

SUBJECT: ZONE TEXT AMENDMENTS REGARDING GREEN BUILDING
PROGRAM INCENTIVES

INITIATED BY: DEPARTMENT OF COMMUNITY DEVELOPMENT
(Bianca Siegl, Long Range & Mobility Planning Manager)
(Robyn Eason, Senior Planner)

STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider text changes to the Zoning Ordinance to eliminate green building program incentives.

RECOMMENDATION

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

- 1) Draft Resolution No. PC 17-1192: **“A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO ELIMINATE GREEN BUILDING PROGRAM INCENTIVES, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.”** (EXHIBIT A)

OVERVIEW OF PROPOSED CHANGES

The proposed zone text changes eliminate incentives associated with the West Hollywood Green Building Ordinance, as directed by City Council.

BACKGROUND

On September 19, 2016, the City Council directed staff to proactively position the City to administer 2016 CALGreen (Title 24: Part 11) and the California Energy Code (Title 24: Part 6) and take the appropriate measures to prepare for the State's 2020 Residential Zero Net Energy (ZNE) goals. 3. The Council further directed staff to amend the Zoning Ordinance to eliminate Green Building Program incentives in advance of a comprehensive program update.

The City of West Hollywood's Green Building Ordinance currently allows projects achieving 90 points or greater to be eligible for one of the program's several development incentives. As the State's 2016 green building codes are more stringent than the City's 2007 Green Building Ordinance, the provision of incentives for certain thresholds achieved may be rewarding new development projects for what are now considered standard design and construction industry practices.

The type of current incentives available to projects under the 2007 West Hollywood Green Building Ordinance includes:

- Density bonus
- Expedited permitting
- Reduction in parking requirements
- Special allowances for common and open spaces

The purpose of this Zone Text Amendment is to remove green building program incentives to abolish the risk of rewarding new development projects for meeting standard design and construction industry practices. The Green Building Program requirements will remain in place until the comprehensive update to the program is completed. Staff will work a designated working group to reimagine the existing West Hollywood Green Building Program by identifying key sustainability areas for market transformation and developing aggressive local standards.

The zone text changes attached in Exhibit A are shown as deleted text with strikethrough.

Public Notice

The City published a legal notice in the *Beverly Press* and *West Hollywood Independent* on March 2, 2017. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups on March 2, 2017.

California Environmental Quality Act (CEQA)

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.

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 zone text changes.

EXHIBITS

A. Draft Resolution No. PC 17- 1192

RESOLUTION NO. PC 17-1192

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONE TEXT AMENDMENT TO ELIMINATE GREEN BUILDING PROGRAM INCENTIVES, LOCATED 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 eliminate Green Building Program incentives.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of March 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 March 2, 2017.

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. 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 2017-0001 is consistent with the Goals and Policies of the General Plan, specifically Policy IRC-5, which states that the City should “administer an active and robust green building program.” The elimination of green building program incentives will remove the risk of rewarding new development projects for meeting standard design and construction industry practices and anticipates a future update to Green Building Program.

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 2017-0001, 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 16th day of March, 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: Subsection (C) of Section 19.20.060 in Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

The green building standards in this section were established to conserve natural resources, increase energy efficiency, and improve indoor air quality.

A. **Green Building General Requirements.** All new development, remodels, and tenant improvements shall comply with the following requirements of the West Hollywood Municipal Code, as applicable. Where this section references another portion of the Municipal Code, the applicability provisions of that section shall be used to determine applicability. This section is to be used in conjunction with the Green Building Standards of the California Code of Regulations Title 24, Part 11. Where conflicts in language may exist between this section and the California Code of Regulations, Title 24, Part 11, the more restrictive green building provision shall prevail.

1. **Construction and Demolition Waste.** Projects shall divert a minimum of 80 percent of all construction and demolition waste away from landfills in accordance with the standards set by the Department of Transportation and Public Works.
2. **Storm Drains.** Storm drains in the public right-of-way adjacent to the project site shall be labeled in accordance with the standards set by the Department of Transportation and Public Works.
3. **Future Photovoltaic.** Projects shall provide a roof layout plan that illustrates how future installation of a photovoltaic system could be accommodated. Projects shall install a conduit from the roof to the electrical room, or electrical panels if no electrical room is provided, to accommodate future photovoltaic system installation. Tenant improvements are exempt from this requirement.
4. **Construction Air Quality Management Plan.** Projects shall provide a construction air quality management plan on the construction drawings that, at a minimum, includes protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy.
5. **Interior Paints and Wood Finishes.** Projects shall use interior paints and wood finishes with low volatile organic compound levels that do not exceed 50 grams per liter flat, or 150 grams per liter non-flat. This shall be noted on the approved plans.

