

ORDINANCE NO. 18-1027

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDMENT TITLE 13 OF THE WEST HOLLYWOOD MUNICIPAL CODE BY ADOPTING LOCAL AMENDMENT TO SECTIONS 4.106.4 AND 5.106.5.3 OF THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE TO INCLUDE NEW REQUIREMENTS FOR PLUG-IN ELECTRIC VEHICLE INFRASTRUCTURE AND AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO IMPLEMENT THE REQUIREMENTS IN THE ZONING CODE, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. Recitals.

- A. For the amendments to Title 19, a public hearing was duly noticed for the Planning Commission meeting of February 15, 2018 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by January 18, 2018. The Planning Commission made a recommendation for the City Council to approve this ordinance following the public hearing.
- B. For the amendments to Titles 13 and 19, the West Hollywood City Council properly reviewed and considered this matter at a public hearing on March 19, 2018. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on March 9, 2018 and by announcement on City Channel 6, as well as the City website and City Hall on March 9, 2018. Notices were mailed to all West Hollywood Neighborhood Watch groups on March 9, 2018.

SECTION 2. CEQA. The amendments to Titles 13 and 19 are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments are also exempt pursuant to Section 15308, which involves regulatory processes and procedures undertaken to protect the environment, because introducing new standards to require electrical conduit improvements in new

development has the potential to reduce local CO2 emissions by enabling and encouraging the increased use of electric vehicles in West Hollywood that do not emit CO2 or other greenhouse gasses.

SECTION 3. 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 "reduce the City's contribution to global climate change and adapt to its effects." In addition, the proposed amendments are also consistent with Policy M-5, which states that the City should "create an environmentally and financially sustainable transportation network that provides for the mobility and livability needs of West Hollywood residents, businesses and visitors." Additionally, the amendments are consistent with the Climate Action Plan by encouraging the transition to electric vehicles, which reduce vehicle emissions and result in better air quality and public health. The ordinance supports all of these goals and does not impede implementation of the General Plan and Climate Action Plan.

SECTION 4. A new Section 13.24.015 is added to Title 13 Chapter 13.24 of the West Hollywood Municipal Code to read as follows:

Enactment of Local Amendments to Sections 4.106.4 and 5.106.5.3 of the 2016 California Green Building Standards Code.

- a. *Purpose.* It is the purpose and intent of this Ordinance to expressly enact local amendments to sections 4.106.4 and 5.106.5.3 of the 2016 California Green Building Standards Code to include increased requirements for the electric vehicle readiness in both multi-family and nonresidential new construction, as defined by the West Hollywood Planning Department, consistent with and exceeding the 2016 California Green Building Standards Code requirements.
- b. *Scope.* In Section 4.106.4 of the California Green Building Standards Code, delete paragraph 2 under "Exemptions" in its entirety and replace with the following:

#### **Exemptions**

2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than \$400 per dwelling unit or \$400 per parking space whichever is greater. In such cases, buildings

subject to Section 4.106.4 shall meet the requirements by maximizing the quantity of EV charging infrastructure, without exceeding the limit above. Cost per parking space shall be determined by dividing total cost by total number of EV and non-EV parking spaces.

c. *Definitions.*

1. Full Circuit. Full circuits are “ready to go” with the addition of an EV charging station. Full circuit installations include 208/240V 40-amp panel capacity, conduit, wiring, receptacle, and overprotection devices. The endpoint of the system must be near the planned EV charger location.
2. Inaccessible Raceway. Conduit that will be difficult to access or alter after construction (e.g. enclosed within walls or pavement, etc.). Conduit must be installed during new construction to avoid expensive and intrusive retrofits when additional EV charging capacity is needed in the future.
3. Electric Panel Capacity. Panels must have space and electrical capacity to accommodate simultaneous charging on a 40-amp circuit per the required number of EV parking spaces.
4. Electric Vehicle (EV) Charger. An EV charging station (EVCS) with at minimum an installed “Level 2 Electric Vehicle Service Equipment (EVSE)” capable of charging at 40-amp or higher at 208/240VAC. An EV charging station capable of simultaneously charging at 40-amp for each of two (2) vehicles shall be counted as two (2) EV chargers.

