

ARTICLE 22

GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

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ARTICLE 22

GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

SECTION 10-22.100 TITLE. This Article shall be known and may be cited as the Private Development Green Building Ordinance of the City of Hayward.

SECTION 10-22.110 DEFINITIONS. For the purposes of this Article, certain terms are defined as follows:

- a. "Applicant" means any individual, firm, Limited Liability Company, association, partnership, political subdivision, government agency, industry, public or private corporation or any other entity that applies to the City of Hayward for permit(s) to construct a Project subject to the provisions of this Article.
- b. "Build It Green" is a non-profit membership organization which developed the GreenPoint Rating Systems for Residential and Mixed Use occupancies in order to promote sustainable buildings.
- c. California Building Energy Efficiency Standard (Title 24, part 6) refers to the most recent enforced version of the coded section of the California Building Code.
- d. "City" means the City of Hayward.
- e. "Commercial" means any building or space used for retail, industrial, office or other non-residential use.
- f. "Covered Project" means any privately funded construction project, except as otherwise provided herein, for which an application for a building permit is received after August 1, 2009, or after the date the California Energy Commission and California Building Standards Commission approve green building standards required by this Article, whichever date is later, consisting of:
 - (1) New construction, additions or remodels over 500 square feet for residential projects, or
 - (2) New construction, additions or remodels entailing 1,000 square feet or more of new or remodeled Commercial space.
- g. "Green building" means a whole systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition and renovation. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.
- h. "GreenPoint Rated" is a third party rating system for homes based on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance. City staff shall maintain the

most recent version of Build It Green's GreenPoint Rated Checklists for Single Family, Multi-Family and Existing Homes and Residential Green Building Guidelines for New Home Construction, Home Remodeling and Multifamily Green Building.

- i. "Historical Building" means any structure or collection of structures deemed of importance to the history, architecture or culture of an area by an appropriate local or state governmental jurisdiction, pursuant to Section 18955 of the California Health and Safety Code and Section 8-201 of the 2007 California Historical Building Code, Title 24, Part 8.
- j. "LEED™" and "LEED™ Checklist" mean the Leadership in Energy and Environmental Design rating system, certification methodology, and checklist used by the United States Green Building Council (USGBC). City staff shall maintain the most recent version of the LEED™ Rating system at all times.
- k. "Multi-family Residential Building" means a single residential building that has more than two dwelling units.
- l. "Mixed-Use" means a building with residential and commercial uses.

SECTION 10-22.120 APPLICATION. The provisions of this Article apply to Covered Projects, with the following exemptions or exceptions:

- a. Historical Buildings, as defined by this Article.
- b. Permits issued only for foundation repair, re-roofing, repair of fire damage, work required by termite reports, upgrades for accessibility, or other items of building or structural maintenance as determined by the Building Official provided that these building projects comply with or are not subject to the California Building Energy Efficiency Standard (Title 24, part 6).
- c. Provided that projects still fully comply with the California Building Energy Efficiency Standard (Title 24, part 6), hardship exemptions may be granted by the Building Official for projects valued at less than \$50,000 where the Project Applicant can demonstrate the cost of complete compliance will exceed 20.0% of construction costs. In these cases, the applicant may limit compliance to 20.0% of the construction cost of the project.
- d. Provided that projects still fully comply with the California Building Energy Efficiency Standard (Title 24, part 6), exemptions or partial exemptions may be granted by the City Council for other projects where it can be demonstrated that complete compliance is not possible due to unusual building circumstances. This exemption is for other than economic considerations.
- e. Projects for which a Vesting Tentative Map has been approved by January 1, 2009 and for which there is full compliance with the California Building Energy Efficiency Standard (Title 24, part 6).
- f. Projects subject to a Development Agreement approved by January 1, 2009 and for which full compliance with the California Building Energy Efficiency Standard

(Title 24, part 6) at the time of permitting has been documented, but without a Vesting Tentative Map, shall comply with the requirements of this Article if a building permit application is received on or after January 1, 2011.

SECTION 10-22.130 ALTERNATIVE GREEN BUILDING REQUIREMENTS.

The following green building requirements shall apply to all Covered Projects. Wherever reference is made to the Hayward checklist or Green Point Rated systems, a comparable equivalent rating system may be used if the Building Official finds the proposed alternate method is satisfactory and complies with the intent of this Article. The applicable systems are those in effect at the time a complete application for the Project is submitted to the Building or Planning Division. All Covered Projects must submit all required documentation to demonstrate compliance with the California Building Energy Efficiency Standard (Title 24, part 6).

SECTION 10-22.140 STANDARDS FOR COMPLIANCE.

a. Multi-Family Residential and Mixed-Use Buildings.

Applicants for new Multi-Family Residential Covered Projects, prior to obtaining a Certificate of Occupancy, shall submit documentation demonstrating the building(s) has/have been GreenPoint Rated as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. The Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

Prior to August 1, 2009, in order to promote familiarity with green building standards, applicants are encouraged to have their projects GreenPoint Rated, or to incorporate items, if any, from the checklist; however, only completing the list and submitting it is mandatory in addition to all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. For such projects that are GreenPoint Rated, the Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

These requirements shall also apply to Mixed-Use Covered Projects.

b. New Single Family Dwellings.

Applicants for new Single Family Covered Projects prior to obtaining a Certificate of Occupancy, shall submit documentation demonstrating the building(s) has/have been GreenPoint Rated as well as all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. The Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

Prior to August 1, 2009, in order to promote familiarity with green building standards, applicants are encouraged to have their projects GreenPoint Rated, or to incorporate items, if any, from the checklist; however, only completing the list and submitting it is mandatory in addition to all documentation required to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. For such projects that are GreenPoint Rated, the

Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

c. Residential Additions/Remodels Greater Than 500 Square Feet.

Applicants for residential Covered Projects consisting of remodels and/or additions greater than 500 square feet to existing residential single family or multi-family dwellings shall submit, with their permit application, the GreenPoint Rated Existing Homes Checklist. The Applicant shall indicate on the plans and checklist if any of the items on the checklist have been incorporated into the project. Applicants are encouraged to have their projects GreenPoint Rated, or to incorporate items from the checklist; however, only completing the list and submitting it is mandatory in addition to all documentation required to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. For such projects that are GreenPoint Rated, the Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

d. Commercial Covered Projects.

Applicants for new Commercial Covered projects shall submit with their permit application the City of Hayward checklist for Private Non-Residential Development. The plans shall clearly show where each item has been incorporated into the project. The plan review, to be conducted by City staff, shall verify the incorporation of checklist items into the plans. The building inspection process, to be conducted by City staff, shall verify the inclusion of these items in the construction. A Certificate of Occupancy shall not be issued until the incorporation of the checklist items and full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting is verified by City staff. The Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

Prior to August 1, 2009, applicants are encouraged to incorporate measures from the City of Hayward Checklist for Private Non-Residential Development into their projects in addition to submitting all required documentation to demonstrate full compliance with the California Building Energy Efficiency Standard (Title 24, part 6) at the time of permitting. For such projects that incorporate such measures, the Certificate of Occupancy shall state that the project complies with the City's Private Development Green Building Ordinance.

SECTION 10-22.150 PROMULGATION OF IMPLEMENTING REGULATIONS.

The City Manager shall promulgate any rules and regulations necessary or appropriate to achieve compliance with the requirements of this Article. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City departments. These rules and regulations shall ensure that the City of Hayward fully enforces both California Building Energy Efficiency Standard (Title 24, part 6) and this ordinance.

SECTION 10-22.160. COST EFFECTIVENESS STUDY. Based upon the findings of a January 21, 2009, study entitled, "Energy Cost Effectiveness Case Studies Using the 2008 Title 24 Building Energy Efficiency Standards", adopted by the Stopwaste.org Board on April 22, 2009, the City Council has determined that the standards in this Article are cost effective and will require

the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards.