

SUBJECT: **ZONE TEXT AMENDMENT REGARDING GREEN BUILDING PROGRAM INCENTIVES**

PREPARED BY: **COMMUNITY DEVELOPMENT DEPARTMENT**
(Stephanie DeWolfe, AICP, Director) *SD*
(John Keho, AICP, Assistant Director) *JK*
(Bianca Siegl, Long Range and Mobility Planning Manager) *BS*
(Robyn Eason, AICP, LEED AP, Senior Planner) *RE*

STATEMENT ON THE SUBJECT:

The City Council will consider amending the West Hollywood Zoning Ordinance to eliminate the Green Building Program incentives.

RECOMMENDATIONS:

Staff recommends the City Council hold the public hearing, consider all pertinent testimony, and adopt the following:

Ordinance No.17-____: **“A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ELIMINATE GREEN BUILDING PROGRAM INCENTIVES, CITYWIDE.”** (ATTACHMENT A)

BACKGROUND / ANALYSIS:

On July 17, 2007, Ordinance No. 07-762 took effect, establishing the requirements of City’s Green Building Program. The Ordinance set in place requirements related to water and energy efficiency, indoor air quality, renewable energy, materials and resource efficiency, sustainable site features, green infrastructure, and alternative transportation. It applies to all new development, remodels, and tenant improvements constructed in West Hollywood. The Ordinance also establishes a point system for the program, mandating all applicable projects achieve a minimum of 60 points and permitting high-achieving projects (those achieving a minimum of 90 points) to select one of several incentives, provided the project does not include the demolition of a cultural resource. 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

A full list of current incentives can be found in Attachment B.

On September 19, 2016, the City Council directed staff to amend the Zoning Ordinance to eliminate the current Green Building bonus (Attachment C), out of concern that the Ordinance's incentives for private development may be outdated and that it may be easier for private development to earn eligible incentives, given the advances in CalGreen and green building practices since the enactment of the West Hollywood Green Building Ordinance in 2007.

The Green Building Program requirements would remain in place until the comprehensive update to the program is completed. This work will begin later this year. Staff will work with 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.

Summary of Proposed Changes

The recommended amendment to the Zoning Code directly strikes out the seven (7) incentives currently attached to the Green Building program under Title 19 of the West Hollywood Municipal Code, Section 19.20.060(C). The proposed changes would result in any high-achieving project (achieving 90 points or more) under this program no longer being eligible for incentives and would apply to new development projects submitting to the City after the amendment takes effect.

Planning Commission Input

The proposed zone text amendments were discussed by the Long-Range Planning Subcommittee on February 16, 2017 and considered by the full Commission on March 16, 2017. At the public hearing before the Commission, two members of the public requested that the City maintain some of the incentives until a replacement program is in place. During the hearing, the Commission engaged in a lengthy discussion and ultimately voted 5:1 to recommend Resolution 17-1192 (Attachment D) with an additional recommendation for City Council to direct staff to evaluate each individual incentive to determine if it would be appropriate to retain some of the incentives until the new Green Building Program takes effect. The Commission expressed concern that further study on the relevance of each incentive may be warranted prior to the full elimination of all incentives.

Staff will begin a comprehensive update to the Green Building Program later this year that will consider relevancy of the current incentives and discuss any modifications or revisions necessary to better align with updated program goals. An alternative recommendation for City Council's consideration is given below to reflect these upcoming actions.

Public Notice

The City published a legal notice in the *Beverly Press* and *West Hollywood Independent* on April 6, 2017. In addition to the noticing required by the Municipal Code, the Planning Division noticed all West Hollywood neighborhood groups on April 6, 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 because projects would still be required to meet the mandatory requirements of CalGreen and the City's Green Building Ordinance as well as earn a minimum of 60 points under the West Hollywood Green Building Program.

