

ORDINANCE NO. 23-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, ADOPTING AN ORDINANCE AMENDING THE LANDSCAPING STANDARDS OF TITLE 19, ZONING ORDINANCE OF THE WEST HOLLYWOOD MUNICIPAL CODE TO UPDATE EXISTING AND ESTABLISH NEW CITYWIDE TREE CANOPY AND LANDSCAPE STANDARDS IN THE CITY OF WEST HOLLYWOOD, CALIFORNIA

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

SECTION 1. Findings.

A. Pursuant to the authority granted to the City of West Hollywood ("City") by Article XI, Section 7 of the California Constitution, the City has the authority to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety. Adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City's regulatory authority.

B. The proposed Ordinance would adopt Zone Text Amendment ("ZTA") 021-0005, which updates and introduces objective landscaping standards and tree canopy requirements in Chapters 19.20, 19.26, 19.36, 19.42, 19.90, and 11.46 of the West Hollywood Municipal Code relating to tree canopy.

C. A public hearing to consider the proposed Ordinance was duly noticed for the Planning Commission meeting of October 19, 2023 by publication in the Beverly Press newspaper and the City website on October 5, 2023. Following the public hearing, the Planning Commission recommended approval of the proposed Ordinance to the City Council.

D. A public hearing to consider the proposed Ordinance was duly noticed for the City Council meeting of December 18, 2023, by publication in the Beverly Press newspaper and on the City website. The publication date, mailings, and legal posting took place on November 30, 2023.

SECTION 2. Environmental Review. The proposed Ordinance is 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 provision to require canopy trees on all developments will reduce West Hollywood's heat island, sequester

carbon emissions, reduce stormwater runoff, and enhance the city's urban forest. The zone text changes are also exempt pursuant to Section 15308, which involves regulatory processes and procedures undertaken to protect the environment, because introducing new standards to require canopy trees on all developments, prohibit tree removal without replacement, and restrict conditions for tree relocation will increase the urban forest, and adhere to the goals of the City's Climate Action and Adaptation Plan (CAAP).

SECTION 3. General Plan Consistency. The proposed Ordinance is consistent with the Goals and Policies of the General Plan, specifically:

- *PSG-1: Maintain the City's Unique Urban Balance with Emphasis on Residential Neighborhood Livability;*
 - Updated landscape and tree canopy standards will support a greater balance and connected relation between the built and natural environment on private property.
- *LU-6: Create a network of pedestrian-oriented, human-scale and well-landscaped streets and civic spaces;*
 - A regularly occurring and vibrant tree canopy, particularly in private property front yards, supports a network of pedestrian oriented, human scaled streets especially when located in conjunction with street trees and parkways.
- *LU-7: Seek to expand urban green spaces and sustainable landscapes;*
 - The proposed standards will ensure that the inventory of trees and landscaped areas in the city continue to expand and grow.
- *LU-8: Maintain and enhance residential neighborhoods;*
 - Tree canopies and green space play a central role in enhancing the quality of life in residential neighborhood. The proposed standards will foster urban shade, wildlife propagation, and soil health which contribute to enhancing livability and healthier neighborhoods.
- *IRC-6: Reduce the City's contribution to global climate change and adapt to its effects.*
 - Climate change has affected the local environment through a rise in temperatures. Having a biodiverse and higher density tree canopy is an important tool in addressing future changes anticipated with rising urban heat conditions through increased shading and micro-climate health and wellness.

SECTION 4. Amendment to Municipal Code. Subsection (A) of Section 19.26.020 (Applicability) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

“19.26.020 Applicability.

A. *Landscaping Required.* All new development projects and projects that require approval of a discretionary land use permit shall provide and/or maintain canopy trees and landscaping in compliance with the provisions of this chapter. These provisions shall not take precedence over state housing laws.

1. Standards for the provision of canopy trees and landscaping within the public right-of-way are provided in the West Hollywood Municipal Code Chapter 11.36 Street Trees and Other Plants, and the City's latest adopted Urban Forest Management Plan.
2. Landscaping requirements for residential and commercial zoning districts shall be subject to Sections 19.20.050 (Fences, Walls, and Hedges), 19.20.055 (Canopy Trees), 19.20.060 (Green Building), 19.20.190 (Storm Drainage and Storm Water Runoff), 19.26.040 (Areas of Required Landscaping), and Chapters 19.28 (Off-Street Parking and Loading Standards) and 19.36 (Standards for Specific Land Uses) of this code."

