

ORDINANCE NO. 481

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES AMENDING TITLE 15 (BUILDING CODE) AND TITLE 17 (DEVELOPMENT CODE) OF THE CITY'S MUNICIPAL CODE TO ESTABLISH A VOLUNTARY GREEN BUILDING PROGRAM AND TO ESTABLISH SPECIFIC MANDATORY GREEN PRACTICES AND DEVELOPMENT STANDARDS (CASE NO. ZON2007-00598).

WHEREAS, on March 6, 2007, after considering oral and written testimony, based on a staff request, the City Council directed Staff to initiate a code amendment to implement a green building program for private projects within the City; and,

WHEREAS, on April 12, 2008, a notice was published in the *Palos Verdes Peninsula News* for a Draft Negative Declaration and Code Amendment; and,

WHEREAS, in accordance with the provisions of the California Environmental Quality Act (CEQA), an Initial Study of the project's environmental impacts was prepared, whereby the project was determined to have a less than significant effect on the environment, resulting in the preparation of a Negative Declaration; and

WHEREAS, on April 12, 2008, and October 4, 2008, public hearing notice for these code amendments was published in the *Palos Verdes Peninsula News*; and

WHEREAS, after notice was issued pursuant to the provisions of the Rancho Palos Verdes Municipal Code, the Planning Commission conducted public hearings on May 13, 2008, June 10, 2008, July 8, 2008, August 26, 2008, and September 9, 2008, at which times all interested parties were given an opportunity to be heard and present evidence regarding said amendments to Title 17 as set forth in the Planning Commission Staff report of that date; and,

WHEREAS, on September 9, 2008, the Planning Commission adopted P.C. Resolution No. 2008-31 recommending approval of the proposed amendments to Title 17 to the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: The City Council has reviewed and considered the amendments to Title 15 and Title 17 of the Municipal Code.

Section 2: The City Council finds that the amendments to Title 15 and Title 17 of the Municipal Code are consistent with California Government Code Section 65853, zoning amendment procedures.

Section 3: The City Council finds that the amendments to Title 15 and Title 17 are consistent with the Rancho Palos Verdes General Plan and Coastal Specific Plan in that they would reduce impacts to properties by potentially producing energy and water-efficient homes that utilize recycled and renewable materials and incorporate new technologies focused on efficiency and alternative energy sources.

Section 4: The City Council finds that there is no substantial evidence that the amendments to Title 15 and Title 17 would result in new significant environmental effects. A Negative Declaration has been prepared and Resolution No. 2008-108 has been adopted, certifying the Negative Declaration and making certain environmental findings in association with Case No. ZON2007-00598.

Section 5: The City Council finds that the amendments to Title 15 and Title 17 to incorporate a voluntary Green Building Program within the City are necessary to provide residents, architects, contractors and builders with guidelines and a reward/incentive structure to build and design homes in the City that are capable of becoming certified “green buildings.”

Section 6: The City Council finds that the *Build It Green* guidelines and *Green Points Checklist* for new single-family residential projects, single-family residential remodels and new multi-family projects shall be used by the City to provide residents, architects, contractors and builders with recognized, certified and consistent guidelines and a rating system upon which to rate a voluntary green constructed single-family residential and/or multi-family residential project within the City; and

Section 7: The City Council finds that applicants for commercial, institutional and/or mixed-use projects who choose to participate in the City’s volunteer green building program shall be required to use one of the *Leadership in Energy and Environmental Design (LEED)* rating systems for commercial, institutional and/or mixed-use developments, and that the applicant shall use the version of the *LEED* rating system that is in effect on the date the plans are registered with the *U.S. Green Building Council*. Registration shall occur after approval by the Planning Department, but before submittal of plans to Building and Safety Plan Check.