ALTERNATIVE RECOMMENDATION:

Adopt a modified ordinance to singularly eliminate the following Green Building Program incentive at this time: (1) Commercial projects or mixed-use projects on commercially-zoned lots may obtain a 0.1 FAR increase. Direct staff to evaluate each remaining individual incentive as part of the comprehensive Green Building Program update (to begin later this year) and allow the remaining incentives to be used by applicants until such time that a new program is approved.

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-1: Adaptability to Future Change.
- OSP-9: Upgrade Existing Buildings & Infrastructure.

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

- IRC-5: Administer an active and robust green building program.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

Over the past 15 years, trends in green building standards have focused on protecting the environment, promoting a sustainable built environment, reducing waste, using resources efficiently, and mitigating the ill effects of climate change.

COMMUNITY ENGAGEMENT:

In addition to public noticing for both the Planning Commission and City Council meetings, city staff spoke to community representatives about the proposed amendment.

OFFICE OF PRIMARY RESPONSIBILITY:

COMMUNITY DEVELOPMENT DEPARTMENT / LONG RANGE & MOBILITY
PLANNING DIVISION

FISCAL IMPACT:

None at this time.

ATTACHMENTS:

- A. Ordinance 17 –
- B. List of Current Green Building Program Incentives
- C. Original September 19, 2016 City Council Staff Report
- D. Planning Commission Resolution No. PC 17-1192
- E. March 16, 2017 Planning Commission Meeting Minutes

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DELETING SUBSECTION 19.20.060.C OF TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ELIMINATE GREEN BUILDING PROGRAM INCENTIVES, CITYWIDE.

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

SECTION 1. 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. The Planning Commission made a recommendation on this ordinance following the public hearing.

SECTION 2. The West Hollywood City Council properly reviewed and considered this matter at a public hearing on April 17, 2017. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on April 17, 2017 and by announcement on City Channel 6, as well as the City website and City Hall on April 6, 2017. Notices were mailed to all West Hollywood Neighborhood Watch groups on April 6, 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 because projects would still be required to meet the mandatory requirements of CalGreen and the City's Green Building Ordinance as well as earn a minimum of 60 points under the West Hollywood Green Building Program.

SECTION 4. The West Hollywood City Council hereby finds this Ordinance 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." Further, this ordinance does not impede on the City's ability to meet and implement its General Plan because projects would still be required to meet the mandatory requirements of CalGreen and the City's

ATTACHMENT A

Green Building Ordinance as well as earn a minimum of 60 points under the West Hollywood Green Building Program.

SECTION 5. Subsection (C) of Section 19.20.060 of Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is deleted.

PASSED, APPROVED AND ADOPTED by the West Hollywood City Council at a regular meeting held this 17th day of April, 2017, by the following vote:

AYES: Councilmember:

NOES: Councilmember:

ABSENT: Councilmember:

ABSTAIN: Councilmember:

MAYOR

ATTEST:

City Clerk

List of Current Green Building Program 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.

APPROVED
9/19/16

CITY COUNCIL
NEW BUSINESS

SEPTEMBER 19, 2016

SUBJECT: **COMPLIANCE WITH CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24**

INITIATED BY: **MAYOR LAUREN MEISTER
COUNCILMEMBER JOHN D'AMICO**

PREPARED BY: **BOBBY SAFIKHANI, MANAGEMENT SPECIALIST** *BS*

STATEMENT ON THE SUBJECT:

The City Council will consider an item to proactively address California's new mandatory Residential and Lower-Scale Commercial Zero Net Energy measures, update or revise local policy to reflect California's most recently adopted State Green Building Code, Title 24 Energy Compliance Standards and State Energy Code, and eliminate outdated Green Building incentives.

