

City Council Meeting 5-12-09

Santa Monica, California

ORDINANCE NUMBER (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE SECTIONS 9.04.10.02.220, 9.04.10.02.030, 9.04.10.02.070, 9.04.10.02.140, AND 9.04.10.02.180 PERTAINING TO SOLAR ENERGY SYSTEMS DESIGN STANDARDS AND RELATED PROVISIONS TO FACILITATE THE INSTALLATION OF SOLAR ENERGY SYSTEMS.

WHEREAS, the City has long encouraged the installation of solar energy systems; and

WHEREAS, on January 8, 2002, the City Council approved a permit fee waiver for solar energy systems; and

WHEREAS, on March 14, 2006, the City Council approved the Solar Santa Monica Program, which has a goal of meeting all citywide electricity needs through a combination of solar energy and energy efficiency by the year 2020; and

WHEREAS, on March 20, 2007, the City Council approved staff's recommendation to grant expedited status to applications for installation of solar energy systems; and

WHEREAS, the Sustainable City Plan has a target goal of providing 25% of citywide electricity use from renewable sources by 2010; and

WHEREAS, California Health and Safety Code Section 17959.1, and California Government Code Section 65850.5 provide that a City or County shall establish a procedure to administratively approve applications to install solar energy systems if the system meets all health and safety requirements of local, state, and federal law; and

WHEREAS, on October 1, 2008, the Planning Commission adopted a Resolution of Intention to initiate this Zoning Ordinance text amendment; and

WHEREAS, on November 5, 2008, the Planning Commission held a public hearing on the proposed text amendment and recommended to the City Council that it adopt the proposed amendment with certain specified modifications; and

WHEREAS, on March 4, 2009, the Planning Commission further discussed the proposed ordinance and suggested other modifications; and

WHEREAS, the City Council held a public hearing on this proposed ordinance on May 12, 2009; and

WHEREAS, the proposed ordinance is consistent in principle with the goals, objectives, policies, land uses and programs specified in the adopted General Plan in that the proposed amendments advance the Conservation Element (1975) goal calling for "Preservation of the ecological balance and natural resources of the city and conservation of the energies and materials without serious interference with community needs" and the objective to "encourage activities and efficient operations which favor energy conservation," and is consistent with the City's Historic Preservation Element which seeks to protect historic and cultural resources from inappropriate alterations and ensure compliance with the California Environmental Quality Act; and

WHEREAS, the City Council finds and declares that the public health, safety and general welfare require the adoption of the proposed ordinance in that the Zoning Ordinance modification will support the efforts of the Sustainable City Plan and the Solar Santa Monica program and facilitate installation of solar energy systems,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 9.04.10.02.220 hereby amended to read as follows:

9.04.10.02.220 Solar energy design standards.

This Section establishes ministerial development standards for solar energy systems applicable to all solar energy system installations. Notwithstanding Section 9.32.120, solar energy systems proposed on existing buildings shall be exempt from review and approval by the Architectural Review Board, provided that the installations meet the standards in this Section. Solar energy systems proposed as part of a larger construction project that requires Architectural Review Board approval shall be reviewed by the Architectural Review Board in accordance with the standards in this Section.

(a) As used in this Section, "solar energy system" means either of the following:

(1) Any solar collector or other solar energy device, certified pursuant to State law, along with its ancillary equipment, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

(2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

(b) Excluding solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.

(c) The height of solar energy systems is subject to the following standards:

(1) On single-family properties: Photovoltaic solar energy systems may extend up to five feet above the height limit in the zoning district. Solar water or swimming pool heating systems may extend up to seven feet above the height limit in the zoning district:

(2) On all other properties: Photovoltaic solar energy systems may extend up to five feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the district in which it is located. Solar water or swimming pool heating systems may extend up to seven feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the district in which it is located.

(d) Excluding solar collector panels, solar energy system equipment may be installed within the required side and rear yard but shall not be closer than two feet to any property line.

(e) Except on single-family properties, solar collector panels, their necessary support structure, and conduit, shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system as compared to a more visible location.

(1) For energy performance, “significantly decrease” shall be defined as decreasing the expected annual energy production by more than 10 percent.

(2) For the cost of solar energy systems, “significantly increase”

shall be defined as increasing the cost of a photovoltaic solar energy system by more than \$2000 or the cost of a solar water or swimming pool heating system by more than 20 percent.

(3) The review and determination of the cost or energy efficiency of installation alternatives shall be made by the City's Energy and Green Building Programs staff. The review and determination of the least visible alternative shall be made by the Architectural Review Board liaison.

(f) On a property containing a designated Landmark or contributing structure to a designated Historic District as defined in Section 9.36.030, solar energy systems that meet the criteria established in this section shall be permitted provided that a Certificate of Appropriateness is approved by the Landmarks Commission Liaison.

(g) Proposed solar energy installations on all property types that do not meet the standards set forth in this Section shall not be authorized unless approved by the Architectural Review Board in accordance with Chapter 9.32 prior to issuance of a building permit, except that such installations shall be approved by the Landmarks Commission in accordance with Chapter 9.36 when located on a property containing a designated Landmark or contributing structure to a designated Historic District. These reviewing bodies may authorize installations that exceed the height limit in the applicable zoning district by a maximum of 14 feet.

