

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT
DATE: JULY 8, 2008
SUBJECT: CODE AMENDMENT (CASE NO. ZON2007-00598), A REQUEST TO AMEND TITLE 15 (BUILDING CODE) AND TITLE 17 (DEVELOPMENT CODE) OF THE CITY'S MUNICIPAL CODE TO ENCOURAGE "GREEN BUILDING" CONSTRUCTION.

Staff Coordinator: Leza Mikhail, Associate Planner 

RECOMMENDATION

Continue the public hearing to the August 26, 2008 meeting.

BACKGROUND

On May 13, 2008, the Planning Commission, after a duly noticed public comment period, considered a request for a Code Amendment (Case No. ZON2007-00598) to the Municipal Code to incorporate a voluntary residential green building program, incentives to participate in the City's proposed voluntary program, and proposed City-wide green building requirements.

The Planning Commission, at the May 13, 2008 public hearing, directed Staff to draft language to codify the new requirement and implement the incentives for the Green Building Program.

On June 10, 2008, the Planning Commission continued the request for a Code Amendment (Case No. ZON2007-00598) to the July 8, 2008 Planning Commission meeting to allow Staff additional time to prepare the appropriate Code Amendment language.

DISCUSSION

Staff is recommending further continuance of this item for two reasons. First, Staff has received one complimentary seat, funded by Build It Green, to participate in two certification classes to become a Certified Green Building Professional (CGBP) and

become a Certified GreenPoint Rater. Staff is scheduled to attend the Green Building Certification classes from July 28, 2008 through August 2, 2008. Staff believes that it would be better to bring this item back to the Planning Commission after Staff's participation in the certification classes, as Staff will have more insight on the Build It Green Certification process and how it will relate to the City's inspection process. Additionally, Planning Commissioner Jim Knight has been heavily involved in the Green Building Program process and has noted that he will not be able to attend meetings in July.

As such, Staff is recommending that the Planning Commission continue the Code Amendment (ZON2007-00598) to the August 26, 2008 meeting.

ATTACHMENTS:

PC Staff Report, May 13, 2008
PC Memorandum June 10, 2008

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT
DATE: JUNE 10, 2008
SUBJECT: CODE AMENDMENT (CASE NO. ZON2007-00598), A REQUEST TO AMEND TITLE 15 (BUILDING CODE) AND TITLE 17 (DEVELOPMENT CODE) OF THE CITY'S MUNICIPAL CODE TO ENCOURAGE "GREEN BUILDING" CONSTRUCTION.

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RECOMMENDATION

Continue the public hearing to the July 8, 2008 meeting.

BACKGROUND

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The Planning Commission, at the May 13, 2008 public hearing, directed Staff to draft the language to codify the new requirement and implement the incentives for the Green Building Program.

DISCUSSION

Since the May 13, 2008 Planning Commission meeting, Staff has been receiving comment letters and recommendations from other peninsula cities, Palos Verdes South Bay Group of the Angeles Chapter of the Sierra Club and the City of Rancho Palos Verdes Building Official.

Additionally, City Staff was asked to conduct a presentation at the Green Task Force Meeting on May 22, 2008, spearheaded by the South Bay Energy Savings Center. In attendance, were various South Bay City staff members, Director's, Committee members,

Council members, Los Angeles County representatives, a representative from City of Los Angeles City Councilwoman Hann's office and State representatives. Staff presented the City's proposed plan to incorporate a volunteer residential green building program, discussed the incentives that the City would provide to members who choose to participate in the program and discussed City-wide green building requirements. Overall, Staff received a positive response from South Bay representatives who feel that this program is a benefit to promoting green construction from a local government perspective.

Staff has also been conducting additional research regarding the installation of various types of photovoltaic/solar systems, requirements for the installation of artificial landscaping and the possibility of requiring a percentage of construction and demolition debris to be recycled.