- d. *Compliance Requirements for New Multi-family Dwellings.* In Section 4.106.4.2 of the California Green Building Standards Code, delete paragraph 4.106.4.2 and subparagraphs numbered 4.106.4.2.3, 4.106.4.2.4, 4.106.4.2.5, in their entirety and replace with the following; add subparagraph 4.106.4.2.6:

**4.106.4.2 New multifamily dwellings.**

Where 10 or more multi-family dwellings are constructed on a site, install at least the following levels of plug-in electric vehicle (PEV) infrastructure. All EV charging electric infrastructure and EVSE (when installed) shall be in accordance with the California Electrical Code.

|                            | <b>Full Circuit</b> | <b>Inaccessible Raceway Installed</b> | <b>Electric Panel Capacity</b>        |
|----------------------------|---------------------|---------------------------------------|---------------------------------------|
| <b>1 parking space</b>     | 1 parking space     | -                                     | Sufficient to supply 1 parking space  |
| <b>2-10 parking spaces</b> | 2 parking spaces    | -                                     | Sufficient to supply 2 parking spaces |

|                                       |   |  |   |
|---------------------------------------|---|--|---|
| <b>11-15 parking spaces</b>           | 2 parking spaces                          | 1 parking spaces                       | Sufficient to supply 3 parking spaces     |
| <b>16-20 parking spaces</b>           | 2 parking spaces                          | 2 parking spaces                       | Sufficient to supply 4 parking spaces     |
| <b>Greater than 20 parking spaces</b> | 10 percent of parking spaces (rounded up) | Remaining 90 percent of parking spaces | Sufficient to supply 20 percent of spaces |

**4.106.4.2.3 Full Circuit.**

Required full circuits shall be installed with 40-Amp 208/240-Volt capacity including raceway, electrical panel capacity, overprotection devices, wire and termination point such as a receptacle at the time of construction. The termination point shall be in close proximity to the proposed EV charger location. Where a single EV parking space is required, the raceway shall not be less than trade size 1 (nominal 1-inch inside diameter).

**4.106.4.2.4 Inaccessible Raceway.**

Construction documents shall indicate wiring schematics, raceway methods, the raceway termination point and proposed location of future EV spaces and EV chargers. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.

**4.106.4.2.5 Electrical Panel Capacity.**

Electrical panels shall be installed with capacity to support one (1) 40-Amp 208/240-Volt circuit for each parking space specified in 4.106.4.2 under "Electrical Panel Capacity". Construction documents shall verify that the electrical panel service capacity and electrical system including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at 40-Amps.

**Note:** Panel capacity to install full circuits at the time of original construction as well as capacity to support future addition of additional circuits shall count towards satisfying this requirement. This requirement

does not preclude building owners from allocating the required capacity to increase the number of EVCS and provide less than 40-Amp per vehicle.

#### **4.106.4.2.6 Identification.**

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV READY" for full circuits and otherwise "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV READY" for full circuits and otherwise "EV CAPABLE".

#### **Notes:**

1. The California Department of Transportation adopts and publishes the "California Manual on Uniform Traffic Control Devices (California MUTCD)" to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives Number 13-01. Website: <http://www.dot.ca.gov/trafficops/policy/13-01.pdf>.
2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research (OPR) published a "Zero-Emission Vehicle Community Readiness Guidebook" that provides helpful information for local government, residents, and businesses. Website: [https://www.opr.ca.gov/docs/ZEV\\_Guidebook.pdf](https://www.opr.ca.gov/docs/ZEV_Guidebook.pdf).

- e. *Accessibility Requirements for New Multi-family Dwellings.* In Section 4.106.4.2 of the California Green Building Standards Code, add new subsection 4.106.4.2.7:

#### **4.106.4.2.7 Chapter 11B Accessible EVCS Requirements.**

Construction documents shall indicate how many accessible EVCS would be required under Title 24 Chapter 11B Table 11B-228.3.2.1, if applicable, in order to convert all EV Ready and EV Capable spaces required under California Green Building Code Section 4.106 to EVCS. Construction documents shall also demonstrate that the facility is designed so that compliance with accessibility standards including 11B-812.5 accessible routes will be feasible for the required accessible EVCS at the time of

EVCS installation. Surface slope for any area designated for accessible EVCS shall meet slope requirements in Section 11B-812.3 at the time of the original building construction and vertical clearance requirements in Section 11B-812.4.

**Note:** Section 11B-812 of the 2016 California Building Standards Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1. Chapter 11B applies to certain facilities including but not limited to public accommodations and publicly funded housing (see Section 1.9 of Part 2 of the California Building Standards Code). Section 11B-812.4 requires that “Parking spaces, access aisles, and vehicular routes serving them shall provide a vertical clearance of 98 inches (2489 mm) minimum.” Section 11B-812.3 requires that parking spaces and access aisles meet maximum slope requirements of 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction at the time of new building construction or renovation. Section 11B-812.5 contains accessible route requirements. Section 4.106.4.2.7 requires that developments meet certain aspects of accessibility requirements at the time of new construction.