SECTION 5. Amendment to Municipal Code. Subsection (C) of Section 19.26.020 (Applicability) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

"19.26.020 Applicability.

C. *Tree Removal.* When performed in conjunction with new development or a major remodel on private residential or commercial property, the removal of existing mature canopy trees shall require a zone clearance or other applicable permit and shall be subject to conditions set forth in Section 19.26.040 of this code. Regulations regarding tree preservation, relocation, and removal shall not pertain to any tree temporarily grown and held for sale by a licensed nursery.

SECTION 6. Amendment to Municipal Code. Subsection (D) of Section 19.26.020 (Applicability) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

"19.26.020 Applicability.

...

D. *Modifications or Waivers of Landscape Standards.* The standards of this chapter may be modified or waived through an administrative permit, in compliance with Chapter 19.44 of this code, where, in conjunction with a recommendation by a qualified tree expert, the Community Development Director determines, based on substantial evidence, that there are unique contextual circumstances on a private property where constraints create an unusual and substantive hardship or make compliance with the standards of this chapter physically infeasible."

SECTION 7. Addition to Municipal Code. A new Subsection (E) of Section 19.26.020 (Applicability) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is added to read as follows:"

19.26.020 Applicability.

E. *Administrative Regulations.* The Director of Community Development or their designee is authorized to adopt administrative regulations that are consistent with the provisions of this chapter.”

SECTION 8. Amendment to Municipal Code. Subsection (A) of Section 19.26.040 (Areas of Required Landscaping) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to add paragraphs (7) through (11) to read as follows:

“19.26.040 Areas of Required Landscaping.

A. *Landscaping Requirements for All Uses.*

...

7. *Tree Preservation.*

- a. Existing mature canopy trees shall be preserved and, in new developments, integrated into a proposed landscape plan, except where their preservation is infeasible, and relocations or removals are performed in accordance with this section.
- b. For additional information pertaining to designated or protected heritage trees, refer to the city’s Heritage Tree Program.
- c. For information and additional requirements pertaining to oak trees, refer to the Los Angeles County Code of Ordinances Chapter 22.174 (Oak Tree Permits).

8. *Tree Relocation.*

- a. Mature trees. If preservation in the same location is infeasible, mature canopy trees may be relocated on the same property or to another suitable relocation site, pursuant to the following requirements:
 - (1) A zone clearance or other applicable permit is required for the relocation of any mature canopy tree.
 - (2) A qualified tree expert shall submit a tree relocation plan to be reviewed and approved by the Community Development Director, which shall indicate the location of each existing and/or mature canopy tree to be relocated and shall identify each tree proposed to be retained or relocated.
 - (3) Relocation must occur elsewhere on the same property where feasible. Where relocation on the same property is determined to be infeasible by a qualified tree expert and with the approval of the Community Development Director, relocation to another suitable relocation site may be permitted where:
 - (a) A qualified tree expert confirms in writing that there is no available or appropriate location on the property sufficient for tree growth and survival; and

- (b) The owner of the proposed suitable relocation site consents in writing to the placement of a relocated tree.
- (4) In the event of a relocation, the Community Development Director may consult with the city's arborist or another qualified tree expert and require measures to be taken to mitigate adverse effects on the tree.
- b. Immature trees. Immature trees may be relocated without a zone clearance or other applicable permit.

9. *Removal of Trees.*

- a. Existing mature canopy trees shall be preserved in place. Removal may only be permitted if the applicant requests removal and provides substantial evidence that one of the following criteria are present and the Community Development Director makes a factual determination that the criteria is met:
 - (1) The tree poses a hazard. In order to verify that a hazard exists, the city may require a tree hazard assessment to be performed by a qualified tree expert; or
 - (2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear imminent potential to damage the structure; or
 - (3) The roots of the tree are causing damage to paved areas or sewer, plumbing or other underground utility lines; or
 - (4) The tree has an incurable disease or pest infestation that cannot be eliminated. The city may require this condition to be verified by a qualified tree expert; or
 - (5) The tree has been damaged to the point that it cannot recover and grow properly or that it will grow in a misshapen or unsightly manner as defined by a qualified tree expert; or
 - (6) A tree may be removed if it is necessary to carry out construction.
- b. Notwithstanding, the Community Development Director may determine that the removal of a tree is necessary to carry out construction in compliance with the Fire Code, Building Codes and any other applicable life-safety requirements or applicable standards, and a replacement is provided in accordance with subsection (A)(10) of this section. The Director shall publish a list of all applicable standards and any implementing regulations.
- c. Removed mature canopy trees shall be replaced on the same property by new canopy trees in accordance with Section 19.26.040 (A)(10) of this code. If the applicant provides evidence that replacement on the same property is technically or physically infeasible based on existing site conditions or new development, a suitable off-site location on private property may be approved by the Director in accordance with subsection (A)(8) of this section.

