



Legislation Details (With Board Report)

File #: 12-1190 **Name:** Green Building Ordinance
Type: General Agenda Item **Status:** Passed
File created: 12/19/2012 **In control:** Board of Supervisors
On agenda: 1/15/2013 **Final action:** 1/15/2013
Title: Public hearing (continued from November 6, 2012) to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating "green" building principles and practices into new development in the unincorporated area of Monterey County. (Green Building Ordinance - REF110058/County-wide)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment A -- Draft Ordinance (clean version), 2. Attachment B - Draft Ordinance (redline version), 3. Attachment C - Planning Commission Recommendation Resolution No. 12-036, 4. Attachment D - Financial Analysis, 5. Completed Board Order

Date	Ver.	Action By	Action	Result
1/15/2013	1	Board of Supervisors	approved	Pass

Public hearing (continued from November 6, 2012) to: Consider adoption of an ordinance amending Chapter 18.12 of the Monterey County Code to adopt the 2010 California Green Building Standards Code by reference and add requirements and incentives for incorporating "green" building principles and practices into new development in the unincorporated area of Monterey County. (Green Building Ordinance - REF110058/County-wide)

PROJECT INFORMATION:

Planning File Number: REF110058
Owner: N/A
Project Location: County-wide
APN: N/A
Agent: N/A
Plan Area: County-wide
Flagged and Staked: N/A
CEQA Action: Categorically Exempt per Section 15307

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt the ordinance amending Chapter 18.12 of the Monterey County Code (Attachment A).

SUMMARY:

On October 9, 2012, the Board of Supervisors introduced the draft Green Building Ordinance, waived reading, and set a public hearing to consider adoption of the ordinance for November 6, 2012. On November 6, 2012, the Board continued the hearing on the ordinance to January 15, 2013. The ordinance would adopt the 2010 California Green Building Standards Code by reference into the Monterey County Code with the following

modifications: 1) 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; 2) it updates incentives for new private development to comply voluntarily with CALGreen Tier 1 or Tier 2 standards or equivalent green building rating systems; and 3) 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.

DISCUSSION:

In drafting this ordinance, staff has worked with the Permit Streamlining Task Force (a committee of interested builders, architects, and land use attorneys), the Alternative Energy and Environment Committee (a subcommittee of the Board of Supervisors), and other interested groups and concerned citizens. Additionally, the Planning Commission held a public workshop on July 25, 2012 followed by a public hearing before the Planning Commission on August 29, 2012 at which time the Commission recommended approval of the ordinance to the Board (Attachment C).

There are a number of reasons why Monterey County is considering a Green Building Ordinance. Some of those reasons include:

1. Compliance with the 2010 General Plan: Additional Green Building standards are required in the inland area under the 2010 General Plan to address Greenhouse Gas Emissions and climate change impacts. Policy OS-10.12 of the 2010 General Plan requires that within 24 months of adoption of the General Plan, the County adopt a “Green Building Ordinance” to require green building practices and materials for new construction projects. This ordinance fulfills that mandate.
2. 1982 General Plan: In the Coastal areas of the County, the 1982 General Plan still applies. The 1982 General Plan Goals 13 and 14 promote efficient energy use and encourage development of renewable energy resources. This ordinance is consistent with these goals
3. Compliance with the Energy Efficiency and Conservation Block Grant (EECBG) activities: The County has received grant funding from the U.S. Department of Energy to pursue several energy efficiency and renewable energy projects including a Green Building Ordinance. This ordinance fulfills part of the grant requirements.
4. Further the efforts of the State and the County to address Climate Change: The State of California has adopted legislation that is intended to slow the effects of climate change including, amongst others, Assembly Bill 32 which sets the goal of reducing Greenhouse Gas emissions to 1990 levels by 2020. Also the County is preparing a local Greenhouse Gas reduction plan or “Climate Action Plan” pursuant to 2010 General Plan Policy (Policies OS-10.11 and OS-10.15). Green Building requirements will be a significant tool in accomplishing desired targets.
5. Enhance public health and welfare: Green Building techniques increase energy efficiency in buildings. These techniques lower long-term operating costs for owners and tenants, reduce reliance on non-renewable energy sources, reduce potable water demand, reduce construction generated waste by encouraging the use of recycled materials, and result in improved internal air quality of buildings.

Overall, the Green Building Ordinance promotes sustainable building techniques throughout Monterey County without imposing mandates or substantial restrictions for the vast majority of projects. The only new requirements for private property owners involve the need to provide on-site renewable energy generation for non-residential buildings over 25,000 square feet. The rest of the ordinance provides incentives for voluntary actions of private property owners who elect to exceed minimum standards. The ordinance also contains self-imposed requirements that require new County-owned buildings and major remodels of County-owned buildings to comply with CALGreen Tier 1 standards at a minimum and require new County-owned buildings

greater than 25,000 square feet to provide on-site renewable energy generation.

Staff has made a few non-substantive corrections to the ordinance since it was introduced by the Board of Supervisors on October 9, 2012. The changes include correction of a typographical error in subsection F of Section 18.12.050 and correction of the last sentence of subsection C of Section 18.12.070 to read:

“C. The requirements of subsections A and B of this Section do not apply to County-owned projects that have already been financed as of December 31, 2012 where compliance with this requirement would conflict with existing grants and financing that are already in place. The Compliance Official shall have the authority to waive the requirements of subsections A and B of this Section where their application would conflict with local, state, or federal policies or regulations.”

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 discretionary development projects will continue to be evaluated pursuant to the requirements of CEQA irrespective of this ordinance.

OTHER AGENCY INVOLVEMENT:

This ordinance has been prepared in consultation with the RMA-Building Services, Public Works, and County Counsel. County Counsel has approved the ordinance as to legal form. The Planning Commission held a public hearing to consider the proposed ordinance on August 29, 2012. The Planning Commission recommended approval of the ordinance, by a vote of 8-1 (**Attachment C**).

FINANCING:

Adoption of this ordinance would have multiple effects on the General Fund. A financial analysis has been prepared for the ordinance (**Attachment D**). The ordinance is estimated to have the following financial impacts: 1) Due to the Building Permit fee rebate incentive, there will be an estimated reduction in Building Permit fees received of \$87,500 annually; 2) Due to the Building Permit process coordinator incentive, there will be an estimated increase in duties and responsibilities of RMA - Building Services staff of approximately 400 hours per year or 0.2 FTE; 3) Due to the requirement for newly constructed County-owned buildings to meet or exceed CALGreen Tier 1 standards, it is estimated that the County will save an unknown amount of money due to reduced utility and maintenance costs over the life of the project; 4) Due to the requirement for Major Remodels to be constructed to meet or exceed CALGreen Tier 1 standards, there will be an unknown increase in construction costs of Major Remodel projects balanced by a long-term savings due to reduced utility and maintenance costs over the life of the project; and 5) Due to the requirement for the County to provide on-site renewable energy generation in connection with new County-owned buildings, there will be an increase in project costs for construction with a payback over the life of the project, through reduced utility expenses, that is expected to recover approximately 75% of this additional cost.

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cc: Front Counter Copy; California Coastal Commission; Jacqueline R. Onciano, Planning Services Manager; Michael Weaver; The Open Monterey Project; LandWatch; Project File REF110058

The following attachments on file with the Clerk of the Board:

- Attachment A Draft Ordinance Amending MCC Section 18.12 (clean version)
- Attachment B Draft Ordinance Amending MCC Section 18.12 (redline version)
- Attachment C Planning Commission Recommendation Resolution No. 12-036
- Attachment D Financial Analysis