

ORDINANCE NO. 2003-185

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA, AMENDING THE CALABASAS MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT TO MITIGATE ADVERSE ENVIRONMENTAL IMPACTS.

THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

Section 1. Findings and Recitals. The City Council of the City of Calabasas hereby finds and declares that:

A. The development of buildings, facilities and leaseholds can have a significant positive effect on the City's environment.

B. According to recent studies published by the United States Green Building Council, as found in Building Momentum – National Trends and Prospects for High Performance, February 2003, the construction, demolition and operation of buildings in the United States collectively consume up to 37% of the total energy used, 12% of all fresh water supplies, and 40% of all raw materials used in the United States. United States buildings also generate 36% of total emissions of anthropogenic carbon dioxide, the primary greenhouse gas associated with global climactic change. Those buildings are also responsible for 46% of all sulfur dioxide emissions, 19% of nitrogen oxide emissions, and 10% of fine particulate emissions.

C. Building Momentum – National Trends and Prospects for High Performance also explains that empirical studies clearly indicate that buildings with good overall environmental quality, including effective ventilation, natural lighting or proper levels of artificial lighting, high indoor air quality, and good acoustics, can increase worker productivity and reduce employee absenteeism by creating a healthier environment.

D. Calabasas seeks to minimize local ecological degradation (habitat, air, soil, and water) by enhancing and protecting natural habitats through efficient site and design, sustainable construction practices, and building materials and operational practices which have lesser environmental impacts as compared to conventional development methods.

E. As indicated in the U.S. Census Bureau statistics, Calabasas's climate is primarily influenced by high temperatures (high 90-degree temperatures in the summers), a median elevation of approximately 800 feet, and an average rain fall of 13.6 inches. As a result, the City enjoys a climate with temperatures above the state average. This climate makes the City uniquely suited for buildings designed for sustainable development and healthy interiors. Also, the decreased use of materials and designs that degrade the natural environment will help protect local air and water quality for the benefit of the sensitive local fauna and flora in the City, the adjacent Santa Monica Mountains National Recreation Area and other ecologically sensitive areas in and near the City. Based on these local climatic conditions, the findings stated herein, and the need to protect the local environment through stricter development standards, the City Council finds that the additional zoning requirements herein are appropriate.

F. To effect the goals set out herein, the City of Calabasas reviewed various reputable green/sustainable technical manuals and rating systems, particularly the Leadership in Energy and Environmental Design (LEED) rating system, which is a consensus-based, market-driven green rating system developed by the U.S. Green Building Council. The LEED rating system is based on existing, proven technology to evaluate the relative environmental impacts of different development techniques. Projects employing LEED criteria to reduce environmental impacts of development seek to achieve a designation of certified, silver, gold or platinum, based on implementation of a range of activities and achievement of point credits within the following categories: Sustainable Sites (14 total points achievable), Energy and Atmosphere (17 points), Water Efficiency (5 points), Materials and Resources (13 points), and Indoor Environmental Quality (15 points). An additional 5 points can be awarded for Innovation and the Design Process. Different levels of green certification are awarded based on the total points earned. The system is designed to be comprehensive in scope, yet simple in operation. Other cities have expended substantial resources and hired technical consultants to develop Green Development guidelines and rating systems. Considering the resources and time necessary to develop such guidelines, Calabasas decided to adopt a modified LEED green rating system, i.e., the "Calabasas-LEED" Green Rating System. The Calabasas-LEED system is, for the most part, identical to the U.S. Green Building Council's LEED Rating System. However, the Calabasas-LEED rating will be applied only to privately-owned and city-owned, new, non-residential developments in the City.

Section 2. Code Amendment. Article III of Title 17 of the Calabasas Municipal Code is hereby amended to adopt a new Chapter 17.34 to read as follows:

CHAPTER 17.34 GREEN DEVELOPMENT STANDARDS

17.34.010 STANDARDS

A. The city will use the Leadership in Energy and Environmental Design rating system, referred to herein as Calabasas-LEED, to assess the environmental sensitivity of new structures in the city that is subject to this chapter. The Calabasas-LEED system is the United States Green Building Council's LEED Rating System Version 2.0.

