City of Aliso Viejo

Agenda Item

DATE: March 1, 2017

TO: Mayor and City Council

FROM: Mitzi Ortiz, City Clerk

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE TO UPDATE CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING REQUIREMENTS

Recommendation:

Conduct second reading and adopt Ordinance entitled:

AN ORDINANCE OF THE CITY COUNCIL OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 7.15 OF THE ALISO VIEJO MUNICIPAL CODE PERTAINING TO CONSTRUCTION OR DEMOLITION DEBRIS.

Summary:

On February 15, 2017, the City Council unanimously approved the introduction and first reading of the subject Ordinance. No public comments were received for this item. The Ordinance will take effect 30 days after adoption.

Mitzi Ortiz, MMC
City Clerk

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL

David A. Doyle
City Manager

Attachment: Ordinance
ORDINANCE NO. 2017 - ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA AMENDING CHAPTER 7.15 OF THE ALISO VIEJO MUNICIPAL CODE PERTAINING TO CONSTRUCTION OR DEMOLITION DEBRIS

WHEREAS, the City recently adopted the 2016 Edition of the California Green Building Standards Code through Ordinance No. 2017-183 pursuant to section 50022.2 et seq. of the Government Code; and

WHEREAS, the California Green Building Standards Code requires that 65 percent of construction and demolition debris be recycled; and

WHEREAS, the California Green Building Standards Code provides a safe harbor for projects that fall below a particular weight threshold; and

WHEREAS, Chapter 7.15 of the Aliso Viejo Municipal does not currently incorporate the new standards set forth in the California Green Building Standards Code; and

WHEREAS, the City Council desires to amend Chapter 7.15 to harmonize the Municipal Code with the construction and demolition debris recycling requirements and safe harbor provision of the California Green Building Standards Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ALISO VIEJO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 7.15.020 of Chapter 7.15 of the Aliso Viejo Municipal Code is hereby amended to include the following definition between “Exempt project” and “Project valuation”:

“Excaed soil and land clearing debris” means construction and demolition debris composed of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing.

SECTION 2. Section 7.15.030 of Chapter 7.15 of the Aliso Viejo Municipal Code is hereby amended, in its entirety, to read as follows:

7.15.030 Minimum construction or demolition debris diversion requirements.

A. Except as set forth below, every covered project shall recycle, reuse or divert from the landfills or disposal sites 65 percent, measured by tonnage, of all construction or demolition debris generated from the project. The 65 percent requirement shall apply separately to the demolition and the construction/remodeling portion of projects involving both demolition and construction/remodeling.
B. Projects that generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed 2 pounds per square foot of the building area, shall be deemed to meet the minimum 65 percent construction waste reduction requirement.

C. Projects involving low-rise residential buildings (Occupancy Group R and three stories or less) that generate a total combined weight of construction and demolition waste disposed of in landfills, which do not exceed 3.4 pounds per square foot of the building area, shall be deemed to meet the minimum 65 percent construction waste reduction requirement.

D. To the extent applicable, nonresidential projects shall comply with the universal waste requirements in the Green Building Standards Code.

SECTION 3. Section 7.15.040 of Chapter 7.15 of the Aliso Viejo Municipal Code is hereby amended, in its entirety, to read as follows:

7.15.040 Condition precedent to issuance of building or demolition permit.

As a part of any application for, and prior to the issuance of, any building or demolition permit for a covered project, every applicant shall submit to the building official a properly completed “recycling and waste reduction form,” on a form as prescribed by the building official. The form shall contain an accurate estimate of the tonnage or other specified units of construction or demolition debris to be generated from the proposed construction, remodeling or demolition project, the type of materials, whether materials will be sorted on-site or bulk mixed, whether diverted materials will be calculated by weight or volume (and not both), the location of any diversion facilities and any other information required by the Green Building Standards Code. An applicant shall not be issued a building or demolition permit until the building official accepts the recycling and waste reduction form as complete and accurate.

SECTION 4. Section 7.15.070 of Chapter 7.15 of the Aliso Viejo Municipal Code is hereby amended, in its entirety, to read as follows:

7.15.070 On-site practices.

During the term of any covered project, the applicant or contractor shall recycle, reuse or divert the required percentages of construction or demolition debris, and keep records thereof in tonnage or in other measurements approved by the building official that can be converted to tonnage. The Director of Public Works shall evaluate and monitor each project to gauge the percentage of construction or demolition debris recycled, reused or diverted from the project. The required minimum percentages of the construction or demolition debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. The applicant or contractor shall utilize a City authorized waste management company as necessary to ensure that it maintains verifiable documentation.
SECTION 5. Section 7.15.090 of Chapter 7.15 of the Aliso Viejo Municipal Code is hereby amended, in its entirety, to read as follows:

7.15.090 Exempt projects.

Projects or phases of projects solely involving excavated soil and land clearing debris shall not be subject to this chapter. Except that excavated soil and land clearing debris resulting primarily from land clearing at non-residential projects shall be reused or recycled as required by the Green Building Standards Code.

SECTION 6. This Ordinance is enacted to mitigate environmental harms associated with a failure to recycle construction or demolition debris. Therefore, it can be seen with certainty that adoption of this Ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 7. If any portion of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 8. The City Clerk shall certify to the passage of this Ordinance and cause to be published a summary of this Ordinance five (5) days prior to the date of adoption of this Ordinance, and, within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED this 1st day of March, 2017.

__________________________
David C. Harrington
Mayor

APPROVED AS TO FORM: ATTEST:

__________________________  _______________ ___________
Scott C. Smith, City Attorney  Mitzi Ortiz, MMC, City Clerk
I, MITZI ORTIZ, City Clerk of the City of Aliso Viejo, California, DO HEREBY CERTIFY that foregoing Ordinance No. 2017-___ was duly passed and adopted by the City Council of the City of Aliso Viejo at their regular meeting held on the 1st day of March, 2017, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

MITZI ORTIZ, MMC
CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 2017-___ duly passed and adopted by the Aliso Viejo City Council at its regular meeting held March 1, 2017 and that the Summary of the Ordinance was published on February 23, 2017 and ______________, 2017 in the Aliso Viejo News.

MITZI ORTIZ, MMC
CITY CLERK

(SEAL)