At this time, Staff is requesting that the Planning Commission continue the Code Amendment (ZON2007-00598) for green building construction to allow Staff additional time to continue its research and draft the language to codify the new requirements and implement the incentives for the Green Building Program.

ATTACHMENTS:

PC Staff Report, May 13, 2008

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: DIRECTOR OF PLANNING, BUILDING, AND CODE ENFORCEMENT
DATE: MAY 13, 2008
SUBJECT: CODE AMENDMENT (CASE NO. ZON2007-00598), A REQUEST TO AMEND TITLE 15 (BUILDING CODE) AND TITLE 17 (DEVELOPMENT CODE) OF THE CITY'S MUNICIPAL CODE TO ENCOURAGE "GREEN BUILDING" CONSTRUCTION.

Staff Coordinator: Leza Mikhail, Associate Planner 

RECOMMENDATION

Review the proposed voluntary Green Building Program and the proposed "green" related code amendments and provide Staff with feedback and continue the public hearing to June 10, 2008.

BACKGROUND

On March 6, 2007, the Director initiated a Code Amendment request to the City Council to consider implementing a "Green Building" program for private construction projects in the City. After considering oral and written testimony, the City Council directed staff to initiate a code amendment to encourage "Green Building" construction throughout the City. This action permitted the proposed Green Building Program code amendment to move forward through the public hearing process that is required for all code amendments. The code amendment process requires that the Planning Commission review the specific amended language proposed for the City's Development Code and forward its recommendation to the City Council for its consideration and eventual adoption.

After the City Council directed Staff to initiate a code amendment, over the next several months, Staff conducted a significant amount of research relating to the implementation of a Green Building Program. Staff researched several Green Building Organizations such as LEED (Leadership in Energy and Environmental Design), Global Green, and Build It Green, to gain an understanding of which organization would best fit the City of Rancho Palos Verdes, with a predominantly residential characteristic. Additionally, Staff collaborated with other jurisdictions on the peninsula (Rolling Hills Estates, Rolling Hills

and Palos Verdes Estates) to discuss the creation of an informal partnership whereby the cities on the peninsula would utilize Green Building Programs that are compatible and would facilitate a stronger response from residents, architects and builders for “green building.” Furthermore, Staff periodically met with Commissioner Jim Knight, who has a strong interest in “green construction,” to discuss the implementation of a City program.

Staff also initiated an educational campaign geared toward educating residents, contractors and architects about “green building.” Last year, Staff arranged for other City Officials to tour a “green” residence constructed in the City. In addition, on July 24, 2007, the City hosted a Green Building Seminar, geared toward architects and builders, at City Hall where a representative of *Build It Green* provided background information on the program and benefits of creating a Green Building Program through local government.

With completion of the education campaign, Staff is now at a point where it is ready to present the proposed code amendment that would implement the City’s Green Building Program to the Planning Commission and subsequently to the City Council. To this end, a Draft Negative Declaration was prepared for the proposed project and, on April 12, 2008, public notice of the proposed Draft Negative Declaration and Code Amendment was published in the *Palos Verdes Peninsula News*. The Code Amendment that implements the proposed “Green Building” program from Rancho Palos Verdes is now being presented to the Planning Commission for review.

DISCUSSION

What is meant by “Green Building”

“Green Building” is a term given to buildings that are sited, designed, constructed and operated to enhance the well-being of occupants, and to minimize negative impacts on the community and natural environment. Typically, “green buildings” are higher quality, provide a healthier environment to live in, are less costly to maintain, consume fewer natural resources and generate less waste. Specifically, the benefits of “green building” construction include:

- A reduction of environmental impacts from home construction at both local and global levels
- Long-term savings through reduced energy and water consumption
- An increase in the lifespan of a structure from the industry 40-year standard to 100+ years of sustainability
- Certified recognition to a home owner for constructing an environmentally friendly structure
- A reduction of output to existing infrastructure and utilities, thereby increasing the lifespan of local infrastructure.

