

APPROVED
YA 7/15/19

CITY COUNCIL
PUBLIC HEARING

JULY 15, 2019

SUBJECT: **AMENDMENTS TO THE MUNICIPAL CODE TO ADOPT NEW GREEN BUILDING REQUIREMENTS**

INITIATED BY: **PLANNING & DEVELOPMENT SERVICES DEPARTMENT**
(John Keho, AICP, Director) *JK*
(Bianca Siegl, Long Range Planning Manager) *BS*
(Robyn Eason, AICP, LEED AP, Senior Planner)

STATEMENT ON THE SUBJECT:

The City Council will consider an amendment to the municipal code to update the City's green building requirements. The proposed modifications eliminate unnecessary redundancy by reconciling codes and policies with State law, and introduce high standards for local green building to maintain a best-in-class program.

RECOMMENDATION:

Staff recommends the City Council hold a public hearing, listen to all pertinent testimony, and introduce on first reading the following ordinance:

1. Ordinance No. 19-____: 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. (ATTACHMENT A)

BACKGROUND / ANALYSIS:

In October 2007, West Hollywood adopted one of the nation's first mandatory green building ordinances to ensure that new buildings will be healthier for residents and use energy and resources more efficiently. It established new development standards that apply to all development, consisted of a point system with incentives for projects that achieve exemplary status, and included a green building education and outreach program. Key features of the ordinance included flexibility, responsiveness to local conditions, and cost-effectiveness. In response to evolving state green building requirements, the City Council recently directed staff to reassess the City's green building standards and environmental programs and, with the help of a working group, identify ways to align with and/or go beyond State law.

On May 2, 2019, the Planning Commission considered proposed zone text amendments. During the public hearing, the Commission unanimously voted to recommend Resolution 19-1320 (see Attachments C and D), which recommends the City Council adopt updated green building standards and include additional mandates for Specific Plans and Development Agreements.

APPROACH TO THE GREEN BUILDING PROGRAM UPDATE

The intent of the Green Building Program Update is to once again maintain a best-in-class green building program, recognizing the evolution of the green building industry since the adoption of 2007 ordinance, while still responding to the unique physical characteristics of the City of West Hollywood. The program streamlines the relationship with the building code, sets high expectations for all property types, and requires certain projects to demonstrate excellence in sustainable design.

Through a collaborative effort (discussed below), staff confirmed that the large majority of the existing green building program is now covered by California Green Building Standards (CALGreen) and the Title 24 Building Energy Efficiency Standards (the California Energy Code). Attachment E provides a detailed comparison of the 2007 program checklist compared with the latest versions of CALGreen, the Energy Code, and the proposed West Hollywood green building amendments.

Rather than introduce a new iteration of a point-based system, it was evident that the best approach is to align the city's green building requirements with CALGreen and the California Energy Code and modify the existing local building and zoning codes based on local conditions and the feedback received from the working groups. This approach recognizes that the State is increasingly raising the bar on green building. It also allows for: (1) better clarity and consistency of state and local requirements; (2) more efficiency and predictability for applicants; (3) the ability to prepare the local market now for upcoming changes in the 2019 State Code; (4) applicability to all buildings – new construction, major remodels, and tenant improvements; and (5) ease of administration and enforcement by staff.

PROPOSED GREEN BUILDING PROGRAM

The purpose of the proposed ordinance (Attachment A) is to update the City's green building standards. The ordinance includes amendments to Titles 13 (Buildings and Construction) and 15 (Environmental Protection, Pollution, and Solid Waste) of the Municipal Code to modify State requirements for electric vehicle charging readiness, water fixtures and fittings specifications, outdoor water submetering, and local requirements for public green buildings.

It also repeals and replaces the current green building requirements found in Chapter 19.20 of the Zoning Code with the following:

1. Updated mandatory green building standards for all applicable project types
2. Additional requirements for Specific Plans and Development Agreements
3. Project application requirements

Since the Green Building regulations found in Chapter 19.20 reference several other sections in the Zoning Code, the proposed amendment also modifies some of these related sections of Title 19 to ensure they appropriately supplement the new green building requirements, reference State law as necessary, and/or reflect the latest terms and trends of the green building industry. Attachment B provides a summary table of all proposed changes.

Stakeholder Engagement Process

Throughout 2018, staff worked with a consultant team to (1) research and evaluate the latest green building industry trends, (2) consider new technical program requirements specific to West Hollywood, (3) facilitate several feedback sessions with a City Working Group and Community Stakeholder Working Group to establish priorities for the program update, and (4) develop a framework upon which to design new program language. Table 1 provides the major themes and recommendations from the working groups, along with how they are reflected in the revised program. The 12-person Community Stakeholder Working Group included local architects, developers, planners, property owners, and city residents.

Table 1: Summary of Working Group Feedback

Major Theme	Recommendations	Feedback reflected in Proposed Program
Local Characteristics	Take advantage of West Hollywood's unique physical elements (i.e. east-west orientation, topography, passive design, etc.)	All new program requirements consider and build upon West Hollywood's unique characteristics.
Energy	Promote solar, battery storage readiness, building automations, daylighting, higher standards for building insulation and air tightness, etc.	2019 Energy Code will require and/or incentivize recommendations on energy; Local code language on energy now better aligns with State Energy Code
Water Management	Promote graywater use, separate water meters (submeters) per unit, and water efficiency and conservation measures	New water submetering requirements for landscaping and lower maximum rates for water fixtures included
Solid Waste Management	Prepare for future organics storage & collection	Revised storage & collection requirements for solid waste, recycling, and organics included
Vegetative Space	Protect and increase vegetation, trees, and green infrastructure in private and public spaces	New vegetative roof requirements and ground-level vegetative space allowances included
Administration & Implementation	Integrate with existing city process; Consider "task force" or special team for oversight and verification	Integration program requirements with the State's compliance process (see Table 3)
Program Metrics	Establish program indicators to measure impact over time	Staff will input and monitor progress indicators using internal tracking platform
Education & Awareness	Establish public repository of green building best practices and resource guides for developers and building community	New webpage will host program requirements and informational materials (see Table 3)

Proposed Green Building Standards

Table 2 summarizes the proposed amendments to the existing Green Building Ordinance provided in Attachment A and outlines the associated environmental benefits. While only the recommended new requirements to the Green Building program are shown below, the ordinance also keeps existing green building measures that are locally-specific (e.g., low-impact development, permeable surfaces, bicycle storage and facilities, landscaping for surface parking areas, etc.) and/or already exceed the State's requirements (e.g. construction waste management), and thus should remain unchanged.