RECOMMENDATION:

- 1) Direct Community Development Department (CDD) staff to develop design standards and educational materials specifically regarding State Zero Net Energy Law and Title 24 Energy Standards for new residential, lower scale commercial and threshold-sized remodels or repurposing projects, and provide these to property owners and developers for all new residential, commercial and mixed use projects with completed or newly submitted applications.
- 2) Direct CDD staff to review residential, commercial and mixed use project applications and projects in the pipeline, and all future development projects, with specific attention to design standards to ensure solar access for residential and lower scale commercial properties adjacent to proposed development projects so that new construction will not impede on adjacent property owners' ability to comply with State Zero Net Energy Law and Title 24 Energy Standards by integrating solar power (and solar powered domestic water heating systems).
- 3) Direct CDD staff and the City Attorney to review and reconcile policies and strategies in West Hollywood's General Plan, Climate Action Plan and Zoning Ordinance that may conflict with adopted California State Law and Green Building Standards Codes, specifically, Title 24 Energy Standards, and prepare for 2020 Residential Zero Net Energy provisions.
- 4) Direct CDD staff to come back to City Council with a text amendment to eliminate the current Green Building bonus, which is outdated.

ATTACHMENT C

- 5) Direct CDD staff to come back to Council in 90 days with a revised Work Plan showing short-term and long-term goals for meeting State requirements of Residential and Commercial Zero Net Energy, for raising the bar on sustainable building practices in West Hollywood and for developing meaningful, forward-thinking Green Building incentives.
 - a. Consider the recently passed Zero Net Energy legislation and create an incentive program for features that are above those required to comply with State law in 2020.

BACKGROUND / ANALYSIS:

Since West Hollywood's Zoning Ordinance was adopted, the State of California has adopted the latest following standards, effective January 2017:

- 2016 California Green Building Standards Code (CAL Green)
- 2016 Title 24 Energy Code
- 2016 Building Energy Efficiency Standards and 2020 Zero Net Energy provisions

Title 24 Energy Standards

Under Title 24, the adopted goal for all new residential and lower scale commercial construction is to be "Zero Net Energy" (ZNE) by 2020 and for all new commercial buildings to be "Zero Net Energy" by 2030. In a "zero net energy" building, the annual energy consumption of the building is less than or equal to the building's annual onsite power generation. Title 24 Standards also apply to "existing buildings that implement threshold-sized remodels or repurposing."

In our local climate, Zero Net Energy will most likely be achieved by a combination of a reduction in energy use using high efficiency equipment, a decrease in water consumption, integration of passive design strategies and clean, onsite solar power generation. In order to generate power, it will be essential to ensure that residential and lower scale commercial buildings have full access to the sun for a majority of the day.

Compliance with State Law

Residential and lower scale commercial property owners may want to achieve Zero Net Energy sooner than 2020. In June 2015, the California Energy Commission and the California Public Utilities Commission jointly released a New Residential Zero Net Energy Action Plan¹ that outlines the path to reaching residential Zero Net Energy over

¹ In June 2015, The California Energy Commission Efficiency Division and the California Public Utilities Commission Energy Division authored "CA | Energy Efficiency Strategic Plan, New Residential Zero Net Energy Action Plan 2015-2020." The Action Plan is focused on new residential construction, including

the next five years, specifically encouraging voluntary implementation of Zero Net Energy requirements prior to December 31, 2019.

Therefore, the City must ensure that all new construction going forward provides for the Action Plan's milestone targets to start implementing voluntary compliance goals immediately and in anticipation of mandatory compliance by 2020.

Because new residential and lower scale commercial construction statewide is already experimenting with ways to voluntarily reach Zero Net Energy, property owners adjacent to taller, shadow casting developments should be able to rely on the City to approve only those sensitively designed projects that will allow adjacent properties to maintain their solar access directly.

It is the City's responsibility to not only meet California Green Building, Energy, Storm Water Management standards and adopted environmental laws but also to start preparing immediately for the latest adopted provisions and anticipate needs for their future implementation. By not doing so the City may be leaving itself open for class action challenges and litigation.

To ensure local compliance and avoid future legal challenges, there is an immediate need to address new development projects that will be adjacent to residential properties and/or lower scale commercial and will result in a difference in height of more than 10 feet.