Volunteer Residential Green Building Program

Staff proposes the implementation of a program that would allow residents who wish to construct residential “green buildings” to work with a recognized organization in order to receive some sort “green building” certification. In addition, Staff is proposing certain incentives to encourage all residents throughout the City to pursue some sort of “green” construction.

Staff conducted extensive research into various Green Building Programs that are offered to a number of cities across the United States. After researching the various programs, Staff is proposing that the City adopt the *Build It Green* suite of products and services to provide the City residents with recognized, certified, and consistent guidelines and a rating system which residents can utilize.

Specifically, Staff is recommending adoption of the *Build It Green* Guidelines and *Build It Green* Rating System. The *Build It Green* Guidelines were originally developed by Alameda County with input from various stakeholders including builders, green building experts, and staff. The guidelines have been updated and are now published and supported by *Build It Green*. Property owners who wish to voluntarily participate in the City’s Green Building Program for either new residential buildings or residential remodels would be directed to *Build It Green*’s series of *Green Building Guidelines* and accompanying *Green Points Checklist*. The published guidelines include:

- *New Home Construction Green Building Guidelines*
- *Home Remodeling Green Building Guidelines*
- *Multi-family Green Building Guidelines*

The adopted guidelines would outline how green building practices can be utilized and incorporated into residential projects as desired by applicants. The three guidelines listed above each include a *Green Points Checklist* and rating system whereby property owners, architects, contractors and builders are able to rate how their particular project meets the minimum standards of being classified as a “green building” and be “Green Points Rated.” Staff envisions the following process for a property owner or builder who wishes to voluntarily participate in the proposed “Green Building” program:

- Step 1: Staff provides a property owner/applicant with the adopted *Build It Green* Guidelines and Checklist as well as a directory of southern California-based Certified Green Building professionals who understand how to achieve a certifiable green home.
- Step 2: The property owner/applicant then contacts and retains a Certified Green Building Professional or Green Point Rater to work with through the design stages of their construction process.
- Step 3: The Green Building Professional (or property owner) submits plans to the Planning Department that include the checklist printed on the plans indicating what measures are proposed to be incorporated into the new residence or remodeled home and what point value the home can attain.

- Additionally, the applicant would provide a letter of intent to construct a “green building.”
- Step 4: Planning Staff determines that the submitted project meets the minimum point value set by *Build It Green* (50 points for new construction). Once the property owner submits a letter of intent and the project meets the minimum point value, the assigned Staff member would make the project a priority over other non-green applications submitted in the same time period.
- Step 5: Following all code-required reviews and analyses for the project application, if entitlements are granted through the Planning Department, the applicant would then prepare structural plans for submittal into Building and Safety Plan Check. At the same time, the applicant or Certified Green Building Professional, working on the applicant’s behalf, would retain the services of a certified Green Point Rater and submit a preliminary application to *Build It Green* for future Green Point Rating and certification by a third-party rater.
- Step 6: The applicant would then submit a letter of intent to construct a “green building” along with the Planning approved plans into Building and Safety Plan Check. The plans would be required to include the *Build It Green* Checklist and green measures.
- Step 7: The Building Official determines that the submitted project meets the minimum point value set by *Build It Green* for the respective project type (i.e. new residence, remodeled residence or multi-family residence). If the project meets the minimum point value, the applicant will receive an expedited plan-check process, or will move to the “front-of-the-line.”
- Step 8: Once building permits are issued, the construction process begins with inspections by the City’s Building Inspectors. At the same time, the Green Point Rater will conduct rough inspections, final inspection and performance testing and collect documentation throughout the construction process.
- Step 9: Once the project is complete and constructed, the Green Point Rater will compile documentation, calculate final scores and submit final results to the builder and to *Build It Green*.
- Step 10: The Green Point Rater obtains the completed certificates from *Build It Green* stating that the residence has been constructed or remodeled as a certified “green building.”
- Step 11: The property owner provides a copy of the certification to the Director and requests a fee rebate.
- Step 12: The Director verifies the certification and issues a rebate in the amount of 50% of the total Planning and Building and Safety application fees (not including any penalties that may have been assessed) under the City’s Green Building Program.

It is important to note, the *Build It Green* Guidelines were created to be compatible with other third-party rating programs, so a builder employing the recommended strategies in the *Green Building Guidelines* could also choose to have projects rated under the *California Green Builder* program or a national system, such as through *Energy Star* or LEED for Homes, with prior approval by the Director.

Incentives for participation in the City’s Volunteer Green Building Program:

In order to promote participation in the City's volunteer Green Building Program, Staff has identified two incentives that could be provided to property owners and/or applicants who pursue the proposed program.

1. Expedited Plan Review: Typically, when an application is submitted into Planning review and/or Building and Safety Plan Check, the application is reviewed in the order that the application is received, after other preceding applications. Staff is proposing that if a property owner opts to pursue construction of a project under the *Build It Green* rating program, said application receive priority review and be reviewed ahead of all other "non-green" applications.
2. Potential Rebate of City's Processing Fees: It is important to note, the upfront cost of having a Certified Green Point Rater verify and complete the new or remodeled home(s) checklist would be at the expense of the builder/homeowner who opts to participate in the City's Green Building Program, and is otherwise considered a third-party rating program.

Therefore, Staff is proposing that property owners who choose to pursue construction of a "green building" be given a partial fee rebate upon the submittal of proof that a green building was actually constructed. Specifically, upon submittal of a request for a rebate and proof of the green building construction, the City would issue a rebate to the property owner in the amount of 50% of all Planning and Building Division application fees that were processed (not including any applicable penalty fees). Staff is of the opinion that a 50% rebate of fees upon certification will cover most, if not all, of the costs associated with retaining a Green Point Rater as well as provide additional monetary incentive for "green" construction. The fee rebate program would have to be approved by the City Council.

Proposed Green Building Requirements

In addition to the establishment of a voluntary Green Building Program, that is completely voluntary and available for residents to utilize if they seek and achieve specified "green building" standards and certification, Staff is also proposing that certain Municipal Code standards be amended and/or new standards be added that would promote "green building" concepts. If adopted, these regulations would apply Citywide, regardless if the property owner wishes to pursue the voluntary Green Building Program described above. The proposed amendments are below:

- *Photovoltaic Systems (Solar Panels)*:

The current Municipal Code references photovoltaic systems (solar panels) under two separate sections: Section 17.48.050 (Building Height) and Section 17.76.060 (Extreme Slope Permit). Section 17.48.050 (Building Height) states that solar panels are not permitted to exceed the maximum ridgeline of an existing residence or cause significant view impairment without a separate

determination by the Director through a Site Plan Review application. Additionally, Section 17.76.060 (Extreme Slope Permit) requires an application for an Extreme Slope Permit for solar panels that extend a maximum of twelve feet into an extreme slope area, as measured on a horizontal plan from the top or toe of the slope.

Staff is proposing to consolidate the regulation of photovoltaic systems in one section of the code and simplify the review process for certain photovoltaic systems in order to help incentivize their installation. Specifically, Staff is proposing to amend the code to exclude solar panels from requiring review and approval of an Extreme Slope Permit when proposed on a slope that is 35% or greater. Instead, solar panels that are proposed to be located on an extreme slope would be reviewed through a Minor Site Plan Review as would be the case if the slope were less than 35%. Currently, an Extreme Slope Permit costs \$586.00 and takes approximately 2 months to process, whereas a Minor Site Plan Review costs \$64.00 and could be approved over the counter. In addition, Staff proposes to amend the code to require that panels proposed above the established building height limit be reviewed by the Director for potential view impairment, as opposed to being reviewed by the Planning Commission, as is presently required. This change will save 2 to 3 months of review time.

