual cost reductions to provide for affordable housing costs or for rents for the affordable units as specified in Government Code Section 65915.

SECTION 8. A new Subsection 19.22.050E(4), Review Authority, of Chapter 19.22 of Title 19 is added to read as follows:

4. Review Authority:

- a. The review authority for requests for concessions under this subsection (f) shall be the Planning Commission.
- b. The review authority for requests for concessions under subsection a-e will be reviewed based on the number of unit threshold detailed in Table 4.2.

SECTION 9. Subsection 19.22.050E(3)(a) of Chapter 19.22 of Title 19 is amended to read as follows:

- a. The concession or incentive does not result in identifiable and actual cost reduction to provide for affordable housing costs, or for rents for the targeted units to be set as specified in Section 65915 of the California Government Code;

SECTION 10. Table 4-2, Development Permit Review Authority, in Section 19.48.030 of Chapter 19.48 of Title 19 is 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	X	
Residential project: 7 or more units in R3 zones 11 or more units in R4 zones Any project that utilizes affordable housing concession 19.22.050E2(f)		X
Subdivision maps		X

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 5th day of February, 2018 by the following vote:

AYES:	Councilmember:	D'Amico, Horvath, Meister, Mayor Pro Tempore Duran, and Mayor Heilman.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



JOHN HEILMAN, MAYOR

ATTEST:



YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 18-1020 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 5th day of February, 2018, after having its first reading at the regular meeting of said City Council on the 16th day of January, 2018.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 6th DAY OF FEBRUARY, 2018.



YVONNE QUARKER, CITY CLERK