

Energy / Green Issues Standing Committee Meeting

September 11, 2012

**Item II – Green Building Program
Attachments 1-3**

ATTACHMENT 1 – CITY OWNED & OPERATED BUILDINGS

RESOLUTION NO. 12-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA ADOPTING A GREEN BUILDING POLICY FOR NEW
CITY BUILDING CONSTRUCTION AND MAJOR RENOVATIONS AND
ADDITIONS TO EXISTING CITY OWNED AND OPERATED
BUILDINGS**

WHEREAS, the City of Goleta General Plan sets forth a vision for the City's future which forms the foundation for the City's goals, objectives, and policies; and

WHEREAS, Chapter 1.2 of the City of Goleta General Plan envisions the City as a community that "seeks sustainability by not sacrificing tomorrow's resources for today's needs", and "where the amount and character of growth respects the carrying capacity of the natural environment"; and

WHEREAS, the City of Goleta General Plan includes Housing Element Implementation Program IP-9C Establish "Green" Building Standards and Processes; and

WHEREAS, Housing Element Implementation Program IP-9C requires the City to adopt a "Green Building Program" to encourage the use of green building materials and energy conservation measures in new construction; and

WHEREAS, the City of Goleta Strategic Plan reflects the goals and values of the City organization and provides direction on issues and projects of importance to the City Council and the community; and

WHEREAS, Objective 6.15 of the Strategic Plan calls for the City to "Promote Green, Sustainable, Energy Efficient Practices at City Hall, Corp Yard and in the Community"; and

WHEREAS, the City competed for and was awarded funding for development of a Green Building Program in support of the California Public Utilities Commission's (CPUC) California Long Term Energy Efficiency Strategic Plan, which is funded by California utility ratepayers and is administered by Southern California Edison under the auspices of the California Public Utilities Commission; and

WHEREAS, public policy that promotes healthy, resilient, high-performing building design and practices complements existing City policies relating to development and environmental stewardship, including energy efficiency and conservation, waste reduction and recycling, storm water quality and flood protection, tree protection, water conservation, and transportation demand management; and

WHEREAS, a number of local and national systems have been developed to serve as guides to green building practices, including the United States Green Building Council (USGBC), which has created and supports the Leadership in Energy and

Environmental Design (LEED) green building rating systems and maintains certification processes for new and existing buildings that together identify and verify a range of responsible design, construction and maintenance practices that can improve human and environmental health in buildings and their surroundings while saving energy, water and money; and

WHEREAS, two working groups were formed to provide input on development of the City's Green Building Program including an external advisory group known as the Green Ribbon Committee and an internal City staff Green Team; and

WHEREAS, the Green Ribbon Committee and Green Team met four times on October, 12, 2011, November 9, 2011, January 11, 2012, and May 10, 2012; and

WHEREAS, the City Council and Planning Commission at their Joint Meeting on June 28, 2012 directed staff to return with a policy recommending the use of the LEED Silver certification rating as an appropriate green building standard for City owned and operated buildings contingent on the type of construction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Goleta as follows:

SECTION 1. Findings. The City Council hereby finds and declares the following:

- (a) The above recitals are true and correct.
- (b) Green Building design, construction and operation does further the goals set forth in the City's General Plan and Strategic Plan, and supports the CPUC's California Long Term Energy Efficiency Strategic Plan.
- (c) A public purpose will be served by establishing a Green Building Program that includes a Green Building Policy for City owned and operated buildings, and is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction, and operation of its buildings.
- (d) The green building standards for compliance with the USGBC's LEED Silver certification for City owned and operated buildings are set forth in Attachment A to this resolution.

SECTION 2. Approval of Resolution Adopting a Green Building Policy Related to New City Building Construction and Major Renovations and Additions to Existing City Owned and Operated Buildings. The City Council hereby approves the Resolution adopting a Green Building Policy as set forth in Attachment A related to new City building construction, and major renovations and additions to existing City owned and operated buildings.

SECTION 3. Official Actions. The Director of Planning & Environmental Review, after consultation with the Director of Public Works or the Director of Neighborhood Services & Public Safety, as appropriate, is authorized and directed in the name and on behalf of the City to undertake any and all actions necessary to accomplish the purposes of this Resolution.

SECTION 4. Effective Date. This resolution shall take effect immediately upon its adoption.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED by the City Council of Goleta, California, this 2nd day of October, 2012.

EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 12-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 2nd day of October, 2012 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT A

CITY OF GOLETA GREEN BUILDING STANDARDS FOR COMPLIANCE FOR CITY OWNED AND OPERATED BUILDINGS

The City of Goleta Green Building Policy incorporates sustainable, green building practices into the design and construction of City owned and operated buildings as part of the implementation of the City's General Plan and Strategic Plan as follows:

A. New Construction Requirements – All new building construction for City owned and operated buildings of 2,000 square feet or greater of conditioned space will achieve the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system Silver certification, except as provided in "C" below.

B. Guidelines for Major Renovations and Building Additions – It is the City's goal that all major renovations of, or additions to, existing City owned and operated buildings be designed to use environmentally sound, green building techniques and materials. LEED checklists shall be used not as requirements, but solely as guidelines to identify and enhance green building measures.

Major Renovations are defined in the LEED Rating System as projects that involve major heating, ventilation, or air conditioning (HVAC) renovations, significant building envelope modifications, or major interior rehabilitation. If 50% of the building occupants need to move out of the building during construction, the project would be considered a major renovation.

The Guidelines Include:

1. Major renovations or additions of 2,000 square feet or greater of conditioned space shall be evaluated by a designated green building professional to determine the costs and benefits of adding or enhancing green building measures. Such facilities shall generally be designed to achieve applicable LEED Building Design and Construction (BD&C), Commercial Interiors (CI), or LEED Existing Building Operations and Maintenance (LEED-EBOM) standards.

2. In order to determine the applicable LEED standards, architects and engineers hired by the City to design improvements and upgrade existing City owned and operated buildings will:

- Prepare a LEED CI or EBOM project checklist; and
- Identify each item on the checklist that will be included in their designs and any additional costs associated with sustainable items; and

- Use the LEED CI or EBOM criteria as a standard for improvements to existing City owned and operated buildings.

C. Exceptions for New Construction – Exceptions for new buildings may be approved where the City Council determines that LEED certification would be technically impractical or unreasonably costly, and that all feasible green building measures in the applicable LEED rating system are otherwise incorporated into the project design. Examples of projects that may be considered for exceptions include, but are not limited to:

1. Buildings requiring compliance with historic preservation criteria.
2. Projects requiring grant and/or joint funding with other jurisdictions where LEED certification would jeopardize receipt or utilization of the funding source.
3. Buildings that are primarily intended for storage or equipment purposes rather than human occupancy.
4. Projects where there are inherent conflicts with the compatibility of the LEED standards, the California Building Standards Code, General Plan, and/or Zoning Ordinance.
5. The project scope is limited such that the minimum number of green building measures needed for compliance cannot be achieved.
6. The project will include alternate methods that provide equal or greater resource conservation, energy conservation or resident health than those provided by the adopted green building measures.

D. Reuse and Demolition – Existing City facilities and materials will be reused where possible to reduce the generation of solid waste and expenditure of energy, water and other resources to create new facilities, where consistent with City objectives for providing desirable facilities and services for residents and businesses. On projects where demolition is required, in order to maximize the amount of waste materials diverted from landfills, deconstruction techniques shall be employed whenever practical, and all salvageable items shall be recovered and put to appropriate use.

E. Demonstration and Education – To the extent practical, City facilities will demonstrate leadership and educate the public about sustainability and green building practices and features through the use of interpretive signs and exhibits at the facility, by providing information on the City's website, and providing narrated tours upon request.

F. Training - City employees will receive training on green building practices and LEED certification programs to assist them in project planning, design, and construction involving new construction, major renovations and upgrades to existing buildings.

ATTACHMENT 2 – NON-CITY OWNED & OPERATED BUILDINGS

ORDINANCE NO. 12-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA AMENDING TITLE 15 CHAPTER 15.12 OF THE GOLETA MUNICIPAL CODE TO ADD NEW SECTIONS 15.12.020 THROUGH 15.12.90 TO ADD MANDATORY GREEN BUILDING REQUIREMENTS FOR CERTAIN NEW CONSTRUCTION AND INCENTIVES FOR ADDITIONAL VOLUNTARY GREEN BUILDING PRACTICES BEYOND EXISTING REGULATIONS

WHEREAS, the City of Goleta General Plan sets forth a vision for the City's future which forms the foundation for the City's goals, objectives, and policies; and

WHEREAS, Chapter 1.2 of the City of Goleta General Plan envisions the City as a community that "seeks sustainability by not sacrificing tomorrow's resources for today's needs", and "where the amount and character of growth respects the carrying capacity of the natural environment"; and

WHEREAS, the City of Goleta General Plan includes Housing Element Implementation Program IP-9C Establish "Green" Building Standards and Processes; and