Section 8: Title 17 of the Rancho Palos Verdes Municipal Code is hereby amended by adding new Chapter 17.83 thereto to read as follows (the underlined text represents new language):

Chapter 17.83 Green Building Construction

Section 17.83.010 Intent and Purpose

This chapter establishes the incentives and procedures for participation in the City’s Voluntary Green Building Program. In addition, this chapter provides criteria, standards and processing procedures for the installation and construction of certain “green” related improvements such as renewable energy systems, small wind energy systems, and permeable landscaping. This chapter allows owners of properties in the City and their architects, contractors and builders to design and develop and/or remodel single-family, multi-family residential, commercial, institutional and mixed-use projects that are sited, designed, constructed and operated in accordance with the provisions of this Chapter to enhance the well-being of occupants, and to minimize negative impacts on the community and natural environment. The voluntary green building program provides the minimum requirements for obtaining certified recognition of a “green building” within the City.

Section 17.83.020 Incentives for Participation in Voluntary Green Building Program

- A. The following incentives shall be available to applicants who participate and meet the minimum requirements established in Section 17.83.030 and/or Section 17.83.040 of this Chapter:

1. Expedited Application Review. Any planning applications submitted to the Department of Planning, Building and Code Enforcement for processing that meet all the requirements contained in Section 17.83.030(A)(1) and/or 17.83.040(A)(1) shall be granted processing priority over other non-green planning applications.
2. Expedited Building and Safety Plan Check. Any building permit applications submitted to the Department of Planning, Building and Code Enforcement for processing that meet all the requirements contained in Section 17.83.030(A)(2) and/or 17.83.040(A)(2) shall be granted processing priority over other non-green building permit applications.
3. Fee Rebate for Single-family and Multi-family Residential Projects. If after issuance of final approval of a building permit, the applicant submits proof of final certification by "Build It Green" indicating that the residence has been certified as a "green building", the applicant shall be granted a rebate of 50% of all planning permit, plan check and building permit application fees paid to Department of Planning, Building and Code Enforcement. Any fees paid to City consultants for review of the project (including, but not limited to, fees paid to a City Consultant for building plan check, building inspections, geologic review, NPDES review, etc.) shall not be refunded. In order to receive a rebate, proof of certification by "Build It Green" shall be submitted to the City within 90 days of building permit final.
4. Fee Rebate for Non-residential Projects. If after issuance of final approval of a building permit, the applicant submits proof of final certification by "Leadership in Energy and Design" (LEED) indicating that the residence has been certified as a "green building", the applicant shall be granted a rebate of 50% of all planning permit, plan check and building permit application fees paid to Department of Planning, Building and Code Enforcement. Any fees paid to City consultants for review of the project (including but not limited to fees paid to a City Consultant for building plan check, building inspections, geologic review, NPDES review, etc.) shall not be refunded. In order to receive a rebate, proof of certification by LEED shall be submitted to the City within 90 days of building permit final.

Section 17.83.030 "Green Building" Application Requirements for obtaining Single-family and Multi-family Projects

- A. Property Owners that choose to participate in the City's Green Building Program for single-family or multi-family residential projects shall comply with the following requirements:
 1. In conjunction with submittal of a planning application for a new residence or a major renovation/remodel (whereby more than 50% of the existing interior and/or exterior walls are removed), that meets the minimum requirements for obtaining "green" certification, the property owner shall provide all of the following to the Director:
 - a. A Letter of Intent to Participate in the Rancho Palos Verdes Green Building Program, which shall include the following;

- i. The project address; and
 - ii. A statement from the property owner(s) stating that they have designed and will construct or renovate/remodel a home according to the City's minimum "Green Points Rated" requirements; and
 - iii. A statement acknowledging that compliance is voluntary and benefits will only be granted upon proof of final certification by "Build It Green" and acceptance of said certification by the Director; and
 - b. Documentation that the services of a "Certified Green Building Professional" (CGBP), or an accredited professional through a similarly recognized program subject to the approval of the Director has been retained; and
 - c. A copy of the proposed "Green Points Checklist" and any additional supporting documentation indicating how the project will achieve the minimum points required to become "Green-Point Rated".
2. Upon submittal of a "green building construction" plan, which has been approved by the City's Planning Department, into Building and Safety Plan Check, the property owner shall ensure that:
- a. The submitted building plans and documents indicate in the general notes and/or individual detail drawings the green building measures employed to become "Green-Point Rated."
 - b. A copy of the "Green Points Checklist" shall be incorporated in the building plans; and
 - c. The services of a "Green Points Rator", or an accredited third-party professional through a similarly recognized program that has been approved by the Director, has been retained to conduct on-site inspections throughout the construction process to verify that the "green" measures set forth in the "Green Points Checklist" have been implemented to become "Green-Point Rated".

Section 17.83.040 "Green Building" Application Requirements for Commercial, Institutional and/or Mixed-Use Projects

- A. Property Owners that choose to participate in the City's Green Building Program for commercial, institutional and/or mixed-use projects shall comply with the following requirements:
 - 1. In conjunction with submittal of a planning application for a new development project or a major renovation/remodel (whereby more than 50% of the existing interior and/or exterior walls are removed) that meets the minimum requirements for obtaining "green" certification, the property owner shall provide all of the following to the Director:

- a. A Letter of Intent to Participate in the Rancho Palos Verdes Green Building Program which shall include the following:
 - i. The project address; and
 - ii. A statement from the property owner indicating that they have designed and intend to construct or renovate/remodel a commercial, institutional and/or mixed-use project according to the minimum "Leadership in Energy and Environmental Design (LEED) Certified" requirements; and
 - iii. Acknowledgement that compliance is voluntary and benefits will only be granted upon proof of final certification by a "LEED" accredited professional and approval by the Director; and
 - b. Documentation that the services of a "LEED" accredited professional, or an accredited professional through a similarly recognized program that has been approved by the Director prior to submittal of an application, has been retained; and
 - c. A copy of the "LEED" checklist and any supporting documentation indicating how the project will achieve a minimum "LEED" rating of "Certified."
2. Upon submittal of "green building construction," plans, which have been approved by the City's Planning Department, into Building and Safety Plan Check, the property owner shall ensure that:
- a. The submitted building plans and documents specify in the general notes and/or individual detail drawings the green building measures employed to become "LEED Certified." A copy of the "LEED" checklist shall be incorporated in the building plans. The "LEED" checklist shall be prepared, signed, and dated by the project "LEED" accredited professional; and
 - b. The services of a "LEED" accredited professional, or an accredited third-party professional through a similarly recognized program that has been approved by the Director, has been retained to conduct on-site inspections throughout the construction process to verify that the "green" measures set forth in the "LEED" checklist have been implemented to achieve a minimum LEED level of "Certified"; and
 - c. The project has been registered with the relevant LEED rating program.

Section 17.83.050 Application Procedures for Renewable Energy Systems (Photovoltaic and Solar Water Heating)

A. This section provides standards and procedures for permitting renewable energy systems, such as Photovoltaic (Solar Panels) and/or Solar Water Heating Systems, within all zoning districts.

1. Roof-mounted Renewable Energy Systems.

- a. Any roof-mounted renewable energy systems, which do not exceed the maximum building height permitted by this Title, may be installed after the applicable Building and Safety permits have been obtained from the City.
 - b. Any roof mounted renewable energy systems, which exceed the maximum building height listed in this Title, may be permitted upon determination by the Director, through a minor site plan review application, that the equipment and/or features will not have a specific adverse impact upon the public health or safety, as required by California Government Code Section 65850.5.
2. Ground-mounted Energy Systems. Installation of renewable energy systems are permitted in any zoning district through a Minor Site Plan Review application, provided that such systems do not encroach into a setback area or exceed twelve (12) feet in height, as measured from existing grade.
 3. Renewable Energy Systems on Extreme Slopes. Installation of renewable energy systems are permitted to be constructed on an extreme slope without the need for an Extreme Slope Permit.

Section 9: “Section 17.76.150 Small wind energy systems” of Chapter 17.76 of Title 17 of the Rancho Palos Verdes Municipal Code is hereby renumbered, with no other modifications, and re-titled as “Section 17.83.060 Small wind energy systems.”

