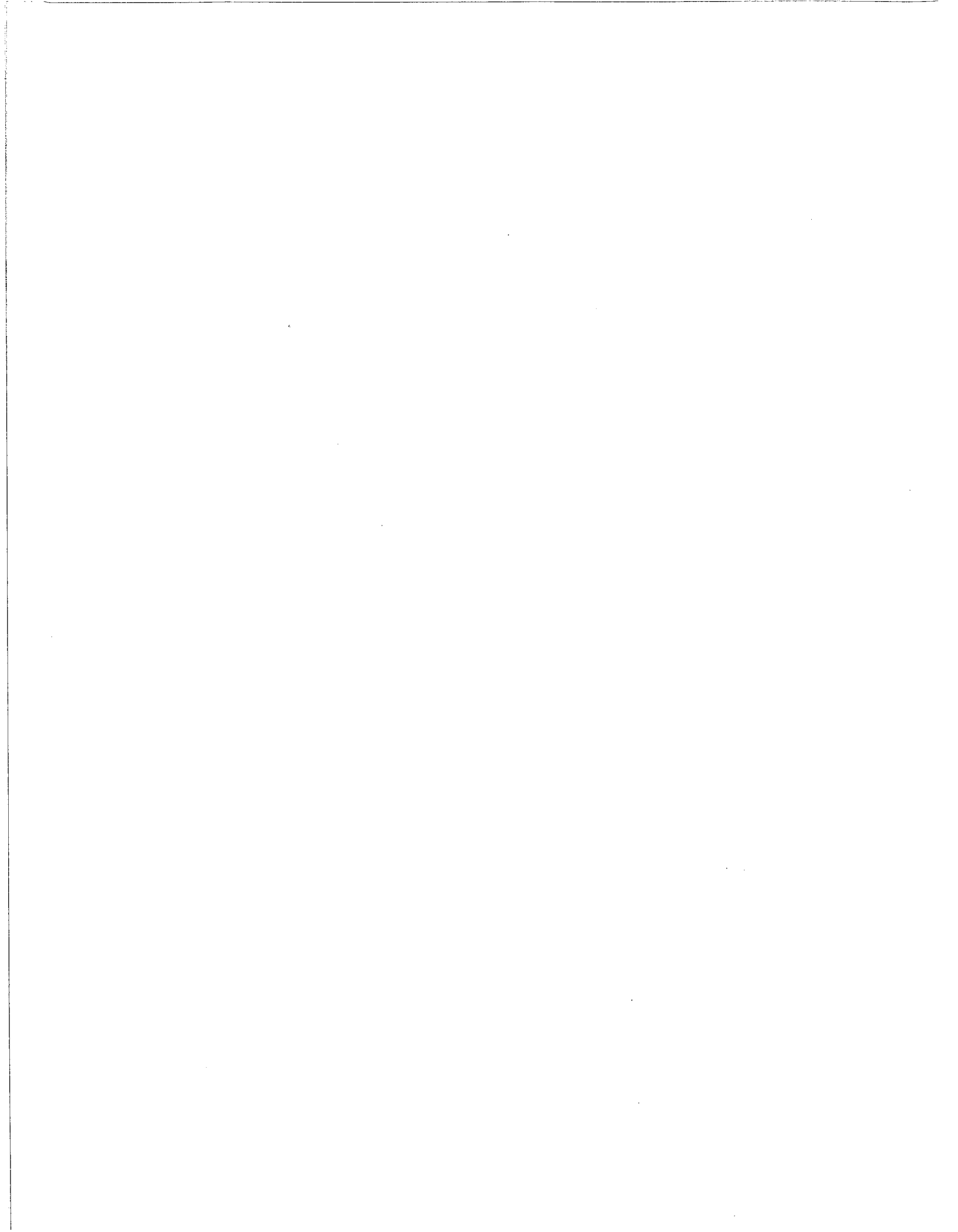


Attachment C  
Planning Commission Recommendation  
Resolution No. 12-036

Green Building Ordinance  
REF110058



**Before the Planning Commission of the County of Monterey**

**Resolution No. 12-036**

Resolution of the Planning Commission to )  
recommend that the Board of Supervisors )  
adopt an ordinance amending the Green )  
Building Standards Code (Chapter 18.12 of )  
the Monterey County Code) )

A draft ordinance amending the Green Building Standards Code (Chapter 18.12 of the Monterey County Code) came on for public hearing before the Monterey County Planning Commission on August 29, 2012. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Planning Commission hereby finds and decides as follows:

