

MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING AMENDMENTS TO
MARIN COUNTY CODE TITLE 19 (BUILDING CODE)**

SECTION I. FINDINGS

The Board of Supervisors of the County of Marin ordains as follows:

WHEREAS, the Marin County Community Development Agency initiated proposed amendments to Marin County Code Title 19 (Building Code). The Building Code includes building and energy efficiency regulations that apply to the unincorporated areas of Marin County. The proposed amendments include, but are not limited to: (1) the addition of green building requirements for new single family and duplex structures, remodels to residential structures, new multi-family projects or additions, new non-residential buildings or additions, and remodeling to non-residential structures; and (2) modifying the existing Marin County Single Family Dwelling Energy Efficiency standards to be consistent with the 2008 California Building Energy Efficiency Standards, require that homes over 7,000 square feet achieve zero net energy use, and expand requirements to include new multi-family projects, and non-residential projects over 5,000 square feet; and

WHEREAS, the proposed Marin County Code Title 19 changes implement the Marin Countywide Plan (CWP) programs AIR-4.a (reduce greenhouse gas emissions resulting from energy use in buildings), AIR-4.e. (reduce County government contributions to greenhouse gas emissions), EN-1.b (adopt energy efficiency standards for new and remodeled buildings), EN-1.c (implement the single-family dwelling energy efficiency ordinance), EN-1.d (explore energy efficiency standards for existing buildings), EN-1.f (explore regional collaboration, financing, and other incentives for programs that promote sustainable energy practices), EN-1.j (reduce energy use in County facilities), EN-2.d (facilitate renewable energy technologies and design), EN-3.a (require green building practices for residential development), EN-3.b (require green building practices for non-residential development), EN-3.f (facilitate green building practices), and WR-3.a. (support water conservation efforts); and

WHEREAS, the Marin County Board of Supervisors certified a Final Environmental Impact Report (EIR) for the CWP prior to the adoption of the CWP. The certified EIR adequately evaluated the Building Code, which functions as an implementing program to the CWP. The CWP and CWP certified EIR adequately describes the current approval for the purposes of CEQA. A subsequent or supplemental EIR is not required pursuant to CEQA Guidelines Section 15162 because the proposed project does not include substantial changes involving new or more severe significant environmental effects, nor does the proposal involve new information that was not known at the time the EIR for the CWP was certified.

WHEREAS, the 2007 Marin County Re-Inventory of Greenhouse Gas Emissions determined that the operation of residential and non-residential buildings within the County generates 31% of the city's total annual greenhouse gas emissions; and

WHEREAS, the 2006 Marin County Greenhouse Gas Reduction Plan identifies reducing building energy use as one of the most effective means of meeting the adopted goal of reducing the production of greenhouse gases 15-20% below 1990 levels by the year 2020 for internal government and 15% countywide; and

WHEREAS, the California Global Warming Solutions Act of 2006, known as AB 32, established a statewide goal of reducing greenhouse gas emissions to 1990 levels by 2020 and to a level 80% below 1990 levels by 2050, and directs the California Air Resources Board to develop a strategy to achieve such reductions; and

WHEREAS, the California Air Resources Board adopted its Climate Change Scoping Plan on December 12, 2008, which identified the imposition of mandatory green building techniques as achieving 15% of the AB 32 greenhouse gas reduction goal for 2020; and

WHEREAS, the California Public Utilities Commission has adopted a goal of 40% improved energy efficiency in all buildings by 2020; and

WHEREAS, the San Francisco Bay Conservation and Development Commission has indicated that the sea level of the San Francisco Bay has increased 8 inches over the past century and projects that sea level will rise between 20 and 55 inches by 2100, which will inundate properties currently valued at over \$48 billion dollars and over 700 miles of state and local roadways and will require the installation of seawalls and levee increases costing over \$1 billion; and

