

ORDINANCE NO. 19-1072

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD AMENDING TITLES 13, 15, AND 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW GREEN BUILDING REQUIREMENTS FOR NEW CONSTRUCTION AND MAJOR REMODELS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.

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

SECTION 1. West Hollywood adopted one of the nation's first mandatory green building ordinances in 2007 to ensure that new buildings will be healthier for residents, use energy and resources more efficiently, and be responsive to local conditions. In 2010, the State established the California Green Building Standards Code to ensure buildings statewide keep pace with ever-evolving trends in the green building design and construction industry. This ordinance updates the City's local green building requirements to align with and go beyond State law, respond to local and regional climate action priorities, and continue to exhibit leadership in environmental policy. All aspects of this ordinance contribute to mitigating greenhouse gas emissions into the atmosphere.

SECTION 2. For the amendments to Title 19, a public hearing was duly noticed for the Planning Commission meeting of May 2, 2019 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by April 18, 2019. The Planning Commission made a recommendation for the City Council to approve this ordinance following the public hearing. For the amendments to Titles 13, 15, and 19, the West Hollywood City Council properly reviewed and considered this matter at a public hearing on July 15, 2019. Public Notice of the hearing was advertised by publication in the West Hollywood Independent and Beverly Press on July 4, 2019 and by announcement on City Channel 6, as well as the City website and City Hall on July 3, 2019. Notices were mailed to all West Hollywood Neighborhood Watch groups on July 3, 2019.

SECTION 3. The amendments to Titles 13, 15, 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. Updating the standards for green building in new development and major remodels builds upon the city's existing green building program, effective since 2007, and responds to changes in California Building Standards Code. The amendments continue to go above and beyond state

rules for protection of the environment and reduce local CO2 emissions by enabling and encouraging energy and water efficiency in buildings, increasing the diversion of waste from landfills, increasing vegetation, and promoting the use of clean, renewable energy in West Hollywood.

SECTION 4. The West Hollywood City Council hereby finds the proposed Municipal Code amendments are 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 proposed zone text amendment is also consistent with Policy IRC-6, which states that the City should "reduce the City's contribution to global climate change and adapt to its effects." Additionally, the amendments are consistent with the Climate Action Plan by reducing greenhouse gas emissions through requiring environmentally-responsible development as a way to improve the health of the public and the environment. The ordinance supports all of these goals and does not impede implementation of the General Plan and Climate Action Plan.

SECTION 5. Section 13.24.015, Amendments of Title 13 Chapter 13.24 of the West Hollywood Municipal Code is amended to read as follows:

Enactment of Local Amendments to Sections 4.106.4, 4.303.1, 4.304, 5.106.5.3, 5.303.3, and 5.304 of the 2019 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, 4.303.1, 4.304, 5.106.5.3, 5.303.3, and 5.304 of the 2019 California Green Building Standards Code to include more stringent requirements for electric vehicle charging readiness and indoor and outdoor water use for residential nonresidential, and mixed-use projects, as defined by the West Hollywood Planning Department, consistent with and exceeding the 2019 California Green Building Standards Code requirements.
- b. *Exemptions for Electric Vehicle (EV) Charging.* In Section 4.106.4 of the California Green Building Standards Code, delete paragraph 1.2 under "Exemptions" in its entirety and replace with the following:

Exemptions

- 1.2 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 for Electric Vehicle (EV) Charging.*

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 Electric Vehicle (EV) Charging (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 to read as follows:

4.106.4.2 New multifamily dwellings. Where three to nine multi-family dwelling units are constructed on a site, ten (10) percent of the total number of on-site parking spaces, provided for all types of parking facilities, shall be electric vehicle charging spaces capable of supporting future EVSE (inaccessible raceway installed). Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.

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

	Full Circuit	Inaccessible Raceway Installed	Electric Panel Capacity
1 parking space	1 parking space	-	Sufficient to supply 1 parking space
2-10 parking spaces	2 parking spaces	-	Sufficient to supply 2 parking spaces
11-15 parking spaces	2 parking spaces	1 parking spaces	Sufficient to supply 3 parking spaces
16-20 parking	2 parking	2 parking spaces	Sufficient to supply

spaces	spaces		4 parking spaces
Greater than 20 parking spaces	10 percent of parking spaces (rounded up)	Remaining 90 percent of parking spaces	Sufficient to supply 20 percent of spaces

Notes:

1. Construction documents are intended to demonstrate the project's capability and capacity for facilitating future EV charging.
2. There is no requirement for EV spaces to be constructed or available until EV chargers are installed for use.