**RECITALS**

WHEREAS, Chapter 18.12 of the Monterey County Code adopted the 2010 California Green Building Standards Code, also known as CALGreen with additional incentives to encourage voluntary compliance with higher levels of building efficiency; and

WHEREAS, due to local climatic, geological or topographical conditions, certain changes and modifications to the Green Building Standards Code are reasonably necessary; and

WHEREAS, Climate change is of global and local concern as recognized by the County of Monterey in the 2010 General Plan, the State of California in legislation including Assembly Bill 32 of 2006, the United States Environmental Protection Agency, and major global organizations such as the Intergovernmental Panel on Climate Change; and

WHEREAS, the County has documented water supply constraints; and

WHEREAS, in the Inland areas, additional Green Building standards are required under the 2010 General Plan; and

WHEREAS, in the Coastal Zone, energy efficient use and renewable energy generation are encouraged by Goals 13 and 14 of the 1982 General Plan; and

WHEREAS, adoption of a Green Building Ordinance was identified as a measure that would minimize impacts of development on climate change and water supply; and

WHEREAS, the Green Building ordinance would satisfy one of the activities required under the Energy Efficiency and Conservation Block Grant from the Department of Energy; and

WHEREAS, the Green Building ordinance would further the goals set by the State of California in Assembly Bill 32; and

WHEREAS, there are numerous benefits of Green Building standards including: increasing the energy efficiency of buildings which reduces the demand for non-renewable energy sources and lowers operating costs for owners and tenants of such structures, reducing potable water demand, reducing waste generation by encouraging reuse of building materials, and improving indoor air quality and overall health for occupants; and

WHEREAS, the proposed ordinance modifying Chapter 18.12 is attached hereto as Attachment 1; and

WHEREAS, this ordinance is categorically exempt pursuant to Section 15307 of the California Environmental Quality Act (CEQA), which exempts actions taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. The CALGreen code, with the proposed local amendments, will protect resources by minimizing reliance on non-renewable energy sources, encouraging water conservation, and minimizing Greenhouse Gas emissions which lead to climate change. All future development projects will continue to be evaluated pursuant to the requirements of CEQA irrespective of this ordinance.

WHEREAS, On August 29, 2012 the Monterey County Planning Commission held a duly noticed public hearing to consider a recommendation to the Board of Supervisors on the Green Building Ordinance. At least 10 days before the public hearing, notices of the hearing before the Planning Commission were published in both the Monterey County Herald and were mailed to interested parties.

**DECISION**

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission does hereby recommend that the Board of Supervisors adopt the ordinance amending the Green Building Standards Code (Chapter 18.12 of the Monterey County Code) attached hereto as Attachment 1.

**PASSED AND ADOPTED** this 29<sup>th</sup> day of August, 2012 upon motion of Commissioner Vandevere, seconded by Commissioner Rochester, by the following vote:

AYES: Vandevere, Getzelman, Rochester, Roberts, Mendez, Diehl, Padilla, Hert  
NOES: Brown  
ABSENT: Salazar

  
\_\_\_\_\_  
Mike Novo, Secretary

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTEREY AMENDING CHAPTER 18.12 OF THE MONTEREY COUNTY CODE RELATING TO GREEN BUILDING STANDARDS.

County Counsel Summary

*This ordinance amends Chapter 18.12 of the Monterey County Code to add additional requirements and incentives for incorporating "green" building principles and practices into new development in the unincorporated area of Monterey County. Current Chapter 18.12 incorporates the 2010 California Green Building Standards Code, also known as "CALGreen," into the Monterey County Code and provides incentives for voluntary compliance with CALGreen Tier 1 and Tier 2 measures. CALGreen uses building concepts that encourage sustainable construction practices and increase energy efficiency, water efficiency and conservation, and other material conservation and resource efficiency in the design and construction of buildings. This ordinance retains the 2010 California Green Building Standards Code in the Monterey County Code with the following modifications: it requires new County of Monterey government facilities and major remodels of County facilities to be designed to meet CALGreen Tier 1 efficiency levels or their functional equivalent; it updates the incentives for new private development to comply voluntarily with CALGreen Tier 1 and Tier 2 Standards or equivalent green building rating systems; and it generally requires new non-residential structures that are greater than 25,000 square feet to provide on-site renewable energy generation for at least 15 percent of the projected energy demand.*

The Board of Supervisors of Monterey County ordains as follows:

**SECTION 1. Declarations and Findings of Fact:**

A. Pursuant to California Health and Safety Code Section 17958.7 the Board of Supervisors of the County of Monterey finds that changes or modifications to the 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, also known as CALGreen, are reasonably necessary because of local climatic, geological or topographical conditions. Specifically, each of the changes and modifications set forth in this ordinance are reasonably necessary due to the following conditions:

1. Climate Change: The County finds that amendments to CALGreen are necessary to address climate change. Climate change is of global and local concern as recognized by the State of California in Assembly Bill 32 (Global Warming Solutions Act, 2006), amongst other legislation. These CALGreen local amendments in will help slow the

effects of climate change in our region by increasing energy efficiency and minimizing Greenhouse Gas emissions from new development.

2. Limited Water Supply: The County has documented water supply constraints. Modifications to the Green Building Standards Code will reduce demand for the limited water supply in our area.

3. Implement the 2010 General Plan: Policy OS-10.12 of the 2010 General Plan requires the County to adopt a Green Building Ordinance. This ordinance adopts green building technologies and strategies that implement the direction described in the General Plan.

4. Consistency with the Local Coastal Program: The 1982 General Plan applies in the coastal areas of Monterey County. Goals 13 and 14 of the 1982 General Plan encourage energy efficiency and renewable energy generation. This ordinance encourages energy efficient building design and on-site renewable energy generation.

**SECTION 2. Chapter 18.12 of the Monterey County Code is amended to read as follows:**

#### **Chapter 18.12 – GREEN BUILDING STANDARDS CODE**

##### **Sections:**

18.12.010 – Adoption.

18.12.020 – ~~Definitions.~~ Purpose.

18.12.030 – ~~Incentives for compliance with CALGreen Tier 1.~~ Definitions.

18.12.040 – ~~Incentives for compliance with CALGreen Tier 2.~~ Standards for compliance.

18.12.050 – Qualification for incentives.

18.12.060 – Energy generation requirements.

18.12.070 – Requirements of County buildings.

18.12.080 – Interaction with other regulations.

##### **18.12.010 Adoption**

That certain document entitled 2010 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, also known as CALGreen, or as amended and published by the California Building Standards Commission, is hereby adopted as the green building standards code for the County of Monterey. The County is additionally adopting the regulations set forth in this Chapter.

~~18.12.020 – Definitions.~~

~~A. Priority service means performing the necessary services as soon as the next available service opening occurs without regard for who is next in the service queue, unless otherwise required by law. Priority service shall include but not be limited to the following:~~

~~1. Begin formal staff review of complete submittal documents by the next available County employee or agent as soon as that person completes their current assignment;~~

~~2. inspect all completed and accessible construction at the required stages of construction within one business day of permit holder's request.~~

~~3. Issue certificate of occupancy within seven (7) days of completion of all applicable requirements.~~

**18.12.020 Purpose.**

A. The purpose of this Chapter is to improve public health, safety and general welfare by enhancing the design and construction of buildings, through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Increase energy efficiency in buildings;
2. Reduce potable water demand;
3. Encourage natural resource conservation;
4. Reduce waste generated by construction projects;
5. Provide durable buildings that are efficient, cost effective, and economical to own and operate; and
6. Promote the health and productivity of residents and workers who occupy and live in buildings within the County; and,

~~18.12.030 Incentives for voluntary compliance with CALGreen tier 1.~~

~~A. Incentives. Newly constructed buildings or structures that incorporated additional prerequisite and elective green building measures to meet or exceed the CALGreen Tier 1 threshold shall receive priority service.~~

**18.12.030 Definitions.**

The following definitions shall apply to this chapter:

A. "Applicant" means any person or entity applying to the County for a building permit to undertake any covered project within the County.

B. "Alternative Means" means a method of achieving the green building performance standards equivalent to CALGreen Tiers 1 or 2 (for example: compliance and certification by third party green building standards such as Leadership in Energy and Environmental Design or GreenPoint rated systems).

C. "Compliance Official" means the Building Official or his/her designee charged with the administration and enforcement of this Chapter.

D. "Green Building Rating System" means the rating system associated with specific green building criteria and used to determine compliance thresholds. Examples of rating systems include, but are not limited to, the LEED and GreenPoint rated systems.

E. "GreenPoint Rated" means a residential green building rating system developed by the Build it Green organization.

F. "LEED" means the "Leadership in Energy and Environmental Design" green building rating system developed by the U.S. Green Building Council.

G. "Major Remodel" means any remodel that involves two or more of the following:

1. Demolition and new construction of 50 percent or more of the interior or exterior walls within a building;
2. The permit valuation exceeds \$100,000; or

3. Electrical, plumbing, mechanical, and structural repairs affecting an area of 5,000 square feet or more.

H. "Non-residential" means buildings not used for a residential use that are defined under Occupancy Classifications A, B, E, F, H, I, L and M in the California Building Code.

I. "Rebuild" means demolition and reconstruction of a building or structure involving the repair or replacement of fifty percent (50%) or more of the exterior walls or involving work that exceeds half of the appraised value of the structure.

~~18.12.040 Incentives for voluntary compliance with CALGreen Tier 2.~~

~~A. Incentives. Newly constructed buildings or structures that incorporate additional prerequisite and elective green building measures to meet or exceed the CALGreen tier 2 threshold shall receive priority service and an incentive rebate to be applied towards construction permit fees as determined by resolution of the Board of Supervisors.~~

18.12.040 Standards for compliance.

A. Standards for compliance with 2010 CALGreen Code shall be those standards contained in Part 11 of the California Building Standards Code, Title 24.

B. For the purposes of this Chapter the following equivalency levels are assumed:

1. 2010 CALGreen mandatory requirements are generally equivalent to LEED basic standards and GreenPoint rating system with a minimum of 18 points across all resource categories;

2. 2010 CALGreen Tier 1 standards are generally equivalent to LEED-silver standards and GreenPoint ratings with a minimum of 33 points across all resources categories; and

3. 2010 CALGreen Tier 2 standards are generally equivalent to LEED gold or better and GreenPoint ratings with a minimum of 65 points across all resource categories.

18.12.050 Qualification for incentives.

A. Newly constructed buildings, including a Rebuild, that incorporate additional prerequisite and elective green building measures to meet or exceed the 2010 CALGreen Tier 1 thresholds, or the equivalent, shall receive the following incentives:

1. A step 1 incentive rebate, in the amount set by resolution of the Board of Supervisors, to be applied towards construction permit fees; and

2. A Healthier Home or Business Award from the County.

B. Newly constructed buildings, including a Rebuild, that incorporate additional prerequisite and elective green building measures to meet or exceed the 2010 CALGreen Tier 2 thresholds, or the equivalent, shall receive the following incentives:

1. A step 2 incentive rebate, in the amount set by resolution of the Board of Supervisors, to be applied towards construction permit fees; and

2. A Healthier Home or Business Award.

C. For projects qualifying for incentives pursuant to Subsection A or B of this Section, the Compliance Official may assign an experienced staff person to coordinate review of Building Permits by all County departments.



D. When the CALGreen Green Building Rating System is used, the Compliance Official shall be responsible for verifying that buildings have been designed to qualify for incentives described this Section.

E. When Alternative Means to the 2010 CALGreen code is used, documentation by a qualified professional for the chosen Green Building Rating System shall be provided to the Compliance Official for review and approval prior to applying any incentives described in this Section. Required documentation and certification with the Alternative Means shall be supplied at the applicant's expense. Compliance with Alternative Means is in addition to, and does not alleviate compliance with, the requirements of the California Building Code including the minimum mandatory requirements of CALGreen.

F. The incentive rebate fees described in this Section shall not be combined with other construction permit fee incentives.

#### **18.12.060 Renewable energy generation requirements**

All new Non-residential structures greater than 25,000 square feet, shall provide on-site renewable energy generation as part of their development. A minimum of 15% of the projected energy demand shall be provided by on-site renewable sources. An exception to this requirement may be approved by the Compliance Official if the applicant can demonstrate that on-site renewable energy generation is not appropriate at the site and that alternative design elements better achieve the desired level of efficiency (at least 15% of the total energy demand).

#### **18.12.070 Requirements of County owned buildings.**

CALGreen Tier 1 standards, or the functional equivalent, are adopted as the minimum mandatory design standards for newly constructed County-owned buildings and Major Remodels of existing County-owned buildings. This requirement does not require the County to redesign projects that have already been financed as of December 31, 2012 where this action would result in conflicts with existing grants and financing that are already in place for that project.

#### **18.12.080 Interaction with other regulations.**

This chapter is not intended to apply where its application shall result in its preemption by federal or state laws or rules, including but not limited to conservation standards applicable to appliances and equipment, including heating, ventilating, and air conditioning ("HVAC") products and water heaters. Many other laws, regulations, and ordinances apply to building design construction and maintenance and to development. The provisions of this chapter are intended to be in addition to and not in conflict with these other laws, regulations, and ordinances. If any provision of this chapter conflicts with any duly adopted and valid statutes or regulations of the federal government or the State of California, the federal or state statutes or regulations shall take precedence.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby

declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall become effective on the 31<sup>st</sup> day following its adoption.

PASSED AND ADOPTED on this \_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Dave Potter, Chair  
Monterey County Board of Supervisors

A T T E S T :

GAIL T. BORKOWSKI  
Clerk of the Board

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:

Wendy S. Strimling, Senior Deputy  
County Counsel