- f. *Compliance Requirements for Site Development (New Nonresidential and Mixed Use).* In Section 5.106.5.3 of the California Green Building Standards Code, delete paragraph 5.106.5.3 and subparagraphs 5.106.5.3.1, 5.106.5.3.2, 5.106.5.3.3, and 5.106.5.3.4 in their entirety and replace with the following:

**SECTION 5.106.5.3**

**SITE DEVELOPMENT**

**5.106.5.3 Electric Vehicle (EV) charging.**

Construction shall include EV charging electric infrastructure as specified in this section to facilitate future installation of EVSE. All EV charging electric infrastructure and EVSE (when installed) shall be in accordance with the California Electrical Code.

|                        | <b>Full Circuit</b> | <b>Inaccessible Raceway Installed</b> | <b>Electric Panel Capacity</b> |
|------------------------|---------------------|---------------------------------------|--------------------------------|
| <b>1 parking space</b> | 1 parking space     | -                                     | Sufficient to supply 1 parking |

|                                       |   |   |   |
|---------------------------------------|---|---|---|
|                                       |   |   | space   |
| <b>2-10 parking spaces</b>            | 2 parking spaces                          | -   | Sufficient to supply 2 parking spaces             |
| <b>11-15 parking spaces</b>           | 2 parking spaces                          | 1 parking spaces                          | Sufficient to supply 3 parking spaces             |
| <b>16-20 or more parking spaces</b>   | 2 parking spaces                          | 2 parking spaces                          | Sufficient to supply 4 parking spaces             |
| <b>Greater than 20 parking spaces</b> | 10 percent of parking spaces (rounded up) | 10 percent of parking spaces (rounded up) | Sufficient to supply 20 percent of parking spaces |

**Exceptions.** On a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure is not feasible based upon one of more of the following conditions:

1. Where there is insufficient electrical supply.
2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the developer by more than \$400 per parking space. In such cases, buildings subject to Section 5.106.5.3 shall maximize the quantity of EV infrastructure, without exceeding the limit above. Cost shall be determined by dividing total cost by total number of EV and non-EV parking spaces.

**5.106.5.3.1 Full Circuit.**

Required full circuits shall be installed with 40-Amp 208/240-Volt capacity including raceway, electrical panel capacity, overprotection devices, wire and termination point such as a receptacle at the time of construction. The termination point shall be in close proximity to the proposed EV charger location. Where a single EV parking space is required, the raceway shall not be less than trade size 1 (nominal 1-inch inside diameter).

**5.106.5.3.2 Inaccessible Raceway.**

Construction documents shall indicate wiring schematics, raceway methods, the raceway termination point and proposed location of future

EV spaces and EV chargers. Raceways and related components that are planned to be installed underground, enclosed, inaccessible or in concealed areas and spaces shall be installed at the time of original construction.

#### **5.106.5.3.3 Electrical Panel Capacity.**

Electrical panels shall be installed with capacity to support one (1) 40-Amp 208/240-Volt circuit for each parking space specified in 4.106.4.2 under "Electrical Panel Capacity". Construction documents shall verify that the electrical panel service capacity and electrical system including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required spaces at 40-Amps.

**Note:** Panel capacity to install full circuits at the time of original construction as well as capacity to support future addition of additional circuits shall count towards satisfying this requirement. This requirement does not preclude building owners from allocating the required capacity to increase the number of EVCS and provide less than 40-Amp per vehicle.

#### **5.106.5.3.4 Identification.**

The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as "EV READY" for full circuits and otherwise "EV CAPABLE". The raceway termination location shall be permanently and visibly marked as "EV READY" for full circuits and otherwise "EV CAPABLE".

#### **Notes:**

1. The California Department of Transportation adopts and publishes the "California Manual on Uniform Traffic Control Devices (California MUTCD)" to provide uniform standards and specifications for all official traffic control devices in California. Zero Emission Vehicle Signs and Pavement Markings can be found in the New Policies & Directives Number 13-01. Website: <http://www.dot.ca.gov/trafficops/policy/13-01.pdf>.
2. See Vehicle Code Section 22511 for EV charging spaces signage in off-street parking facilities and for use of EV charging spaces.
3. The Governor's Office of Planning and Research (OPR) published a "Zero-Emission Vehicle Community Readiness Guidebook" that

provides helpful information for local government, residents, and businesses.

Website: [https://www.opr.ca.gov/docs/ZEV\\_Guidebook.pdf](https://www.opr.ca.gov/docs/ZEV_Guidebook.pdf).

