

ORDINANCE NO. ____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY, CA,
ADDING SECTION 460 "GREEN BUILDING PROGRAM" TO THE ALAMEDA
COUNTY MUNICIPAL CODE CHAPTER 15.08, BUILDING CODE.**

WHEREAS, the Alameda County Board of Supervisors has identified sustainability as one of its adopted goals; and

WHEREAS, green building is a key component to sustainability; and

WHEREAS, in April 2003, the County Board of Supervisors adopted and added Chapter 4.38 Green Building Ordinance (Ord. # 2003-63), in requiring that County projects meet specific green building standards LEED "Silver" rating; and

WHEREAS, the building sector accounts for almost half of all greenhouse gas emissions in the U.S. annually. The design, construction, and maintenance of buildings and structures within the County can have a significant impact on the County's environmental sustainability, green house gas emissions, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the County. The largest contributor to green house gases in a building is the energy consumption. Construction and demolition waste recycling produces significant CO₂ emissions savings for the building and community; and

WHEREAS, Stopwaste.org is the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board, which is committed to achieving a 75% and beyond diversion goal by 2010 and promoting sustainable consumption and disposal patterns; and

WHEREAS, provisions of the California Building Standards Law preempt local governments from setting building standards different from those set forth in the state code, except where "reasonably necessary because of local climatic, geological, or topographical conditions", and modifications to the 2005 California Building Energy Efficiency Standards are reasonably necessary due to local climatic conditions. Green Building requirements will incrementally reduce energy usage, creating a net benefit to public safety; and

WHEREAS, rapidly accelerating climate change, which is caused by greenhouse gas (GHG) emissions and carbon, is now fueling dangerous regional and global environmental events. Data from the U.S. Energy Information Administration illustrates that buildings are responsible for almost half (48%) of all GHG emissions annually. Seventy-six percent of all electricity generated by US power plants goes to supply the Building Sector. Therefore, immediate action in the Building Sector is essential to help avoid hazardous climate change; and

WHEREAS, building green is one of the best strategies for meeting the challenge of climate change because the technology to make substantial reductions in energy and CO₂ emissions already exists. The average LEED certified building uses 32% less electricity and saves 350 metric tons of CO₂ emissions annually. Modest investments in energy-saving and other climate-friendly technologies can yield buildings and communities that are environmentally

responsible, profitable and healthier places to live and work, and that contribute to reducing CO₂ emissions; and

WHEREAS, Green buildings can include the use of certified sustainable wood products and high-recycled-content products, recycling of waste that occurs during demolition, deconstruction and construction reduces the amount of waste deposited in landfills. The proper orientation and passive solar design of a building reduces demands on its heating and cooling systems. The use of advanced-design heating, ventilation and air conditioning systems provide increased energy efficiency and improved indoor air quality. Enhancement of indoor air quality is also achieved by the selection and use of construction materials that do not emit chemicals which are toxic or irritating to building occupants. The use of water conserving methods and equipment reduce the per capita demand on resources and infrastructure. The installation of alternative and renewable energy systems can supplement conventional methods of energy production; and

WHEREAS, State Assembly Bill, AB 32, the Global Warming Solutions Act of 2006 codifies the state's goal of increased sustainability by requiring that the state's global warming emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on global warming emissions that will be phased-in starting 2012. In order to effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop appropriate regulations and establish a mandatory reporting system to track and monitor global warming emissions levels This Ordinance will further the State's efforts in reducing and accounting for green house gas emissions statewide by reducing emissions in unincorporated Alameda County; and

WHEREAS, The rehabilitation, remodeling and modernization of existing building are valuable, ongoing component of the County's ongoing community preservation efforts, such projects are excluded from this Ordinance. For purpose of applicable projects in this Ordinance, a re-built single family or multi-family dwelling or addition that results in an expansion of at least 1,000 net livable square feet, or when over 65% of the existing structure, or any combination thereof, as determined by net livable square feet, shall be demolished and re-built from the ground level raised floor and up. This Ordinance will include said "rebuild" projects and require them to comply with the green building requirements; and

WHEREAS, Chapter 15.08, Section 460, "Green Building Program", is intended to raise the level of construction in the County of Alameda in order to encourage water and resource conservation, reduce waste generated by construction projects, increase energy efficiency in buildings, provide durable buildings that are efficient and economical to own and operate and promote the health and productivity of residents, workers and visitors to the County;

NOW THEREFORE, THE BOARD OF SUPERVISORS OF ALAMEDA COUNTY, CALIFORNIA, does hereby ordain as follows:

Add Section 460 to Chapter 15.08 Building Code:

CHAPTER 15.08 Building Code

SECTION 460 GREEN BUILDING PROGRAM

460.1 Purpose. *The purpose of the Alameda County Green Building Program is to enhance public health and welfare by encouraging green building measures in the design, construction, and maintenance of buildings to achieve the following goals:*

- 1. To encourage the conservation of natural resources;*
- 2. To reduce waste in landfills generated by construction projects;*
- 3. To increase energy efficiency and lower energy usage;*
- 4. To reduce the operation and maintenance costs for buildings;*
- 5. To promote a healthier indoor environment; and*
- 6. To reduce greenhouse gas emissions.*