B. The development of all structures subject to this chapter shall be required to achieve the equivalent of the following Calabasas-LEED rating prior to issuance of a certificate of occupancy: structures up to 5,000 square feet must achieve at least a "Certified" rating and structures above 5,000 square feet must achieve at least a "Silver" rating.

C. The development of all structures subject to this chapter shall comply with all other applicable California laws and regulations. Such compliance shall not be qualified by any standard in this chapter.

17.34.020 APPLICABILITY

A. This chapter shall apply to the establishment, construction or replacement of privately-owned and city-owned, non-residential structures over five hundred (500) square feet.

B. Each applicant seeking approval of the development of a structure subject to this chapter shall submit a Calabasas-LEED application to the city, together with a fee in an amount established by resolution of the City Council to cover the cost of the city's review of the application.

C. The Director shall implement this chapter, and determine whether the development of a structure meets the applicable Calabasas-LEED standard and no permit, approval or other entitlement under this title, nor any certificate of occupancy under chapter 15.04 of this Code, may issue until such a determination is made. The director shall implement the Calabasas-LEED rating system so that nothing required therein shall alter any energy consumption or insulation standards established by the State of California or any of its agencies or commissions.

17.34.030 EXEMPTIONS.

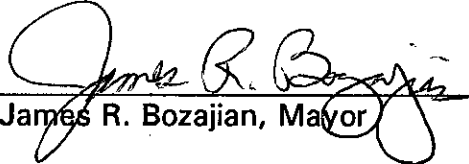
This chapter shall not apply to additions to existing structures of less than five hundred (500) square feet and remodels of existing structures which do not involve the creation of more than five hundred (500) square feet of new, usable interior space.

Section 3. Severability. If any provision, section, paragraph, sentence or word of this ordinance, or the application thereof to any person or circumstance, is rendered or declared invalid by any court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance, and the application of such to other persons or circumstances, shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date. This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

Section 5. Certification. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED, this 7th day of January, 2004.


James R. Bozajian, Mayor

ATTEST:


Mark Jomsky, Deputy City Clerk

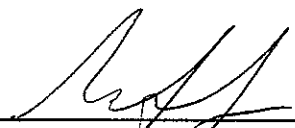
APPROVED AS TO FORM:


Michael G. Colantuono, City Attorney 1/7/04

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF CALABASAS)

I, **MARK JOMSKY**, Deputy City Clerk of the City of Calabasas, California, **DO HEREBY CERTIFY** that the foregoing ordinance, being **Ordinance No. 2003-185** was duly adopted by the City Council of the City of Calabasas, at a regular meeting of the City Council held January 7, 2004, and that it was adopted by the following vote, to wit:

- AYES:** Mayor Bozajian, Mayor pro Tem Harrison, Councilmembers Groveman, Washburn.
- NOES:** None.
- ABSTAIN:** None.
- ABSENT:** Councilmember Devine.



Mark Jomsky, Deputy City Clerk
City of Calabasas, California

Declaration of Posting

I, **MARK JOMSKY**, declare that I am an employee of the City of Calabasas, California; that on January 16, 2004 I posted copies of the attached passed and approved **ORDINANCE NO. 2003-185, AMENDING THE CALABASAS MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT TO MITIGATE ADVERSE ENVIRONMENTAL IMPACTS** declaring the vote of the Calabasas City Council at City Hall, Calabasas Tennis and Swim Center, Juan Bautista de Anza Park and Gelson's Market in the City of Calabasas.

I declare under penalty of perjury that the foregoing is true and correct. Executed in the City of Calabasas, County of Los Angeles, State of California this 16th day of January, 2004.



MARK JOMSKY
DEPUTY CITY CLERK

Declaration of Posting

I, **MARK JOMSKY**, declare that I am an employee of the City of Calabasas, California; that on December 3, 2003 five (5) days in advance of the City Council meeting of December 8, 2003, I posted **INTRODUCTION OF ORDINANCE NO. 2003-185, AMENDING THE CALABASAS MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT TO MITIGATE ADVERSE ENVIRONMENTAL IMPACTS** at City Hall, Calabasas Tennis and Swim Center, Juan Bautista de Anza Park and Gelson's Market in the City of Calabasas.

I declare under penalty of perjury that the foregoing is true and correct. Executed in the City of Calabasas, County of Los Angeles, State of California this 8th day of December, 2003.



MARK JOMSKY
DEPUTY CITY CLERK