Additionally, the table summarizes the list of high-achieving green building measures that would be required for projects seeking approval of a specific plan or a development agreement. Such projects requesting changes to existing zoning must comply with one of these additional measures. Throughout the development of this ordinance, staff considered the establishment of these high-achieving measures as a voluntary pathway for other projects to go above and beyond the mandatory provisions in exchange for incentives. Attachment F details considerations related to the provision of incentives for high-achieving projects. Staff has included this option as an alternative recommendation in Attachment G.

Table 2: Mandatory Provisions

Mandatory Provisions for All Projects		
<i>Topic Area</i>	<i>Recommendations</i>	<i>Benefits</i>
Sustainable Roof Measures Open Space Flexibility Increased Vegetation	<ul style="list-style-type: none"> • Mandates minimum requirements for solar PV, solar collectors for hot water, or vegetation on the roof • Allows projects to meet open space requirements through any combination of private and common open space, as long as minimum private open space requirements are met • Allows projects to install 160SF of ground-level vegetative space in lieu of a required standard parking space (optional) 	<ul style="list-style-type: none"> • Promotes urban cooling, stormwater management, increased vegetative space, renewable energy • Promotes better air quality • Reduces GHG emissions • Promotes flexibility in development standards
Energy Efficiency	<ul style="list-style-type: none"> • Defers to State Energy Code requirements, which substantially advances building energy efficiency, clean energy, and use of new technologies every 3 years • Updates section on energy efficiency outdoor lighting to align with Energy Code • Prepares owners to monitor energy use in buildings post-construction 	<ul style="list-style-type: none"> • Supports clean energy, energy-efficiency, use of battery storage systems • Considers ongoing building energy performance • Reduces GHG emissions
Water Efficiency & Conservation	<ul style="list-style-type: none"> • Specifies more stringent requirements in flow and flush rates for water fixtures and fittings • Requires outdoor water submetering beyond State mandates • References State's water-efficient landscaping requirements 	<ul style="list-style-type: none"> • Influences fixture selections to conserve more water • Influences behavior change by bringing awareness to water use for landscaping
Waste Diversion & Future Food Waste Collection	<ul style="list-style-type: none"> • Revises requirements for solid waste and recycling storage and collection to include organics • Requires projects to submit a waste collection & operations plan for better clarity and flexibility on space allocation & pickup 	<ul style="list-style-type: none"> • Increases waste diversion from landfills • Reduces GHG emissions • Clarifies waste collection and operational procedures for each project
Public Green Buildings	<ul style="list-style-type: none"> • Raises minimum certification level from LEED Certified to LEED Gold for public 	<ul style="list-style-type: none"> • Improves building operations & performance

	green buildings	<ul style="list-style-type: none"> Reduces municipal GHG emissions
Additional Requirements for Specific Plans & Development Agreements		
<i>Topic Area</i>	<i>Recommendations</i>	<i>Benefits</i>
High-Achieving Measures (Projects must comply with one of the following)	<ul style="list-style-type: none"> Achieve the highest thresholds in 3rd party green building programs (LEED, etc.), or Install indoor and/or outdoor greywater systems, or Achieve a minimum of 50% improvement in building energy performance over Energy Code baseline 	<ul style="list-style-type: none"> Promotes higher standards in green building within city Supports use of alternative (nonpotable) water sources Encourages net zero, resiliency, renewable energy, and optimal energy efficiency in buildings

In addition to the new code requirements, the Green Building Program Update includes revisions to the compliance and verification processes, as well as changes to the City's Green Building webpage and online educational materials. The table below outlines some of the steps to facilitate implementation and administration:

Table 3: Implementation & Administration

Recommended Changes to City's Implementation & Administration Process	
Enhanced multistep compliance process	<ul style="list-style-type: none"> Detail the overall steps for compliance for the new Green Building standards during Planning Review, Plan Check, and Field Inspections Modify existing CALGreen checklists to include local standards
Enhanced city inspection and verification process	<ul style="list-style-type: none"> Require that all projects undergo a city inspection of their insulation and ventilation systems, per the Home Energy Rating (HERS) standard, to ensure building systems are properly installed and will perform as intended Require detailed city inspection card to include additional green building code requirements to facilitate enforcement and verification
Green building webpage modifications & detailed educational collateral	<ul style="list-style-type: none"> Modify the City's webpage to host new program materials, procedures, and required forms Include visual examples and descriptions of the green principles and concepts online

Collectively, the updated requirements and administrative processes will ensure that applicable buildings in West Hollywood reflect and exceed the current state of the practice in sustainable building design and construction. The program changes are aspirational, yet achievable, and respond to local and regional climate action priorities. Furthermore, the new format will allow the City to keep better pace with an ever-evolving green building industry and continue to exhibit leadership in establishing sound environmental policies and practices.

ALTERNATIVE RECOMMENDATION

The City Council may wish to adopt a modified ordinance that includes a list of voluntary high-achieving measures and eligible incentives as an option for projects not seeking special approvals to go above and beyond the mandatory provisions.

Throughout the duration of this project, staff and the Working Group evaluated several iterations of potential high-achieving measures and possible incentives for the city's

updated ordinance. To reduce complexity, staff's intent was to create a menu of high-achieving measures that could potentially serve as both mandatory for projects seeking special approvals (development agreements or specific plans) and voluntary for all other projects.

Please see Attachment F for more detailed information related to the provision of incentives for high-achieving projects. Attachment G provides alternative code language for this recommendation.

ALIGNMENT WITH CITY COUNCIL DIRECTIVES

The Green Building Program Update addresses the following City Council directives:

1. *Raising the Bar on Sustainable Building Practices (dated July 20, 2015)* – This program update ensures that the city's green building standards are reconciled with State law and proposes amendments to State and local codes that continue to raise the bar on sustainable building practices.
2. *Establish A Requirement for Green Roof or Solar Panels on New Buildings in Commercial Zones (dated April 4, 2016)* - The mandatory provisions of the Green Building Program Update require new residential, commercial, and mixed-use projects of a certain size to install minimum requirements for solar panels, solar collectors for hot water heating, and/or vegetation on the roof.
3. *Compliance with California Green Building Standards Code (dated September 19, 2016)* - This program update builds upon the upcoming State Code mandate for all single-family and low-rise residential projects to maximize energy efficiency and offset energy use with solar power (i.e., zero net energy design). Local program measures such as the use of EnergyStar appliances, energy-efficient outdoor lighting, sustainable roof requirements, and tracking energy use in building operations, among other strategies, collectively leverage the State's requirements and can improve energy design and performance in both residential and commercial projects in West Hollywood.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

The proposed ordinance is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-1: Adaptability to Future Change.

