

ORDINANCE NO. 07-762

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD APPROVING ZONE TEXT AMENDMENT 2007-001 AND ZONE TEXT AMENDMENT 2007-005 TO CREATE A GREEN BUILDING PROGRAM FOR PRIVATE DEVELOPMENT WITH INCENTIVES FOR EXEMPLARY PROJECTS

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

SECTION 1. On December 15, 2005, the City Council directed the Community Development Department the Community Development Department to develop a green building program to include a mandatory green building point system for private development and consider incentives for high-achieving projects.

SECTION 2. At duly-noticed public hearings on March 15, and April 19, 2007, the City of West Hollywood Planning Commission adopted Resolution Nos. PC 07-716 and 07-729, recommending to the City Council approval of Zone Text Amendments 2007-001 and 2007-005 relating to green building for private development.

SECTION 3. A Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act. The public review period for the Negative Declaration began on February 9, 2007 and ended on March 1, 2007. No comments were received. Public notice of availability of the Negative Declaration was properly provided by publication in the Beverly Press and the West Hollywood Independent Newspapers on February 8, 2007, and a public hearing was held on March 15, 2007 at the time of the Planning Commission's consideration of the item. The Negative Declaration identifies that the project would not result in any significant environmental impacts. The Planning Commission recommends that the City Council of the City of West Hollywood adopt the Negative Declaration as adequate and complete.

SECTION 4. On June 4, 2007, the City Council conducted a duly noticed public hearing on General Plan Amendment 2007-001 which was noticed by advertisement in the West Hollywood Independent on the Beverly Press on May 24, 2007. In addition, notice was sent to all neighborhood watch groups on May 25, 2006. Copies of the staff report have been on file at the West Hollywood City Hall since June 14, 2007.

SECTION 5. The City Council of the City of West Hollywood hereby finds that the amendment to Chapter 19.20 of Title 19 of the Municipal Code is

consistent with the Goals, Objectives, and Policies of the General Plan as amended through General Plan Amendment 2007-001. Specifically, Goal 13 of the General Plan aims to ensure the optimal use of scarce energy and water resources, and Objective 13.1 of the General Plan promotes the conservation of energy and water in the City of West Hollywood.

SECTION 6. Section 19.20.060 Green Building of the West Hollywood Municipal Code is hereby amended to read as follows:

19.20.060 Green Building

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.

1. *Construction and Demolition Waste.* Projects shall divert a minimum of 80% 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; one additional residential unit, not to exceed 700 square feet, may be permitted without additional required parking.
2. In multi-family residential or mixed-use projects, 100% 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% of the roof area not occupied by mechanical equipment or access stairways. Noise attenuation features shall be incorporated into the projects design.
3. 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% of the units provide a minimum of 50 square feet of private open space which has a minimum dimension of 5 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 available to projects utilizing any courtyard design incentives.
4. 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.

5. Commercial or mixed-use projects may obtain a 0.1 FAR increase.
6. 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.
7. Projects may obtain expedited permit processing for Building & Safety Division permits which shall mean a 4 week maximum response time following the first submittal, and a 2 week maximum response time following each subsequent submittal. Additionally, projects shall benefit from preferential Planning Commission scheduling where feasible
8. Commercial or mixed-use projects commercially-zoned lots which are 40 feet or less in width and which have alley access may receive a 50% reduction in required parking spaces.

SECTION 7. Section 19.28.150.A through 19.28.150.C of the West Hollywood Municipal Code is hereby amended to read as follows:

19.28.150 Bicycle Parking and Support Facilities.

Bicycle parking facilities, showers, and lockers shall be provided in the following manner:

A. *Number of Spaces Required.* For non-residential land uses, a minimum of one employee bicycle parking space for each 7,500 square feet of gross floor area, and a minimum of one visitor or short term bicycle parking space for each 10,000 square feet of gross floor area shall be provided. For residential projects of five or more units, one bicycle parking space for each four units shall be provided outside of the unit.

