ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, AMENDING CHAPTER 15.02, BUILDINGS, STRUCTURES AND EQUIPMENT, OF THE CULVER CITY MUNICIPAL CODE TO ADD A NEW SUBCHAPTER 15.02.1100, et seq., ENTITLED "GREEN BUILDING PROGRAM AND REQUIREMENTS."

WHEREAS, State Mandates AB 32 and SB 375 require that local municipalities join and lead in the fight against global warming. One method to achieve this end is through smart green building practices; and

WHEREAS, a number of existing green building programs at the State and local level were reviewed in the process of developing the City's Green Building Program. All programs surveyed were for commercial, mixed-use, and multi-family development and almost all were mandatory; and

WHEREAS, the cities of Los Angeles, Beverly Hills, Santa Monica, Pasadena and West Hollywood have all adopted Green Building programs in an effort to reduce carbon emissions and increase the health and sustainability of its residents and fight against global warming; and

WHEREAS, Culver City has been developing a Green Building Program over the last several years that derives best practices from neighboring cities, but that is designed specifically for Culver City; and

WHEREAS, conventional design and construction methods produce buildings that can negatively impact the environment as well as occupant health and productivity. These buildings are comparatively expensive to operate and contribute to excessive resource consumption, waste generation and pollution. To help reduce these impacts, the

City has proposed a set of guidelines for the development of "green buildings;" and

WHEREAS, "green buildings" reduce energy and water consumption, and improve air quality. Greenhouse gas emissions from building account for more than 40% of global warming pollution. Green building ordinances are a good first step towards building energy-efficient, climate friendly sustainable cities; and

WHEREAS, "green buildings" require the use of fewer natural resources and provide a healthy, productive, indoor environment for occupants by using an integrated design approach that incorporates: site planning, design, building preservation, construction, operations and maintenance; and

WHEREAS, the benefits of green building include: more natural resources for the future, reduced energy consumption, lower operating costs, increased employee productivity, increased energy efficiently in buildings, reduction of greenhouse gas generated by buildings and reduction of the carbon footprint; and

WHEREAS, to ensure a viable future, the City must take a leadership role and address the impacts placed on the environment by urbanization and a growing populace, which includes air and water pollution, climate change and habitat loss; and

WHEREAS, the City is striving to become a model of environmental excellence and a prevailing force of environmental protection. To accomplish these goals, the City shall establish policies that will incorporate environmental responsibility into its daily management of urban and industrial growth, energy and water use, air quality, transportation, waste reduction, economic development and open space and natural habitats.

NOW THEREFORE, the City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1. Based on the foregoing recitations and findings, Chapter 15.02 of the Culver City Municipal Code is hereby amended to add subchapter 15.02.1100, *et seq.* as follows:

GREEN BUILDING PROGRAM AND REQUIREMENTS

§ 15.02.1100	Establishment of Program and Purpose.
§15.02.1105	Definitions.
§15.02.1110	Requirements.
§ 15.02.1115	Urban Tree Requirements.
§ 15.02.1120	Green Zone Incentive Program.
§ 15.02.1125	Building Permit Fees and Inspections.

§ 15.02.1100 ESTABLISHMENT OF PROGRAM AND PURPOSE.

The City has established a Green Building Program, which shall be administered by the Building Safety Division pursuant to the provisions of this Subchapter. The purpose of the Green Building Program is to reduce the use of natural resources, create healthier living environments and minimize the negative impacts of development on local, regional and global ecosystems.

§ 15.02.1105 DEFINITIONS.

Terms defined herein shall have the following meanings when used in this Subchapter:

AIP – Phase I shall mean the West Washington Boulevard Area Improvement Plan – Phase I (located on West Washington Boulevard between Wade Street and Beethoven Street).

AIP – Phase II shall mean the West Washington Boulevard Area Improvement Plan – Phase II (located on West Washington Boulevard between Centinela Avenue and Colonial Avenue).

Applicant shall mean any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry or public or private corporation, or any other entity whatsoever that applies to the City for the applicable permits to undertake a Qualifying Project.