In addition, the proposed ordinance is compliant with the following goal(s) of the West Hollywood General Plan:

- IRC-3: Reduce water use and ensure a long-term water supply.
- IRC-4: Reduce the total and per capita amount of energy used in the City.
- IRC-5: Administer an active and robust green building program.

- IRC-6: Reduce the City's contribution to global climate change and adapt to its effects.

EVALUATION PROCESSES:

Staff from the Planning and Development Services Department will monitor the implementation of this green building ordinance and make adjustments as appropriate over time.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

The proposed amendments are 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. The proposed standards for green building in new development and major remodels have the potential to reduce local CO2 emissions by enabling and encouraging energy and water efficiency in buildings, increased diversion of waste from landfills, more vegetation, and use of clean, renewable energy in West Hollywood.

COMMUNITY ENGAGEMENT:

Staff performed extensive outreach throughout the duration of this project, including four City Staff Working Group meetings and five Community Stakeholder Working Group meetings. Staff also presented to the Government Advisory Committee (GAC) of the West Hollywood Chamber of Commerce on March 12, 2019 and sought stakeholder feedback from other formal and informal community events.

OFFICE OF PRIMARY RESPONSIBILITY:

PLANNING & DEVELOPMENT SERVICES DEPT / LONG RANGE PLANNING

FISCAL IMPACT:

No fiscal impact.

ATTACHMENTS:

- A. Ordinance No. 19-_____
- B. Summary of Changes to Municipal & Zoning Code Sections
- C. Adopted PC Resolution 19-1320
- D. PC Staff Report dated May 2, 2019
- E. Green Building Standards Comparison
- F. Considerations on Whether to Incentivize Projects for High-Achieving Voluntary Measures
- G. Alternative Recommendation (Code Language)

ORDINANCE NO. 19-_____

**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

ATTACHMENT A

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 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 90 percent of parking spaces	Sufficient to supply 20 percent of spaces
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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 t 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 develops 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 Feature ¹	Description and Criteria for Granting Reduction	Maximum Reduction ²	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.

Summary of Changes to Municipal & Zoning Code Sections

Code Section	Description of Change
Section 13.24.015 - Amendments	--Describes local amendments to State Code (CALGreen) for EV charging readiness and indoor and outdoor water use
Section 15.64.020 - Green Building Requirements	--Raises minimum certification level from LEED Certified to LEED Gold for public buildings
Section 19.03.020 – Rules of Interpretation	--Instructs on the prevailing code provision in the event of a conflict between the Green Building Section and other sections of the Municipal Code
Section 19.20.060 – Green Building	--Describes updated local green building requirements for new construction and major remodels, including sustainable roof measures, high-performance water fixtures, submetering for outdoor landscapes, energy benchmarking readiness, etc. --Outlines high-achieving requirements for specific plans and development agreements
Section 19.20.100 – Outdoor Lighting	--Updates references to State Energy Code on outdoor lighting and light trespass requirements
Section 19.20.180 – Solid Waste and Recyclable Materials Storage	--Revises requirements for solid waste and recycling storage and collection to include organics --Requires projects to submit a waste collection & operations plan for better clarity and flexibility on space allocation & pickup
Section 19.28.060 – Reduction of Off-Street Parking Requirements	--Allows projects to install 160SF of ground-level vegetative space in lieu of a required standard parking space in order to increase ground-level vegetative space and tree canopy on a project site
Section 19.36.280A.2.a. – Reduction of Off-Street Parking Requirements	--Allows flexibility for multifamily dwelling projects to meet open space requirements through any combination of private and common open space, as long as the minimum private open space requirements are met
Section 19.36.280 (B10) – Residential Uses – Multifamily Dwellings	--Changes text from Solid Waste Recycling to Waste Diversion
Section 19.42.020A - Applicability	--Codifies two additional scenarios triggering zoning clearance
Section 19.90.020 -Definitions	--Removes 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 --Adds definitions for Living Building Challenge, Third-Party Green Building Rating System, Vegetative Roof

RESOLUTION NO. PC19-1320

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 this 2nd day of May, 2019.

AYES: Commissioner:

NOES: Commissioner:

ABSENT: Commissioner:

ABSTAIN: Commissioner:

STACEY E. JONES, CHAIRPERSON

BIANCA SIEGL, PLANNING MANAGER
LONG RANGE PLANNING

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.

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 Feature¹	Description and Criteria for Granting Reduction	Maximum Reduction²	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</u>	<u>As determined by the Review Authority</u>	<u>Review and decision by applicable Review Authority as part of land use permit</u>

<p><u>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></p>	<p><u>approval for project.</u></p>
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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.

SUBJECT: ZONE TEXT AMENDMENT TO ADOPT NEW GREEN BUILDING REQUIREMENTS

PREPARED BY: PLANNING & DEVELOPMENT SERVICES DEPARTMENT
(Bianca Siegl, Long Range Planning Manager)
(Robyn Eason, AICP, LEED AP, Senior Planner)

STATEMENT ON THE SUBJECT

The Planning Commission will hold a public hearing to consider a zone text amendment to update the City's green building requirements. The proposed amendments eliminate unnecessary redundancy by reconciling codes and policies with State law and introducing high standards for local green building to maintain a best-in-class program.

RECOMMENDATION

Staff recommends that the Planning Commission hold the public hearing, consider all pertinent testimony, and adopt the following:

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 (ATTACHMENT A).

BACKGROUND

In October 2007, West Hollywood adopted one of the nation's first mandatory green building ordinances to ensure that new buildings will be healthier for residents and use energy and resources more efficiently. It established new development standards that apply to all development, consisted of a point system with incentives for projects that achieve exemplary status, and included a green building education and outreach program. Flexibility, responsiveness to local conditions, and cost-effectiveness were also key features of the ordinance. In response to evolving state green building requirements, the City Council directed staff to reassess the City's green building standards and environmental programs and, with the help of a working group, identify ways to align with and/or go beyond State law. This report describes the proposed policy update.