WHEREAS, the United Nations Intergovernmental Panel on Climate Change has warned that failure to address the causes of global climate change within the next few years will result in significant sea level increases and frequency of wildland fires and reduced freshwater resources, which will significantly increase the cost of providing local governmental services and protecting public infrastructure; and

WHEREAS, the United States Environmental Protection Agency (EPA) states that the construction and operation of buildings in the United States collectively account for 39% of total energy use, 68% of total electricity consumption, 12% of total freshwater consumption, 40% of all raw materials used, and 38% of total carbon dioxide emissions; and

WHEREAS, the total energy consumption by residential dwelling units in Marin County increased from 619 million kWh to 734 million kWh (a 19% increase) from 1995 to 2000; and

WHEREAS, according to the California Health and Safety Code Sections 18938, 17958 and Section 17958.5 a local government may establish more stringent building standards than the California Building Codes Standards if they are reasonably necessary due to local climatic, geological or topographical conditions; and

WHEREAS, California Assembly Bill 210 states that a city is authorized to change or modify green building standards if the California Building Standards Commission determines such changes are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Public Resources Code Section 25402.1(h)(2) states that a local enforcement agency may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission; and

WHEREAS, green building is a practice of design, construction and maintenance techniques that have been demonstrated to have a significant positive effect on energy, water and resource conservation, waste management and pollution generation and on the health and productivity of building occupants over the life of the building; and

WHEREAS, green building benefits are spread throughout the systems and features of the building. Green buildings can include, among other things, the use of certified sustainable wood products, extensive use of high-recycled-content products; orientation and design of a building to reduce the demand on the heating, ventilating, and air conditioning systems; the use of heating, ventilating, and air conditioning systems that provide energy efficiency and improved air quality; enhancement of indoor air quality by selection and use of construction materials that do not emit chemicals that are toxic or irritating to building occupants; the use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production; and

WHEREAS, in recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses, and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides and rating systems for green building practices. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems, has become a leader in promoting and guiding green building, particularly for non-residential structures. Build It Green has developed the New Home, Existing Home and Multi-Family Green Building Guidelines and associated GreenPoint Calculators, which have been adopted for use in approximately 70 Bay Area jurisdictions; and

WHEREAS, construction of buildings in accordance with the GreenPoint Rated and LEED® rating systems results in average energy savings of about 20% compared with buildings constructed in accordance with current minimum standards of the state building code; and

WHEREAS, representatives of all municipalities within Marin County and of the county government participated in a collaborative effort known as the Marin Green Building, Energy Retrofit and Solar Transformation (BERST) Task Force, held meetings on June 11, July 13, September 29 and 30, and November 19, 2009 and endorsed a model green building ordinance recommended by a Technical Advisory Committee comprised of over 50 experts in the fields of architecture, building construction, green building, building energy systems, energy conservation, water conservation, building inspection, planning and real estate over the course of 11 meetings; and

WHEREAS, the ordinance was introduced at a regular meeting of the Board of Supervisors on the 26th day of January, 2010, and adopted by the Board of Supervisors of the County of Marin, State of California, on the 9th day of February 2010; and

WHEREAS, the proposed amendments meet the requirements of California Health and Safety Code Sections 18938, 17958, and 17958.5, California Assembly Bill 210 and Public Resources Code Section 25402.1(h)(2).

SECTION II: AMENDMENTS TO TITLE 19

NOW, THEREFORE, BE IT RESOLVED that the Marin County Board of Supervisors hereby adopts the amendments to Marin County Code Title 19 (Building Code) as depicted in Exhibit "A" of this Ordinance. The requirements of Marin County Code Chapter 19.04 shall govern the applicability of the approved amendments to existing projects that are in the development review process.

SECTION III: EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect as of sixty (60) days from and after the date of its passage, and shall be published once before the expiration date of fifteen (15) days after its passage, with the names of the Supervisors voting for and against the same in the Marin Independent Journal, a newspaper of general circulation published in the County of Marin.

SECTION IV: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 9th day of February by the following vote:

AYES:

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK