

ORDINANCE NO. 04444

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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AN ORDINANCE AMENDING CHAPTER 14 OF DIVISION VII OF THE SAN MATEO COUNTY ORDINANCE CODE (BUILDING REGULATIONS), CONSISTING OF SECTIONS 1401-1408, MODIFYING THE GREEN BUILDING PROGRAM

The Board of Supervisors of the County of San Mateo, State of California.

ORDAINS as follows:

SECTION 1. Chapter 14 of Division VII of the San Mateo County Ordinance Code, consisting of Sections 1401-1408, is hereby amended to read as follows:

CHAPTER 14. GREEN BUILDING PROGRAM

SECTION 1401. PURPOSE. The purpose of the County Green Building Program is to enhance public health and welfare by encouraging green building measures in the design, construction, and maintenance of buildings. The green building practices referenced in this Chapter are intended to achieve the following goals:

- A. To encourage the conservation of natural resources;
- B. To reduce waste in landfills generated by construction projects;
- C. To increase energy efficiency and lower energy usage;
- D. To reduce the operating and maintenance costs for buildings; and
- E. To promote a healthier indoor environment.

SECTION 1402. DEFINITIONS. For purposes of this Chapter, the following terms shall have the meanings set forth below:

- A. "50% remodel" means any additions, alterations, or repairs within any 12-month period that exceeds 50% of the value of the existing building or structure.
- B. "Build It Green™" means the non-profit organization that publishes the New Home Construction Green Building Guidelines, the Multi-Family Green Building Guidelines (Parts 1 and 2), Home Remodeling Green Building Guidelines, the Single-Family GreenPoint Rated Checklist, the GreenPoint Rated Existing Home Checklist and the Multi-Family GreenPoint Rated Checklist, and any successor entity that assumes responsibility for the programs and operations of Build It Green™.
- C. "Commercial and industrial project" means any new construction of a retail, office, industrial, warehouse, or service building, or portion of a building, which is not a residential project.
- D. "Dwelling, single-family" means a building containing exclusively a single dwelling unit and built to the specifications of the California Building Code (CBC), California Electrical Code (CEC), California Mechanical Code (CMC), California Plumbing Code (CPC), and California Energy Code; or a mobile home containing exclusively a single dwelling unit, built to the Federal Department of Housing and Urban Development (HUD) Construction Standards, on a permanent foundation system, pursuant to Section 18551 of the Health and Safety Code.
- E. "Green building" means a whole systems approach to the design, construction, location and operation of buildings and structures that helps to mitigate the environmental, economic, and social impacts of con-

struction, demolition, and renovation. Green building practices recognize the relationship between the natural and built environments and seek to minimize the use of energy, water, and other natural resources and promote a healthy, productive indoor environment.

- F. "GreenPoint Rated (GPR)" means the version of the applicable GreenPoint Rated Checklist approved by Build It Green™, in effect at the time of project application for County building permit.
- G. "GreenPoints" means credits assigned under the applicable GreenPoint Rated Checklist for a covered project.
- H. "LEED® certification" means having accrued the minimum number of points to merit a "certified" rating on the appropriate Leadership in Energy and Environmental Design (LEED®) Rating System Checklist.
- I. "LEED® rating system" means the applicable version of the Leadership in Energy and Environmental Design (LEED®) rating system, approved by the U.S. Green Building Council (USGBC), in effect at the time of project application for County building permit.
- J. "Low-rise multi-family residential" means a building or portion thereof, or a group of buildings, containing three or more dwelling units, including apartment houses, apartment hotels and flats, but not including tourist courts, of three stories or less.
- K. "Two-family dwelling" means a building containing exclusively two dwelling units.
- L. "USGBC" means the United States Green Building Council.