PROPOSED GREEN BUILDING PROGRAM

The purpose of the proposed zone text amendment (Attachment A) is to update the City's green building standards. The ZTA repeals and replaces the current green building requirements found in Chapter 19.20 of the Zoning Code with the following:

1. Updated mandatory green building standards for all applicable project types
2. Additional requirements for Specific Plans and Development Agreements
3. Project application requirements

Since the Green Building regulations found in Chapter 19.20 reference several other sections in the Zoning Code, the proposed amendment also modifies some of these related sections of Title 19 to ensure they appropriately supplement the new green building requirements, reference State law as necessary, and/or reflect the latest terms and trends of the green building industry.

The overall green building program will include amendments to Title 13 (Buildings and Construction) and 15 (Environmental Protection, Pollution, and Solid Waste) of the Municipal Code to modify requirements for water fixtures and fittings specifications, outdoor water submetering, and requirements for public green buildings. Since these amendments are not in the Zoning Ordinance, they are not under the purview of the Planning Commission and are provided for reference only in Attachment B.

Approach to the Green Building Program Update

The intent of the Green Building Program Update is to maintain a best-in-class green building program, recognizing the evolution of the green building industry since the adoption of 2007 ordinance, while still responding to the unique physical characteristics of the City of West Hollywood.

Throughout 2018, staff worked with a consultant team to (1) research and evaluate the latest green building industry trends, (2) consider new technical program requirements specific to West Hollywood, (3) facilitate several feedback sessions with a City Working Group and Community Stakeholder Working Group to establish priorities for the program update, and (4) develop a framework upon which to design new program language. Table 1 below provides the major themes and recommendations from the working groups, along with how they are reflected in the revised program. The Community Stakeholder Working Group included local architects, developers, planners, property owners, and city residents.

Table 1: Summary of Working Group Feedback

Major Theme	Recommendations	Feedback reflected in Revised Program
Local Characteristics	Take advantage of West Hollywood's unique physical elements (i.e. east-west orientation, topography, passive design, etc.)	All new program requirements consider and build upon West Hollywood's unique characteristics.
Energy	Promote solar, battery storage readiness, building automations, daylighting, higher standards for building insulation and air tightness, etc.	2019 Energy Code will require and/or incentivize recommendations on energy; Local code language on energy now better aligns with State Energy Code
Water Management	Promote graywater use, separate water meters (submeters) per unit, and water	New water submetering requirements for landscaping and lower maximum rates for

	efficiency and conservation measures	water fixtures included
Solid Waste Management	Prepare for future organics storage & collection	Revised storage & collection requirements for solid waste, recycling, and organics included
Vegetative Space	Protect and increase vegetation, trees, and green infrastructure in private and public spaces	New vegetative roof requirements and ground-level vegetative space allowances included
Administration & Implementation	Integrate with existing city process; Consider "task force" or special team for oversight and verification	Integration program requirements with the State's compliance process (see Table 3)
Program Metrics	Establish program indicators to measure impact over time	Staff will input and monitor progress indicators using internal tracking platform
Education & Awareness	Establish public repository of green building best practices and resource guides for developers and building community	New webpage will host program requirements and informational materials (see Table 3)

From the collective effort above, staff confirmed that the large majority of the existing green building program is now covered by California Green Building Standards (CALGreen) and the Title 24 Building Energy Efficiency Standards (the California Energy Code). Attachment C provides a detailed comparison of the 2007 program checklist compared with the latest versions of CALGreen, the Energy Code, and the proposed West Hollywood green building amendments.

Rather than introduce a new iteration of a point-based system, it was evident that the best approach is to align the city's green building requirements with CALGreen and the California Energy Code and modify the existing local building and zoning codes based on local conditions and the feedback received from the working groups. This approach recognizes that the State is increasingly raising the bar on green building. It also allows for: (1) better clarity and consistency of state and local requirements; (2) more efficiency and predictability for applicants; (3) the ability to prepare the local market now for upcoming changes in the 2019 State Code; (4) applicability to all buildings – new construction, major remodels, and tenant improvements; and (5) ease of administration and enforcement by staff.

Proposed Green Building Standards

Table 2 summarizes the proposed amendments to the existing Green Building Ordinance provided in Attachments A and B and outlines the associated environmental benefits. While only the recommended new requirements to the Green Building program are shown below, the ordinance also keeps existing green building measures that are locally-specific and/or already exceed the State's requirements, and thus should remain unchanged.

Additionally, the table summarizes the list of high-achieving green building measures required for projects seeking approval of a specific plan or a development agreement. Such projects requesting changes to existing zoning must comply with one of these additional measures. Throughout the development of this ordinance, staff considered the establishment of these high-achieving measures as a voluntary pathway for other projects to go above and beyond the mandatory provisions in exchange for incentives, but it is not recommended at this time. Attachment D details considerations related to incentives during this process. Staff has included this option as an alternative recommendation.

Table 2: Mandatory Provisions

Mandatory Provisions for All Projects		
<i>Topic Area</i>	<i>Recommendations</i>	<i>Benefits</i>
<p>Sustainable Roof Measures</p> <p>Open Space Flexibility</p> <p>Increased Vegetation</p>	<ul style="list-style-type: none"> • Mandates minimum requirements for solar PV, solar collectors for hot water, or vegetation on the roof • Allows for the transfer of private open space to common open space and vice versa • Allows projects to install 160SF of vegetative space at grade in lieu of one required standard parking space 	<ul style="list-style-type: none"> • Promotes urban cooling, stormwater management, increased vegetative space, renewable energy • Promotes better air quality • Reduces GHG emissions • Promotes flexibility in development standards
Energy Efficiency	<ul style="list-style-type: none"> • Defers to State Energy Code requirements, which substantially advances building energy efficiency, clean energy, and use of new technologies every 3 years • Updates section on energy efficiency outdoor lighting to align with Energy Code • Prepares owners to monitor energy use in buildings post-construction 	<ul style="list-style-type: none"> • Supports clean energy, energy-efficiency, use of battery storage systems • Considers ongoing building energy performance • Reduces GHG emissions
Water Efficiency & Conservation	<ul style="list-style-type: none"> • Specifies more stringent requirements in flow and flush rates for water fixtures and fittings • Requires outdoor water submetering beyond State mandates • References State's water-efficient landscaping requirements 	<ul style="list-style-type: none"> • Influences fixture selections to conserve more water • Influences behavior change by bringing awareness to water use for landscaping
Waste Diversion & Future Food Waste Collection	<ul style="list-style-type: none"> • Revises requirements for solid waste and recycling storage and collection to include organics • Requires projects to submit a waste collection & operations plan for better clarity and flexibility on space allocation & pickup 	<ul style="list-style-type: none"> • Increases waste diversion from landfills • Reduces GHG emissions • Clarifies waste collection and operational procedures for each project
Public Green Buildings	<ul style="list-style-type: none"> • Raises minimum certification level from LEED Certified to LEED Gold for public green buildings 	<ul style="list-style-type: none"> • Improves building operations & performance • Reduces municipal GHG emissions
Additional Requirements for Specific Plans & Development Agreements		
<i>Topic Area</i>	<i>Recommendations</i>	<i>Benefits</i>
<p>High-Achieving Measures</p> <p>(Projects must comply with one of the following)</p>	<ul style="list-style-type: none"> • Achieve the highest thresholds in 3rd party green building programs (LEED, etc.), or • Install indoor and/or outdoor greywater systems, or • Achieve a minimum of 50% improvement in building energy performance over Energy Code baseline 	<ul style="list-style-type: none"> • Promotes higher standards in green building within city • Supports use of alternative (nonpotable) water sources • Encourages net zero, resiliency, renewable energy, and optimal energy efficiency in buildings