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".

- e. *Accessibility Requirements for Electric Vehicle (EV) Charging (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 to read as follows:

4.106.4.2.7 Chapter 11A Accessible EVCS Requirements. Construction documents shall indicate how many accessible EVCS would be required under California Building Standards Code, Chapter 11A, as 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 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 and vertical clearance requirements per Chapter 11A at the time of the original building construction.

Note: All publically funded housing shall comply with the accessibility provisions for EV charging stations in the California Building Standards Code, Chapter 11B.

- f. *Compliance for Electric Vehicle (EV) Charging (New Hotels and Motels)*. In Section 4.106.4.3 of the California Green Building Standards Code, delete paragraph 4.106.4.3 and subparagraphs numbered 4.106.4.3.1, 4.106.4.3.2, 4.106.4.3.3, 4.106.4.3.4, 4.106.4.3.5, 4.106.4.3.6 in their entirety and replace with the following:

4.106.4.3 New hotels and motels. All new hotels and motels shall install at least the levels of plug-in electric vehicle (PEV) infrastructure as specified in the table. All EV charging electric infrastructure and EVSE (when installed) shall be in accordance with the California Electrical Code.

	Full Circuit	Inaccessible Raceway Installed	Electric Panel Capacity
1 parking space	1 parking space	-	Sufficient to supply 1 parking space
2-10 parking spaces	2 parking spaces	-	Sufficient to supply 2 parking spaces
11-15 parking spaces	2 parking spaces	1 parking spaces	Sufficient to supply 3 parking spaces
16-20 parking spaces	2 parking spaces	2 parking spaces	Sufficient to supply 4 parking spaces
Greater than 20 parking spaces	10 percent of parking spaces (rounded up)	Remaining 10 percent of parking spaces	Sufficient to supply 20 percent of spaces

4.106.4.3.1 Electric vehicle charging space (EV space) dimensions. The EV spaces shall be designed to comply with the following:

1. The minimum length of each EV space shall be 18 feet (5486 mm).

2. The minimum width of each EV space shall be 9 feet (2743 mm).

4.106.4.3.2 Design of EV spaces. EV spaces shall be designed in accordance with Sections 4.106.2.3 (Full Circuit), 4.106.2.4 (Inaccessible Raceway), and 4.106.2.5 (Electrical Panel Capacity).

4.106.4.3.3 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".

4.106.4.3.4 Accessible EV spaces. In addition to the requirements in Section 4.106.4.3, EV spaces for hotels/motels, and all EVSE, when installed, shall comply with the accessibility provisions for EV charging stations in the California Building Standards Code, Chapter 11B. Construction documents for accessible EVCS shall be prepared in accordance with Section 5.106.5.3.6 Chapter 11B Accessible EVCS requirements.

- g. *Compliance Requirements for Indoor Water Use (Residential Projects).* In Section 4.303.1 of the California Green Building Standards Code, subparagraphs 4.303.1.1, 4.303.1.3, 4.303.1.3.1, 4.303.1.3.2, 4.303.1.4, and 4.303.1.4.4 are amended to read as follows:

4.303.1.1 Water closets. The effective flush volume of all water closets shall not exceed 1.1 gallon per flush. Tank-type water closets shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Tank-Type Toilets.

4.303.1.3 Showerheads.

4.303.1.3.1 Single Showerhead. Showerheads shall have a maximum flow rate of not more than 1.5 gallons per minute at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.

4.303.1.3.2 Multiple showerheads serving one shower. When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.5 gallons per minute at 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.

4.303.1.4 Faucets.

4.303.1.4.4 Kitchen faucets. The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.5 gallons per minute at 60 psi.

- h. *Compliance Requirements for Outdoor Water Use (Residential Projects).* In Section 4.304 of the California Green Building Standards Code, add new subsection 4.304.2 to read as follows:

4.304.2 Landscape water meters. For new water service connections, landscaped irrigated areas at least 500 square feet but not more than 5,000 square feet, shall be provided with separate submeters or metering devices for outdoor potable water use.

- i. *Compliance Requirements for Electric Vehicle (EV) Charging (New Nonresidential and Mixed Use Projects).* In Section 5.106.5.3 of the California Green Building Standards Code, amend the following section to read as follows:

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.

	Full Circuit	Inaccessible Raceway Installed	Electric Panel Capacity
1 parking space	1 parking space	-	Sufficient to supply 1 parking space
2-10 parking spaces	2 parking spaces	-	Sufficient to supply 2 parking spaces
11-15 parking spaces	2 parking spaces	1 parking spaces	Sufficient to supply 3 parking spaces
16-20 or more parking spaces	2 parking spaces	2 parking spaces	Sufficient to supply 4 parking spaces
Greater than 20 parking spaces	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 5.106.5.3 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”.

- j. *Accessibility Requirements for Electric Vehicle (EV) Charging (New Nonresidential and Mixed Use Projects)*. In Section 5.106.5.3 of the California Green Building Standards Code, add new subsection 5.106.5.3.6 to read as follows:

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 2019 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 developments meet certain aspects of accessibility requirements at the time of new construction.

- k. *Compliance Requirements for Indoor Water Use (Nonresidential Projects)*. In Section 5.303.3 of the California Green Building Standards Code, subparagraphs 5.303.3.1, 5.303.3.3, 5.303.3.3.1, 5.303.3.3.2, 5.303.3.4, and 5.303.3.4.2 are amended to read as follows:

5.303.3.1 Water closets. The effective flush volume of all water closets shall not exceed 1.1 gallon per flush. Tank-type water closets shall be certified to the

performance criteria of the U.S. EPA WaterSense Specification for Tank-Type Toilets.

5.303.3.3 Showerheads. [BSC-CG]

5.303.3.3.1 Single Showerhead. Showerheads shall have a maximum flow rate of not more than 1.5 gallons per minute at 80 psi. Showerheads shall be certified to the performance criteria of the U.S. EPA WaterSense Specification for Showerheads.

5.303.3.3.2 Multiple showerheads serving one shower. When a shower is served by more than one showerhead, the combined flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.5 gallons per minute at 80 psi, or the shower shall be designed to allow only one shower outlet to be in operation at a time.

5.303.3.4 Faucets and fountains.

5.303.3.4.1 Nonresidential lavatory faucets. The maximum flow rate of residential lavatory faucets shall not exceed 1.2 gallons per minute at 60 psi. The minimum flow rate of residential lavatory faucets shall not be less than 0.8 gallons per minute at 20 psi.

5.303.3.4.2 Kitchen faucets. The maximum flow rate of kitchen faucets shall not exceed 1.5 gallons per minute at 60 psi. Kitchen faucets may temporarily increase the flow above the maximum rate, but not to exceed 2.2 gallons per minute at 60 psi, and must default to a maximum flow rate of 1.5 gallons per minute at 60 psi.

- I. *Compliance Requirements for Outdoor Water Use (Nonresidential Projects).* In Section 5.304 of the California Green Building Standards Code, add new subsection 5.304.2 to read as follows:

5.304.2 Landscape water meters. For new water service not subject to the provisions of *Water Code* Section 535, separate meters or submeters shall be installed for outdoor water potable water use for landscaped areas of at least 500 square feet but not more than 1,000 square feet.

SECTION 6. Section 15.64.020; Green Building Requirements of Chapter 15.64 of Title 15 of the West Hollywood Municipal Code is amended to read as follows:

All new public buildings or additions to public buildings of 10,000 square feet or more, or public building tenant improvement and major remodel projects (as defined in Title 19) of 10,000 square feet or more, shall achieve the LEED Gold level at a minimum. All other buildings receiving public funding from the City of West Hollywood are strongly encouraged to achieve the LEED Gold level. Use of an equivalent comprehensive green building program is permissible.

SECTION 7. A new subsection 7 is added to subsection D of Section 19.03.020, Rules of Interpretation of Chapter 19.03 of Title 19 of the West Hollywood Municipal Code to read as follows:

7. Green Building Provisions. Notwithstanding the above, in the event of any conflict between requirements of the Green Building Provisions in Section 19.20.060 and any other applicable provision of the West Hollywood Municipal Code, the more restrictive shall apply.

SECTION 8. Section 19.20.060, Green Building, of Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. Purpose and Intent. The green building standards in this section are established to reduce the use of natural resources, create healthier living environments, and promote environmental responsibility in building design and construction. The practice of green building can have meaningful beneficial impacts by reducing energy, water, and natural resource consumption, improving the well-being of occupants through better indoor air quality and comfort, and contributing to community-wide environmental initiatives. The program consists of Mandatory Provisions, Requirements for Specific Plans and Development Agreements, and Application Requirements.

B. Applicability. All New Development, Major Remodels, and Tenant Improvements (herein referred to as "Project") shall comply with the following requirements of the West Hollywood Municipal Code, as applicable. Where this section references another section of the Municipal Code, the applicability provisions of that section shall be used to determine applicability.

C. Mandatory Provisions. This section is to be used in conjunction with the California Code of Regulations Title 24. Where conflicts in language may exist between this section and the California Code of Regulations, Title 24, the more restrictive green building provision shall prevail.

1. Site Planning and Design

- a. Storm Water Diversion. Projects shall comply with all the applicable requirements in Section 19.20.190 (Storm Drainage and Storm Water Runoff) and Chapter 15.56 (Storm Water and Urban Runoff Pollution Control).
- b. Storm Drains. Storm drains in the public right-of-way adjacent to the Project site shall be labeled in accordance with any standards set by the Director of Public Works.
- c. Construction Debris Control. Projects shall comply with all applicable requirements in Section 13.04.040 (Construction Debris Control).
- d. Electric Vehicle Charging Readiness. Projects shall comply with all applicable requirements in Section 19.28.170 (Electric Vehicle Charging Readiness).
- e. Alternative Transportation. Projects shall comply with all applicable requirements in Section 19.28.150 (Bicycle Parking and Support Facilities).

- f. Transportation Demand Management. Projects shall comply with all applicable provisions of Chapter 10.16 (Transportation Demand Management).
- g. 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).
- h. Parking Landscaping for Surface Parking Areas. Projects shall comply with all applicable requirements in Section 19.28.100(B) (Parking Area Landscaping Requirements).

i. Sustainable Roof Measures.

The purpose of this section is to make productive use of rooftops to maximize environmental benefits.

1. Required. All New Residential, Nonresidential, and Mixed-Use Projects with a gross floor area of 10,000 square feet or more, or a Major Remodel that causes a residential, nonresidential, or mixed-use building to become 10,000 square feet or greater, shall install at least one of the following sustainable roof measures:

- a. Photovoltaics (PV), sized to offset a minimum of fifteen percent (15%) of the building's total estimated energy usage, or
- b. Solar thermal systems (i.e., solar hot water), with a minimum 0.50 solar fraction, or
- c. Vegetative roof, covering a minimum 30 percent of the roof area not occupied by mechanical equipment or access stairways as a landscaped roof. This measure shall comply with the vegetative roof requirements in the California Building Code and shall be integrated into the project's Low-Impact Development Plan required under Section 15.56.095 of the West Hollywood Municipal Code.
- d. At the discretion of the review authority, compliance with this section may be alternatively achieved by:
 - i. Installing a combination of Sustainable Roof Measures listed above, or
 - ii. Installing non-roof photovoltaic or solar thermal systems (e.g. building-integrated or ground mounted). Such systems must meet the performance or prescriptive requirements equivalent to its corresponding Sustainable Roof Measure.

2. Exemptions.

- a. Other exemptions from subsection 1 above may be granted by the review authority, where the review authority determines that compliance with the requirements of this section is technically infeasible.

2. Energy Efficiency

- a. Energy Efficiency. Projects shall comply with all applicable provisions of the most recent edition of the California Energy Code (Title 24, Part 6),

and most recent editions of the locally-adopted building, electrical, mechanical and plumbing codes found in Title 13 of this Code.

- b. Energy Star Appliances. Appliances provided in Residential and Mixed-Use Projects, and Commercial Projects as appropriate, shall be Energy Star qualified appliances.
- c. Energy Efficient Outdoor Lighting. Projects shall comply with all applicable requirements in Section 19.20.100 (Outdoor Lighting).
- d. Energy Benchmarking Readiness. All new residential, nonresidential, and mixed-use projects of 20,000 square feet or greater shall register with EnergySTAR Portfolio Manager.

3. Water Efficiency and Conservation

- a. Water Conserving Plumbing Fixtures & Fittings. Projects shall comply with applicable requirements for utilizing low-flow showerheads, faucets and water closets as specified in Section 13.24.015.
- b. Water-Efficient Landscaping. 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 (Regulation of Outdoor Water Use Practices).
- c. Water Submetering. Projects shall comply with applicable requirements for water submetering for indoor water use as specified in the locally-adopted plumbing code and for outdoor water use as specified in Section 13.24.015.

4. Material Conservation and Resource Efficiency

- a. Environmental Protection, Pollution, and Solid Waste. Projects shall comply with all applicable requirements in Chapter 15 (Environmental Protection, Pollution, and Solid Waste).
- b. 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) (Waste Diversion).
- c. Construction and Demolition Waste. Projects shall divert a minimum of 80 percent of all construction and demolition waste away from landfills in accordance with any standards set by the Director of Public Works.

5. Environmental Quality

- a. Environmental Quality. Projects shall comply with all applicable provisions of the most recent edition of the California Green Building Standards Code, and most recent editions of the locally-adopted building, electrical, mechanical and plumbing codes found in Title 13 of this Code.

D. Requirements for Specific Plans and Development Agreements. In addition to other applicable green building requirements, Projects requesting increases in allowable height or

density through approval of specific plans or development agreements shall comply with one of the following high-achieving measures:

1. Highly Energy Efficient Building.
 - a. New multifamily residential and mixed-use projects of four or more stories, and new nonresidential projects shall demonstrate a minimum of 50% improvement in building energy performance over the baseline set by the California Energy Code (Title 24, Part 6).
2. Graywater System Installation.
 - a. Projects shall install one of the following graywater systems:
 1. A treated graywater system to supply water closets, urinals, and other allowed uses that is designed for a minimum of 25-percent reduction in indoor potable water use; or,
 2. A graywater collection system for onsite subsurface irrigation collected from bathtubs, showers, bathroom wash basins and laundry water that meets 100% of the site's landscape water requirements. This option only applies to projects with new landscape areas of 1,000 square feet or more.
 - b. A combination of indoor and outdoor graywater measures may be approved at the discretion of the Review authority.
 - c. All graywater systems shall comply with the most recent edition of the locally-adopted plumbing code.
3. Use of Third-Party Green Building Rating System. Projects shall achieve one of the following within 24 months of the issuance of a Certificate of Occupancy, and shall provide a performance bond or similar security to ensure compliance to the satisfaction of the Director. The Director is authorized to promulgate any rules and regulations necessary to implement the requirements of this subsection (3):
 - a. LEED Platinum Certification
 - b. Living Building Challenge Certification
4. Exemptions.
 - a. This Subsection D shall not apply to specific plans and development agreements for billboards or institutional uses.
 - b. Other exemptions may be granted by the Review authority, where the Review authority determines that compliance with the requirements of this Section is technically infeasible.

E. Application Requirements. This section is intended to simplify and facilitate the green building document review and permitting process for all applicable Projects. For each phase, all planning review and building permit documents shall indicate in the general notes and/or individual detail drawings, where appropriate, the required green building measures employed for the project.

1. Planning Review Phase. A completed preliminary Green Building Checklist and supporting documents shall be submitted as part of an application for a development permit.
2. Building Permit Phase. Following approval of the land use or development permit, a final Green Building Checklist and supporting documents shall be submitted as part of the application for any building permit.
3. Projects using a Third-Party Green Building Rating System to comply with Section 19.20.060D require additional documentation as follows:
 - a. Prior to the issuance of building permits, the applicant shall submit evidence satisfactory to the Planning and Development Services Director that the services of the appropriate accredited green building professional have been retained, and that the project has been registered with the third-party rating system.
 - b. A rating system checklist and supporting documentation indicating points to achieve the required rating level shall be incorporated into the documentation for development and building permit submittals. The checklist shall be prepared, signed, and dated by the appropriate accredited professional.

SECTION 9. Subsection A of Section 19.20.100, Outdoor Lighting of Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. General Standards for Outdoor Lighting. Outdoor lighting shall be designed to prevent glare, light trespass, and sky glow in accordance with the most recent edition of the California Energy Code (Title 24, Part 6). Permanently installed lighting shall not blink, flash, or be of unusually high intensity or brightness. Exterior lighting shall:

1. Be architecturally integrated with the character of the structures;
2. Be directed away from adjacent properties and public rights-of-way;
3. Be energy-efficient and shielded so that all glare is confined within the boundaries of the site;
4. Use timers, where acceptable, to turn outdoor lights off during hours when they are not needed;
5. Be appropriate in height, intensity, and scale to the uses they are serving;
6. Use no more intensity than absolutely necessary.
7. Comply with the backlight, uplight, and glare (BUG) requirements for outdoor lighting in accordance with the most recent edition of the California Energy Code (Title 24, Part 6).

