

RESOLUTION NO. PC 19-1320

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WEST HOLLYWOOD, RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE AMENDING TITLE 19 OF THE WEST HOLLYWOOD MUNICIPAL CODE TO ADOPT NEW GREEN BUILDING REQUIREMENTS FOR NEW CONSTRUCTION AND MAJOR REMODELS, CITYWIDE, WEST HOLLYWOOD, CALIFORNIA.

The Planning Commission of the City of West Hollywood hereby finds, resolves, and orders as follows:

SECTION 1. The City of West Hollywood initiated amendments to the Zoning Ordinance, Title 19, and Titles 13 and 15 of the Municipal Code to adopt new green building requirements in new construction and major remodels.

SECTION 2. 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, mailings sent to neighborhood groups, the City website, required posting locations, and by announcement on City Channel 6 starting April 18, 2019.

SECTION 3. 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 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 4. The Planning Commission of the City of West Hollywood hereby finds that Zone Text Amendment 2019-0001 is consistent with the Goals and Policies of the General Plan, specifically Policy IRC-5, which states that the City should "administer an active and robust green building program." The 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. Based on the foregoing, the Planning Commission of the City of West Hollywood hereby recommends approval to the City Council of Zoning Text Amendment 2019-0001, which is attached hereto as Attachment A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of West Hollywood at a regular meeting held this 2nd day of May, 2019 by the following vote:

AYES: Commissioner: Altschul, Bass, Buckner, Erickson, Hoopingarner, Vice-Chair Carvalheiro, Chair Jones.

NOES: Commissioner: None.

ABSENT: Commissioner: None.

ABSTAIN: Commissioner: None.



STACEY E. JONES, CHAIRPERSON

ATTEST:



BIANCA SIEGL, LONG RANGE PLANNING MANAGER

Decisions of the Planning Commission are subject to appeal in accordance with the procedures set forth in West Hollywood Municipal Code Chapter 19.76. Any action to challenge the final decision of the City of West Hollywood made as a result of the public hearing on this application must be filed within the time limits set forth in Code of Civil Procedure Section §1094.6.

Attachment A

ZONE TEXT AMENDMENT 19-0001 WEST HOLLYWOOD MUNICIPAL CODE SECTIONS TO BE MODIFIED

(New text indicated with underlining, deleted text with strikethrough.)

Section 1: 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 2: 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:

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.

A. 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.

B. 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 in 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. For which the land use and development permit application is deemed complete after January 1, 2020, 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 (15) percent 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.
- e. All other project types are allowed to install a sustainable roof measure outlined in this section.

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 Title 24 Building Energy Efficiency Standards, 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 (CALGreen), and most recent editions of the locally-adopted building, electrical, mechanical and plumbing codes found in Title 13 of this Code.

C. 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 must 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 Title 24 Building Energy Efficiency Standards.
- 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 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:
 - a. LEED Platinum Certification
 - b. Living Building Challenge Certification
 4. Exemptions.
 - a. This Subsection C 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.

D. 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 19.20.060C require additional documentation as follows:
 - a. Prior to the issuance of building permits, the applicant shall submit evidence satisfactory to the Director of Planning and Development Services 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 3: 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 ~~as much as possible~~ in accordance with the most recent edition of the Title 24 Building Energy Efficiency Standards. 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. ~~Illuminating Engineering Society of North America (IESNA)-recommended light levels are as follows.*~~

Location or Purpose of Lighting	Recommended Light Level (foot candles)
Commercial building entrances — Active	5
Commercial building entrances — Inactive	4
General human safety	0.5 to 5 (depending on hazards and activity levels)
Parking or pedestrian areas	A minimum of 0.2 to 0.9, with an average minimum ratio of 4:1
Pathways, outdoor steps	4
Service station pump island	20 to 30*

*With 20 for light-colored surfaces and 30 for dark-colored surfaces.

- ~~7. Make use of "full-cutoff" fixtures to avoid glare and up-light. Note that these are different from "cutoff" fixtures, which still allow some up-light.~~
 7. Comply with the backlight, uplight, and glare (BUG) requirements for outdoor lighting in accordance with the most recent edition of the Title 24 Building Energy Efficiency Standards.
 8. Be on poles that are 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.
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Section 4: 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 5: 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 Feature ¹	Description and Criteria for Granting Reduction	Maximum Reduction ²	Required Process for Reduction
<u>Ground-level vegetative space</u>	<u>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.</u>	<u>As determined by the Review Authority</u>	<u>Review and decision by applicable Review Authority as part of land use permit approval for project.</u>

Section 6: 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 7: 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. ~~Solid Waste Recycling~~ Waste Diversion. Each project shall incorporate innovative designs, both interior and exterior, to make ~~solid waste recycling~~ waste diversion more convenient and accessible to the occupants, in compliance with Section 19.20.180 (Solid Waste and Recyclable Materials Storage).

Section 8: 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 9: 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.