Alongside new code requirements, the Green Building Program Update includes revisions to the compliance and verification processes, as well as changes to the City's Green Building webpage and online educational materials. The table below outlines some of the steps to facilitate implementation and administration:

Table 3: Implementation & Administration

Recommended Changes to City's Implementation & Administration Process	
Enhanced multistep compliance process (see Attachment E)	<ul style="list-style-type: none"> • Detail the overall steps for compliance for the new Green Building standards during Planning Review, Plan Check, and Field Inspections • Modify existing CALGreen checklists to include local standards
Enhanced city inspection and verification process	<ul style="list-style-type: none"> • Require that all projects undergo a city inspection of their insulation and ventilation systems, per the Home Energy Rating (HERS) standard, to ensure building systems are properly installed and will perform as intended • Require detailed city inspection card to include additional green building code requirements to facilitate enforcement and verification
Green building webpage modifications & detailed educational collateral	<ul style="list-style-type: none"> • Modify the City's webpage to host new program materials, procedures, and required forms • Include visual examples and descriptions of the green principles and concepts online

Attachment E provides an example of an enhanced multistep compliance process to facilitate the advance of projects through the phases of development: Planning Review, Plan Check, and Inspections. It includes a verification form that outlines the project condition (e.g., new project, residential addition, etc.), requirements associated with that project condition, the documentation needed at each phase, and the accompanying checklist. The checklist integrates both State and local mandatory provisions and requires the applicant to reference sections of the plan documents that show compliance with the requirements. These materials are still under development.

Collectively, the updated requirements and administrative processes will ensure that applicable buildings in West Hollywood reflect and exceed the current state of the practice in sustainable building design and construction. The program changes are aspirational, yet achievable, and respond to local and regional climate action priorities. Furthermore, the new format will allow the City to keep better pace with an ever-evolving green building industry and continue to exhibit leadership in establishing sound environmental policies and practices.

ALTERNATIVE RECOMMENDATION

The Planning Commission may wish to recommend that the City Council adopt a modified ordinance that includes a list of voluntary high-achieving measures and eligible incentives as an option for projects seeking to go above and beyond the mandatory provisions. Please see Attachment D for more information.

Conformance with the Goals of the West Hollywood General Plan

This item is consistent with the following goals of the West Hollywood General Plan:

- IRC-5: Administer an active and robust green building program.
- IRC-6: Reduce the City's contribution to global climate change and adapt to its effects.

The intent of these items is to mitigate the impact of greenhouse gas emissions into the atmosphere and address evolving state requirements on climate action and adaptation.

Public Notice

A legal notice was published in the Beverly Press and West Hollywood Independent on April 18, 2019.

California Environmental Quality Act (CEQA)

The proposed zone text amendment is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The zone text changes are also exempt pursuant to Section 15308, which involves regulatory processes and procedures undertaken to protect the environment. Introducing new standards for green building in new development and major remodels has the potential to reduce local CO2 emissions by enabling and encouraging energy and water efficiency in buildings, increased diversion of waste from landfills, more vegetation, and use of clean, renewable energy in West Hollywood.

Planning Commission Long-Range Planning Subcommittee

The Long-Range Planning Subcommittee discussed the proposed zone text amendment on March 21, 2019. The subcommittee discussed whether to include incentives as part of the update to the green building program, requested staff provide a sample checklist for the new program, and offered feedback on items related to solid waste and recyclables, high-achieving measures, and ground-level vegetative space.

Community Outreach

Staff performed extensive outreach throughout the duration of this project, including four City Staff Working Group meetings and five Community Stakeholder Working Group meetings. Staff also presented to the Government Advisory Committee (GAC) of the West Hollywood Chamber of Commerce on March 12, 2019 and sought stakeholder feedback from other formal and informal community events.

Attachments

- A. Resolution PC No. 19-1320
- B. Proposed Municipal Code Amendments (For Context Only)
- C. Green Building Standards Comparison
- D. Considerations on Whether to Incentivize Projects for High-Achieving Voluntary Measures
- E. Sample Green Building Compliance Verification Instructions & Checklist (Residential Only)

