

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF DALY CITY  
ADDING CHAPTER 15.65 ESTABLISHING A GREEN BUILDING  
PROGRAM FOR NEW RESIDENTIAL BUILDINGS

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The City Council of the City of Daly City, State of California DOES ORDAIN as follows:

**SECTION 1.** Chapter 15.65, consisting of Sections 15.65.010 to 15.65.050, is hereby added to Chapter 15 of the Daly City Municipal Code, and shall read as follows:

**CHAPTER 15.65. GREEN BUILDING PROGRAM FOR NEW RESIDENTIAL BUILDINGS**

**15.65.010 PURPOSE.** The purpose of the Daly City 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 encourage the conservation of potable water in both outdoor and indoor uses
- C. To reduce waste in landfills generated by construction projects.
- D. To increase energy efficiency and lower energy usage.
- E. To reduce the operating and maintenance costs for buildings.
- F. To promote a healthier indoor environment.
- G. To increase public awareness of actual building performance and energy conservation.
- H. Increase the use of green building practices.

**15.65.020. DEFINITIONS.** For purposes of this Chapter, the following terms shall have the meanings set forth below:

- A. “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.
- B. “Single Family Dwelling” means a building containing exclusively a single dwelling unit, or Single Family Dwelling with legal 2<sup>nd</sup> unit, built to the specifications of the current State of California or other Model Codes, currently adopted by the City of Daly City as indicated in the Daly City Municipal Code.

- C. “Duplex” means a building containing two separate dwelling units, exclusive of legal second units.
- D. “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 indoor environment,
- E. “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 Daly City building permit.
- F. “GreenPoints” means credits assigned under the applicable GreenPoint Rated Checklist.
- G. “HERS” means Home Energy Rating System as defined by the California Energy Commission.
- H. “HERS Rater” means an independent inspector certified by the California Energy Commission to perform energy related tests and inspections required by the currently adopted California Energy Efficiency Standards.
- I. “HERS II” means the Home Energy Rating System for existing homes as defined by the California Energy Commission.
- J. “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, in effect at the time of project application submittal for a Daly City building permit.
- K. “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 submittal for a Daly City building permit.
- L. “Alternate 3<sup>rd</sup> party rating system” means a green building rating system that meets the intent of the purpose of this ordinance, and is approved by the Director of ECD.
- M. “Multi-family residential” means a building or portion thereof, or a group of buildings, containing three or more dwelling units.
- N. “USGBC” means the United States Green Building Council.
- O. “Working days” means Monday through Friday, excluding City holidays.
- P. “Climate calculator” means the Build It Green software that calculates the carbon footprint and avoided emissions of a building that has been GreenPoint Rated.

### **15.65.030. STANDARDS FOR COMPLIANCE FOR RESIDENTIAL PROJECTS.**

Approval of any building permit for new construction of a single family dwelling, a duplex, or a multifamily residential project shall not be granted unless the applicant submits a checklist demonstrating that the project:

- A. Achieves the minimum level of certification in one of the following:
  - 1. 50 GreenPoints or higher on the appropriate GreenPoint Rated Checklist; or
  - 2. 32 LEED standard certification points or higher; or
  - 3. Equivalent alternate 3<sup>rd</sup> party rating system certification.
- B. Has a duct blaster test performed before drywall inspection and achieves a maximum duct leakage level of 6% of supply airflow, and
- C. Has an HVAC system sized according to the California Mechanical Code Section 601.2, with calculations provided on plans, and verified by a City building inspector, and
- D. Has insulation installed using Quality of Insulation Installation guidelines and verified by a HERS Rater, and
- E. Passes a blower door test that achieves a maximum level .35 ACH as verified by a HERS Rater, and
- F. Provides a printout of the Build It Green climate calculator report, or California Energy Standards HERS II energy “miles per gallon” rated label, to the Building Division, at permit final inspection.

### **15.65.040. TIMELINES FOR IMPLEMENTATION**

- A. Phase One (January 1, 2010 to December 31 2010):
  - 1. At the time of plan submittal for a building permit, include Build It Green checklist showing minimum 50 points, appropriate LEED checklist showing minimum number of points required for certification, or appropriate 3<sup>rd</sup> party rating system checklist showing minimum number of points required for certification for said system.
  - 2. Verification and documentation are optional.
- B. Phase Two (Beginning January 1, 2011 and forward):
  - 1. At the time of plan submittal for a building permit, include Build It Green checklist showing minimum 50 points, appropriate LEED checklist

showing minimum number of points required for certification, or appropriate 3<sup>rd</sup> party rating system checklist showing minimum number of points required for certification for said system.

2. Verification by the appropriate 3<sup>rd</sup> party rater is required before the permit is finalized.

#### **15.65.050. APPEAL.**

Any decision or determination by the Building Division under this Chapter may be appealed by the applicant or any interested person to the ECD Director or designee, at no cost to the applicant.

Any decision or determination by the ECD Director or designee under this Chapter may be appealed by the applicant or any interested person to the City Council. Notice of such appeal must be filed with the City Council not more than ten days after the date on which the final decision or determination by the ECD Director or designee 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: Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Daly City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Environmental Determination. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project as provided by the Act, in that it does not have a potential for resulting in a detrimental physical change in the environment, directly or ultimately, as provided in Title 14, Section 15378(a), and that it is also exempt under the definition of "project" in Section 15378(b)(3) in that it concern general policy and procedure making.

SECTION 4: Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a summary of this ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this ordinance is scheduled to be adopted, the City Clerk shall (1) publish the summary, and (2) post it in the City Clerk's Office a certified copy of this ordinance. Within fifteen (15) days after the adoption of this ordinance, the City Clerk shall (1) publish the summary and (2) post in the City Clerk's Office a certified copy of the full text of this ordinance along with the names of those City Council members voting for and against this ordinance or otherwise voting. This ordinance shall be in full force and effect thirty (30) days after adoption by the City Council of the City of Daly City or when approved by the California Energy Commission, whichever is later

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Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Passed and adopted as an Ordinance of the City of Daly City at a regular meeting of the City Council of the City of Daly City held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES, Councilmembers: \_\_\_\_\_  
\_\_\_\_\_

NOES, Councilmembers: \_\_\_\_\_

Absent, Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
CITY CLERK OF THE CITY OF DALY CITY

APPROVED:

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MAYOR OF THE CITY OF DALY CITY