10. *Replacement of Mature Trees.*

- a. Any mature canopy tree that is removed shall be replaced with a canopy tree with a minimum twenty-four-inch (24") box size in a location that will grow to replace the removed tree without posing the hazards for which the tree was removed, if applicable, in accordance with Section 19.20.055 of this code.
- b. The Director of Community Development may allow for the substitution of a replacement canopy tree with other forms of landscaping if a qualified tree expert determines that the following conditions apply:
 - (1) there are no other suitable areas available on the site for tree planting; and
 - (2) the substituted landscape area provides other ecological benefits in the form of nesting, foraging, and other equivalent support for a viable wildlife habitat.

11. *Parkways.* In residential zoning districts, parkways shall be installed in accordance with Section 19.20.160 of this code for sidewalk requirements, and Chapter 11.46 of this code for parkway requirements."

SECTION 9. Amendment to Municipal Code. Subsection (C) of Section 19.26.040 (Areas of Required Landscaping) of Chapter 19.26 (Landscaping Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is repealed and removed; as a result, subsection (D) of Section 19.26.040 is re-lettered as subsection (C), as follows:

"C. Landscaping Requirements for Other Specific Land Uses. Landscaping requirements for certain other land uses not listed in this section may be found in Chapter 19.36 (Standards for Specific Land Uses)."

SECTION 10. Amendment to Municipal Code. Section 19.26.050 (Landscape Design Standards), Chapter 19.26 (Landscaping Standards), Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

"19.26.050 Landscape Design Standards.

The objective standards in this Chapter are intended to support the following goals:

- (1) Landscape solutions are planned as an integral part of the overall project design and not simply located in excess spaces after parking structures and building footprints areas have been planned;
- (2) Landscape designs are based in sound sustainability principles, environmental stewardship, and climate responsive practices in all development projects;
- (3) Landscape elements or features are incorporated into architectural or site designs as an integral and preeminent contributor to both the overall project character and individual detailing of the project;
- (4) Existing trees and other significant vegetation are preserved and incorporated into a new landscape plan to the greatest extent possible; and

- (5) Landscape designs and planting areas support the regular use and benefits of outdoor spaces and enhance the pedestrian experience and wayfinding on private property.

Proposed landscaping shall meet the following standards, which shall be shown on required landscape plans:

- A. Landscaped areas except strips adjacent to fences or walls shall have a minimum width of three feet.
- B. When existing landscaping is to be retained, a note shall be provided on the landscape plans stating that: "Any existing landscaping indicated to remain on the approved landscape plan that is damaged or removed during construction shall be repaired or replaced in kind with plants of equivalent size."
- C. Landscaped areas shall be irrigated in compliance with Section 19.26.070 (Irrigation and Water Conservation) of this code.
- D. Trees, shrubs, flowers, and other plants may be placed in a required yard but shall not impede access requirements for buildings, utilities, or other site features.
- E. Planters into which trees will be planted above subterranean or semi-subterranean parking structures, or on elevated floors, terraces, or roofs, shall have a minimum soil depth of forty-two inches (42"), exclusive of drainage systems and protective membranes. Only planters that are founded in native soil at ground level or at grade, whichever is applicable, and not on top of subterranean parking garages or other occupied spaces, shall satisfy the permeable surface requirements in Section 19.20.190 of this code."

SECTION 11. Amendment to Municipal Code. Paragraph (9) of Subsection (A) of Section 19.36.170 (Mixed-Use Projects) of Chapter 19.36 (Standards for Specific Land Uses) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to read as follows:

- "9. Canopy Trees: Canopy trees shall be provided in accordance with the tree standards in Section 19.20.055 of this code. In addition, in commercial zoning districts adjacent to residential zoning districts, or for projects spanning both commercial and residential zoning districts, one canopy tree shall also be provided for every 600 square feet of required residential and commercial rear yard setback area. Required canopy trees shall be planted in native soil at ground level, not on top of subterranean parking garages or other occupied spaces, within the required rear setback area, and in a location deemed suitable by a qualified tree expert.