Green Building Standards Comparison

2007 WEST HOLLYWOOD GREEN BUILDING PROGRAM CHECKLIST	COVERED BY CALGREEN or Energy Code	COVERED BY PROPOSED WEHO REQUIREMENTS	NOTES
MANDATORY REQUIREMENTS -- GREEN DESIGN OR PRODUCT DESCRIPTION			
Provide Secure Bike Parking	✓	✓	WeHo requirements are more locally-specific & more stringent than State
Label Storm Drains Adjacent to the Property.	✓	✓	Required by WeHo & State
Provide Roof Location and Install Conduit from Roof to Electrical Room for Future Photovoltaic System (PV) Installation.	✓	✓	Required by WeHo & State
Install Energy Star Appliances - Refrigerator, Washing Machine, Dishwasher.	✓	✓	WeHo requirements more stringent than State
Provide Construction Air Quality Management Plan in Specs (at a minimum protect ducts during construction and change filters and vacuum ducts prior to occupancy).	✓		Required by State
Use Low-VOC Interior Paints and Wood Finishes (<= 50 g/l flat; <= 150 g/l non-flat).	✓		Required by State
Provide Space for the Collection and Storage of Recyclables.	✓	✓	WeHo requirements are more locally-specific & more stringent than State
Provide preferential parking for alternative fuel vehicles	✓	✓	WeHo requirements are more locally-specific & more stringent than State
Divert Construction and Demolition Waste (min. of 80%).	✓	✓	WeHo requirements are more locally-specific & more stringent than State
Provide Construction Site Storm Water Management Plan.	✓	✓	WeHo more locally-specific than State
Provide Permeable Surfaces in Required Yards (55% of front and 50% of side).	✓	✓	WeHo more locally-specific than State
Use infiltration, biofiltration or equivalent flow reduction treatment BMP for the runoff resulting from either the first 0.75 inches of rainfall or the runoff resulting from a continuous rainfall event of 0.2 inches per hour.	✓	✓	WeHo more locally-specific than State
Replace Existing Trees over 6" in Diameter that are Removed for Development (min. 24" box planted in the ground).		✓	Required by WeHo
Use Drought Tolerant and Native Species for Landscaping.	✓	✓	Required by WeHo & State
Install Water-Efficient Irrigation System.	✓	✓	Required by WeHo & State
Parking Landscaping for Surface Parking Areas - Projects must comply with all applicable requirements. See Section 19.28.100(B) on Parking Area Landscaping Requirements.		✓	Required by WeHo
Transportation Demand Management - Projects must comply with applicable requirements. See Chapter 10.16 on Transportation Demand Management.		✓	Required by WeHo

Attachment E

Green Building Standards Comparison

2007 WEST HOLLYWOOD GREEN BUILDING PROGRAM CHECKLIST	COVERED BY CALGREEN or Energy Code	COVERED BY PROPOSED WEHO REQUIREMENTS	NOTES
ELECTIVES MENU			
GREEN DESIGN OR PRODUCT DESCRIPTION			
SITE LOCATION (4 Pts Total) Locate buildings close to existing services to reduce environmental impacts from transportation and fully utilize infrastructure. Preserve or restore existing natural resources or amenities on the site. Ensure that the building is equipped to support recycling, alternative transportation, water conservation and other operations components.			
Preserve Existing Trees Over 6" Diameter (1 pt/tree; 3 pts max.)			Replacement of existing mature trees is required; preservation is encouraged
Use Recycled Content Mulch or Other Landscape Amendments	✓		Addressed in CALGreen voluntary measures
NATURAL HEATING + COOLING (19 Pts Total) Reduce energy loads while maintaining comfort through passive design strategies. Increase interior comfort and health through adequate ventilation.			
Plant Deciduous Canopy Trees (min. 36" box, planted in the ground) on Exposed West and/or South Elevations (1 pt/tree, 5 pts max.)			Replacement of existing mature trees is required; preservation is encouraged
Provide Narrow Floor Plates (max. 50 ft. depth) and/or Courtyards to Enable Natural Ventilation			Not covered by State or WeHo
Provide Operable Windows to Enable Natural Cross Ventilation (min. 20% of total window area)	✓		Energy code requires operable windows for spaces with natural ventilation
Install Exterior Shading Devices on South- and/or West-Facing Windows			Supported by the Energy Code via energy efficiency measures
Provide Ceiling Fans (1 pt for each 50% of units or floor area served; 2 points max.)			Allowed, but not required, by the Energy Code
Eliminate Air Conditioning (available only if points for narrow floor plates, operable windows, and exterior shading are incorporated)			Allowed, but not required, by the Energy Code
FOUNDATION (6 Pts Total) Reduce resources used and encourage use of recycled-content materials.			
Use Recycled-Content Base or Backfill Material	✓		Addressed in CALGreen voluntary measures
Incorporate Flyash or Slag Ash in Concrete	✓		Addressed in CALGreen voluntary measures
STRUCTURAL FRAME (14 Pts Total) Reduce the amount of old growth sawn wood (wider than 3x and taller than 8x) used in framing, encourage ecologically sensitive forestry, and encourage alternate framing techniques.			
Use Engineered Lumber or Steel for minimum of 90% of subfloors, sheathing, floor joists, beams, headers, and trusses, as applicable.	✓		Addressed in CALGreen voluntary measures
Use Engineered Vertical Wood Studs	✓		Addressed in CALGreen voluntary measures
Use FSC-Certified Wood for Framing (1 pt for every 10% of framing lumber; max. 5 pts)	✓		Addressed in CALGreen voluntary measures
Use Structural Insulated Panels (SIPs)	✓		Addressed in CALGreen voluntary measures
PLUMBING (8 Pts Total) Increase the water efficiency of plumbing fixtures and reduce energy used for water heating.			
Insulate the full length of all hot water pipes.	✓		Required by State
Install Low-Flow Showerheads (< 2.5 gpm)	✓	✓	WeHo requirements more stringent than State
Install Water Efficient Kitchen & Bathroom Faucets (<2.5 gpm)	✓	✓	WeHo requirements more stringent than State
Install Water Efficient Toilets (Dual-flush or <1.3 gpf)	✓	✓	WeHo requirements more stringent than State
Install Water Efficient Urinals (1 pt for 0.5 gpf, 2pts for water-free)	✓	✓	WeHo requirements more stringent than State
Install Tankless Water Heaters	✓		Not required in all applications, but allowed in most.

Green Building Standards Comparison

2007 WEST HOLLYWOOD GREEN BUILDING PROGRAM CHECKLIST	COVERED BY CALGREEN or Energy Code	COVERED BY PROPOSED WEHO REQUIREMENTS	NOTES
ELECTIVES MENU GREEN DESIGN OR PRODUCT DESCRIPTION			
INSULATION (5 Pts Total) Reduce energy losses through the building envelope and improve occupant comfort. Promote better indoor air quality. Increase use of recycled content and rapidly renewable materials.			
Install Formaldehyde-Free, Recycled-Content (min. 25%) Insulation	✓		Addressed in CALGreen voluntary measures
Install Cellulose, Cotton Batt, Bio-Based Foam in walls (min. 60% of insulation)	✓		Addressed in CALGreen voluntary measures
Install Cellulose, Cotton Batt, Bio-Based Foam in ceilings (min. 60% of insulation)	✓		Addressed in CALGreen voluntary measures
ENERGY EFFICIENCY + RENEWABLE ENERGY (45 Pts Total) Reduce climate change impacts of building operation by increasing overall building energy efficiency and generating renewable energy. Provide for the future installation of renewable energy systems.			
Exceed Title 24 Energy Code by 5% or more	✓	✓	Addressed in CALGreen voluntary measures; Is one of the options for WeHo High-Achieving measures
Participate in Energy Star (residential) or Savings By Design (commercial) Programs	✓	✓	Participation in programs not required, but program requirements are covered by State & local measures
Pre-Plumb and Provide Conduit for Solar Water Heating	✓		Required by State
Install Solar Water Heating System for Domestic Hot Water	✓		Required by State
Install Solar Water Heating System for Pool Heating	✓		Required by State
Install Photovoltaic (PV) Panels (1 pt/kW ; max. 10 pts)	✓	✓	Required by 2019 Energy Code for low-rise residential; Is one of the options for WeHo sustainable roof measures
Install Energy Star Lighting (50% of total fixtures)	✓		Required by State
Install Energy Star Exit Signs	✓		Required by State
Install Energy Star Programmable Thermostats	✓		Required by State
Install Timer or Photo Sensor for Exterior Lights	✓		Required by State
Seal all Ducts with Mastic (residential) or Install per SMACNA standards (commercial)	✓		Required by State
INDOOR AIR QUALITY (14 Pts Total) Increase quality of indoor air by reducing exposure to toxic chemicals. Decrease concentration of toxins and dust through ventilation and filtration.			
Use No-VOC Paints on Interior Applications (<= 5 g/l)	✓		Required by State
Use Low-VOC Sealants and Adhesives (<= 50 g/l)	✓		Required by State
Use Composite Wood with No Added Urea Formaldehyde for Counters and Cabinets	✓		Required by State
Use Carpet Certified by CRI Green Label Program	✓		Required by State
Eliminate the Use of Carpet	✓		When installed, CALGreen provides requirements for sustainable non-carpet flooring
Vent Kitchen Range Hoods to the Outside (min. 80% of units)	✓		Required by State
Install Fan with Humidistat Sensor or Timer in all Bathrooms	✓		Required by State
Install High Efficiency HVAC Filters (min. MERV 8) or Provide Ductless System	✓		Required by State
Provide Daylighting for 50% of occupied spaces	✓		Addressed in CALGreen voluntary measures

Green Building Standards Comparison

2007 WEST HOLLYWOOD GREEN BUILDING PROGRAM CHECKLIST	COVERED BY CALGREEN or Energy Code	COVERED BY PROPOSED WEHO REQUIREMENTS	NOTES
ELECTIVES MENU GREEN DESIGN OR PRODUCT DESCRIPTION			
ROOFING (21 Pts Total) Provide roofing materials that are durable, reduce resource use, minimize interior heat gain, provide storm water management, and reduce the urban heat island effect.			
Use Recycled-Content Roofing Materials	✓		Addressed in CALGreen voluntary measures
Install Energy Star or Cool Roof	✓		Required by State
Install Durable Roof with Long-Term Warranty or Demonstrated Long-Term Durability (40 yr warranty for asphalt shingles, 15 yr warranty for built-up roof, metal or clay tile)	✓		Roof durability is addressed by State (Chapter 15)
Install Vegetated Green Roof (3 pt/each 50% of roof not occupied by mechanical equip. or access stairs)	✓	✓	Addressed in CALGreen Voluntary Measures; is one of the options for WeHo sustainable roof measures
EXTERIOR FINISH (4 Pts Total) Encourage durable materials than do not require frequent maintenance.			
Use Durable Exterior Finishes (1 pt/30% of exterior area) including Integral-Color or Uncolored Unpainted Stucco, Fiber-Cement Panels or Siding, Metal Panels or Siding, Composite Wood Panel, Glass, and other similar durable finishes.	✓		Addressed in CALGreen voluntary measures
Use Recycled-Content or FSC-Certified Outdoor Flooring Materials.	✓		Addressed in CALGreen voluntary measures
INTERIOR FINISH (12 Pts Total) Reduce the use of natural resources, use rapidly renewable materials, and encourage ecologically sensitive forestry.			
Use Exposed Concrete as Finished Floor (1pt/each 20%)	✓		Addressed in CALGreen voluntary measures
Use Resource-Efficient Flooring or FSC-Certified Wood Flooring for All Wood Flooring (1pt/30% of floor area). Resource efficient includes rapidly renewable materials, recycled-content carpet or flooring tiles (min. 25% recycled content).	✓		Addressed in CALGreen voluntary measures
Use agriculture board, FSC certified, or rapidly renewable cabinetry material	✓		Addressed in CALGreen voluntary measures
Use Recycled-Content Countertop Materials (min. 25% recycled content)	✓		Addressed in CALGreen voluntary measures

Additional Considerations on Whether to Incentivize Projects for High-Achieving Voluntary Measures

One of the key questions considered throughout the Green Building Program Update process was whether or not to continue to offer incentives for exemplary projects. West Hollywood's original 2007 green building ordinance included an incentive-based pathway for high-achieving projects based on a point system, with incentives allowing for additional density, parking reductions, flexibility in common and private open space, and expedited permitting. This approach encouraged some projects to go above and beyond the mandatory provisions by offering flexibility in a project's pathway for exemplary status and multiple incentive options. Over the years, however, several of these incentives have been removed or become obsolete or overridden by updated local and state policies.

Throughout the duration of this project, staff and the Working Group evaluated several iterations of potential high-achieving measures and possible incentives for the city's updated ordinance. These took into account the establishment and continuous update of the State's Green Building Standards Code (CALGreen) since 2010, the ever-evolving technologies and trends of the green building industry at-large, incentives offered as part of other local or state policies and programs such as affordable housing, and feedback from the Working Group. To reduce complexity, staff's intent was also to create a menu of high-achieving measures that could potentially serve as both mandatory for projects seeking special approvals (development agreements or specific plans) and voluntary for all other projects.