WHEREAS, Housing Element Implementation Program IP-9C requires the City to adopt a "Green Building Program" to encourage the use of green building materials and energy conservation measures in new construction; and

WHEREAS, the City of Goleta Strategic Plan reflects the goals and values of the City organization and provides direction on issues and projects of importance to the City Council and the community; and

WHEREAS, Objective 6.15 of the Strategic Plan calls for the City to "Promote Green, Sustainable, Energy Efficient Practices at City Hall, Corp Yard and in the Community"; and

WHEREAS, public policy that promotes healthy, resilient, high-performing building design and practices complements existing City policies relating to development and environmental stewardship, including energy efficiency and conservation, waste reduction and recycling, storm water quality and flood protection, tree protection, water conservation, and transportation demand management; and

WHEREAS, a number of local and national systems have been developed to serve as guides to green building practices, including the United States Green Building Council (USGBC), which has created and supports the Leadership in Energy and

Environmental Design (LEED) green building rating systems and maintains certification processes for new and existing buildings that together identify and verify a range of responsible design, construction and maintenance practices that can improve human and environmental health in buildings and their surroundings while saving energy, water and money.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. **Findings.** The City Council hereby finds and declares the following:

- A. The foregoing recitals are true and correct.
- B. Green building design, construction and operation furthers the goals set forth in the City's General Plan and the Strategic Plan, and supports the California Public Utilities Commission's (CPUC's) California Long Term Energy Efficiency Strategic Plan.
- C. A public purpose will be served by establishing green building standards that include requirements for certain new construction projects, and is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction, and operation of buildings.
- D. At the national and state levels, the U.S. Green Building Council has taken the initiative to promote and define commercial and residential green building by developing the Leadership in Energy and Environmental Design (LEED) Rating System™.
- E. At the state level, Build It Green has taken the initiative to promote and define residential green building by developing the GreenPoint Rated RatingSystem™.
- F. At the local level, the Santa Barbara Contractors Association has taken the initiative to promote and define commercial and residential green building by developing the Built Green Santa Barbara Rating System.
- G. Nothing in this ordinance is intended to duplicate, contradict, or infringe upon provisions of state law, including the California Building Standards Code. The ordinance and the associated checklists used to demonstrate compliance or to receive various incentives provide many opportunities to achieve required points and credits that do not impact areas where state law has established building standards.
- H. Because the design, restoration, construction, and maintenance of buildings and structures within the City can have a significant detrimental impact on the City's environment, greenhouse gas emissions, resource usage, energy efficiency, waste management and the health and productivity of residents, workers and visitors over the life of the building, requiring and/or encouraging certain building projects to incorporate

green building measures is necessary and appropriate to achieve public health and welfare benefits.

SECTION 2. Amendment of Title 15 Chapter 15.12

Title 15 Chapter 15.12 of the Goleta Municipal Code is hereby amended by adding Sections 15.12.020 through 15.12.090, to be numbered and titled and to read as follows:

15.12.020 Purpose.

The purpose of this Chapter is to enhance the public health and welfare and assure that further commercial and residential development subject is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings. The green building provisions referred to in this Chapter are designed to achieve the following goals:

- (a) Increase energy and water efficiency in buildings;
- (b) Increase resource conservation;
- (c) Reduce waste generated by construction projects;
- (d) Provide durable buildings that are efficient and economical to own, operate, and maintain;
- (e) Promote a healthier indoor environment.

15.12.030 Applicability

This ordinance applies to all projects defined as "Covered Projects," as defined below, except that it shall not apply to any project for which a planning entitlement application or building permit application has been submitted prior to the effective date of this ordinance.

15.12.040 Definitions.

The following terms shall have the ascribed definition for the purposes of applying the criteria of this chapter. When the definition differs from a definition located in a different section of this code, the provisions of this section shall apply.

"Applicant" means any entity that applies to the city for the applicable planning or building permits to undertake any Covered or Non-Covered project within the city, or any subsequent owner of the project site.

“Built Green Santa Barbara” means a commercial and residential green building rating system developed by the Santa Barbara Contractors Association.

“Built Green Santa Barbara Verification” means verification of compliance by a designated Third Party Verifier, confirming achievement of a level of building performance at the 3, 4, or 5-Star level of the Built Green Santa Barbara program, as implemented in the City’s green building program.

“CALGreen+” means the requirements that must be met in addition to the CALGreen mandatory requirements, as outlined in the Standards for Compliance in Section 15.12.050.

