

INITIATIVE ORDINANCE NO. 10-11

(Measure S - Approved by the Voters on November 2, 2010)

AN ORDINANCE OF THE CITY OF IRVINE RATIFYING AND IMPLEMENTING POLICIES RELATING TO RENEWABLE ENERGY AND ENVIRONMENTAL PROGRAMS FOR A SUSTAINABLE COMMUNITY

The people of the City of Irvine do ordain as follows:

Section 1. Title. This Ordinance shall be known and referred to as the Irvine Sustainable Community Initiative.

Section 2. Purpose. This Ordinance is adopted to ratify and implement policies in support of renewable energy and environmental programs for a sustainable community.

Section 3. Recitals. It is found and declared that:

A. The City of Irvine is recognized as one of America's safest and most successful master planned communities. Among the many unique characteristics of Irvine are the core community values that result in the City's history of environmental stewardship, taking steps to preserve open space, protecting the natural environment, and developing a community that fosters well planned living, recreational, educational and work environments.

B. The City of Irvine has demonstrated its ongoing commitment to the environment, reflecting the values of the Irvine community, through its leadership in numerous endeavors, including: the City's creation of Orange County's first comprehensive "Green Building Program;" the City's early adoption of the State of California's Green Building Code; City Council adoption of a resolution committing to building new city facilities greater than 5,000 square feet to Leadership in Environment and Energy Design (LEED); the Mayor of Irvine signing the US Conference of Mayors Climate Protection Agreement; the City's 2008 adoption of an Energy Plan, consistent with the carbon emission goals of AB 32, California's Global Warming Solutions Act of 2008; and the City's creation of a Green Ribbon Environmental Committee comprised of appointed citizens.

C. In 1988, Irvine voters overwhelmingly approved the historic Open Space Initiative, which set the stage for the ongoing protection of more than 16,000-acres of parks and open space, while at the same time accommodating phased and master planned growth. The City of Irvine's Open Space Preserve is part of the City's protected natural open spaces. The Preserve is made up of native habitats, including wetlands, oak woodlands and extremely rare coastal sage scrub habitat, and is home to some of the most biologically diverse natural communities in the world. The City

committed to protect and manage this land in exchange for creating housing and economic growth in other areas. Protecting the rare natural environmental resources that are found in Irvine is a top priority and core value of the citizens of Irvine.

D. In 1989, the City of Irvine was the first municipality in the United States to adopt an ordinance governing the manufacture, distribution, sale and recycling of chlorofluorocarbons (CFCs) and halons, which, when discharged into the environment, deplete the Earth's protective ozone layer.

E. The City of Irvine General Plan, Municipal Code and adopted building codes include policies that encourage energy and water conservation through the incorporation of innovative building systems. Green building practices reduce energy and water use, encourage the use of renewable energy sources, and the use of recycled-content and non-toxic building materials.

F. A growing number of cities in the State of California and nationally have adopted sustainable community practices relative to green building, smart growth, climate change and energy policies in response to greater concern for the health, energy costs, dependence on fossil fuels and related impacts on the environment.

G. The long-term growth and economic health of not only the City of Irvine, but also the State of California, is dependent on preserving natural resources, minimizing or eliminating detrimental impacts to the environment, and developing sustainable communities through smart-growth planning principles that encourage job growth in emerging energy and building technologies.

Section 4. The City of Irvine shall:

A. Continue to develop and implement programs to encourage:

- 1) Green building practices for new and retrofitted buildings and homes in the city, such as those rated or certified by Energy Star, Leadership in Environmental and Energy Design (LEED), Build It Green or other comparable programs that address energy and water conservation, renewable energy and use of recycled materials.
- 2) Business development of innovative technologies related, but not limited to renewable energy, energy conservation, water conservation and recycling, recycled content products and alternative fuel transportation.
- 3) Support to local businesses for job creation, education and training of employees for green technologies, energy conservation and related programs.
- 4) Loan programs to enable participation in residential or commercial building retrofits for energy conservation, renewable energy and related improvements.

- 5) Waiver, reduction or deferral of permitting, building plan check and inspection fees for certain energy efficiency or renewable energy improvements, including but not limited to installation of solar energy systems.
- 6) Participation in alternative transportation modes, including but not limited to alternate fuel, reduced emission or zero emission vehicles, mass transit services, carpooling, bicycling, and walking.
- 7) Recycling, zero waste or other innovative on-site business programs to divert waste from landfills.
- 8) Use of native, California-friendly and drought-tolerant landscaping.

B. Implement a comprehensive Sustainability Plan for the Orange County Great Park, addressing the following key sustainable community principles, among others:

- 1) Biodiversity - to provide ecological habitats and wildlife connections to enhance the region and reflect the local natural heritage.
- 2) Connection to Nature - to bring recreational and environmental education opportunities into the greater Orange County area.
- 3) Land Diversity - to implement sustainable agricultural management practices.
- 4) Air Quality - to improve the air quality of both internal and external environments.
- 5) Water – to protect and conserve both natural and potable water resources.
- 6) Well Being – to protect and improve health and productivity
- 7) Energy – to reduce the use of fossil fuels and emissions of greenhouse gasses.
- 8) Materials – to minimize the impact of construction materials and the generation of waste.
- 9) Transit-Oriented – to provide a transit-oriented development for the surrounding community with less-polluting transportation choices and connections within and beyond the Great Park.
- 10) Urban Forestry – to develop a Sustainable Urban Forestry Program.
- 11) Green Building – to commit to the City’s adopted green building standards for new construction.
- 12) Monitoring – to incorporate ongoing measurements and monitoring of key sustainability metrics.

Section 5. Effective date. This Ordinance shall go into effect ten (10) days after the date on which the election results are declared by the City Council.

Section 6. Construction. To the maximum extent authorized by law, this Ordinance shall be interpreted in a manner consistent with the right of initiative reserved

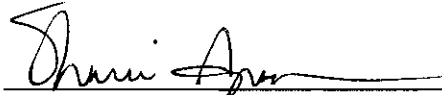
to the people by the California Constitution.

Section 7. Future amendments. Pursuant to article II, section 10(c) of the California Constitution, the provisions contained in this Ordinance may be amended by a four-fifths vote of the City Council only to the extent such amendments further or expand the intent and objectives set forth in this Ordinance. All other amendments or any proposed repeal of the provisions contained in this Ordinance shall become effective only when approved by the voters.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that determination of invalidity shall not affect other provisions or application of the Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable. The voters of the City hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

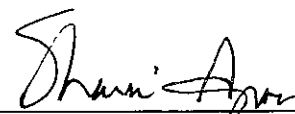
ADOPTED by the vote of the people of the City of Irvine on November 2, 2010 at a General Municipal Election as certified by the City Council of the City of Irvine on the 14th day of December, 2010, and becomes effective ten (10) days thereafter on December 24, 2010.

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, DO HEREBY CERTIFY that the foregoing Ordinance No. 10-11 was adopted by the voters of the City of Irvine as Initiative Measure S at an election held on November 2, 2010, as certified by the City Council of the City of Irvine on the 14th day of December, 2010, and that the ordinance becomes effective ten (10) days thereafter on December 24, 2010.


CITY CLERK OF THE CITY OF IRVINE