M. "Working days" means Monday through Friday, excluding County holidays.

SECTION 1403. STANDARDS FOR COMPLIANCE FOR RESIDENTIAL

PROJECTS. Approval of any building permit for new construction or a 50% or greater remodel of a single-family dwelling, a two-family dwelling, or a low-rise multi-family residential project shall not be granted unless the applicant submits a checklist demonstrating that the project receives:

A. 50 GreenPoints or higher on the appropriate GreenPoint Rated Checklist, including the minimum number of points per category and meeting the prerequisites applicable on the appropriate GreenPoint Rated Checklist,

or

B. LEED® certification.

SECTION 1404. EXPEDITED PERMIT PROCESSING FOR RESIDENTIAL

PROJECTS. Expedited building permit processing will be available for new construction or a 50% or greater remodel of a single-family dwelling, two-family dwelling, or a low-rise multi-family residential project as follows:

A. For projects GreenPoint Rated at 75 points or higher or LEED® for Homes certified, comments on the first round of building permit applications will be provided from all County departments within 30 days of submittal.

B. For projects GreenPoint Rated at 100 points or higher or LEED® for Homes certified, an additional benefit of guaranteed building inspections within two working days of a request for inspection will be provided.

SECTION 1405. STANDARDS FOR COMPLIANCE FOR COMMERCIAL AND

INDUSTRIAL PROJECTS. Approval of any building permit for commercial or industrial construction of a new building(s) greater than 3,000 sq. ft., including

additions of 3,000 sq. ft. or greater to an existing building, shall not be granted unless the applicant submits a checklist demonstrating that the project receives LEED® certification.

SECTION 1406. EXPEDITED PERMIT PROCESSING FOR COMMERCIAL AND INDUSTRIAL PROJECTS.

Expedited building permit processing will be available for commercial or industrial construction of a new building(s) greater than 3,000 sq. ft., including additions of 3,000 sq. ft. or greater to an existing building, as follows:

- A. For projects LEED® certified, comments on the first round of building permit applications will be provided from all County departments within 30 days of submittal.
- B. For projects LEED® “Silver” certified, an additional benefit of guaranteed building inspections within two working days of a request for inspection will be provided.

SECTION 1407. FINAL CERTIFICATION. Completed certificate(s) from Build It Green™ or USGBC must be submitted to the Building Inspection Section prior to a final building permit inspection for any project complying with this Chapter. If the Building Inspection Section does not receive a completed certificate(s) verifying the score on the GreenPoints Checklist submitted at time of application and indicated on the approved set of building plans (i.e., 50 points, 75 points, or 100 points) or higher or LEED® for Homes certification has been achieved, the project shall be brought into compliance. If a completed certificate(s) from Build It Green™ or USGBC is not submitted prior to a final building permit inspection, temporary occupancy and a financial security will be required as indicated in the following paragraph.

Temporary Occupancy may only be granted by the Building Inspection Section upon conformance with Section 9067 (Temporary Certificate) of the County Ordinance Code (Building Regulations), including provision of a financial security in the form of a Certificate of Deposit Surety payable to the County of San Mateo in the amount of five thousand dollars (\$5,000) to guarantee compliance.

SECTION 1408. APPEAL. Any decision or determination by the Building Inspection Section under this Chapter may be appealed by the applicant or any interested person to the Building Inspection Manager, at no cost to the applicant.

Any decision or determination by the Building Inspection Manager under this Chapter may be appealed by the applicant or any interested person to the Board of Building Permit Appeals, in accordance with Chapter 7 of this Division, except that no appeal fee will be charged. Notice of such appeal must be filed with the Building Inspection Section not more than ten days after the date on which the final decision or determination by the Building Inspection Section is rendered. The notice shall identify the decision or determination that is the subject of the appeal and shall state the alleged error or reason for the appeal.

SECTION 2. This ordinance shall be in full force and effective thirty (30) days after adoption by the San Mateo County Board of Supervisors.

Regularly passed and adopted this 7th day of October, 2008.

AYES and in favor of said ordinance:

Supervisors:

MARK CHURCH

JERRY HILL

RICHARD S. GORDON

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said ordinance:

Supervisors:

NONE

Absent Supervisors:

NONE

Adrienne J. Tissier

*President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

Marie L. Peterson
*Marie L. Peterson, Deputy
Clerk of the Board of Supervisors*