Furthermore, Staff is also proposing that all new-single family residences be constructed in a manner electrical and plumbing is installed to facilitate the installation of panels on the roof, is so desired by any future property owner.

- *Regulation of Impervious Hardscape (Lot Coverage):*

Under Section 17.02.040(A)(5), the current Development Code regulates lot coverage as all buildings and/or structures, covered patios, trellises, courtyards that are fully enclosed or have a maximum of one entrance, decks over thirty inches in height, parking areas or driveways. Hardspace is not included in the calculation of lot coverage. In order to promote more pervious surfaces within a residential lot and discourage large paved areas and/or patios which increase drainage runoff, Staff is proposing to amend the current definition of "Lot Coverage" to include some impervious surfaces. Staff is proposing to exclude new impervious walkways less than 5 feet in width and new patio areas less than 500 square feet in area. This would require any resident proposing to install any impervious hardscape over these thresholds to obtain planning approval prior to installation to ensure that the maximum lot coverage is not being exceeded. Given that there are permeable hardscape products on the market, any permeable hardscape would not be counted toward lot coverage.

It is important to note, there may be an increase in Minor Exception Permit and/or Variance applications to exceed lot coverage requirements. At the same time, applications that come in for major remodels may reduce the amount of

impervious surface that exists or is proposed in order to meet the new development standard and still obtain the new square footage desired.

- *Artificial Landscaping:*

Section 17.96.1020 (Definitions - Landscaping) of the Municipal Code currently defines "Landscaping" as "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. The current definition of landscaping allows residents to have rock gardens if they wish. However, the current definition does not allow artificial lawns. Given that Staff has received inquiries from a resident about the use of artificial lawns and there are new products on the market that are more realistic looking than past "Astroturf", Staff is proposing to amend the definition of "Landscaping" to include artificial lawns to allow residents to install such lawns to reduce their water needs.

It is important to note, all landscaping, regardless of being artificial, is subject to the City's property maintenance requirements. Thus, any artificial landscaping that becomes deteriorated can be addressed through the City's Code Enforcement Department.

Should the Planning Commission determine that these proposed code amendments are appropriate, Staff will draft language to codify the new requirements.

ADDITIONAL INFORMATION

Correspondence Received:

No comments were received as a result of the public notice.

Coordination with other Cities:

In addition to mailing the staff report to the Planning Commission, Staff has also provided a copy of the Staff Report to the City of Rolling Hills Estates, City of Rolling Hills and City of Palos Verdes Estates for comments and feedback. All future comments and feedback will be included at the continued public hearing for Planning Commission review.

Related Building Code Amendment Proposed:

- *Construction Air Quality Management Plan:*

During the construction process an influx of particulate matter (i.e. dust, wood chips, paint fumes, etc.) are kicked up into the air and can potentially degrade a

residences ventilation or heating/air system. In order to ensure that the indoor air quality is maintained and enhanced during the construction process, Staff is proposing to amend Title 15 (Building Code) to require the submittal of a Construction Air Quality Management Plan. Prior to obtaining building permits for an addition, interior remodel, or new residence, an applicant will be required to provide a construction air quality management plan on the construction drawings that include protecting ducts during construction and changing the filters and vacuuming ducts prior to occupancy or final on a building permit.

Since this amendment is proposed for Title 15 (Building Code), the Planning Commission does not have purview over this specific proposed amendment. It is provided here for informational purposes.

CONCLUSION

Based on the discussion above, Staff is concluding that amending the Municipal Code to incorporate a voluntary Green Building Program is a necessary measure to provide guidelines and an incentivized program for property owners to construct “green buildings.” As such, Staff is recommending that the Planning Commission provide Staff with feedback and comments and direct Staff to draft the language to codify the new requirement and implement the incentives for the Green Building Program.

ATTACHMENTS

- *Build It Green* Guidelines
- *Build It Green* Checklist