West Hollywood's Green Building Bonus

The current West Hollywood Green Building Ordinance requirements were developed in 2007 prior to formal adoption of CAL Green. The Ordinance's incentives for private development are clearly outdated. California State Law requires most, if not all, green features for which the City currently grants bonuses or incentives. Continuing the practice of granting extra development rights for features that are required to comply with State law contradicts the very purpose of an incentive. Therefore, West Hollywood's Green Building Ordinance is obsolete and there is no practical need for its Green Building bonuses or incentives.

The City could elect to update the Green Building Ordinance, however, the thresholds

single-family and low-rise (three stories or less) multifamily buildings, as well as low and moderate income housing within these categories. The stated goals of the Plan are to: (1) create awareness of the value and benefits of ZNE and build demand; (2) increase participation and improve the quality of ZNE education and training; (3) ensure availability, effectiveness and efficiency of technical tools; (4) quantify value of ZNE, support robust financing and ensure affordability; (5) drive future grid infrastructure and technological improvements; and (6) align state goals with local policies and planning. An important "goal result" of the Action Plan is to inspire builders and homeowners to voluntarily adopt ZNE, with the numbers increasing steadily to 2020.

for compliance have to be much higher and focus on local sustainability-related items such as water conservation, usage, reclamation and reuse/recharging, specialized trash and recycling programs, on-site or off-site power generation criteria, more aggressive landscape and hardscape policy, mandatory EV charging, etc. CAL Green and the L.A. County L.I.D. (Low Impact Development) policy have already addressed most of these issues and stricter provisions are expected in 2016 and in 2019, so it is unlikely that more extreme compliance requirements are necessary.

CONSISTENCY WITH WEST HOLLYWOOD POLICIES AND INITIATIVES:

This item is consistent with West Hollywood policies and previous initiatives:

- In 2011, the City of West Hollywood adopted a Climate Action Plan (CAP), "designed to address climate change and reduce the community's greenhouse gas (GHG) emissions at the local level." The CAP states "West Hollywood community members, employees, and elected officials have expressed a strong desire for the City to continue to take aggressive action to do its part to reduce its ecological footprint and remain a national leader in environmental and social initiatives."
- In January 2015, the City Council approved an item to update of the 2011 City of West Hollywood Climate Action Plan and the development of a West Hollywood Net Zero Climate Neutrality and Sustainable Practices Policy.
- In July 2015, City Council approved an item to "raise the bar on sustainable building practices and stewardship of the built environment."
- In September 2015, City Council approved an item to develop a program to provide technical assistance to implement solar on four to five prototypical multifamily residential and commercial buildings in West Hollywood.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with one of the City's ongoing strategic goals of:

- Actively participating in regional issues
- Adaptability to future change
- Upgrade existing buildings and infrastructure

Additionally, this item is consistent with West Hollywood General Plan goals:

- IRC-5: Administer an active and robust green building program.
- IRC-6: Reduce the City's contribution to global climate change and adapt to its effects.

- IRC-7: Improve air quality and reduce emissions of air pollution.
- LU-1: Maintain an urban form and land use pattern that enhances quality of life and meets the community's vision for its future.

EVALUATION PROCESSES:

The State anticipates a steady increase of ZNE projects between now and 2020 when mandatory compliance must reach 100%. To evaluate the effectiveness of its design standards and educational materials, the City should be tracking voluntary compliance through 2020.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

Keeping up to date with the latest policies that contribute to the reduction of human-related carbon footprint is consistent with the City of West Hollywood's goals of reducing greenhouse emissions as a way to improve the health of our people and our planet.

COMMUNITY ENGAGEMENT:

Providing property owners and developers with design standards and educational materials specifically regarding State Zero Net Energy Law and Title 24 Energy Standards for new residential, lower scale commercial and threshold-sized remodels or repurposing projects will serve to keep all stakeholders involved and informed.

OFFICE OF PRIMARY RESPONSIBILITY:

Community Development Department And Building And Safety Division.