Building Official shall mean the Building Official of the City of Culver City or his or her designee.

Building Safety Division shall mean the City's Building Safety Division and its staff.

Category 1 Qualifying Project shall mean the construction or major renovation of any building or structure that requires a building permit and meets the criteria established in Section 15.02.1105.A.

Category 2 Qualifying Project shall mean the construction or major renovation of any building or structure that requires a building permit and meets the criteria established in Section 15.02.1105.B.

CCMC shall mean the Culver City Municipal Code.

City shall mean the City of Culver City.

Director shall mean the Community Development Director of the City of Culver City or his or her designee.

LEED® shall mean Leadership in Energy and Environmental Design, a rating system put forth by the U.S. Green Building Council that is the nationally accepted benchmark for the design, construction and operation of high performance green buildings.

LEED®-AP shall mean a person who has been designated a LEED® Accredited Professional by the Green Building Certification Institute (GBCI).

Major renovation shall mean any change, addition or modification to an existing building, where the valuation of the change, addition or

modification is equal to at least fifty percent (50%) of the valuation of the existing building.

Project shall mean the Qualifying Project that is the subject of the permit application.

USGBC shall mean the U.S. Green Building Council.

§ 15.02.1110 REQUIREMENTS.

A. *Category 1 Qualifying Projects.* All new buildings of 49,999 square feet or less of gross floor area and major renovations to existing buildings of 49,999 square feet or less of gross floor area, shall comply with a minimum of 20 of the following items:

1. Heating, ventilating and air conditioning (HVAC) units shall have a minimum seasonal energy efficiency rating (SEER) of 17;

2. Gas heating units shall be a minimum of 93% energy efficient;

3. All heating and cooling ducts shall be located within the space to be heated and cooled;

4. Roof and floor structures abutting an exterior space shall be a minimum value of R-38 (thermal resistance value); and all exterior walls shall be a minimum value of R-28;

5. Radiant barriers shall be installed under all new roof sheathing;

6. All new exterior glass shall be a minimum value of U.35 (measure of heat conducting properties) and a minimum value of .30 SHGC (solar heat gain coefficient);

7. Low slope roofs shall be a minimum value of 75% SRI (solar reflectance index);

8. Exterior shading shall be provided over all west, south and east facing exterior glass. Where exterior shading is infeasible, all new exterior glass shall be a minimum value of U.32 and a minimum value of .27 SHGC;

9. All new interior and exterior lighting shall be fluorescent, LED or other type of high efficiency lighting;

10. All new lighting installed in restroom or bathroom areas shall be fluorescent, LED or other type of high efficiency lighting and shall be motion sensor controlled. All new exhaust fans installed in restroom or bathroom areas shall be motion sensor controlled;

11. All new lighting installed in any corridor, entryway or other typically unoccupied space shall be fluorescent, LED or other type of high efficiency lighting and shall be motion sensor controlled. Minimum base level lighting shall be permitted;

12. All new lighting installed in a garage or parking structure shall be motion sensor controlled. Minimum base level lighting shall be permitted;

13. Water closets shall be dual flush models;

14. Urinals shall be waterless models;

15. Water heaters installed for the heating of water in residential units shall be tankless models;

16. Two two-inch electrical conduits shall be installed from the roof to the electrical panels for future solar photovoltaic installation for each unit in residential and commercial buildings. (Qualifying Projects that are subject to the provisions of CCMC Section 15.02.1005, may not use this item toward satisfying the requirements of this Section.);

17. A 20 square feet area to house recyclable material containers shall be provided. This requirement shall be in addition to any other CCMC requirements related to solid waste and recyclable material containers;

18. Multistory buildings shall provide separate trash chutes for recyclable and non-recyclable materials and waste. Such chutes shall discharge directly into separate recyclable and non-recyclable materials and waste containers. This requirement shall be in addition to any other CCMC requirements related to trash chutes;

19. One duplex weather proof (WP) ground fault circuit interrupter (GFCI) outlet shall be installed for every eight parking spaces to be utilized for future electric "plug-in" vehicles.