SECTION 12. Addition to Municipal Code. A new Section 19.20.055 (Canopy Trees) is added to Chapter 19.20 (General Property Development and Use Standards) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code to read as follows:

“19.20.055 Canopy Trees.

- A. Canopy trees, whether new or existing and preserved, shall be integrated into new developments under the following criteria:
1. In residential zoning districts, canopy trees shall be integrated at a ratio based on the cumulative required setback or yard areas as follows:
 - a. One canopy tree for yard areas up to 1,500 sf.
 - b. Two canopy trees for yard areas from 1,501 sf to 3,000 sf.
 - c. Three canopy trees for yard areas from 3,001 sf. to 5,000 sf.
 - d. Four canopy trees for yard areas from 5,001 sf to 7,000 sf.
 - e. Five canopy trees for yard areas greater than 7,000 sf.
 2. In commercial zoning districts, canopy trees shall be provided at a ratio of one tree for up to the first 6,000 square feet of gross site area, and one for every 6,000 square feet of gross site area thereafter. Trees shall be integrated within one or more of the following locations:
 - a. At ground level or at grade, whichever is applicable, in native soil, not on top of subterranean parking garages or other occupied spaces, in a street-fronting landscaped area that is a minimum of 200 square feet. This area shall be directly accessible or visible from the public right-of-way such as a promenade, paseo, plaza, or courtyard;
 - b. Elevated on an upper level terrace of a commercial or mixed-use project, integrated into an intensive vegetative roof system and garden area, minimum of 900 square feet with a majority of this area receiving direct solar exposure for a minimum of five (5) hours per day. Canopy trees within the garden shall have a minimum tree well area of 36 square feet per tree. Refer to Chapter 19.90.020 (Definitions of Specialized Terms and Phrases) of this code for information on intensive and extensive vegetative roof systems;
 - c. At roof levels, integrated into an intensive vegetative roof system and garden area that is a minimum of 1,800 square feet. Canopy trees within the garden shall have a minimum tree well area of 36 square feet per tree.
 3. Required canopy trees shall have a minimum twenty-four-inch (24”) box size.
 4. A minimum of fifty percent of required canopy trees shall be planted at ground level or at grade, whichever is applicable, in native soil.
- B. Prior to installation, canopy trees shall be founded in a soil mix containing a minimum of 20 percent organic materials in accordance with industry standards.
- C. Canopy trees at grade shall be planted no closer than eight feet from a building foundation or structural wall. In any case where a smaller dimension is proposed, plans must be submitted by both a licensed landscape design professional and a licensed structural engineer who can attest to both the long-term viability of the tree

and the structural integrity of the building or wall and the tree placement must be approved by the Community Development Director.”

SECTION 13. Amendment to Municipal Code. Section 11.46.050 (Parkway Design) Chapter 11.46 (Parkway Standards), Title 11 (Streets, Sidewalks, Public Places and Infrastructure) of the West Hollywood Municipal Code is amended to add paragraph (L) to read as follows:

“11.46.050 Parkway Design.

Parkways shall be constructed according to the following requirements:

...

- L. Proposed developments shall provide for the installation and maintenance of a parkway landscaping strip with a minimum width of three feet along the entire street frontage of the site between the sidewalk and the street curb, except when determined infeasible or undesirable by the Director of Public Works.”

SECTION 14. Amendment to Municipal Code. Section 19.90.020 (Definitions of Specialized Terms and Phrases) of Chapter 19.90 (Definitions/Glossary) of Title 19 (Zoning Ordinance) of the West Hollywood Municipal Code is amended to delete the definition of “tree” and add or amend the definitions below in alphabetical order to read as follows:

C. Definitions, “C”

Canopy Tree. Any species of tree or large woody plant that reaches a minimum height at maturity of 20 feet and has a minimum leaf coverage (leaf density) of 50 percent shading coverage as determined by a qualified tree expert. Mature canopy trees create a substantive, elevated layer or crown of dense branches and leaves that provides shade and/or shelter for the land or spaces beneath, converts sunlight to energy, hosts forms of wildlife and biological organisms, and establishes a drip line and mulch layer as part of its role in fostering a particular ecosystem. Canopy trees help regulate the local climate by interchanging heat, atmospheric gases, and water vapor, and also protect under-canopy vegetation from over intense sun exposure, heavy rainfall, and wind damage. Palms and other tree species without the capacity to develop a robust leaf spread, generate reasonable shade, or support the propagation of a diverse wildlife shall not be considered canopy trees. Local climate-acclimated and resilient tree species may also be considered canopy trees. Refer to the city’s Urban Forest Management Plan for other recommended tree species.

