

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1519

AN ORDINANCE OF THE NOVATO CITY COUNCIL ADDING SECTION 4-16 TO THE NOVATO MUNICIPAL CODE TO PROVIDE REQUIREMENT TO SUBMIT AND COMPLY WITH GREEN BUILDING MEASURES ON MULTIFAMILY PROJECTS WITHIN THE CITY OF NOVATO

THE CITY COUNCIL OF THE CITY OF NOVATO DOES ORDAIN AS FOLLOWS:

SECTION 1:

CHAPTER IV: Section 4-16 of the Novato Municipal Code is hereby added to read as follows:

SECTION 4-16 PURPOSE

The purpose of this section is to enhance the public welfare and assure that further multi family development is consistent with the city's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings. Green building practices referenced in this Section are designed to achieve the following goals:

- A. Encourage resource conservation;
- B. Reduce waste generated by construction projects;
- C. Increase energy efficiency, reduce operating costs; and
- D. Promote the health and productivity of residents, workers, and visitors to the city.

4-16.1 FINDINGS

The City of Novato finds that;

- A. Green building design, construction, and operation can increase energy and resource efficiency, reduce waste and pollution generation, and promote the health and productivity of building occupants over the life of the building.
- B. Green building benefits are spread throughout the systems and features of the building. These benefits include, among other things, the use of certified sustainable wood products; use of high recycled-content products; recycling wastes; enhancement of indoor air quality by selection and use of construction materials that have reduced chemical emissions, modification of heating, ventilation, and air-conditioning systems to increase energy efficiency and improved indoor air quality; use of water conserving methods and equipment; and installation of renewable methods for supplemental energy production.

- C. Green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects across the United States.
- D. The Multifamily Green Building Guidelines developed by Alameda County Waste Management Authority, establishes the 2005 Edition version 2 of the Multifamily Green Points Check List The Multifamily Green Points Check List provides the necessary standards for meeting the goals of green building design, construction and operation. The City's adoption and use of the 2005 Edition version 2 of the Multifamily Green Points Check List is an efficient use of Novato's resources to promote the green rating of multifamily projects within the City of Novato.
- E. Requiring new multifamily buildings and major remodels to existing multifamily buildings, to meet the green building point system adopted by the City of Novato, is necessary and appropriate to achieve the benefits of green building.
- F. Health and Safety Code Sections 18938 and 17958 provide that the California Building Standards Code establish building standards for all occupancies throughout the state.

4-16.2 DEFINITIONS

For the purposes of Section 4-16, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City of Novato for the applicable permits to undertake any construction, or major renovation project within the City of Novato jurisdiction.
- B. "Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.
- C. "City" means the City of Novato.
- D. "Community Development Department" includes the Building, Code Enforcement and Planning Divisions and the designated staff person(s) authorized and responsible for implementing this Section.
- E. "Conditioned Space" means any area within a building or structure that is being heated or cooled by any equipment.
- F. "Construction" means the building of any facility or structure, additions or alterations to any portion thereof including any tenant improvements to an existing facility or structure.
- G. "Covered Projects" means all new multifamily buildings and major renovations to existing multifamily buildings within the City. Historic Structures are not Covered Projects.

- H. "Green Building" means a system approach that integrates design, construction, and operation of buildings intended to mitigate environmental, economic, and social impacts of these structures. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources to reduce total costs and to provide a healthy, productive indoor environment.
- I. "Green Building Points" means the rating system developed by the Alameda County Waste Management Authority and published as "Multifamily Green Building Point Check List" 2005 Edition version 2 and adopted by the City of Novato as *Exhibit "A"*.
- J. "Historic Structures" means any building or structure listed on or eligible for listing on a national, state or local register or listing of historic resources.
- K. "Major Renovation" means any change, addition, remodel or modification to an existing multifamily residential building that increases the square footage of the Conditioned Space by fifty (50) percent or greater, or the removal of over fifty (50) percent of the existing interior wall and/or ceiling coverings to relocate or modify the existing floor plan.
- L. "Multifamily" means any building or structure used for living, sleeping, eating and cooking where there are more than one attached unit. For purposes of this Section, multifamily does not include commercial facilities wherein rooms or suites of rooms that are rented for transient occupancy including hotels, motels, inns or similar commercial accommodations.
- M. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Standards Code.

