

**MEETING DATE:** January 22, 2008

**AGENDA ITEM:** Introduction 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**

|                                                    | <u>Pages</u> |
|----------------------------------------------------|--------------|
| 1. Staff Report of June 18, 2007                   | 1-6          |
| 2. Staff Report of July 16, 2007                   | 7-14         |
| 3. Application to the California Energy Commission | 15-21        |
| 4. Proposed Ordinance                              | 22-26        |

**ORDINANCE NO. 2007-\_\_\_\_\_**

**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.

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

**§ 15.02.1005            REQUIREMENT.**

All new buildings of 10,000 square feet or more of gross floor area, excluding one and two family residences, parking structures, garages, and renovations or additions to existing buildings, shall be equipped with a 1kw solar photovoltaic system per each 10,000 square feet of gross floor area, or fraction thereof. Fractioned requirements may be rounded down within 200w to comply with the provisions of this Section.

**§ 15.02.1010                    EXCEPTIONS.**

An applicant who is unable to install the required solar photovoltaic system due to the configuration of the proposed construction project shall comply with one of the following options in order to satisfy the requirements set forth in Section 15.02.1005:

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

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

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

A.     All plan check and permit fees shall be waived for solar photovoltaic installations.

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

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

**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 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 \_\_\_\_\_, 2007.

\_\_\_\_\_

California

ATTEST:

\_\_\_\_\_

CHRISTOPHER ARMENTA, City Clerk  
Attorney

\_\_\_\_\_

ALAN CORLIN, Mayor  
City of Culver City,

APPROVED AS TO FORM:

\_\_\_\_\_

CAROL A. SCHWAB, City