M. Definitions, “M”

Mature Tree. A tree that either a) measures six inches (6”) or more in cumulative diameter, fifty-four inches (54”) above grade or ground level at its base, whichever is applicable; or b) has reached 75 percent of typical height and spread/canopy for its species as determined by a qualified tree expert.

N. Definitions, "N"

Native Soil. Naturally occurring earth that may or may not be amended to support the growth of plant material and soil-based organisms, and permits storage, filtration, evapotranspiration, and infiltration of stormwater. Areas of soil that are founded on top of subterranean structures such as parking garages or basements, or upon elevated structures such as rooftop or mid-level decks, are not considered native soil, as these conditions do not support the ecological and permeable hydrological functions such as aquifer replenishment that would be supported by an area of soil founded at an existing or modified natural grade level.

Non-Permeable Surface. A ground surface or system that does not allow for the absorption of rainwater by means of infiltration directly into the subsurface of the soil; including paving systems, ground surfaces, and planters set above subterranean parking garages or other occupied spaces.

P. Definitions, "P"

Permeable Surface. A ground surface or system that is set on grade or at ground level and not on top of a subterranean parking garage or other occupied space, that reduces urban runoff and allows for the absorption of rainwater by means of infiltration directly into the subsurface of the soil. Landscaping, permeable paving systems, pervious pavers, and porous systems shall be considered permeable surfaces. These may include products such as decomposed granite, gravel, cellular reinforced concrete or grass-crete paving blocks that may or may not be set on a pervious underlayment over in-grade soil. Planters or non-porous materials set above subterranean parking garages or other occupied spaces shall not be considered part of a permeable surface system.

Q. Definitions, "Q"

Qualified Tree Expert. An individual who performs professional services with either of the following qualifications: a) a certified arborist with the International Society of Arboriculture (b) a registered consulting arborist with the American Society of Consulting Arborists.

T. Definitions, "T"

Tree Well. A dedicated area around a tree trunk's base that is sized and shaped to contribute to a tree's overall health and wellness. Tree wells are intended to nurture a healthy setting for trees and their root systems, prevent trunk damage by establishing a physical perimeter, capture fallen leaves and establish a reasonable mulch layer, provide regulated soil temperature, and assist in maintaining adequate soil moisture.

V. Definitions, "V"

Vegetative Roof or Green Roof. A component of an overall roof assembly that operates as a complete system through a series of integrated layers that includes a waterproofing membrane, a root barrier, a drainage layer, a water supply such as an irrigation system, and a growing medium that includes soil, that is topped with living vegetation and designed to enhance building performance. Individual potted plants,

moveable planters, other non-permanent forms of containment, or noncontiguous features less than 120 square feet in area, shall not be considered a vegetative roof for the purposes of satisfying sustainable green roof or landscape area requirements. Refer to section 19.20.060 of this code for sustainable roof measures and vegetative roof options. There are two primary types of vegetative roofs. Extensive vegetative roof systems are intended to be performance-based and non-occupiable, with a minimum soil depth of five inches (5") but are shallower than thirty inches (30"), exclusive of drainage systems and protective membranes. Intensive vegetative roof systems may be occupied, with a depth of at least thirty inches (30") to forty-eight inches (48") of soil, exclusive of drainage systems and protective membranes, depending upon species selection, plant palette, and root development needs, in order to promote more diverse planting types and overall ecosystem and soil health.

SECTION 15. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

SECTION 16. Record of Proceedings. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at West Hollywood City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069. The City Clerk is the custodian of the record of proceedings.

SECTION 17. Effective Date. This Ordinance (i.e., Zone Text Amendment) shall take effect 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 22nd day of January, 2024 by the following vote:

AYES:	Councilmember:	Heilman, Meister, Shyne, Vice Mayor Byers, and Mayor Erickson.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:


 JOHN M. ERICKSON, MAYOR

ATTEST:

DocuSigned by:


 MELISSA CROWDER, CITY CLERK

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

I, Melissa Crowder, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 23-26 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 22nd day of January 2024, after having its first reading at a regular meeting of said City Council on the 18th day of December, 2023.

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 30 DAY OF JANUARY, 2024.

DocuSigned by:
Melissa Crowder
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MELISSA CROWDER, CITY CLERK