

Attachment 1

CITY OF HEALDSBURG

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEALDSBURG REPEALING ORDINANCE NO. 1011, ADDING HEALDSBURG MUNICIPAL CODE TITLE 15, BUILDING CODES CHAPTER 15.16 GREEN BUILDING PROGRAM BY ADOPTING BY REFERENCE PART 11 OF THE 2010 CALIFORNIA BUILDING STANDARDS CODE AND AMENDMENTS THERETO

WHEREAS, the City of Healdsburg Municipal Code contains provisions that govern construction within the City, and

WHEREAS, these regulations are amended from time to time to reflect changing conditions, and

WHEREAS, on November 17, 2008, the City Council adopted the Framework for Implementation of the Healdsburg Green City Program to promote environmentally-sound practices, develop green and sustainable alternatives, and reduce greenhouse gas emissions. The Framework calls for the development of a mechanism to ensure that residential and commercial building and remodeling projects meet agreed-upon green building standards, and

WHEREAS, the California Green Building Code (CALGreen), which became effective on January 1, 2011, applies to all new residential and non-residential buildings throughout the state, and

WHEREAS, CALGreen includes Voluntary Appendix Chapters A-4 Tier I (Residential) and A-5 Tier I (Non-Residential that may be adopted by local amendment to mandate enhanced levels of green building, and

WHEREAS, on November 18, 2010 the City Council adopted Ordinance 1101 which adopted CALGreen with amendments to include certain additions and remodels within the scope of the mandatory provisions of the code and directed staff to meet with the Green City Committee to re-visit adopting Appendix Chapter A-4 Tier I and Appendix Chapter A-5 Tier I, and

WHEREAS, on March 16, 2011 the Green City Committee forwarded to the City Council a recommendation to adopt CALGreen Appendix Chapters A-4 Tier I and A-5 Tier I as requirements for new residential buildings over 3,000 square feet and for non-residential buildings over 10,000 square feet

WHEREAS, the Green City Committee also recommended that applicants for CALGreen Tier I projects be required to hire a third party for plan review, inspections and documentation, and

WHEREAS, On April 4, 2011 the City Council accepted the Green City Committee's recommendations and directed staff to prepare ordinance amendments for its consideration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HEALDSBURG DOES HEREBY ORDAIN AS FOLLOWS:

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SECTION 1. FINDINGS

The City Council hereby finds as follows:

1. The City of Healdsburg recognizes its responsibility to promote and implement practices that protect the quality of the air, water and other natural resources and to minimize human impacts on local and worldwide ecosystems.
2. The City Council of the City of Healdsburg ("City") finds that, in order to best protect the health, safety and welfare of the citizens of the City, the standards of building within the City must conform to state law except where local conditions warrant more restrictive regulations. Pursuant to Section 17958 of the California Health and Safety Code, the governing body of the City may adopt changes or modifications to the 2008 California Building Efficiency Standards and the State Building Standards Code (Title 24 of the California Code of Regulations) that are reasonably necessary because of local climatic, geographical or topographical conditions. Based on the materials presented and by the recommendation of the Building Official, the City Council further finds that it is necessary to include certain remodels and additions to existing residential and non-residential structures within the scope of the California Green Building Standards Code. Under the provisions of Section 17958.5 of the California Health and Safety Code, the City Council explicitly finds that the following local conditions exist to justify the adoption of the proposed amendments to Title 15, Building Codes:
 - a. It is important that the built environment, to the extent possible, minimize the effects of contributing to greenhouse gases in the atmosphere. By adoption of Resolution No. 84-2005, the City Council has established climate protection targets to reduce greenhouse gas emissions produced community wide by 25 percent below 1990 levels by 2015 and to reduce greenhouse gas emissions produced by internal municipal operations by 20 percent from 2000 levels by 2010. The City Council has adopted other resolutions establishing the need to reduce greenhouse gas emissions to improve local climatic conditions, including Resolution No. 78-2002 (Endorsing the Aims and Objectives of the Cities for Climate Protection Campaign) and Resolution 141-2008 (Approving Development of a Regional Climate Protection Coordination Plan and the Initial Framework for Implementation).

