

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1503

AN ORDINANCE OF THE NOVATO CITY COUNCIL ADDING SECTION 4-13 TO THE NOVATO MUNICIPAL CODE TO PROVIDE REQUIREMENT TO SUBMIT AND COMPLY WITH GREEN BUILDING MEASURES ON RESIDENTIAL PROJECTS WITHIN THE CITY OF NOVATO

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

SECTION 1:

CHAPTER IV: Section 4-13 of the Novato Municipal Code is hereby added to read as follows:

SECTION 4-13 PURPOSE

The purpose of this section is to enhance the public welfare and assure that further residential 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. The green building practices referenced in this Section are designed to achieve the following goals:

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

4-13.1 FINDINGS

The City of Novato finds that;

- A. Green building design, construction, and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building.
- B. Green building benefits are spread throughout the systems and features of the building. Building "green" can include, among other things, the use of certified sustainable wood products; aggressive use of high recycled content products; recycling of waste that occurs during deconstruction, demolition and construction; enhancement of indoor air quality by selection and use of construction materials that do not have chemical emissions that are toxic or irritating to building occupants; modification of heating, ventilation, and air-conditioning systems to provide energy efficiency and improved indoor air; use of water conserving

methods and equipment; and installation of alternative energy methods for supplemental energy production.

- C. In recent years, 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.
- D. The Green Building Residential Design Guidelines developed by Alameda County Waste Management Authority, establishes the January 2004 the New Homes Green Points Calculator as the rating system for residential projects within the County of Alameda. The New Homes Green Points Calculator provides the necessary standards for meeting the goals of green building design, construction and operation. The City's use of the January 2004 New Homes Green Points Calculator will promote the green rating of residential projects within the City of Novato.
- E. Requiring new residential buildings and major remodels to existing residential 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.

4-13.2 DEFINITIONS

For the purposes of Section 4-13, 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 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 residential buildings and major renovations to existing residential buildings within the City. Historic Structures are exempt.
- H. "Green Building" means a whole system approach to the design, construction, and operation of buildings that helps mitigate the environmental, economic, and social impacts of the buildings. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and 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 "New Homes Green Building Points Calculator" January 2004 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 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. "Residential" means any building or structure used for living, sleeping, eating and cooking. For purposes of this Section, residential does not include multi family, assisted living facilities, senior housing or commercial facilities wherein rooms or suites of rooms that are rented for transient occupancy such as hotels, motels, inns or similar 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.

4-13.3 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 50 Green Building Points with a minimum of 10 points in each category (Resources, Energy, Indoor Air Quality/Health) 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 5 points in each category (Resources, Energy, Indoor Air Quality/Health)

- B. Non Covered Projects: Applicants for non-covered projects are encouraged, but not required to use their best efforts to incorporate as many green building points as feasible
- C. 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 60 Green Building Points by January 1, 2008. Further increases to be determined by means of the annual reviews.

4-13.4 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 "New Homes Green Point Calculator" form to demonstrate that the Covered Project will meet the number of Green Building Points required by Subsection 4-13.3A.
- B. Building Division: For building permits, the applicant shall submit a fully and properly completed City of Novato "New Homes Green Point Calculator" 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.

4-13.5 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 4-13.4B.
- B. Compliance Documentation:
Upon completion of the project and as part of the final approval for occupancy, compliance with this Chapter shall be documented on a form approved by the building official.

4-13.6 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.

4-13.9 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 3: 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.

* * * * *

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 13th day of September, 2005, and was passed and adopted at a regular meeting of the Novato City Council on the 27th day of September, 2005.

AYES: Councilmembers Arnold, Dillon-Knutson, Eklund, MacLeamy, Meyers

NOES: Councilmembers None

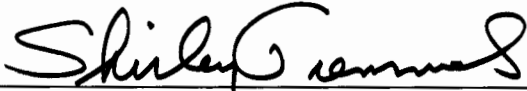
ABSTAIN: Councilmembers None

ABSENT: Councilmembers None



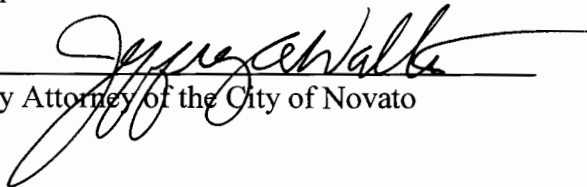
Mayor of the City of Novato

Attest:



City Clerk of the City of Novato

Approved as to form:



City Attorney of the City of Novato