8. If on a pole, be low and relatively closely spaced. Lighting in large surface areas (e.g., parking lots), shall use a larger number of lower, pole-mounted fixtures rather than fewer, taller fixtures. Wattage shall be kept below 250 watts.

SECTION 10. Section 19.20.180, Solid Waste and Recyclable Materials Storage of Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

This section provides requirements for solid waste and recyclable material storage areas in compliance with the California Solid Waste Reuse and Recycling Access Act (Public Resources Code Sections 42900 et seq.).

A. **Waste Collection and Operations Plan Required.** Each new multifamily, nonresidential, and mixed-use project shall develop and implement a waste collection and operations plan in compliance with regulations provided by the Director of Public Works.

1. The plan shall include sufficient information for a complete understanding of the proposed waste collection and operations. At minimum, the plan shall address the frequency of collection, the appropriate service levels and logistics, the loading requirements, the projected waste volume, and the storage space allocation for solid waste, recycling, and organics collection. The plan shall be submitted as part of the land use and development permit application subject to review and approval by the Director of Public Works.

B. **Multi-Family Projects.** Multi-family residential projects with five or more dwelling units shall provide and maintain solid waste, recyclable, and organic material collection containers in the following manner:

1. **Individual Unit Storage Requirements.** Each dwelling unit shall be designed to include a space with a minimum of three cubic feet for the storage of solid waste and three cubic feet for the storage of recyclable material; and
2. **Common Storage Requirements.** Multifamily projects shall maintain common solid waste, recyclable, and organic material collection containers. Space shall be allocated as appropriate for the number and type of collection containers required, as determined by the project's approved waste collection and operations plan. Storage areas may be located indoors or outdoors as long as they are readily accessible to all residents.
 - a. **Compactor Service.** Compactors may be required in place of carts or bins based on a project's waste collection and operations plan and at the discretion of the Director of Public Works.

C. **Nonresidential Structures and Uses.** Nonresidential structures and uses within all zoning districts shall provide and maintain solid waste, recyclable, and organic material collection containers. Space shall be allocated as appropriate for the number and type of collection containers required, as determined by the project's approved waste collection and operations plan. These requirements apply to each primary structure.

1. **Compactor Service.** Compactors may be required in place of carts or bins based on a project's waste collection and operations plan and at the discretion of the Director of Public Works.

D. *Location Requirements.* Solid waste, recyclable, and organic material storage areas shall be conveniently located as follows:

1. Solid waste, recyclable, and organic material storage areas shall be located adjacent to, or near one another, or combined. They may only be located inside a specially designated structure, on the outside of a structure in an approved fence or wall enclosure, a designated interior court or yard area with appropriate access, or in rear or interior side yards. Exterior storage areas shall not be located in a required front yard, street side yard, parking space, landscaped, or open space areas;
2. The storage areas shall be accessible to residents and employees at all times. Storage areas within multi-family residential projects shall be conveniently located to the dwellings that they are intended to serve;
3. Driveways or aisles shall provide unobstructed access for collection vehicles and personnel with at least the minimum clearance required by the collection methods and vehicles utilized by the designated collector.
4. If a subterranean garage driveway slope is greater than 15 percent at any point, the driveway shall not be used to access the solid waste, recyclable, and organic collection container areas. If the storage area is located in the subterranean garage, an alternative means of conveying the solid waste, recyclable, and organic containers to grade level, such as a lift, shall be provided.

E. *Design and Construction.* Solid waste, recyclable, and organic storage areas shall be subject to the approval of the Director of Public Works, and shall be:

1. Enclosed on three sides by a solid screening wall or fence with a minimum height of five feet, designed to be architecturally compatible with the surrounding structures;
2. Provided with an approved operable door or gate on the fourth side, properly secured to prevent access by unauthorized persons, while allowing authorized persons access for disposal and collection of materials;
3. Provided with a concrete pad within the fenced or walled areas and a concrete apron which facilitates the handling of the individual bins or containers; and
4. Designed to protect the areas and the individual bins or containers within from adverse environmental conditions which might render the recyclable materials unmarketable.
5. Designed to meet or exceed the minimum clearance standards set by the Director of Public Works for the level and type of service.

SECTION 11. Table 3-7: Allowable Parking Reductions of Section 19.28.060, Reduction of Off-Street Parking Requirements of Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended by adding a new category of Qualifying Project Feature called "Ground-Level Vegetative Space" to read as follow and the rest of the table remaining unchanged:

TABLE 3-7
ALLOWABLE PARKING REDUCTIONS

[Explanatory Notes Follow at the End of the Table]

Qualifying Project Feature¹	Description and Criteria for Granting Reduction	Maximum Reduction²	Required Process for Reduction
Ground-level vegetative space	In order to increase the amount of ground-level vegetative space and tree canopy on a project site and enhance the capacity for percolation of water through native soil and on-site stormwater management, a project may provide 160 square feet of vegetative space in lieu of one required standard parking space. Such vegetative space must be designed to allow for water infiltration into the soil below, may not be located above an underground structure, and shall include at least one canopy tree with a minimum box size of 36 inches. The vegetative area may include space that is part of any required setback area.	As determined by the Review Authority	Review and decision by applicable Review Authority as part of land use permit approval for project.

SECTION 12. A new subsection (4) is added to subsection 19.36.280A.2.a. of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code to read as follows:

(4) Private open space may be transferred to and provided as common open space area, provided that at least 50 percent of the units each 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. This shall not be available to projects utilizing any courtyard design incentives.

SECTION 13. Subsection B10 of Section 19.36.280, Residential Uses - Multi-Family Dwellings of Chapter 19.36 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

10. Waste Diversion. Each project shall incorporate innovative designs, both interior and exterior, to make waste diversion more convenient and accessible to the occupants, in compliance with Section 19.20.180 (Solid Waste and Recyclable Materials Storage).

SECTION 14. New subsections (11) and (12) are added under Section 19.42.020A, Applicability in Chapter 19.42 of Title 19 of the West Hollywood Municipal Code to read as follows:

11. Electric Vehicle Charging Stations, and any associated equipment

12. Re-roofing that can be seen from street (not required for flat roof)

SECTION 15. Section 19.90.020, Definitions of Specialized Terms and Phrases of Chapter 19.90 of Title 19 of the West Hollywood Municipal Code is amended by deleting the definitions for Invasive Plant Species, LEED Accredited Professional, LEED Checklist, West Hollywood Green Building Point System, West Hollywood Green Building Point System Table, and Xeriscape, and adding the following new definitions to the alphabetical list of definitions to read as follows:

L. Definitions, "L."

Living Building Challenge. A performance standard for green buildings developed and approved by the International Living Future Institute.

T. Definitions, "T."

Third-Party Green Building Rating System. A voluntary standard for buildings that establishes requirements for environmentally responsible building design and construction and optimal energy performance and provides an independent verification process for certification.

V. Definitions, "V."

Vegetative Roof. A conventional flat or sloping roof that is partially or completely covered with an integrated system that includes layers of living vegetation over a waterproof membrane or that are elevated from the roof surface through a comprehensive system. These roofs may require a root and protection barrier, a drainage layer, filter fabric, and irrigation. Individual potted plants, movable planters, or other non-permanent, noncontiguous features are not considered components of a comprehensive vegetative roof system.

SECTION 16. Effective and Operative Dates. This Ordinance shall become effective on and after its adoption by sufficient affirmative votes of the City Council in accordance with state law (Effective Date). This Ordinance shall become operative and in full force beginning January 1, 2020 (Operative Date). The Ordinance shall apply to new Land Use and Development Permit Applications under Article 19-4 submitted to the City on or after the Operative Date. The Ordinance shall not apply to Land Use and Development Permit Applications submitted before the Operative Date and building/construction related permits already issued and not yet expired as of the Operative Date.

SECTION 17. Directions to the Building Official. Upon final passage of this Ordinance, the Building Official is hereby directed to transmit this Ordinance to the State Building Standards Commission pursuant to the applicable provisions of State law.

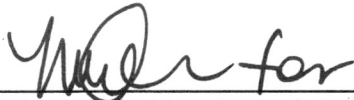
PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 19th day of August, 2019 by the following vote:

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



JOHN D'AMICO, 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. 19-1072 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 19th day of August, 2019, after having its first reading at the regular meeting of said City Council on the 15th day of July, 2019.

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 20th DAY OF AUGUST, 2019.



YVONNE QUARKER, CITY CLERK