In 2006, the State enacted the California Global Warming Solutions Act of 2006, which added Section 38501 et seq. to the California Health and Safety Code. This legislation required, among other actions, that the State Air Resources Board adopt regulations which will reduce statewide greenhouse gas emissions to 1990 levels by the year 2020.

Utilizing green practices such as sustainable manufacturing processes, higher equipment and mechanical system efficiencies, and use of renewable energy will help to curb greenhouse gas emissions within the City. In addition, the use of recycled content, reclaimed materials, and rapidly renewable wood products and the reuse of construction waste will help provide sustainable use of our natural resources. Construction and demolition waste management measures reduce

waste generation, protect the local environment from pollutants, and reduce the emission of gases that contribute to the greenhouse effect that affects the City.

- b. The Healdsburg area is prone to extended periods of drought, hot weather and mandatory summer water conservation measures due to limits on water supply. Many scientists believe that the greenhouse effect, as caused by greenhouse gas emissions, will cause an increased likelihood of drought or significant rain events that may reduce local water supplies or cause local flooding. Reducing water usage through water-efficient landscaping, irrigation measures and building practices will help reduce the impact to the city's water supplies. Implementation of energy-efficient measures for solar water heating, pipe insulation, and heat traps in buildings will reduce heat loss due to hot water storage and distribution as well as the waste of potable water while waiting for hot water to reach the point of use.

As a result of the findings, as set forth in this section, those additional requirements as specified in the amendment to the adopting ordinance supplementing and amending the code herein are considered necessary.

SECTION 2. EXISTING CODES REPEALED

Ordinance No. 1011 of the Healdsburg Municipal Code is hereby repealed in its entirety.

SECTION 3 CODES ADOPTED AND AMENDED

Chapter 15.16. "Green Building Program" is hereby adopted.

15.16.010 Codes Adopted

Part 11 of Title 24, California Code of Regulations, "2010 California Green Building Standards Code," including Appendix A-4 Tier I and Appendix A-5 Tier I of said Code is hereby adopted by reference.

15.16.0200 California Green Building Code amendments

Chapter 1, "Administration", Section 101.3, "Scope", is amended to read as follows:

The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structures including the following:

Residential construction

- Construction of single-family, secondary and multi-family dwellings.
- Additions to dwellings of 500 square feet or more of conditioned space.
- Construction of and additions to residential accessory structures of 500 square feet or more of conditioned space.
- Conversion of 500 square feet or more of unconditioned space in an existing dwelling to conditioned space.

Non-residential construction, which includes commercial, industrial and public projects

- Construction of non-residential buildings

- Additions of 5,000 square feet or more of conditioned space to non-residential buildings.
- Conversion of 5,000 square feet or more of unconditioned non-residential space to conditioned space.
- Reconstruction of residential buildings of any size.
- Reconstruction of non-residential buildings containing 5,000 square feet or more.

The provisions of appendix Chapter A-4 Tier I shall apply to all new residential construction over 3,000 square feet in area. The provisions of appendix Chapter A-5 Tier I shall apply to all new non- residential construction over 10,000 square feet in area.

Chapter 1, "Administration", Section 102.3, "Verification", is amended to include:

Plan review, inspections and required documentation for projects subject to the requirements of appendix Chapters A-4 and A-5 shall be performed by a City of Healdsburg approved CALGreen special inspector hired by the applicant.

SECTION 4. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 5. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 7. EFFECTIVE DATE AND PUBLICATION

This ordinance of the City of Healdsburg shall be effective thirty (30) days after the date of its passage and its provisions shall become applicable on June 16, 2011. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Healdsburg, along with the names of the members of the City Council voting for and against its passage.

INTRODUCED by the City Council of the City of Healdsburg on the 18th day of April, 2011, and PASSED and APPROVED on the _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAINING: Councilmembers:

APPROVED:

ATTEST:

Tom Chambers, Mayor

Maria Curiel, City Clerk