4-16.3 STANDARD FOR COMPLIANCE

- A. Covered Projects: Subject to the exception in subsection A(1), all Covered Projects shall comply with each of the provisions of this Section. All covered projects shall meet a minimum of 60 Green Building Points with a minimum of points in specific categories; Community (6), Energy (11), Indoor Air Quality/Health (5), Resources (6), Water (3) in the design and Construction of the Covered Project.
 - (1) Exception: Major renovation of interior space only, shall meet a minimum of 30 Green Building Points with a minimum of points in specific categories; Energy (7), Indoor Air Quality/Health (3), Resources (4), Water (3).
- B. Annual Review: An annual review of the required minimum number of Green Building Points for all Covered Projects shall be conducted by the Building Division, with the minimum number of points increased to 70 Green Building Points by July 1, 2008. Further increases to be determined by means of the annual reviews.

4-16.4 SUBMISSION OF DOCUMENTATION

- A. Planning Division: In conjunction with the application for Design Review or any other planning approval, an Applicant for a Covered Project shall submit a fully and properly completed City of Novato "Multifamily Green Point Checklist" form to demonstrate that the Covered Project will meet the number of Green Building Points required by Subsection 4-16.3A.
- B. Building Division: For building permits, the applicant shall submit a fully and properly completed City of Novato "Multifamily Green Point Checklist" form with the first building permit plan set submitted. All building plans shall indicate in the general notes or individual detail drawings, where feasible, the green point measures to be used to attain the applicable minimum points in each category..

4-16.5 COMPLIANCE

- A. Compliance Review Community Development Department.
 - (1) The Planning Division shall include compliance with this Section as a condition of approval on any covered project.
 - (2) The Building Division shall review and approve plans submitted per Section 4-16.4 B.
- B. Compliance Documentation:

Upon completion of the project and prior to issuance of a Certificate of Occupancy, compliance with this Chapter shall be documented on a form approved by the building official.

4-16.6 APPEAL

- A. Appeal To Housing and Building Code Appeals Board. Any interested person may appeal a decision of the Community Development Department to the Housing and Building Code Appeals Board by filing a notice of appeal together with the fee established by resolution of the council no later than ten days after the decision of the Community Development Department. Upon receipt of such an appeal, the Chief Building Official will set the matter for hearing before the board at least 20 days after date of receipt. The procedures contained within Section 4-1.5 (Housing and Building Codes Appeals Board) shall be applied to any appeal under this subsection.
- B. Council Hearing on Appeal of Board Decision: Any interested person may appeal a decision of the Housing and Building Code Appeals Board to the City Council by filing a notice of appeal together with the fee established by resolution of the council no later than ten days after the decision of the board. Upon receipt of such an appeal, the city clerk will set the matter for hearing before the council on the first open agenda of the council that is at least 15 days after the date of receipt. The procedures contained within Section 19.54.040(E)(2) ("Appeals to the Council") shall be applied to any appeal under this subsection.

4-16.9 ENFORCEMENT

- A. Violation of any provision of this Section may be enforced pursuant to Section 4-1.6 of this Chapter.

SECTION 2: Severability:

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional on their face or as applied.

SECTION : Publication and Effective Date:

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in the *Novato Advance*, a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in the *Novato Advance* at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance, and

This ordinance shall go into effect thirty (30) days after the date of its passage and adoption.

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THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 8th day of May, 2007, and was passed and adopted at a regular meeting of the Novato City Council on the ____ day of _____, 20__.

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

ABSENT: Councilmembers

Mayor of the City of Novato

Attest:

City Clerk of the City of Novato

Approved as to form:

City Attorney of the City of Novato

I-18
2.

Multifamily GreenPoint Checklist

date: _____



This checklist tracks green features in a multifamily project. The recommended minimum requirements for a green home are: Earn a total of 50 points or more; obtain the following minimum points per category: Community (6), Energy (11), Indoor Air Quality/Health (5), Resources (6), and Water (3); and meet the prerequisites B.1.a (50% construction waste diversion), C.10.a. (No shingle roofing) and F.1.a (Incorporate GreenPoint checklist in blueprints). The green building practices listed below are described in greater detail in the Multifamily Green Building Guidelines, available at www.multifamilygreen.org

Current Point Total	0
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Community	Energy	IAQ/Health	Resources	Water
0	0	0	0	0

Enter Total Conditioned Floor Area of the Project: _____
 Enter Total Non-Residential Floor Area of Project _____
 Percent of Project Dedicated to Residential Use _____

