

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 2012

PRESENT:

ABSENT:

RESOLUTION NO. _____

RESOLUTION ESTABLISHING SPECIAL FINDINGS RELATED TO ADOPTION
OF AMENDMENTS TO THE 2010 CALIFORNIA GREEN BUILDINGS
STANDARDS CODE BASED ON LOCAL CLIMATIC, GEOGRAPHICAL
AND TOPOGRAPHICAL CONDITIONS

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo is committed to maintaining a land use and building permit process that is reasonable and efficient; and

WHEREAS, in recent years there has been both worldwide and local concerns raised about escalating energy costs and the effects of global warming; and

WHEREAS, buildings consume approximately 70% of the electricity in the United States and building construction and demolition practices consume large quantities of valuable resources; and

WHEREAS, the County of San Luis Obispo has a long standing commitment to leadership in green building standards, sustainable design and construction practices, water and other resource conservation and the reduction of greenhouse gas emissions; and

WHEREAS, precious resources can be saved and harmful environmental emissions can be reduced by the inclusion of sustainable construction and demolition practices and by

incorporating green building standards, practices and principles into building and landscape design, maintenance, construction and demolition; and

WHEREAS, the standards and requirements set forth in this ordinance are consistent in principle with the goals, objectives, policies, land uses and programs specified in the adopted General Plan; and

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to protect and promote the public health, safety and welfare of the citizens of the County; and

WHEREAS, the State Building Standards Commission has approved and published the 2010 edition of the California Green Building Standards Code on July 1, 2010; and such code became effective on January 1, 2011; and

WHEREAS, on July 24, 2012, the Board of Supervisors adopted Ordinance Number 3229, which adopted by reference the 2010 edition of the California Building Standards Codes, including the Green Buildings Standards Code; and

WHEREAS, Health and Safety Code Sections 17958.7 and 18941.5 provide that the County may make changes or modifications to the building standards contained in the California Building Standards Code based on express findings that such changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Section 101.7.1 of the California Green Buildings Standards Code further provides that for the purposes of changes or modifications to the California Green Buildings Standards Code, local climatic, geographical or topographical conditions include local environmental conditions as established by the County; and

WHEREAS, Public Resource Code Section 25402.1(h)(2) provides that a local enforcement agency may adopt more restrictive energy standards upon a determination by the

governing board that the standards are cost effective and approval by the Energy Commission; and

WHEREAS, the Board of Supervisors has considered the 2010 edition of the California Green Buildings Standards Code and the proposed local amendments thereto; and

WHEREAS, the Board of Supervisors has considered the Energy Cost Effectiveness Study prepared by Gabel Associates for Climate Zone 4 dated August 26, 2010 and for Climate Zone 5 dated March 27, 2010 (“Energy Cost Effectiveness Study”), and finds that the more restrictive energy efficiency measures contained in this ordinance are cost effective because of climatic, geographical and topographical conditions that exist within San Luis Obispo County; and

WHEREAS San Luis Obispo County's Construction and Demolition Recycling requirement, enacted in 2004, shall be incorporated in the County Green Buildings Ordinance; and

WHEREAS, the Building Official for San Luis Obispo County has prepared Findings setting forth the underlying factual support for the required local findings, a copy of which is attached hereto as Exhibit A and incorporated herein by reference as though fully set forth herein.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, as follows:

1. That the recitals set forth hereinabove are true, correct, valid and incorporated into the body hereof by this reference.

2. The findings and conclusions of the Energy Cost Effectiveness Study (clerks file) and the Findings attached hereto as Exhibit A are hereby adopted, and the Board of Supervisors finds that the more restrictive energy efficiency measures contained in this

ordinance are cost effective because of climatic, geographical and topographical conditions that exist throughout the unincorporated areas of San Luis Obispo County, as set forth in Exhibit A.

3. Staff is directed to apply to the California Energy Commission for approval of the Energy Efficient Standards in compliance with Public Resources Code Section 25402.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN

County Counsel

By: 
Deputy County Counsel

DATED: August 9, 2012

EXHIBIT A
SAN LUIS OBISPO COUNTY PLANNING AND BUILDING
DEPARTMENT FINDINGS

- A. The Board of Supervisors of the County of San Luis Obispo finds that in order to best protect the health, safety and welfare of the citizens of the County of San Luis Obispo, the standards of building within the County must conform with State law except where local conditions warrant more restrictive regulations.
- B. Pursuant to Section 17958 of the California Health and Safety Code, the governing body of the County of San Luis Obispo, in its ordinances adopting the State Building Standards Code and uniform industry codes, may establish amendments which are more restrictive in nature than those regulations adopted by the State of California commonly referred to as Title 24 of the California Code of Regulations. Based on the materials presented and by the recommendation of the Building Official, the Board of Supervisors further finds that it is necessary to make modifications to the California Building Standards Code and to adopt or not adopt certain appendices to the Code. Under the provisions of Section 17958.5 of the California Health and Safety Code, local amendments shall be based on climatic, geographical and topographical conditions. As such, the Board of Supervisors finds that the following local conditions exist:

Finding 1.

Climatic: The County's climate is influenced by the Pacific Ocean, the hot dry air from the central valley and inland areas, and is characterized by infrequent rainfall. The winds generally originate from the west. This climate system is capable of producing major wind, fire and rainfall related disasters, including but not limited to the Santa Ana Winds and El Nino (or La Nina) subtropical-like weather.

