

ORDINANCE NO. 04411

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

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AN ORDINANCE ADDING CHAPTER 14, CONSISTING OF SECTIONS 1401-1407, TO DIVISION VII OF THE SAN MATEO COUNTY ORDINANCE CODE (BUILDING REGULATIONS) ESTABLISHING A GREEN BUILDING PROGRAM

The Board of Supervisors of the County of San Mateo, State of California, **ORDAINS** as follows:

SECTION 1. Chapter 14, consisting of Sections 1401-1407, is hereby added to Division VII of the San Mateo County Ordinance Code and shall 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 New Home GreenPoints Checklist, and the Multi-Family GreenPoints 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 construction, 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,
or
- B. LEED® certification.

In addition to any other fees and payments otherwise due, applicants will be required to post a bond in the amount of \$5,000, or \$1.50 per square foot for the total square footage of the building, whichever is higher, prior to the issuance of the building permit. Verification from Build It Green™ or USGBC must be presented to the Building Inspection Section prior to release of the bond. If the Building Inspection Section does not receive verification that a score of 50 GreenPoints or higher or LEED® for Homes certification has been achieved, the project shall be brought into compliance, or the bond will be forfeited.

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.

Applicants participating in the voluntary expedited permit processing program will be required to post a \$10,000 bond. When the project is verified as receiving a score of 75 GreenPoints or higher or LEED® for Homes certification under Option A above, or 100 GreenPoints or higher under Option B above, the bond will be released. If the project does not receive verification that 75 GreenPoints or higher or LEED® for Homes certification under Option A above, or 100 GreenPoints or higher under Option B above, has been achieved, the project shall be brought into compliance, or the bond will be forfeited. Verification from Build It Green™ or USGBC must be presented to the Building Inspection Section prior to release of the bond.

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. Comments on the first round of building permit applications will be provided from all County departments within 30 days of submittal.

In addition to any other fees and payments otherwise due, applicants will be required to post a bond in the amount of \$5,000, or \$1.50 per square foot for the total square footage of the building, whichever is higher, prior to the issuance of the building permit. Verification from USGBC must be presented to the Building Inspection Section prior to release of the bond. If the Building Inspection Section does not receive verification that LEED® certification has been achieved, the project shall be brought into compliance, or the bond will be forfeited.

SECTION 1406. EXPEDITED PERMIT PROCESSING FOR COMMERCIAL

AND INDUSTRIAL PROJECTS. If LEED® “Silver” certification is achieved, the applicant may opt to receive guaranteed building inspections within two working days of a request for inspection.

Applicants participating in the voluntary expedited permit processing program will be required to post a \$10,000 bond. When LEED® “Silver” certification is verified, the bond will be released. If LEED® “Silver” certification cannot be verified, the project shall be brought into compliance, or the bond will be forfeited.

SECTION 1407. 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 effect thirty (30) days after adoption by the San Mateo County Board of Supervisors or when approved by the California Energy Commission, whichever is later. Not sooner than 12 months after adoption of this ordinance, County staff shall report on the results of the Green Building Program to the Board of Supervisors.

Regularly passed and adopted this 26th day of February, 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