B. *Bicycle Parking Design and Devices.* Bicycle parking areas shall be designed and provided in the following manner:

1. Parking Racks. Each bicycle parking space shall include a stationary parking device to adequately support the bicycle.
2. Parking Layout.
 - a. Aisles. Access to bicycle parking spaces shall be at least five feet in width.
 - b. Spaces. Each bicycle space shall be a minimum of two feet in width and six feet in length and have a minimum of seven feet of overhead clearance.

- c. Relationship to non-residential structure entrances. Bicycle spaces shall be conveniently located and generally within proximity to the main entrance of a structure and shall not interfere with pedestrian access.
 - d. Relationship to motor vehicle parking. Bicycle spaces shall be separated from motor vehicle parking spaces or aisles by a fence, wall, or curb, or by at least five feet of open area, marked to prohibit motor vehicle parking.
 - e. Residential bicycle parking. Bicycle spaces shall not be located within the front setback of a residential structure and wall mounted bicycle parking devices within required storage areas shall not constitute bicycle parking spaces for the purpose of fulfilling residential bicycle parking requirements.
3. Additional Facilities. The review authority may require additional bicycle parking facilities if it is determined that:
- a. The anticipated occupants of the development are likely to generate a greater than usual demand for bicycle parking by employees;
 - b. Additional bicycle parking is necessary to mitigate significant traffic impacts; or
 - c. The location or design of the development allows for the provision of additional bicycle parking without imposing a hardship on the applicant.
- C. *Signs.* Where bicycle parking areas for non-residential land uses are not clearly visible to approaching cyclists, signs shall be provided to indicate the locations of the facilities.

SECTION 8. Chapter 19.90 of the West Hollywood Municipal Code is amended to include the following definitions which shall be inserted in alphabetical order in the section:

Energy Star. A joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy.

Energy Star Qualified Appliances. Appliances that the Energy Star program identifies as energy-efficient products to reduce greenhouse gas emissions.

LEED. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System developed and approved by the United States Green Building Council.

LEED accredited professional. A person who is recognized by the United States Green Building Council as having the knowledge and skills necessary to participate in the design process, to support and encourage integrated design, and to streamline the LEED project application and certification process

LEED checklist. The credit and point checklists developed by the Leadership in Energy and Environmental Design Green Building Rating System for measuring the sustainability, efficiency, and environmental soundness of a building.

West Hollywood Green Building Points. The requirements of the West Hollywood Green Building Point System identified on the West Hollywood Green Building Point System Table.

West Hollywood Green Building Point System. The green building point system developed, administered, and updated by the Community Development Department of the City of West Hollywood.

West Hollywood Green Building Point System Table. The table of available green building items and associated possible points that are developed, administered, and updated by the Community Development Department as part of the Green Building Program.

SECTION 9. The City Council hereby adopts Zone Text Amendments 2007-001 and 2007-005, amendments to Title 19 (Zoning Ordinance) of the Municipal Code.

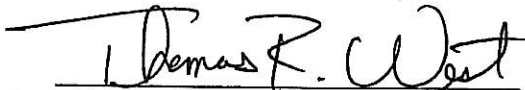
SECTION 10. Projects deemed complete prior to October 1, 2007 may, but need not, comply with the provisions of this Ordinance.

PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held the 16th day of July, 2007, by the following vote:

AYES:	Councilmember:	Guarriello, Heilman, Land, Mayor Pro Tempore Prang, and Mayor Duran
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.


JOHN DURAN, MAYOR

ATTEST:


THOMAS R. WEST, CITY CLERK

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

I, THOMAS R. WEST, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 07-762 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 16th day of July, 2007, after having its first reading at the regular meeting of said City Council on the 18th day of June, 2007.

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 17th DAY OF JULY, 2007.


Thomas R. West, City Clerk