Section 10: Section 17.02.040(A)(5) of Chapter 17.02 of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.02.040(A)(5) View preservation and restoration

“Lot coverage” means that portion of a lot or building site which is occupied by any building or structure, including courtyards which are fully enclosed or which have a maximum of one exterior entrance; trellises; decks over thirty inches in height (as measured from existing adjacent grade); parking areas; ~~or~~ driveways; or impervious surfaces (impervious surfaces less than 5 feet in width and/or one patio area less than 500 square feet in area shall be excluded from the lot coverage calculation.) (The lot coverage of a courtyard that is not fully enclosed shall be calculated by the director as if it were fully enclosed by drawing an imaginary line between the walls on either side of the entrance of the courtyard. When the walls on either side of the entrance are of uneven length, the imaginary line shall be an extension of the end of the wall on the shortest side of the courtyard, see diagram below).

Section 11: Section 17.96.1020 (Definitions – Landscaping) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.96.1020 (Definitions – Landscaping)

“Landscaping” means the planting and continued maintenance of ornamental plant material; the installation, use and continued maintenance of a permanent irrigation system; ~~and/or~~ the continued maintenance of ornamental rock gardens or rockscape, not including

natural soil or earth, and/or artificial landscaping provided the underlying sub-surface is pervious to allow for percolation.

Section 12: Section 17.48.050(A)(3) (Building Height) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~strikethrough~~):

Section 17.48.050(A)(3) Building Height

In residential zoning districts, skylights, ~~solar panels~~ and vents/ducts required by the Uniform Building Code, may exceed the height limits prescribed in this chapter, upon determination by the director, through a site plan review application, that the skylights, ~~solar panels~~ and/or vents/ducts will not exceed the maximum ridgeline of the existing residence and will not cause significant view impairment from adjacent property, as defined in Section 17.02 (Single-Family Residential Districts). Chimneys, which can be safely erected and maintained at a height that exceeds the maximum ridgeline of a residence, may be approved by the director, pursuant to the requirements of the building code.

Section 13: Section 17.48.050(B) (Building Height) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~strikethrough~~):

Section 17.48.050(B) Building Height

Any roof mounted equipment and/or architectural features, excluding renewable energy systems such as photovoltaic systems (solar panels) and/or solar water heating systems, which are addressed in Section 17.83.050 of this Title, ~~which~~ that exceed the maximum building height listed in the district development standards and ~~which~~ do not meet the review criteria listed in Section 17.48.050(A) of this chapter may be permitted upon determination by the planning commission, through a site plan review application, that the equipment and/or features:

- 1. May be erected above the height limits pursuant to the requirements of the building code; and*
- 2. Will not cause significant view impairment from adjacent property, as defined in Section 17.02 (Single-Family Residential Districts).*

Section 14: Section 17.48.060 (Extreme Slope) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby amended to add the following subsection H to read as follows (the underlined text represents new language):

Section 17.48.060 Extreme Slope.

(H) Renewable Energy Systems (Photovoltaic and Solar Water Heating) pursuant to Section 17.83.050.

Section 15: Section 17.76.060(A) (Extreme Slope Permit) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows (the underlined text represents new language and deleted text is ~~strikethrough~~):

Section 17.76.060(A) Extreme Slope Permit

Purpose. This chapter provides standards and procedures for permitting within residential districts the minor encroachments of accessory structures onto extreme slopes (thirty-five percent or more), which are not zoned open space hazard and where such slopes constitute the only reasonable area for development. Extreme Slope Permits are not required for renewable energy systems such as photovoltaic systems (solar panels) and/or solar water heating systems, which are addressed in Section 17.83.050 of this Code.

Section 16: Section 17.76.060(B) (Extreme Slope Permit) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~stricketrough~~):

Section 17.76.060(B) Extreme Slope Permit

Scope. The director may grant extreme slope permits for the following uses only:

1. *Decks, which extend or cantilever a maximum of six feet into the extreme slope area, as measured on a horizontal plane from the top or toe of the slope;*
2. ~~*Solar panels or tanks which extend a maximum of twelve feet into the extreme slope area, as measured on a horizontal plane from the top or tow of the slope; and*~~
3. *2. Flag poles up to sixteen feet in height, as measured from the grade adjacent to the flagpole base to the top of the flagpole, upon a finding by the director that no significant impact on views from surrounding properties would result.*

Section 17: Section 17.14.030(P) (Commercial Limited (CL) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~stricketrough~~):

Section 17.14.030 Uses and development permitted by conditional use permit.

P. Small wind energy systems, pursuant to Section ~~17.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 18: Section 17.16.030(T) (Commercial Neighborhood (CN) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~stricketrough~~):

Section 17.16.030 Uses and development permitted by conditional use permit.

T. Small wind energy systems, pursuant to Section ~~17.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 19: Section 17.18.030(I) (Commercial Professional (CP) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~stricketrough~~):

Section 17.18.030 Uses and development permitted by conditional use permit.

I. Small wind energy systems, pursuant to Section ~~17.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 20: Section 17.20.030(W) (Commercial General (CG) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.20.030 Uses and development permitted by conditional use permit.

W. Small wind energy systems, pursuant to Section ~~47.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 21: Section 17.26.030(N) (Institutional (I) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.26.030 Uses and development permitted by conditional use permit.

N. Small wind energy systems, pursuant to Section ~~47.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 22: Section 17.28.030(G) (Cemetery (C) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.28.030 Uses and development permitted by conditional use permit.

G. Small wind energy systems, pursuant to Section ~~47.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 23: Section 17.34.040(H) (Open Space Recreation (OR) District) of Title 17 of the Rancho Palos Verdes Municipal Code is hereby revised to read as follows (the underlined text represents new language and deleted text is ~~striketrough~~):

Section 17.34.040 Uses and development permitted by conditional use permit.

H. Small wind energy systems, pursuant to Section ~~47.76.150~~ 17.83.060 (Small wind energy systems); and,

Section 24: Chapter 15.04 of Title 15 of the Rancho Palos Verdes Municipal Code is hereby amended by adding new Section 15.04.070 thereto to read as follows (the underlined text represents new language):

Section 15.04.070 Renewable Energy Systems

A. Notwithstanding the provisions of Section 15.04.010 of this chapter, new homes and major remodels, whereby more than 50% of the existing interior and/or exterior walls are removed, shall provide a roof layout plan that illustrates how future installation of a Photovoltaic System and/or Solar Water Heating System could be accommodated. The property owner shall only be required to provide for the installation of one system. The following requirements for each system are as follows:

1. Photovoltaic systems: Installation of conduit leading from an exterior south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct

sunlight is achieved, to a stubbed junction box next to the electrical panel. All exposed conduit shall be capped and provided with adequate flashing. The conduit shall not be located on or in the direction of a north-facing roof. Roof reinforcements shall be addressed at the time of installation.

2. Solar Water Heating System: installation of ¾" hot and cold copper water pipes from a south-facing, east-facing or west-facing roof, where a minimum of 4 hours of direct sunlight can be achieved, to an existing water heater/tank. Both ends of the ¾" copper pipes shall be stubbed out and shall not be located on or in the direction of a north-facing roof. All exposed pipes shall be capped and provided with adequate flashing. Roof reinforcements shall be addressed at the time of installation.

Section 25: Chapter 15.04 of Title 15 of the Rancho Palos Verdes Municipal Code is hereby amended by adding new Section 15.04.080 thereto to read as follows (the underlined text represents new language):

Section 15.04.080 Construction Indoor Air Quality

Notwithstanding the provisions of Section 15.04.010 of this chapter, projects shall provide a construction indoor air quality management plan on construction drawings or in the general notes that shall include protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy.

Section 26: The rights given by any approval granted under the terms of Title 15 or Title 17 of the Rancho Palos Verdes Municipal Code prior to the effective date of the adoption of said ordinance shall not be affected by the amendments to Title 15 or Title 17 by this ordinance and shall continue in effect until and unless they are modified, revoked, expired or are otherwise terminated according to the terms of the approval or the terms of Title 15 or Title 17 as they existed prior to the effective date of this ordinance.

Section 27: The amendments to Title 15 and Title 17 of the Rancho Palos Verdes Municipal Code as identified herein shall apply to all development applications submitted after the effective date of the adoption of this ordinance and to all development applications where a final approval has not been issued by the City prior to the effective date of the adoption of said ordinance.

Section 28: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

Section 29: The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with