6. Energy Star Appliances. Appliances provided in residential and mixed-use projects, and commercial projects as appropriate, shall be Energy Star qualified appliances.
7. Permeable Surfaces. Projects shall comply with all applicable requirements in Section 19.20.190 (Storm Drainage and Storm Water Runoff) and Section 19.36.280(B)(5) (Front Yard Paving).
8. Water Conservation. Projects shall comply with all applicable requirements in Section 19.26.060 (Plant Materials), Section 19.26.070 (Irrigation and Water Conservation), and Chapter 15.52 (Water Conservation Plan).
9. Storm Water Diversion. Projects shall comply with all the applicable requirements in Section 19.20.190 (Storm Drainage and Storm Water Runoff) and in Chapter 15.56 (Storm Water and Urban Runoff Pollution Control).
10. Alternative Transportation. Projects shall comply with all applicable requirements in Section 19.28.150 (Bicycle Parking and Support Facilities).
11. Water Saving Features. Projects shall comply with applicable requirements for utilizing low-flow showerheads, faucets and water closets as adopted by Section 13.12.030(i) and (j).
12. Recyclable Materials Storage. Projects shall comply with all applicable requirements in Section 19.20.180 (Solid Waste and Recyclable Materials Storage) and Section 19.36.280(B)(10) (Solid Waste Recycling).
13. Energy Efficient Outdoor Lighting. Projects shall comply with all applicable requirements in Section 19.20.100(A)(3) (Outdoor Lighting).
14. Parking Landscaping for Surface Parking Areas. Projects shall comply with all applicable requirements in Section 19.28.100(B) (Parking Area Landscaping Requirements).
15. Transportation Demand Management. Projects shall comply with all applicable provisions of Chapter 19.16 (Transportation Demand Management).
16. Construction Debris Control. Projects shall comply with all applicable requirements in Section 13.04.040 (Construction Debris Control).
17. Environmental Protection, Pollution, and Solid Waste. Projects shall comply with all applicable requirements in Chapter 15 (Environmental Protection, Pollution, and Solid Waste).

18. Energy Efficiency. Projects shall comply with all applicable provisions of the most recent editions of the Title 24 Energy Efficiency Standards, and most recent editions of the West Hollywood Building, Electrical, Mechanical and Plumbing Codes.

B. Green Building Point System. All new commercial development projects and all new residential development projects with three or more units, shall comply with the West Hollywood Green Building Program as outlined in the subsections below:

1. Green Building Application Requirements.

a. Preliminary Green Building Plan. A preliminary green building plan shall be submitted as part of an application for a discretionary land use or development permit. The plan shall indicate which points within the West Hollywood Green Building Point System that the project will utilize, and indicate where compliance with each selected point is shown on the plans.

b. Final Green Building Plan. Following approval of the land use entitlement, a final green building plan shall be submitted as part of the application for a building permit. The final green building plan shall indicate which points that the project will utilize, and indicate where compliance with each selected point is shown on the plans. The applicant shall be required to implement all points shown in the final green building plan.

2. Number of Points Required. Projects shall select, and comply with, a minimum of 60 points from the West Hollywood Green Building Point System Table.

3. Exemption for LEED.

a. Projects that achieve a minimum rating of "Certified" with the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System shall be exempt from the point requirements of the West Hollywood Green Building Program.

b. LEED certified projects shall comply with the following:

1. Prior to the issuance of building permits, the applicant shall submit evidence satisfactory to the Director of Community Development that the services of a LEED accredited professional have been retained, and that the project has been registered with the LEED rating program.

2. A LEED checklist and supporting documentation indicating points that achieve a minimum LEED rating of "Certified" shall be incorporated into the documentation for building permit submittal. The LEED checklist shall be prepared, signed, and dated by the project LEED accredited professional.

3. All building documents shall indicate in the general notes and/or individual detail drawings, where feasible, the green building measures employed to attain the applicable LEED rating.

~~C. Incentives for High-Achieving Projects. Projects that select, and comply with, a minimum of 90 points from the West Hollywood Green Building Point System Table, and that do not include the demolition of a cultural resource, shall be permitted to select one of the following incentives:~~

~~1. In multi-family residential or mixed-use projects, 100 percent of the required common open space may be provided on the roof if the project installs and maintains a vegetated green roof for at least 50 percent of the roof area not occupied by mechanical equipment or access stairways. Noise attenuation features shall be incorporated into the projects design.~~

~~2. In multi-family residential or mixed-use projects, private open space may be transferred to and provided as common open space area, provided that 50 percent of the units provide a minimum of 50 square feet of private open space which has a minimum dimension of five feet in each direction. Alternately, the project may divide all common open space and add it to private open space areas. These incentives shall not be available to projects utilizing any courtyard design incentives.~~

~~3. In multi-family residential projects, the area in the side setbacks may be used to satisfy common and/or private open space area requirements. Noise attenuation features shall be incorporated into the project's design.~~

~~4. Commercial projects or mixed-use projects on commercially-zoned lots may obtain a 0.1 FAR increase.~~

~~5. In commercial or mixed-use projects, new restaurant tenant spaces under 1,200 square feet may provide parking at a ratio of 3.5 parking spaces per 1,000 square feet parking. This parking ratio may be used for a maximum of 2,400 square feet per project.~~

~~6. Projects may obtain expedited permit processing for Building and Safety Division permits which shall mean a four week maximum response time following the first submittal, and a two week maximum response time following each subsequent submittal. Additionally, projects shall benefit from preferential Planning Commission scheduling where feasible.~~

~~7. Commercial or mixed-use projects on commercially-zoned lots which are 40 feet or less in width and which have alley access may receive a 50 percent reduction in required parking spaces.~~