SECTION 2. Santa Monica Municipal Code Section 9.04.10.02.030 is hereby amended to read as follows:

9.04.10.02.030 Building height and exceptions to height limit.

(a) The maximum allowable height shall be measured vertically from the average natural grade elevation to the highest point of the roof. However, in connection with development projects in the Ocean Park, R2, R3, and R4 Districts, building height shall be measured vertically from the theoretical grade to the highest point of the roof.

(b) The following shall be permitted to exceed the height limit in all zoning districts except the R1 District:

(1) Vents, stacks, ducts, skylights and steeples provided such projections do not extend more than five feet above the permitted height in the District.

(2) Legally required parapets, fire separation walls, and open work safety guard rails that do not exceed forty-two inches in height.

(3) Elevator shafts, stairwells, or mechanical room enclosures above the roofline if:

a. The enclosure is used exclusively for housing the elevator, mechanical equipment, or stairs.

b. The elevator shaft does not exceed fourteen feet in height above the roofline and the stairwell enclosure does not exceed fourteen feet in height above the height permitted in the district.

c. The area of all enclosures and other structures identified in Section 9.04.10.02.030(b)(1) that extend above the roofline shall not exceed twenty-five percent of the roof area. This limitation shall not apply to solar energy systems.

d. The mechanical equipment is screened in conformance with Section 9.04.10.02.140.

e. The mechanical equipment enclosure does not exceed twelve feet in height above the height permitted in the district.

(4) The screening required pursuant to the provisions of Section 9.04.10.02.140 of tanks, ventilating fans, or other mechanical equipment required to operate and maintain the building provided the total area enclosed by all screening does not exceed thirty percent of the roof area.

(c) The following shall be permitted to exceed the height limit in all zoning districts:

(1) Chimneys may extend no more than five feet above the permitted height in the district;

(2) Solar energy systems pursuant to Section 9.04.10.02.220.

(3) One standard television receive-only nonparabolic antenna and one vertical whip antenna may extend no more than twenty-five feet above the roofline, provided that they are not located between the face of the main building and any public street or in any required front or side yard setback. All other antennas shall be subject to the provisions of Part 9.04.10.06.

SECTION 3. Santa Monica Municipal Code Section 9.04.10.02.070 is hereby amended to read as follows:

9.04.10.02.070 Reflective materials.

No more than twenty-five percent of the surface area of any façade on any new building or addition to an existing building shall contain black or mirrored glass or other mirror-like material that is highly reflective. Materials for roofing shall be of a nonreflective nature. The foregoing requirements of this Section shall not apply to solar energy systems; the design of solar energy systems shall be subject to the standards set forth in Section 9.04.10.02.220. At least fifty percent of the ground floor façade on the primary street frontage in the C2, C3, N, and C3-C Districts shall provide visibility to the interior of the building. Glazing on the ground floor street frontage façade shall be clear glass.

SECTION 4. Santa Monica Municipal Code Section 9.04.10.02.140 is hereby amended to read as follows:

9.04.10.02.140 Screening mechanical equipment.

Other than solar energy systems as defined in Section 9.04.10.02.220, all mechanical equipment that extends more than twelve inches above the roof parapet shall be screened from view. Equipment shall be screened from a horizontal plane on all sides with an impact resistant wall.

SECTION 5. Santa Monica Municipal Code Section 9.04.10.02.180 is hereby amended to read as follows:

9.04.10.02.180 Projections permitted into required yards.

Except as provided in Sections 9.04.08.02.075 and 9.04.08.02.076, the following chart sets forth the allowances for various projections permitted into the required yards in residential, industrial, and commercial districts. Projections shall not be permitted closer than four

feet to any property line. Projections permitted for solar energy systems shall comply with Section 9.04.10.02.220(d).

Projections as listed below into existing, non-conforming yard areas shall be permitted only if the projection does not extend closer to the property line than would be permitted if the yard area conformed to current standards. The various types of projections and the limitations on such projections into required yards are as follows:

Projections	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard
Eaves, awnings, canopies, sun shades, sills, cornices, belt courses, trellises, arbors, and other similar architectural features	30"	30"	18"	4'
Flues, chimneys, water heater enclosures, and similar vertical architectural projects not more than 5' wide parallel to the side yard and that do not exceed 20% of the façade width	18"	18"	18"	18"
	12"	12"	12"	12"
	For structures with conforming setbacks			
	For structures with non-conforming set-backs			
Patios, porches, platforms, decks, unexcavated side yard area, and other unenclosed areas not covered by a roof or canopy and that may be raised above the level of the adjacent grade but do not extend more than 3' above the average natural grade	6'	6'	No Limit	6'
Balconies, and stairways that are open, unenclosed on at least two sides	30"	30"	0'	4'
Greenhouse windows and bay windows that are not greater than 6' wide parallel to the side yard	18"	18"	18"	18"
	Provided the structure has a conforming setback			
Required fire escapes	Not permitted		12" or 2" per 1' of required side yard whichever is greater	4'
Porte cochere not more than 20' long and open on three sides except for necessary structural supports and not more than 16 feet in height.	Not permitted in front yard. Permitted in side and rear yard.			

Mail box canopy not more than 10' long.	30"	30"	30"	4'
Recreational vehicle storage, central air conditioning, swimming pool, spa equipment.	Not permitted in front or side yard areas. Permitted anywhere in rear yard area.			
Second floor decks, patios, or balconies, covered or uncovered, adjacent to primary living spaces in OP-Districts.	30"	30"	30"	4'

SECTION 6. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 7. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

 MARSHA JONES MOUTRIE
 City Attorney