460.2 Definitions.

Green Building. *Green Buildings are sited, designed, constructed, and operated to enhance the well-being of their occupants and support a healthy community and natural environment through a whole-systems approach to building that includes: sustainable site planning, construction and demolition, waste reduction and recycling, safeguarding water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.*

GreenPoint Rated. *GreenPoint Rated is a third party certification program of Build It Green, a professional non-profit membership organization whose mission is to promote healthy, energy- and resource- efficient buildings in California.*

LEED. *The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is a third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance buildings. LEED provides building owners and operators with the tools they need to have an immediate and measurable impact on their buildings' performance.*

Third Party Certification: *Procedure by which a qualified third party obtains prior approval from the Director of Public Works to provide written assurance that a product, process or service conforms to specified requirements of this section.*

460.3 Applicability.

Applications for building permits, and the construction performed under those permits, are only required to conform to those provisions of the green building requirements that are effective on the date of submittal. The provisions of this ordinance shall not apply to any project for which a tentative map and site development permit was approved prior to the effective date, nor shall the provisions apply to any extension of such a project permit or approval.

460.4 Green Building Requirements for Residential Construction.

460.4.1 New Residential Construction, additions, or rebuilds. All new or rebuilt single or multi-family dwellings or additions that are 1,000 square feet or greater, shall:

- a. Submit the latest LEED or GreenPoint Rated Project Checklist to the satisfaction of the Building and Planning Department.
- b. Upon State of California acceptance of the findings contained in this Ordinance, projects shall achieve the minimum rating according to the latest Build It Green GreenPoint Rated home construction guidelines except in sections (c) and (d) below; or

Achieve a minimum LEED for Homes rating according to the latest LEED Reference Guide; or

Any other nationally recognized methods that can be demonstrated to the Building Official to provide equivalency in the design, construction, and maintenance of buildings to achieve the goals as specified in Section 460.1 of this Chapter. Third Party certification is acceptable.

- c. When using Build It Green Multifamily GreenPoint Rated checklist, achieving 25 points is acceptable for new multifamily projects.
- d. When using Build It Green Existing Home Green Point Rated checklist, achieving 25 points is acceptable for existing homes.

460.4.2 Expedited Permit Process for qualified projects. Alameda County Building Department will provide expedited building permit and inspection process for qualified green building projects under a third party certification program that achieves either: 1) 100 Points or greater according to the latest Build It Green GreenPoint Rated home construction guidelines; or 2) a LEED for Homes Certification, as follows:

- a. Priority status for building permit application during the plan check process.
- b. Priority status for inspection during construction.

460.5 Green Building Requirements for Non-Residential Construction.

460.5.1 Non-Residential Construction. All new non-residential construction, additions, or rebuilds that are greater than 3,000 square feet and less than 10,000 square feet shall:

- a. Submit the latest LEED Project Checklist to the satisfaction of the Building and Planning Department.

460.5.2 Large Non-Residential Construction. All new non-residential construction or additions that are 10,000 square feet or greater shall:

- a. *Submit the latest LEED Project Checklist to the satisfaction of the Building and Planning Department.*
- b. *Upon State of California acceptance of the findings contained in this Ordinance, projects shall achieve a minimum LEED rating according to the latest LEED Reference Guide; or*

Any other nationally recognized method that can be demonstrated to the Building Official to provide equivalency in the design, construction, and maintenance of buildings to achieve the goals as specified in Section 460.1 of this Chapter. Third Party certification is acceptable.

460.5.3 Expedited Permit Process for qualified projects. *Alameda County Building Department will provide expedited building permit and inspection process for qualified green building projects that achieve a LEED “Silver” under third party certification program as follows:*

- a. *Priority status for building permit application during plan check process.*
- b. *Priority status for inspection during construction.*

460.6 Green Building Program Implementation and Enforcement. *The Alameda County Green Building requirements in this Section will be implemented and enforced through the Building Department of Alameda County Public Works Agency and the Planning Department of Alameda County Community Development Agency. Whenever there are practical modifications necessary to carry out the requirements of this section, the Building Official shall have the authority to require, at the cost of the applicant, qualified professionals to present recommendations for the modifications that demonstrate equivalency.*

460.7 Unreasonable Hardship or Project Infeasibility. *The Director of Public Works may exempt certain requirements of this section when the permit applicant can demonstrate that unreasonable hardship or project infeasibility exist to meet full requirements of this section. Financial consideration alone shall not constitute as unreasonable hardship or project infeasibility. To apply for the partial exemption, the applicant shall submit documents to demonstrate that maximum practical green points are achieved. These projects may include, but are not limited to the following:*

1. *Qualified historical buildings regulated by the California Historical Building Code, Title 24, Part 8;*
2. *Certain industrial or agricultural uses.*

460.8 Program Evaluation. *The Director of Public Works Agency and the Community Development Agency Director shall evaluate the effectiveness of this program and present findings to the Board of Supervisors within one year from the effective date.*

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on _____, 2009 by the following called vote:

AYES:
NOES;
EXCUSED:

ALICE LAI-BIKTER,
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA-GRAFF, Clerk
of the Board of Supervisors, County of Alameda

By _____

Approved as to form:

Richard E. Winnie, County Counsel