FISCAL IMPACT:

None at this time.

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.

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 2017-0002, which is attached hereto as Attachment A.

SECTION 6. Further the Planning Commission also encourages the City Council to direct staff to evaluate each individual incentive to determine if any category of incentive should be retained until the comprehensive Green Building Program update is in place.

ATTACHMENT D

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: Altschul, DeLuccio, Lightfoot, Vice-Chair
Buckner, Chair Aghaei.

NOES: Commissioner: Jones.

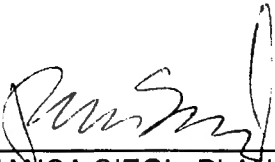
ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



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.~~



**PLANNING COMMISSION MINUTES
Regular Meeting
March 16, 2017**

West Hollywood Park Public Meeting Room – Council Chambers
625 N. San Vicente Boulevard, West Hollywood, California 90069

THE CITY OF WEST HOLLYWOOD HAS ADOPTED BRIEF SUMMARY AND ACTION MEETING MINUTES; WHICH PROVIDE A SUMMARY OF THE ACTIONS TAKEN AND POINTS OF DISCUSSION ONLY. ADDITIONAL COMMENTS OR DISCUSSION REGARDING ANY ITEM SUMMARIZED IN THESE MINUTES MAY BE OBTAINED BY VIEWING THE ARCHIVED VIDEOS OF THE PLANNING COMMISSION MEETINGS AT www.weho.org/weho-tv/other-city-meetings

1. **CALL TO ORDER:** Chair Aghaei called the meeting of the Planning Commission to order at 6:33 P.M.
2. **PLEDGE OF ALLEGIANCE:** Ric Abramson led the Pledge of Allegiance.
3. **ROLL CALL:**
Commissioners Present: Altschul, DeLuccio, Jones, Lightfoot, Vice-Chair Buckner, Chair Aghaei.

Commissioners Absent: None.

Staff Present: Robyn Eason, Senior Sustainability Planner, Bianca Siegl, Long Rang & Mobility Planning Manager, Lauren Langer, Acting Assistant City Attorney and David Gillig, Commission Secretary.
4. **APPROVAL OF AGENDA.**

ACTION: Approve the Planning Commission Agenda of Thursday, March 16, 2017 as amended. **Moved by Vice-Chair Buckner, seconded by Commissioner DeLuccio and unanimously passes.**
5. **APPROVAL OF MINUTES.**

A. March 2, 2017

ACTION: Approve the Planning Commission regular meeting minutes of Thursday, March 2, 2017 as presented. **Moved by Commissioner DeLuccio, seconded by Commissioner Jones and unanimously passes.**
6. **PUBLIC COMMENT.** None.
7. **DIRECTOR'S REPORT.**
John Keho, Assistant Director, Community Development Department, stated 8465 Holloway Drive (Palihouse Hotel) is on appeal to the City Council at the next meeting on Monday, March 20, 2017.

ATTACHMENT E

8. ITEMS FROM COMMISSIONERS. None.

9. CONSENT CALENDAR.

A. 1114 N. Horn Avenue:

The Planning Commission directed staff to return with a resolution denying a minor conditional use permit for a child day care center.

ACTION: 1) Adopt Resolution No. PC 17-1190 as presented: "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, DENYING WITHOUT PREJUDICE A MINOR CONDITIONAL USE PERMIT FOR A CHILD DAY CARE CENTER LOCATED AT 1114 N. HORN AVENUE, WEST HOLLYWOOD, CALIFORNIA." (CHALK PRESCHOOL) **Moved by Commissioner Jones, seconded by Commissioner DeLuccio and passes, noting Commissioner Altschul and Vice-Chair Buckner abstaining.**

Commission Secretary Gillig officially read into the record the appeal procedure for 1114 N. Horn Avenue, West Hollywood, California:

The Resolution the Planning Commission just approved memorializes the Commission's final action on this matter. This action is subject to appeal to the City Council. Appeals must be submitted within ten calendar days from this date, to the City Clerk's office. Appeals must be in writing and accompanied by the required fees. The City Clerk's office can provide appeal forms and information about waiver of fees.