- g. *Accessibility Requirements for Site Development (New Nonresidential and Mixed Use)*. In Section 5.106.5.3 of the California Green Building Standards Code, add new subsection 5.106.5.3.6:

**5.106.5.3.6 Chapter 11B Accessible EVCS requirements.**

Construction documents shall indicate how many accessible EVCS would be required under Title 24 Chapter 11B Table 11B-228.3.2.1, if applicable, in order to convert all EV Ready and EV Capable spaces required under 5.106.5.3 to EVCS. Construction documents shall also demonstrate that the facility is designed so that compliance with accessibility standards including 11B-812.5 accessible routes will be feasible for the required accessible EVCS at the time of EVCS installation. Surface slope for any area designated for accessible EVCS shall meet slope requirements in Section 11B-812.3 at the time of the original building construction and vertical clearance requirements in Section 11B-812.4.

**Note:** Section 11B-812 of the 2016 California Building Standards Code requires that a facility providing EVCS for public and common use also provide one or more accessible EVCS as specified in Table 11B-228.3.2.1. Chapter 11B applies to certain facilities including but not limited to public accommodations and publicly funded housing (see Section 1.9 of Part 2 of the California Building Standards Code). Section 11B-812.4 requires that "Parking spaces, access aisles, and vehicular routes serving them shall provide a vertical clearance of 98 inches (2489 mm) minimum." Section 11B-812.3 requires that parking spaces and access aisles meet maximum slope requirements of 1 unit vertical in 48 units horizontal (2.083 percent slope) in any direction at the time of new building construction or renovation. Section 11B-812.5 contains accessible route requirements. Section 5.106.5.3.5 requires that develops meet certain aspects of accessibility requirements at the time of new construction.

SECTION 5. A new explanatory note (5) is added under Parking Requirements by Land Use in Table 3-6 of Section 19.28.040 in Chapter 19.28 of Title 19 of the West Hollywood Municipal Code to read as follows:

5. See Section 13.24.015 of Title 13 of the West Hollywood Municipal Code for electric vehicle charging readiness requirements.

SECTION 6. A new subsection (A5) is added under Parking Area Design and Layout Standards of Section 19.28.090 in Chapter 19.28 of Title 19 of the West Hollywood Municipal Code to read as follows:

Electric Vehicle Charging Stations. Spaces reserved for electric vehicle charging stations shall be designed in compliance with Section 13.24.015 of Title 13 of the West Hollywood Municipal Code.

SECTION 7. Section 19.28.170, Alternative Fuel Vehicles of Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.28.170 Electric Vehicle Charging Readiness.

- A. *Applicability.* Electric vehicle charging spaces shall be provided for all uses in accordance with the requirements of the California Green Building Standards Code, and any local amendments adopted therein, found at Section 13.24.015 of Title 13 of the West Hollywood Municipal Code.
- B. Any spaces reserved for electric vehicle charging stations shall count toward parking requirements under Section 19.28.040 (Number of Parking Spaces Required).
- C. Exemptions.
  1. The electric vehicle charging requirements in Subsection A above shall not apply to the following uses:
    - a. Off-site parking spaces for commercial uses utilizing the Parking Credits Program (Section 19.28.080).
    - b. Temporary Parking Lots (Section 19.28.140)
  2. Other exemptions may be granted by the Director, where the Director determines that compliance with the requirements of this Section is technically infeasible.

SECTION 8. Subsection (C)14 of Section 19.34.110 in Chapter 19.34 of Title 19 of the West Hollywood Municipal Code is repealed in its entirety.

SECTION 9. Effective and Operative Dates. This Ordinance shall become operative on and after its adoption by sufficient affirmative votes of the City Council in accordance with state law. This Ordinance shall take effect and be in full force 60

days after the date the amendment documents are filed with the California Building Standards Commission. The Ordinance shall apply to new Land Use and Development Permit Applications under Article 19-4 submitted to the City on or after its effective date. The Ordinance shall not apply to Land Use and Development Permit Applications submitted before the effective date and building/construction related permits already issued and not yet expired.

SECTION 10.Directions to the Building Official. Upon final passage of this Ordinance, the Building Official is hereby directed to transmit this Ordinance, along with the companion Resolution, to the State Building Standards Commission pursuant to the applicable provisions of State law.

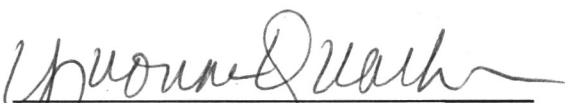
SECTION 11.Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Hollywood's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 2<sup>nd</sup> day of April, 2018 by the following vote:

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

  
\_\_\_\_\_  
JOHN HEILMAN, MAYOR

ATTEST:

  
\_\_\_\_\_  
YVONNE QUARKER, CITY CLERK

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

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 18-1027 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 2<sup>nd</sup> day of April, 2018, after having its first reading at the regular meeting of said City Council on the 19<sup>th</sup> day of March, 2018.

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

WITNESS MY HAND AND OFFICIAL SEAL THIS 3<sup>rd</sup> DAY OF APRIL, 2018.

  
YVONNE QUARKER, CITY CLERK