

ORDINANCE NO. NS-1100.108

ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA
AMENDING SELECTED PROVISIONS OF CHAPTER III OF DIVISION C3 OF THE
COUNTY OF SANTA CLARA ORDINANCE CODE, RELATING TO GREEN BUILDING
REGULATIONS

THE BOARD OF SUPERVISORS HEREBY MAKES THE FOLLOWING FINDINGS:

**I. FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS
18941.5 AND 17958.7:**

The proposed Chapter III, “Green Building Regulations” of Division C3 of the County Ordinance Code sets forth minimum green building standards for new single family residential development. The application of these requirements will further the goals and policies of the County General Plan regarding environmental protection and will reduce future greenhouse gas emissions in accordance with the goals established under the Global Warming Solutions Act.

To the extent the requirements of this ordinance are deemed to constitute changes or modifications to the requirements of the California Building Standards Code and the other regulations adopted pursuant to Health and Safety Code Section 17922, this Board of Supervisors expressly finds that the provisions of this ordinance are reasonably necessary because of local climatic, geological, or topographical conditions for at least the following reasons:

(1) In the United States, buildings account for 39 percent of total energy use, 12 percent of the total water consumption 68 percent of total electricity consumption, 38 percent of the carbon dioxide emissions, according to statistics provided by the federal Environmental Protection Agency.

(2) Energy consumption from the residential sector in Santa Clara County was the highest among all Bay Area counties, according to 2006 data from the California Energy Commission’s Energy Consumption Data Management System.

(3) Green building is a practice of building construction, operation and design that intends to minimize the environmental impacts of the buildings upon the natural and human environment by preserving natural resources, reducing energy and water usage, and improving indoor environmental quality.

(4) Reduction of energy usage as a result of efficiencies and conservation required by this ordinance is likely to have local benefits such as cost reduction, additional available system energy capacity, reduction in electricity demand, and a reduction in greenhouse gas emissions. These benefits are likely to become increasingly important as the effects of global warming and climate change are felt locally.

(5) Environmental benefits of green building include: enhanced and protected biodiversity and ecosystems, improvements in air and water quality, reduced waste streams, and conservation of natural resources according to the EPA. Other benefits of green building according to the EPA include improved occupant productivity, enhanced occupant comfort and health and minimized strain on local infrastructure. Therefore, the design, construction, and maintenance of buildings and structures within the Santa Clara County is likely to have a beneficial impact on the County's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of occupants.

(6) The adoption of California Assembly Bill 32 (the "Global Warming Solutions Act") recognizes that greenhouse gas ("GHG") emissions from California are contributing to global warming and the legislation mandates that statewide GHG emissions be lowered to 1990 levels by 2020. The use of green building practices furthers, at the local level, the environmental protection goals of the County General Plan and the greenhouse reduction goals set forth under the Global Warming Solutions Act by reducing energy and water usage while conserving resources and creating healthier environments.

II. FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"), Public Resources Code § 21000 *et seq.*:

The adoption of this ordinance is categorically exempt from the requirements of CEQA pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code Regs. § 15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

III. OTHER FINDINGS

(1) The goals of this ordinance are consistent with the County of Santa Clara General Plan, which sets forth goals to minimize the environmental impacts of land development and the construction of buildings while preserving the natural landscape and conserving water and energy.

(2) The regulation of building design, construction and operation lies with the realm of police power traditionally assigned to states and their political subdivisions.

(3) The County does not intend to mandate installation of products whose efficiencies exceed applicable federal or state standards that govern the efficiency of such products, or to set up a system of local appliance standards.

(4) Nothing in this ordinance is intended to duplicate, contradict, or enter a field which has been fully occupied by, federal or state law or regulation.

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THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA ORDAINS AS FOLLOWS:

SECTION 1: Section C3-52 of Chapter III of Division C3 of Title C of the County of Santa Clara Ordinance Code is amended to read as follows:

Section C3-52. Applicability

Upon the effective date of this chapter, all Covered Projects shall submit to the Compliance Official a completed Green Building Project Checklist but no points or certification shall be required to be achieved until January 1, 2010 or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission, whichever comes later.

Effective January 1, 2010, or whenever the cost-effectiveness determination for this Ordinance is approved by the California Energy Commission (whichever comes later), all Covered Projects shall be required to meet the requirements set forth in Table I of Section C3-53, except that no point requirements or certification shall apply to any project for which a building permit application is submitted prior to January 1, 2010.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California on August 25, 2009 by the following vote:

AYES: Cortese, Gage, Kniss, Shirakawa, Yeager
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

Liz Kniss, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.

ATTEST:

Maria Marinos
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:

Lizanne Reynolds
Deputy County Counsel