From this analysis, the list of high-achieving measures (highly-energy efficient buildings, graywater, achievement of maximum third-party program levels) discussed in the staff report were ultimately recommended, as they go well beyond the State's current requirements and align with stakeholder feedback and the City's climate action goals. Regarding incentives, staff explored the potential for permit fee waivers, an awards program, parking reductions, and additional density. Given the cost premiums associated with the high-achieving measures, it was determined that parking reductions and additional density provided the highest value for applicants to pursue such measures voluntarily. However, the following concerns were discussed regarding the inclusion of incentives as part of the update:

- Competition with other existing incentives or concessions: Parking reductions and additional density for green building would compete with other bonuses or reductions currently in place for other programs at the local and State level and may not offer a similar level of attractiveness as the 2007 incentive program.
- Green Building is an Ever-Evolving Industry: With CALGreen now established for nearly a decade, there is debate about whether cities should only mandate projects to do more with each code cycle update rather than offer ongoing incentives for projects to go above and beyond.
- Citywide Application of Incentives: Larger cities with green building policies can offer green building incentives for their downtown core or specific planning areas. This application is not appropriate for West Hollywood given its size and the desire to encourage greener buildings citywide.

Thus, considering all of the above, the ordinance update includes a menu of high-achieving measures only for projects seeking approval of a development agreement or specific plan amendment. In such cases, a project negotiates for its own high-value special condition and the City in turn can benefit from the positive impacts of a high-achieving green building project.

Alternative Recommendation

Staff provides an alternative recommendation in the report to City Council that would include in the Zoning Ordinance a list of voluntary high-achieving measures and eligible incentives to encourage all other projects (not seeking a development agreement or specific plan) to go above and beyond the mandatory provisions. The table below shows both the list of high-achieving measures and high-value incentives. Such projects pursuing this option would be eligible for any of the incentives.

Voluntary High-Achieving Measures	List of Eligible Incentives
<ul style="list-style-type: none">● <i>Highly Energy Efficient Building.</i> Achieve a minimum of 50% improvement in building energy performance over Energy Code baseline● <i>Graywater System.</i> Install an indoor and/or outdoor graywater system● <i>Use of Third-Party Rating System.</i> Achieve highest level of a third-party green building rating system (e.g. LEED Platinum Certification or Living Building Challenge Certification)	<ul style="list-style-type: none">● <i>Parking Reduction.</i> Nonresidential projects may receive up to a 10 percent reduction in the number of parking spaces required. Multi-family residential projects less than 10 units may receive up to a 20 percent reduction in parking spaces.● <i>Increased FAR.</i> Commercial projects or mixed-use projects on commercially-zoned lots may obtain a 0.1 FAR increase.● <i>Additional Unit.</i> Multi-family residential projects of three or more units may receive one additional residential unit. If the additional residential unit is 700SF or less, no parking is required for the unit.

This scenario does the following:

- Recalibrates the green building incentive program by offering pathways for “deep green” buildings in West Hollywood that far exceed the State’s current requirements
- Reduces complexity by removing the point-based system eligibility and providing a simple menu of both high-achieving measures and eligible incentives to choose from
- Offers flexibility for achieving exemplary green building concepts that align with the City’s General Plan and Climate Action Plan goals
- Further emphasizes to the development community the desire by the City to have a robust, forward-thinking green building program

ALTERNATIVE RECOMMENDATION (CODE LANGUAGE)

The alternative recommendation modifies subsections C and D of Section 19.20.060, Green Building in the staff recommendation to include voluntary high-achieving measures and incentives available for projects and requirements for projects seeking special approvals. It also adds Application Requirements under subsection F.

D. High-Achieving Projects. Projects that elect to comply with the Green Building High-Achieving Measures as described in Subsection D1, and those do not include the demolition of a cultural resource, shall be permitted to select one of the incentives in Subsection D2.

1. High-Achieving Measures. Projects may select and 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.

The Director is authorized to promulgate any rules and regulations necessary to implement the requirements of this subsection (3):

- i. LEED Platinum Certification
- ii. Living Building Challenge Certification

2. Eligible Incentives. Projects complying with a high-achieving measure above may select one of the following incentives:

- a. Nonresidential projects may receive up to a 10 percent reduction in the number of parking spaces required. Multi-family residential projects with less than 10 units may receive up to a 20 percent reduction in parking spaces.
- b. Commercial projects or mixed-use projects on commercially-zoned lots may obtain a 0.1 FAR increase.
- c. Multi-family residential projects of three or more units may receive one additional residential unit. If the additional residential unit is 700SF or less, no parking is required for the unit.

E. 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 West Hollywood Green Building High-Achieving Measures as described in Section 19.20.060.D1. Such projects are not eligible for incentives described in Section 19.20.060.D2.

1. Exemptions.

- a. This provision shall not apply to specific plans and development agreements for billboards and 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 E is technically infeasible.

F. 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 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.

Memo

To: Mayor, City Councilmembers, City Manager, and City Attorney
From: Alyssa T. Poblador, Administrative Specialist IV *ATP*
CC: J. KEHO, B. SIEGL, R. EASON
Date: July 15, 2019
Re: Correspondence Concerning Item 3.A. on the 7/15/19 Agenda

Attached please find correspondence received relating to Item 3.A. on the July 15, 2019 Council Agenda.

3.A. AMENDMENTS TO THE MUNICIPAL CODE TO ADOPT NEW GREEN BUILDING REQUIREMENTS

Alyssa Poblador

Subject: FW: CC Meeting 07/15/2019

From: Michael Carter [<mailto:mikecarter2011@gmail.com>]

Sent: Monday, July 15, 2019 2:22 PM

To: City Council Web Email Address

Cc: Ogden Watch; Yvonne Quarker

Subject: CC Meeting 07/15/2019

CAUTION - EXTERNAL SENDER. Please do not click links or open attachments unless you recognize the source of this email and know the content is safe.

Greetings City Council Members and Staff:

3.A. I support new and more extensive Green Building requirements **but** I believe that the incentive for doing so lies in having produced a greener structure. I see the word “incentive” mentioned six times in the Staff Report and **I do not believe that the practice of constructing a green building should be incentivized.**

3.B. I support item 3.B. This was a concern Ogden Owls brought to the table last year and we are glad to see it on the agenda. Thank you Council and Staff. There should be specific code language that instructs the purpose, definition, and requirements of public parkways, as well as a clearly defined process in which transformations or modifications of the parkway by adjacent private property owners shall be conducted.

3.C. I support item 3.C. The proposed ordinance provides clarity to the encroachment permit process. Providing clarity to the encroachment permit process will raise the level of customer service to the community and give Code Compliance a specific code to reference when non-compliance is found.

4.A. For our health, welfare and to curb the impact that second smoke has on us, let’s improve our record with the American Lung Association. Please explore a West Hollywood Smoke-Free Program.

Please make my input part of the record for tonight’s CC meeting, 07/15/2019.

Best,
Mike Carter