B. Housing Element Annual Progress Report 2016:

The Planning Commission received a draft of the 2016 Annual Progress Report on the Status of the housing Element of the General Plan.

The Housing Element is one of the required elements of the General Plan, and establishes the City's goals and programs for housing. Jurisdictions in Southern California update their housing elements every eight years according to a state established planning cycle. The current planning cycle is for 2014 through 2021. The City Council adopted the current Housing Element update on December 2, 2013, and the California Department of Housing and Community Development (HCD) certified the document on January 14, 2014.

Chair Aghaei opened this item to public comment:

RIC ABRAMSON, WEST HOLLYWOOD has concerns regarding this item. He questioned the ongoing study of the R2 and R4 zones, and spoke regarding the accommodation of future live-work situations, achieving ageing in place, and the conflicts and contradictions of well-intended policies from the State level with unintended consequences.

The commission questioned the R2, R4 timelines.

Bianca Siegl, Long Range & Mobility Planning Manager stated the study is currently in process and an update will be presented to the City Council in April, 2017. It will return to the Planning commission at a later date regarding a discussion of the recommendations.

The commission commented and requested further clarification on ageing in place, ADA compliancy, Regional Housing Needs Assessment (RHNA), low income and moderate housing statistics, and transit.

ACTION: 1) Receive and file. **Moved by Commissioner DeLuccio, seconded by Vice-Chair Buckner and unanimously passes.**

10. PUBLIC HEARINGS.

A. 1150 N. Orange Grove Avenue:

The proposal is a request to demolish two vacant single-story, single-family dwelling units on a single parcel and construct an approximately 8,876-square-foot, four-story, seven-unit, apartment building with two affordable units over subterranean parking.

Based on the advice of the City Attorney and the Rent Stabilization & Housing Division, the project will be continued to allow the applicant to address all applicable state density bonus law requirements, pursuant to Gov. Code Section §65915(c)(1).

The applicant has agreed to continue the item. Staff recommends that the Commission continue the item to a date uncertain to allow for project application to be revised as necessary and for staff to conduct additional project analysis. The continuance will be in compliance with the Permit Streamlining Act.

ACTION: 1) Continue to a date uncertain. **Moved by Commissioner Jones, seconded by Commissioner DeLuccio and unanimously passes.**

B. Zone Text Amendment Green Building Program Incentives:

Robyn Eason, Senior Sustainability Planner provided a verbal presentation and background information as presented in the staff report dated Thursday, March 16, 2017.

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

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; 1) density bonus; 2) expedited permitting; 3) reduction in parking requirements; and 4) 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 commission stated they would like to see a matrix or master listing of all the incentives that are offered to developers.

Chair Aghaei opened the public hearing for Item 10.B.:

EDWARD LEVIN, WEST HOLLYWOOD has concerns regarding this item. He stated the Cal Green policy assumes that it takes care of everything, stating it does not. He spoke and detailed the pros and cons of the green building point system, double-dipping, unnecessary additional density, FAR bonuses, and minimum compliance.

The commission requested clarification of the direction given by City Council.

Bianca Siegl, Long Range & Mobility Planning Manager stated it was part of a staff report that explicitly directed the elimination of the Green Building Incentives, and to update the Green Building Program.

RIC ABRAMSON, WEST HOLLYWOOD has concerns regarding this item. He spoke and detailed the intent of the Green Building Program prior to Cal Green, bonus density incentives, in-fill for garden and greenspace, small business incentives, lifestyle and design incentives, and classifications and typology. He encouraged the commission to recommend that the city council should be careful which ones they eliminate, since they were intended for different reasons.

ACTION: Close public hearing for Item 10.B. **Motion carried by consensus of the Commission.**

Commissioner Altschul moved to: 1) make a recommendation to the City Council to eliminate the Green Building Incentives; stating they should reconsider to see if there is anything they wish to preserve.

Seconded by Vice-Chair Buckner.

Further discussion and clarification was held regarding various incentives, density bonuses, concessions, comprehensive green building updates, the Cal Green program, possible elimination of certain incentives, a request for further staff analyses, and developer's bonuses and incentives.

A possible recommendation to the City Council would be to postpone this request to remove the incentives, until a new green incentives program is in place.

There were reservations regarding the elimination of all the incentives at once and what the consequences would be.

There was also the possibility of keeping Green Building Incentives Program Sections 1, 2, 3, 5 and 7, with the elimination of Sections 4 and 6.

Lauren Langer, Acting Assistant City Attorney clarified for the record the recommendation to City Council: 1) Section 5 recommends the elimination of all incentives; and 2) a new Section 6 shall be added stating further recommendation from the Planning Commission would support the City Council evaluating each individual incentive to determine if any category of these should be retained until the comprehensive program is in place.

ACTION: 1) Adopt Resolution No. PC 17-1192 as amended: a) Add Section 6 to read as follows: "*City Council shall look at each individual incentive to determine if any category of these should be retained until the comprehensive program is in place;*" "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 INCENTIVES, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA;" and 3) Close the Public Hearing for Item 10.B. **Moved by Commissioner Altschul, seconded by Vice-Chair Buckner and passes, noting Commissioner Jones voting NO.**

11. **NEW BUSINESS.** None.

12. **UNFINISHED BUSINESS.** None.

13. EXCLUDED CONSENT CALENDAR. None.

14. ITEMS FROM STAFF.

A. Planning Manager's Update. None

15. PUBLIC COMMENT. None.

16. ITEMS FROM COMMISSIONERS. None.

17. ADJOURNMENT: The Planning Commission adjourned at 7:32 P.M. to a regularly scheduled meeting on Thursday, April 6, 2017 beginning at 6:30 P.M. until completion at West Hollywood Park Public Meeting Room – Council Chambers, 625 N. San Vicente Boulevard, West Hollywood, California. **Motion carried by consensus of the Commission.**

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: Altschul, DeLuccio, Jones, Lightfoot, Vice-Chair Buckner, Chair Aghaei.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



DAVID AGHAEI, CHAIRPERSON

ATTEST:



DAVID K. GILLIG, COMMISSION SECRETARY

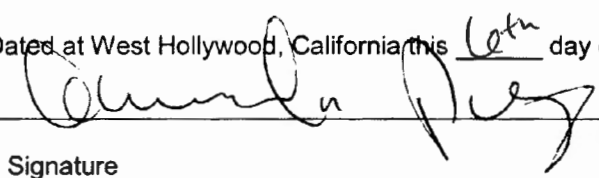
**AFFIDAVIT OF MAILING
FOR MERCURY MAILING**

I, the undersigned, hereby certify that the attached copy of the Notice of a Public Meeting regarding a Citywide Commercial Historic Resources Survey located Citywide, West Hollywood, California has been noticed for a public meeting before the City of West Hollywood City Council on Monday, April 17, 2017, was mailed to each and every person set forth on the attached list on the 6th day of APRIL, 2017. A copy of said Notice is attached hereto.

Said mailing was completed by depositing a copy of said Notice, with postage prepaid, in the U.S. Mail at West Hollywood, California.

I declare under penalty of perjury that the foregoing is true and correct.

Dated at West Hollywood, California this 6th day of April, 2017.



Signature

Case No.: N/A

Project Address: Citywide
West Hollywood, California

Planner: Antonio Castillo, Associate Planner

Number of notices mailed: 62

Number of notices returned: _____

Radius (if applicable): N/A

Neighborhood Watch Groups Notice Date: 04/06/17

Other: + ELEVEN (11) PUBLIC SPEAKERS