Intermittent, immoderate climatic conditions due to wind, fog, rain, heat wave and humidity cause a higher demand for energy resources and a greater need for energy conservation through the construction of building systems and equipment uses.

The County of San Luis Obispo is in a semi-arid climate where potable water resources are limited. Climate change is expected to result in more frequent, severe, and extended droughts in the County. The proposed modifications for greater water conservations efficiency protect public health and safety by reducing potable water usage within the County.

The reduction of fossil fuel consumption by implementing and utilizing high performance building practices such as sustainable materials, more stringent energy efficiency standards and the use of renewable sources of energy will help to reduce greenhouse gas emissions within the County of San Luis Obispo.

The County of San Luis Obispo is home to a particularly diverse population of native flora which supports a wide array of wildlife, including many rare, threatened and endangered species. Scientific evidence suggests that the rising mean temperatures associated with climate change as a result of greenhouse gas emission may cause species to migrate and can create conditions conducive to invasive species or weeds, insects and other threats to native species. Establishment of higher building standards will encourage conditions favorable to native species of plants, beneficial insects that will contribute to the health of the County's ecosystem and agriculture.

In addition, an Energy Cost Effectiveness Study prepared by Gabel Associates for both Climate Zones 4 and 5, both of which cover San Luis Obispo County, identifies that the requirements for construction exceeding the 2008 Title 24 Part 6 energy requirements by 15% are in fact cost effective. The study finds, "Regardless of the building design, occupancy profile and number of stories, the incremental improvement in overall annual energy performance of buildings which exceed the 2008 Title 24 Building Energy Efficiency Standards by 15% appears cost effective. However, each building's overall design, occupancy type and specific design choices may allow for a large range of incremental first cost and payback. As with simply meeting the requirements of the Title 24 energy standards, a permit applicant complying with the energy requirements of a green building ordinance should carefully analyze building energy performance to reduce incremental first cost and the payback for the required additional energy efficiency measures."

Finding 2.

Geological: The County of San Luis Obispo is in an area of high seismic risk. Four active faults are within the county, each capable of generating large, damaging earthquakes. These faults are: the San Andreas Fault, which trends northwest-southeast near the eastern boundary of San Luis Obispo County; the San Simeon Fault, which is part of the larger Hosgri Fault Zone and parallels the coastline in the northern part of San Luis Obispo County; the Los Osos Fault, which parallels the Los Osos Valley a few miles southwest of the city of San Luis Obispo; and the Oceanic Fault, which runs from the city of San Luis Obispo northwest toward the community of Cambria, and was the fault responsible for the Magnitude 6.5 San Simeon earthquake that affected the region in December 2003. In addition, there are several potentially active faults within the county, including the Rinconada Fault, the Huasna Fault, and the Nacimiento Fault Zone. These faults could also produce large earthquakes.

Earthquakes from these faults could produce primary effects such as strong ground shaking or ground rupture, and secondary effects such as liquefaction and landslides. These primary and secondary effects pose a significant hazard to the county's building stock and infrastructure, and to public health and safety. These hazards include strong

shaking causing collapse of vulnerable buildings and bridges, ground rupture affecting roads and highways, and liquefaction damaging buildings, pipelines (water, gas, sewage), marine facilities (docks, jetties), railroads, and airports. Fire from broken gas lines and the lack of water from broken water lines could result in major damage. Landslides caused by strong shaking, possibly in combination with wet weather conditions, could block highways and railroads, thereby isolating parts of the county and affecting emergency response. Earthquake-induced landslides could also produce rockfalls that could strike and damage buildings and vehicles. Tsunamis could inundate the coastline. The protection of human life and the preservation of property in the event of such an occurrence support the imposition of fire protection requirements greater than set forth in the 2010 California Building Code. With the adoption of the County's additional green building measures it is anticipated that the water reduction measures, additional site planning measures, specific landscaping requirements and overall education in green building techniques that these topographic and climatic hazards will be reduced.

Finding 3.

Topographical: Due to varied topography within the county, special considerations must be made with regards to building and construction projects. Areas of San Luis Obispo County contain flat areas which may contain high liquefaction to very steeply sloping areas as well as areas which may contain high landslide risks (all are mapped within the County's General Plan Areas). Building and construction projects must address special site planning considerations during the design process due to these special topographical features. This design process is now enhanced through review of the County's additional green building measures due to increased awareness in site planning, low impact design, special water reduction requirements, foundation designs, and use of hardscape with projects. These additional measures will reduce the risk of potential topographical hazards such as landslide or liquefaction areas where landscaping watering could cause additional hazards to the site and surrounding property.

Many lots in the County of San Luis Obispo are located on hilly terrain with slopes that create grading, drainage, foundation, infrastructure, utility and emergency access challenges. With the adoption of the County's additional green building measures it is anticipated that the water reduction measures, additional site planning measures, specific landscaping requirements and overall education in green building techniques that these topographic and climatic hazards will be reduced.

Added Sections to Title 19:	Applicable Findings:
19.08.010 Purpose (is added)	1,2,3
19.08.020 Definitions (is added)	1,2,3
19.08.030 Applicability (is added)	1,2,3
19.08.040 Residential Standards (is added)	1,2,3
19.08.050 Non Residential Standards (is added)	1,2,3
19.08.060 Additional Requirements (is added)	1,2,3
19.08.070 Administrative Procedures (is added)	1,2,3
19.08.080 Appeals (is added)	1,2,3
19.08.090 Exemptions (is added)	1,2,3