

MEETING DATE: 02/11/08
AGENDA ITEM: Adoption of an Ordinance Establishing a Mandatory 1 Kw
Solar Photovoltaic Requirement for Each 10,000 Square Feet
of Gross Floor Area of New Construction for Commercial and
Multi-Family Projects.

ATTACHMENTS

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ATTACHMENT 1

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, AMENDING CHAPTER 15.02 OF THE CULVER CITY MUNICIPAL CODE TO ADD SUBCHAPTER 15.02.1000, *et seq.*, ESTABLISHING A MANDATORY 1KW SOLAR PHOTOVOLTAIC REQUIREMENT PER 10,000 SQUARE FEET OF GROSS FLOOR AREA OF NEW CONSTRUCTION.

WHEREAS, California Health and Safety Code §13146 requires local jurisdictions to enforce the California Code of Regulations (CCR), Title 24, also known as the California Building Standards Code; and

WHEREAS, California Health and Safety Code § 17958(a) allows local jurisdictions to establish more restrictive building standards than those contained in the California Building Standards Code, if the amendment is reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, California Public Resources Code §25402.1 states that a local agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission ("CEC"); and

WHEREAS, energy efficiency is an important part of a sustainable Culver City, and Culver City is part of the greater Los Angeles Basin, which climate and topography are known to trap air pollutants that are known to be harmful to human health; and

WHEREAS, solar photovoltaic power generation consumes no fossil fuels, generates no air pollution and will therefore increase energy efficiency and will reduce air pollution in the Los Angeles Basin and Culver City; and

WHEREAS, the City Council of the City of Culver City desires to establish a

mandatory 1kw solar photovoltaic requirement per 10,000 square feet of new construction for commercial and multi-family projects; and

WHEREAS, on June 21, 2007, the CEC approved the City's application for a "Locally Adopted Energy Standard" for a mandatory 1kw solar photovoltaic requirement per 10,000 square feet of new construction for commercial and multi-family projects.

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 15.02.1000, *et seq.* as follows:

SOLAR PHOTOVOLTAIC SYSTEMS

§15.02.1000	Definitions.
§15.02.1005	Requirement.
§ 15.02.1010	Exceptions.
§ 15.02.1015	Building Permit Fees and Inspections.

§ 15.02.1000 DEFINITIONS.

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

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

California Energy Efficiency Standards shall mean the California Energy Efficiency Standards set forth in Title 24, Part 6 of the California Code of Regulations.

City shall mean the City of Culver City.

Director shall mean the Community Development Director of the City

1 of Culver City or his or her designee.

2 ***Solar Photovoltaic System*** shall mean a system that generates
3 electricity from the sun.

4 **§ 15.02.1005 REQUIREMENT.**

5 All new buildings of 10,000 square feet or more of gross floor area,
6 excluding one and two family residences, parking structures, garages, and
7 renovations or additions to existing buildings, shall be equipped with a 1kw
8 solar photovoltaic system per each 10,000 square feet of gross floor area, or
9 fraction thereof. For qualifying projects, the number of panels required for
10 any given system shall be the total required energy production of the project,
11 divided by the energy production capability of a single panel as specified on
12 the project. When calculating the number of panels required, fractional
13 panels equal to or greater than one half shall be rounded up to the nearest
14 whole number; fractional panels less than one half shall be rounded down to
15 the nearest whole number.

16 **§ 15.02.1010 EXCEPTIONS.**

17 Upon the written approval of the Director, An applicant who is unable
18 to install the required solar photovoltaic system due to the configuration of the
19 proposed construction project shall comply with one of the following options
20 in order to satisfy the requirements set forth in Section 15.02.1005:

21 A. *In-lieu Fee.* An applicant shall pay an in lieu fee in an amount
22 equal to the cost of a solar photovoltaic system installed in a comparable
23 project. Fees generated from in lieu payments pursuant to this subsection,
24 shall be appropriated and disbursed only for solar photovoltaic designs and
25 installations on City ~~properties~~ buildings or facilities. The amount and
26 process for the collection, utilization and return of fees contemplated by this
27 Section shall be established by resolution of the City Council.
28

1 B. *Alternate Location.* An applicant shall install a solar
2 photovoltaic system equivalent to a system installed in a comparable project
3 on another building located in Culver City owned by the applicant.

4 **§ 15.02.1015 BUILDING PERMIT FEES AND INSPECTIONS.**

5 A. All ~~p~~Plan check and permit fees in an amount not to exceed
6 Five Thousand Dollars (\$5,000) shall be waived for solar photovoltaic
7 installations. This subsection, 15.02.1015.A, shall remain in effect until
8 March 12, 2018, and as of that date is repealed, unless a later enacted
9 statute, enacted before March 12, 2018, deletes or extends that date.

10 B. The value of the required solar photovoltaic system shall not be
11 required to be included in the overall construction valuation of the project for
12 the purposes of determining building permit fees.

13 C. No final inspection shall be approved for a construction project
14 subject to the requirements of this Subchapter, nor shall a temporary or final
15 certificate of occupancy be issued for such project, prior to the installation of
16 the solar photovoltaic system being completed, inspected and fully
17 operational, unless otherwise excepted pursuant to Section 15.02.1010.

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

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1 **SECTION 3.** The City Council hereby declares that, if any provision, section,
2 subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared
3 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
4 reason of any preemptive legislation, then the City Council would have independently
5 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
6 or words of this ordinance and as such they shall remain in full force and effect.

7
8 **APPROVED AND ADOPTED** this ____ day of _____, 2008.

9
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11 _____
12 ALAN CORLIN, Mayor
13 City of Culver City, California

14 ATTEST:

APPROVED AS TO FORM:

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16
17 _____
18 CHRISTOPHER ARMENTA, City Clerk

19
20
21 _____
22 CAROL A. SCHWAB, City Attorney

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APPROVED AND ADOPTED this _____ day of _____, 2008.

ALAN CORLIN, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

CHRISTOPHER ARMENTA, City Clerk

CAROL A. SCHWAB, City Attorney.