“Compliance official” means the Director of Planning and Environmental Review or his or her designee.

“Compliance threshold” means the minimum CALGreen+ requirements, or the number of points or rating level per a green building rating system that must be attained to receive an incentive for a particular Covered Project, as outlined in the Incentives for Compliance in Section 15.12.060.

“Covered project” means any one of the following planning entitlement application(s) requiring legislative actions by City Council: Rezone, General Plan Amendment, Specific Plan and Ordinance Amendment, subject to the Standards for Compliance outlined in Section 15.12.050.

“Good faith effort” means a project that has not met the required compliance threshold, but for extenuating reasons or reasons beyond the control of the applicant, the Compliance Official has found the project meets the good faith effort provisions.

“EV Ready” means provision of a 220 volt circuit for electrical vehicle charging.

“Green building” means a whole systems approach to the design, construction and operation of buildings that substantially mitigates the environmental, economic, and social impacts of conventional building practices. 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 provide a healthy, productive indoor environment.

“Green building project checklist” means a checklist or scorecard developed for the purpose of calculating a green building rating.

Green building rating system” means the rating system associated with specific green building performance criteria and used to determine rating levels or compliance thresholds to receive an incentive, as outlined in the Incentives for Compliance adopted

by City Council resolution. Examples of rating systems include, but are not limited to, LEED, GreenPoint Rated, and Built Green Santa Barbara systems.

“GreenPoint Rated” means a residential green building rating system developed by the Build It Green organization.

“GreenPoint Rated Verification” means verification of compliance by a certified GreenPoint Rater, resulting in green building certification by Build It Green.

“GreenPoint Rater” means an inspector certified by the Build It Green organization to perform all steps of the rating process, including helping the project team decide which points to achieve, verifying each green measure, and submitting the application and supporting documentation to Build It Green.

“Home Energy Rating System (HERS)” means the rating of a home as a system (known as Whole House Home Energy Rating), where a home is rated on a scale from 0 to 250 points to show its efficiency relative to a reference home built to just meet the Title 24 Building Energy Efficiency Standards' prescriptive requirements.

“HERS Rater” means an inspector certified by the California Energy Commission (CEC) to rate homes in California according to the Home Energy Rating System (HERS).

“LEED®” means the “Leadership in Energy and Environmental Design” green building rating system developed by the U.S. Green Building Council.

“LEED®/GBCI Verification” means verification to meet the standards of the LEED rating system as determined by the Green Building Certification Institute.

“Non-Covered project” means any project that does not require in its planning entitlement application(s) any of the specified legislative actions by City Council to obtain approval, but is encouraged to undertake green building practices, with certain incentives for certain measures provided for in the Incentives for Compliance.

“Qualified green building professional” means a person trained through the USGBC as a LEED Accredited Professional (LEED AP) or through Build It Green as a Certified Green Building Professional (CGBP), or similar qualifications if acceptable to the Compliance Official.

“Solar Ready” means provision of electrical conduit from the roof to an electric meter.

15.12.050 Standards for Compliance.

The City Council shall establish by resolution, and shall periodically review and update as necessary, Green Building Standards for Compliance. The Standards for Compliance shall include, but are not limited to, the following:

- (a) The types of projects subject to regulation (Covered Projects);
- (b) Minimum thresholds of compliance for Covered Projects;
- (c) Incentives to encourage green building for Covered Projects above the minimum thresholds;
- (d) Incentives to encourage green building for Non-Covered Projects above existing regulations;
- (e) The green building rating system to be applied to the various types of projects which voluntarily pursue incentives;

The Standards for Compliance shall be approved after recommendation from the Director of Planning and Environmental Review, who shall refer the Standards for recommendation to the Planning Commission, prior to Council action.

15.12.060 Incentives for Compliance.

In addition to the required Standards for Compliance for Covered Projects, the City Council may, through resolution, enact financial, structural (permit review process), or other incentives such as technical and marketing assistance (award or recognition programs) to further encourage voluntary green building practices for Covered and Non-Covered Projects beyond existing regulations.

15.12.070 Administrative Procedures and Promulgation of Implementing Regulations.

All Covered projects shall comply with the required provisions as may be amended from time to time.

(a) The Director of Planning and Environmental Review shall promulgate any rules and regulations necessary or appropriate to achieve compliance with the mandatory Green Building requirements. The rules and regulations shall provide, at a minimum, for the incorporation of green building requirements into checklist submittals with planning entitlement and building permit applications, and supporting design, construction, or development documents to demonstrate compliance with the mandatory Green Building requirements.

(b) All costs for inspections, documentation and verification of compliance with green building requirements, including the hiring of a Certified Green Building Rater, HERS Rater, commissioning agent, or certified home performance contractors shall be borne by the applicant.

(c) The procedures for compliance documentation shall include, but not be limited to, the following:

(1) Discretionary Planning Entitlements for Covered Projects. Upon submittal of an application for any discretionary planning entitlement for any Covered Project, including but not limited to Rezones, General Plan Amendments, Specific Plans and/or Ordinance Amendments, application materials shall include the appropriate completed checklists, as required by the Standards for Compliance specified in Section 15.12.050, accompanied by a text description of the proposed green building practices and expected measures and milestones for compliance.

(2) Building Plan Check Review. Upon submittal of an application for a building permit, building plans for any Covered Project shall include a checklist and green building practices description, reflecting any changes proposed since the planning entitlement phase. The checklist shall be incorporated onto a separate plan sheet included with the building plans. A qualified green building professional shall provide evidence of adequate green building compliance or documentation to the Compliance Official to satisfy the requirements of the Standards for Compliance outlined in Section 15.12.050, prior to issuance of a building permit.

(3) Final Building Inspection, Verification, and Occupancy. Prior to final building inspection and occupancy for any Covered Project, a qualified building professional shall provide evidence of adequate green building compliance or documentation to the Compliance Official to satisfy the requirements of the Standards for Compliance outlined in Section 15.12.050. This information shall include, but is not limited to:

i. Documentation that verifies incorporation of the design and construction related required compliance thresholds as set forth in the Standards for Compliance specified in the project approval for the Covered Project;

ii. A letter from the qualified green building professional that certifies that the Covered Project has been constructed in accordance with the approved green building project checklist;

iii. Any additional documentation that would be required by the LEED reference guide for LEED certification (if required), by the GreenPoint Rated manuals for GreenPoint Rated certification (if required), or Built Green Santa Barbara for projects voluntarily pursuing an incentive; and

iv. Any additional information that the applicant believes is relevant to determining that a good faith effort has been made to comply with this chapter.

(4) Final Determination of Compliance and Good Faith Effort to Comply. Prior to the scheduling of a final building inspection for a Covered Project, the Compliance Official shall review the documentation submitted by the applicant, and determine whether the applicant has achieved the required compliance threshold as set forth in the Standards for Compliance outlined in Section 15.12.050 and/or demonstrate that measures are in place to assure compliance not later than eighteen (18) months

from Temporary Certificate of Occupancy, with one (1), six (6) month extension allowed. If the Compliance Official determines that the applicant has met the requirements of Section 15.12.050 for the project, the final building inspection may proceed, provided the Covered Project has received approval of all other inspections required by the Building Official. If the Compliance Official determines that the required Standards for Compliance have not been achieved, or if the required green building rating has not been achieved in order to receive an incentive, the Compliance Official shall find one of the following:

i. Good Faith Effort to Comply: When an applicant submits a request in writing to the Compliance Official for approval of a good faith effort to comply with the Standards for Compliance, the Compliance Official shall determine that the applicant has made a good faith effort to comply with this chapter when finding that either a) the cost for providing green building documentation or assuring compliance is disproportionate to the overall cost of the project, or b) at least 80% of the required green point credits have been achieved, and measures are in place to assure full compliance not later than eighteen (18) months from Temporary Certificate of Occupancy, with one (1), six (6) month extension allowed. Determination of a good faith effort to comply shall be made separately for each item on the green building project checklist. Granting of a good faith effort to comply for one item does not preclude the need for the applicant to comply with the other items on the green building checklist.

ii. Non-Compliant Project. If the Compliance Official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required within the required time period, then the project shall be determined to be non-compliant, and the final inspection and approval for the project shall be withheld. A final inspection shall not take place until the applicant has implemented equivalent alternate measures approved by the Compliance Official or unless an exemption is granted for the project.

(5) Post Final Inspection Requirement. Not later than eighteen (18) months from Temporary Certificate of Occupancy, with one (1), six (6) month extension allowed, the applicant or current owner shall submit to the Compliance Official documentation detailing compliance with the operation, efficiency, and conservation related credits from the approved checklist documentation for any Covered Project, if required by the Compliance Official. The applicant may also provide any additional information the applicant believes is relevant to determining its good faith efforts to comply with this chapter.

(6) Non-Compliance. If, as a result of any inspection, the City determines that the Covered Project does not or is unlikely to comply with the approved plans or green building checklist, a stop order shall be issued if the Compliance Official determines that continuation of construction activities will jeopardize the project's ability to meet the required compliance threshold. The stop order shall remain in effect until the

Compliance Official determines that the project will be brought into compliance with the approved plans and/or checklist.

(d) The Compliance Official shall have the responsibility to administer and monitor compliance with the green building requirements set forth in this chapter and with any rules and regulations promulgated thereunder, and to grant exemptions from the requirements, where so authorized.

(e) Compliance with the provisions of this chapter shall be listed as a condition of approval on any permit approval for a Covered Project, and on the building plans for building permit approval, for any Covered Project.

15.12.080 Hardship or Infeasibility Exemption.

(a) **Exemption.** If an applicant for a Covered Project believes that circumstances exist that make it a physical, economic, or technical hardship or infeasibility to meet the requirements of this Chapter, the applicant may request an exemption as set forth below. In applying for an exemption, the burden is on the Applicant to show physical, economic, or technical hardship or infeasibility.

If an applicant for a Covered Project believes such circumstances exist, the applicant may apply for an exemption from specific green building criteria at the time of application submittal. The applicant shall indicate the maximum threshold of compliance that is feasible for the covered project and the circumstances that create a hardship or make it infeasible to fully comply with this Chapter. Circumstances that constitute hardship or infeasibility include, but are not limited to the following:

- (1) **Historic Preservation.** Conflict between the Standards of Compliance and historic preservation goals.
- (2) **Conflict with other Provisions.** There is conflict with the compatibility of the Standards of Compliance, the California Building Standards Code, the City's General Plan, and/or Zoning Ordinance;
- (3) **Scope of Project.** The project scope is limited such that the minimum number of green building measures needed for compliance cannot be achieved.
- (4) **Innovation.** The project will include alternate methods that provide equal or greater resource conservation, energy conservation or resident health than those provided by the adopted green building measures.

(b) **Granting of Exemption.** If the Director determines that it is a physical, economic, or technical hardship or infeasibility for the applicant to fully meet the requirements of this chapter based on the information provided, the Director shall determine the maximum feasible threshold of compliance reasonably achievable for the project. The decision of the Director shall be provided to the applicant in writing. If an exemption is granted, the

applicant shall be required to comply with this chapter in all other respects and shall be required to achieve, in accordance with this chapter, the threshold of compliance determined to be achievable by the Director.

(c) **Denial of Exemption.** If the Director determines that it is reasonably possible for the applicant to fully meet the requirements of this chapter, the request shall be denied and the Director shall so notify the applicant in writing. The project and compliance documentation shall be modified to comply with this chapter prior to further review of any pending planning or building application.

15.12.090 Appeal.

(a) Any aggrieved Applicant or person may appeal the determination of the Director regarding: (1) the granting or denial of an exemption pursuant to Section 15.12.080; or (2) compliance with any other provision of this ordinance.

(b) Any appeal must be filed in writing with the Department of Planning and Environmental Review not later than ten (10) days after the date of the determination by the Director. The appeal shall state the alleged error or reason for the appeal.

(c) The appeal shall be processed and considered by the City Council in accordance with the provisions of Section 35.327.3.

SECTION 3. Severability

Should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance shall remain in full force and effect.

SECTION 4. Construction

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

SECTION 5. Effective Date

This Ordinance shall take effect on the 31st day following the date of its final adoption.

SECTION 6. Certification

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

INTRODUCED ON the 2nd day of October, 2012.

PASSED, APPROVED, AND ADOPTED this 16th day of October 2012.

EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

DRAFT

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Ordinance No. 12-__ was duly adopted by the City Council of the City of Goleta at a meeting held on the 16th day of October, 2012, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

RESOLUTION NO. 12-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA ADOPTING GREEN BUILDING STANDARDS FOR COMPLIANCE FOR COVERED AND NON-COVERED PROJECTS DEFINED IN GOLETA MUNICIPAL CODE CHAPTER 15.12, AND ALSO IDENTIFYING THRESHOLDS AND INCENTIVES AVAILABLE TO COVERED AND NON-COVERED PROJECTS FOR ACHIEVEMENT OF GREEN BUILDING MEASURES EXCEEDING MINIMUM REQUIREMENTS

WHEREAS, the City of Goleta General Plan sets forth a vision for the City's future which forms the foundation for the City's goals, objectives, and policies; and

WHEREAS, the City of Goleta General Plan includes Housing Element Implementation Program IP-9C Establish "Green" Building Standards and Processes; and

WHEREAS, Housing Element Implementation Program IP-9C requires the City to adopt a "Green Building Program" to encourage the use of green building materials and energy conservation measures in new construction; and

WHEREAS, Objective 6.15 of the Strategic Plan calls for the City to "Promote Green, Sustainable, Energy Efficient Practices at City Hall, Corp Yard and in the Community"; and

WHEREAS, public policy that promotes healthy, resilient, high-performing building design and practices complements existing City policies relating to development and environmental stewardship, including energy efficiency and conservation, waste reduction and recycling, storm water quality and flood protection, tree protection, water conservation, and transportation demand management; and

WHEREAS, on October 2, 2012, the City Council considered regulations for incorporation of green building techniques and materials in private development projects and introduced Ordinance No. 12-____; and

WHEREAS, the Ordinance specifies that green building standards of compliance shall be set forth by resolution of the City Council after recommendation from the Director of Planning and Environmental Review and the Planning Commission. Such standards for compliance shall include the types of projects subject to regulation, minimum thresholds for compliance, timing and methods of verification of compliance with City's green building regulations; and

WHEREAS, the Ordinance specifies that green building incentives for compliance may be set forth by resolution of the City Council after recommendation from the Director of Planning and Environmental Review and the Planning Commission. Such incentives for compliance shall include the green building rating systems available to be applied to various Covered and Non-Covered Projects as defined in Goleta Municipal Code Chapter 15.12; and

WHEREAS, the Director of Planning and Environmental Review and the Planning Commission hereby recommend that the City Council approve the proposed green building standards for compliance for Covered and Non-Covered projects defined in Goleta Municipal Code Chapter 15.12 as set forth in the attached Table A, and

WHEREAS, the Director of Planning and Environmental Review and the Planning Commission hereby recommend that the City Council approve the proposed accompanying incentives available to Covered and Non-Covered projects for achievement of green building measures that exceed minimum requirements pursuant to the established thresholds for those incentives as set forth in the attached Table B and Table C to this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, AS FOLLOWS:

SECTION 1. Findings.

- (a) The above recitals are true and correct.
- (b) Green Building design, construction and operation does further the goals set forth in the City's General Plan and Strategic Plan, and supports the CPUC's California Long Term Energy Efficiency Strategic Plan.
- (c) A public purpose will be served by establishing Green Building Standards of Compliance for Covered and Non-Covered Projects and also identifying thresholds and incentives available for achievement of green building measures exceeding minimum requirements, and is consistent with the City's desire to create a more sustainable community by incorporating green building measures into the design, construction, and operation of buildings.
- (d) The green building standards for compliance for Covered Projects defined in Goleta Municipal Code Chapter 15.12, and the proposed accompanying incentives available to Covered and Non-Covered Projects for green building measures obtained above minimum requirements pursuant to the established thresholds for those

incentives, as set forth in the attached Table A, Table B, and Table C

SECTION 2. Approval of Resolution Adopting Green Building Standards of Compliance for Covered and Non-Covered Projects and also Identifying Thresholds and Incentive Available for Achievement of Green Building Measures Exceeding Minimum Requirements. The green building standards for compliance for Covered Projects defined in Goleta Municipal Code Chapter 15.12, and the proposed accompanying incentives available to Covered and Non-Covered Projects for green building measures obtained above minimum requirements pursuant to the established thresholds for those incentives, as set forth in the attached Table A, Table B, and Table C are hereby approved.

SECTION 3. Effective Date.

This resolution shall take effect upon the effective date of Ordinance No. 12-_____.

SECTION 4. Certification.

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012.

DRAFT

EDWARD EASTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

TIM W. GILES
CITY ATTORNEY

ATTACHMENT 3 – STANDARDS & INCENTIVES FOR COMPLIANCE

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)
CITY OF GOLETA) ss.

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 12-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 16th day of October, 2012 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

DRAFT

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

Note: Applicants are advised to use this table only in conjunction with the entirety of requirements in Chapter 15.12 (Green Building Regulations). Refer to Section 15.12.070 for documentation and verification requirements.

Table A – Green Building Standards of Compliance for Covered and Non-Covered Projects

Free Green Building Resources are available to both project types including but not limited to: Green Building Program Project Manager assistance with: best practices information, rebate and financing information, and voluntary technical assistance through Santa Barbara County's Innovative Building Review Committee.

Type of Project	Green Building Standards Required	Verification
Non-Covered (Ministerial / Quasi-Judicial) ¹	None (Voluntary Program)	N/A
Covered (Legislative) ²	CalGreen+ ³ 65% Construction Waste Reduction, Disposal & Recycling 40% Landscape Water Use Reduction 30% Interior Water Use Reduction 90% Low VOC ⁴ Flooring Solar Ready – Provide electrical conduit from roof to electric meter EVs Ready – Provision of 220 volt circuit	Building and Safety Division
Notes		
1. Both project types are required to meet CalGreen, the Reach Code, and the Building Code, as applicable. 2. Existing CalGreen mandatory requirement: -50% Construction Waste Reduction, Disposal & Recycling -Landscape Water Budget and Smart Controllers -20% Interior Water Use Reduction -50% Low VOC Flooring		

¹ Non-Covered Projects (Ministerial / Quasi- Judicial) - application type for which the City of Goleta is required to issue the permit if the project meets the required findings. Examples include a Land Use Permit or Development Plan.
² Covered Projects (Legislative) – application type that requires a legislative action by the City Council. Examples include, but are not limited to: a General Plan Amendment, Rezone, Specific Plan, or Ordinance Amendment.
³ CalGreen+ - a term used to describe CALGreen requirements that must be met at the higher standard identified (% listed) above the existing CALGreen mandatory requirement.
⁴ VOC – Volatile Organic Compound.

Note: Applicants are advised to use this table only in conjunction with the entirety of requirements in Chapter 15.12 (Green Building Regulations). Refer to Section 15.12.070 for documentation and verification requirements.

Table B – Green Building Incentives for Non-Covered Projects

Project Classification (Example)	Minimum Threshold Required to Receive Incentive
New Residential, Non-Residential and Multi-Family Construction	CalGreen+
Single-Family Addition > 500 SF	CalGreen
Single-Family Addition < 500 SF	Reach Code
INCENTIVES – Available to all projects that meet the minimum thresholds above.	
Structural Incentives (Expedited Review/Permitting Processes)	
1. Concurrent Processing through the Planning Department & Building Division (Land Use Permits and Design Review Board Only)	
2. Priority processing in both the Planning Department & Building Division	
3. Expedited Building Division plan check (from 15 to 7 business days plus option to use the electronic plan room)	
Financial Incentives	
4. Rebate of 50% of the Land Use Permit and DRB fixed fees (if applicable) ¹	
5. Modification in the way fees are charged for solar (PV) installations (from valuation to fixed)	
Other Incentives (Technical & Marketing Assistance)	
6. Participation in the free Regional Innovative Building Review Program currently operated by Santa Barbara County	
7. Recognition Programs (Council Resolution, Press Release, etc.)	

¹ Subject to availability of funds as authorized by the City Council.

Note: Applicants are advised to use this table only in conjunction with the entirety of requirements in Chapter 15.12 (Green Building Regulations). Refer to Section 15.12.070 for documentation and verification requirements.

Table C – Building Incentives for Covered Projects

Reference Standard	Minimum Threshold Required	Verification (External 3rd Party)	Refundable Deposit Required?
USGBC LEED	Certified	GBCI	Yes
Built It Green	GreenPoint Rated 75 Points	GreenPoint Rater	Yes
Built Green SB	3 Stars with 3 rd -Party Verification	Built Green 3 rd Party Verifier	Yes
Notes			
<ol style="list-style-type: none"> 1. Applicant chooses preferred reference standard. 2. Refundable Deposit is \$75,000.00 3. The Green Building Certification Institute (GBCI) provides 3rd party verification services for the LEED rating system. 4. Built It Green GreenPoint Rated Program is for new and existing homes (Single & Multi-Family). 			
INCENTIVES - Available to all projects that meet the minimum thresholds above. In addition, all Covered projects are required to meet the requirements of CALGreen+ as identified in Table A.			
Structural Incentives (Expedited Review/Permitting Processes)			
1.	Priority processing in the Building Division		
2.	Expedited Building Department plan check (from 15 to 7 business days plus option to use the electronic plan room)		
Financial Incentives			
3.	Reduction in 20% of the Planning processing fees required for the Land Use Permit clearance process up to \$10,000.00 with a total cap. ¹		
4.	Modification in the way fees are charged for solar (PV) installations (from valuation to fixed)		
Other Incentives (Technical & Marketing Assistance)			
5.	Participation in the free Regional Innovative Building Review Program currently operated by Santa Barbara County		
6.	Recognition Programs (Council Resolution, Press Release, etc.)		

¹ Subject to availability of funds as authorized by the City Council.