1
-
100%

ENTER PROJECT NAME	Community	Energy	IAQ/Health	Resources	Water	
	Possible Points					
A. PLANNING & DESIGN						
1. Infill Sites						
<input type="checkbox"/> a. Project is Located Within an Urban Growth Boundary & Avoids Environmentally Sensitive Sites	1					
<input type="checkbox"/> b. Project Includes the Redevelopment of At Least One Existing Building				1		
<input checked="" type="checkbox"/> c. Housing Density of 15 Units Per Acre or More (1 pt for every 5 u/a) Enter Project Density Number (In Units Per Acre)	10					
<input type="checkbox"/> d. Locate Within Existing Community that has Sewer Line & Utilities in Place	1					
<input type="checkbox"/> e. Project Redevelops a Brownfield Site or is Designated a Redevelopment Area by a City	1					
f. Site has Pedestrian Access Within 1/2 Mile to Neighborhood Services (1 Pt for 5 Or More, 2 Pts for 10 Or More):						
<input type="checkbox"/> 1) Bank	2	<input type="checkbox"/> 2) Place of Worship	<input type="checkbox"/> 3) Full Scale Grocery/Supermarket			
<input type="checkbox"/> 4) Day Care		<input type="checkbox"/> 5) Cleaners	<input type="checkbox"/> 6) Fire Station			
<input type="checkbox"/> 7) Hair Care		<input type="checkbox"/> 8) Hardware	<input type="checkbox"/> 9) Laundry			
<input type="checkbox"/> 10) Library		<input type="checkbox"/> 11) Medical/Dental	<input type="checkbox"/> 12) Senior Care Facility			
<input type="checkbox"/> 13) Public Park		<input type="checkbox"/> 14) Pharmacy	<input type="checkbox"/> 15) Post Office			
<input type="checkbox"/> 16) Restaurant		<input type="checkbox"/> 17) School	<input type="checkbox"/> 18) After School Programs			
<input type="checkbox"/> 19) Commercial Office		<input type="checkbox"/> 20) Community Center	<input type="checkbox"/> 21) Theater/Entertainment			
<input type="checkbox"/> 22) Convenience Store Where Meat & Produce are Sold.						
g. Proximity to Public Transit						
Development is Located Within:						
<input type="checkbox"/> 1/4 Mile of One Planned or Current Bus Line Stop		1				
<input type="checkbox"/> 1/4 Mile of Two or More Planned or Current Bus Line Stops		1				
<input type="checkbox"/> 1/2 Mile of a Commuter Train/Light Rail Transit System		1				
h. Reduced Parking Capacity:						
<input type="checkbox"/> Less than 1.5 Parking Spaces Per Unit		1				
<input type="checkbox"/> Less than 1.0 Parking Spaces Per Unit		1				
2. Mixed-Use Developments						
<input type="checkbox"/> a. At least 2% of Development Floorspace Supports Mixed Use (Non-Residential Tenants)		1				
<input type="checkbox"/> b. Half of Above Non-Residential Floorspace is Dedicated to Neighborhood Services		1				
3. Building Placement & Orientation						
<input type="checkbox"/> a. Protect Soil & Existing Plants & Trees		1				
4. Design for Walking & Bicycling						
<input type="checkbox"/> a. Sidewalks Are Physically Separated from Roadways & Are 5 Feet Wide	1					
<input type="checkbox"/> b. Traffic Calming Strategies Are Installed by the Developer	1					
<input type="checkbox"/> c. Provide Dedicated, Covered & Secure Bicycle Storage for 15% of Residents	1					
<input type="checkbox"/> d. Provide Secure Bicycle Storage for 5% of Non-Residential Tenant Employees & Visitors	1					
5. Social Gathering Places						
<input type="checkbox"/> a. Outdoor Gathering Places for Residents (Average of 50 sf Per Unit Or More)	1					
<input type="checkbox"/> b. Outdoor Gathering Places Provide Natural Elements (For compact sites only; this point not available if A.5a is checked)	1					
6. Design for Safety and Natural Surveillance						
<input type="checkbox"/> a. All Main Entrances to the Building and Site are Prominent and Visible from the Street	1					
<input type="checkbox"/> b. Residence Entries Have Views to Callers (Windows or Double Peep Holes) & Can Be Seen By Neighbors	1					