20. All doors leading from heated or cooled spaces to non-heated and non-cooled spaces shall be insulated doors and shall include weather-stripping and adequate closers.

21. Any new on-site, ground-level paving, which is open to the sky, shall be permeable.

22. All on-site landscaping shall be low-water, drought tolerant. All irrigation shall be bubbler systems.

23. All wood floor and roof structures shall be constructed with 90% engineered lumber.

24. A minimum of 50% of the overall building insulation shall be formaldehyde free and recycled content. A minimum aggregate of 60% of the wall, ceiling, and floor insulation shall be cellulose, cotton ball, or bio-based foam.

25. 1kw of solar photovoltaic power shall be installed. (Qualifying Projects that are subject to the provisions of CCMC Section

15.02.1005 may not use this item toward satisfying the requirements of this Section.).

B. *Category 2 Qualifying Projects.* All new buildings of 50,000 square feet or more of gross floor area and major renovations to existing buildings of 50,000 square feet or more of gross floor area, shall comply with the following requirements:

1. Prior to the issuance of a building permit, Applicant shall submit the following:

a. Evidence that a LEED®-AP is one of the members of the Project team.

b. Evidence that the Project has been registered with USGBC's LEED® program.

c. A LEED® checklist, including points allocated to the "Innovation and Design" category, which demonstrates that the Project meets the selected LEED® Rating System at the "Certified" level or higher.

d. A signed declaration from the LEED®-AP member of the Project team, stating that the plans and plan details have been reviewed and the Project meets the intent of the criteria for certification of the selected LEED® Rating System at the "Certified" level or higher.

2. The Project shall comply with USGBC's "3 point margin of error" for LEED® certification.

3. Applicant shall submit to the Building Official copies of all correspondence between the Applicant and USGBC regarding the Project.

C. *Green Building Checklist.* A green building checklist, on a form approved by the Building Official, shall be completed and submitted prior to construction of a Category 1 Qualifying Project.

D. *Exceptions.* This Section shall not apply to one and two family residences.

§ 15.02.1115 URBAN TREE REQUIREMENTS.

Applicants of any Qualifying Project must comply with the following:

A. When feasible, all existing on-site trees with a trunk diameter of 2" or greater shall be preserved or replaced with trees of comparable size per the recommendations of the Culver City Parks Manager.

B. When feasible, all existing street trees with a trunk diameter of 2" or greater shall be preserved or replaced with trees of comparable size per the recommendations of the Culver City City Engineer.

§ 15.02.1120 GREEN ZONE INCENTIVE PROGRAM.

A. Subject to approval by the Director, plan check and permit fees in an amount not to exceed Five Thousand Dollars ($5,000) may be waived for Category 1 and Category 2 Qualifying Projects, which comply with the requirements of this Subchapter and are located in AIP – Phase I and AIP – Phase II areas.

B. The aggregate amount of fee waivers for the Green Zone Incentive Program shall not exceed the amount, if any, appropriated for such purpose by the Culver City City Council or the Culver City Redevelopment Agency.

C. Fee waivers shall be granted on a first come, first served basis.

D. The Green Zone Incentive Program, as set forth in this Section, shall remain in effect until _____, 2014, and as of that date is

repealed, unless a later enacted statute, enacted before _____, 2014, deletes or extends that date.

§ 15.02.1125 INSPECTIONS AND ENFORCEMENT.

A. No final inspection shall be approved for a Project subject to the requirements of this Subchapter, nor shall a temporary or final certificate of occupancy be issued for such Project, until such time as the requirements of this Subchapter have been satisfied, as determined by final inspection of the Building Safety Division.

B. The Building Safety Division may issue field correction notices and/or stop work orders on a Project for non-compliance with the requirements of this Subchapter.

C. The provisions of this Subchapter may be enforced through any or all available remedies provided in the CCMC.

SECTION 2. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three places within the City.

SECTION 3. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently

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adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____ day of _____, 2009.

D. SCOTT MALSIN, Mayor
City of Culver City, California

ATTEST:

MARTIN R. COLE, City Clerk

APPROVED AS TO FORM:

for CAROL A. SCHWAB, City Attorney