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Jurisdiction Type:	Municipal
Municipality:	City of Rohnert Park
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Community Type - applicable to:	Urban; Suburban
Title:	City of Rohnert Park Local Energy Efficiency Standards & Green Buildings Ordinance
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Abstract

The City of Rohnert Park's "Energy Efficiency Standards" set minimum energy efficiency requirements for all new low-rise residential construction of any size, all low-rise residential additions equal to or greater than one thousand square feet of conditioned floor area, and all residential and nonresidential swimming pools and water features. The standards operate by setting required levels of efficiency that exceed the state-level energy requirements by a certain percentage. The percentages are imposed on a sliding scale, such that increasingly larger residences must meet more stringent energy efficiency requirements.

The Energy Efficiency standards require developers to install Energy Star exhaust fans and apply mastic filler and sealant to all joints and seams of air conditioning ducts. Additionally, the Standards require all natural gas heaters for any public and private swimming pools, spas, fountains, and water features to have a minimum Annual Fuel Utilization Efficiency (AFUE) of 90% or higher. In order to obtain a building permit, a special compliance form must be submitted in addition to already required energy compliance documentation. The form must indicate (1) the building's standard design energy use (based on requirements in the state code), (2) the applicable adjustment factor (based on building size) as found in the Standards, (3) the revised standard design energy use, and (4) the proposed design energy use. In addition, a final inspection of a building permit will not be approved unless the project has been constructed in accordance with the approved plans, any conditions of approval, and the applicable Energy Efficiency Standards.

Rohnert Park's Green Building ordinance lays out the procedure through which a developer must participate in order to obtain a building permit for certain types of specified projects. The ordinance states that the City Council shall set forth in a resolution the specific threshold compliance requirements as far as which green building standards are applicable. The compliance standards consist of a three-tier system based on the size of a project, and apply to residential developments, commercial buildings, and city projects.

The council has set forth more stringent requirements for the largest-sized projects, such as requiring Tier 3 city projects and new commercial buildings to achieve a LEED Silver registered standard (as opposed to Tier 2 buildings which only need to be “self-certified”). A developer must submit a green building checklist and worksheet with an analysis of each credit/point claimed under the respective rating system for approval, and cannot get a building permit until these documents are approved at two different levels of review. The ordinance allows a developer to apply for exemptions, and also allows the green building compliance official to grant waivers on various requirements if compliance is infeasible. Both the ordinance and the applicable City Council resolutions are included below.

Resource

MUNICIPAL CODE of the CITY of ROHNERT PARK, CALIFORNIA TITLE 14: SUSTAINABILITY Chapter 14.02 – Local Energy Efficiency Standards

§14.02.010 to §14.02.070

§ 14.02.010 Purpose.

This chapter sets forth minimum energy efficiency standards within the city of Rohnert Park for all new low-rise residential construction of any size, low-rise residential additions over a certain size threshold, and all residential and nonresidential swimming pools and water features.

§ 14.02.020 Definitions.

As used in this chapter:

"AFUE (Annual Fuel Utilization Efficiency)" has the meaning set forth in Section 101(b) of the 2005 California Building Energy Efficiency Standards.

"Conditioned floor area (CFA)" has the meaning set forth in Section 101(b) of the 2005 California Building Energy Efficiency Standards.

"Existing + addition + alteration method" means an approach to modeling the energy use of a residential addition, as described in the 2005 Building Energy Efficiency Standards Residential Compliance Manual, to show compliance with the energy standards.

"Revised standard design total," means the performance energy budget, in TDV kBtu/sf-yr, which this chapter establishes for all residential buildings to which it applies. It is defined as the standard design total (TDV kBtu/sf-yr) from any state-approved alternative calculation method (ACM) multiplied by the standard design adjustment factor listed in Table A selected as a function of the building's conditioned floor area.

"Standard design adjustment factor" means the arithmetic factor listed in Table A in accordance with the building's conditioned floor area. This factor, when multiplied by the standard design energy budget from a state-approved ACM, produces the revised standard design total.

Table A:

Building Type and Conditioned Floor Area	Standard Adjustment Factor	Design	This will exceed T-24 by at least (%)
Single-Family Houses = or > 2,000 SF	0.85		15.0%
Single-Family Houses 1,900 to 1,999 SF	0.86		14.0%
Single-Family Houses 1,800 to 1,899 SF	0.87		13.0%
Single-Family Houses 1,700 to 1,799 SF	0.88		12.0%
Single-Family Houses 1,600 to 1,699 SF	0.89		11.0%
All Single-Family Houses < 1,600 SF	0.90		10.0%
All Residential Additions = or > 1,000	0.90		10.0%

"TDV kBtu/sf-yr" means the amount of energy use in a building determined by the alternative calculation method expressed in terms of thousand British thermal units per square foot per year as modified based upon the time of day such energy is used.

"Time dependent valuation (TDV) energy" has the meaning set forth in Section 101(b) of the 2005 California Building Energy Efficiency Standards. Terms, phrases and words not defined in this section, shall have the meaning set forth in the California Code of Regulations, Title 24, Parts 1, 2, or 6.

§ 14.02.030 Buildings covered.

The provisions of this chapter shall apply to all new low-rise residential construction of any size, low-rise residential additions equal to or greater than one thousand square feet of conditioned floor area, and all residential and nonresidential swimming pools and water features for which a building permit has been applied for and accepted as complete by the

building division on or after the effective date of the ordinance codified in this chapter.

§ 14.02.040 Compliance.

The building official for the city of Rohnert Park shall be charged with enforcing the provisions of this chapter. A building permit subject to the provisions of this chapter will not be issued by the building division unless the energy compliance documentation submitted with the permit application meets the requirements of this chapter. A final inspection of a building permit will not be approved unless the work authorized under a permit has been constructed in accordance with the approved plans, conditions of approvals, and requirements of this chapter.

§ 14.02.050 Mandatory requirements.

All buildings, swimming pools, and water features covered by this chapter shall include the following mandatory energy measures:

A. Residential Buildings. All residential buildings shall incorporate the following energy efficient measures:

1. All exhaust fans shall be Energy Star.
2. Mastic shall be applied to all joints and seams of ducts conveying conditioned air.

B. Swimming Pools and Spas. All public and private swimming pools, spas, fountains and water features shall incorporate the following energy conservation features:

1. All pool and spa natural gas heaters shall have a minimum AFUE of ninety percent or higher; and
2. All circulating pump motors and filtration pump motors, excepting dedicated pump motors serving only spa jets, with a nominal rating of 0.75 horsepower (i.e., three-fourths horsepower) or greater shall be two-speed or variable speed motors. The installation of all two-speed and variable speed motors shall include the installation of a controller which shall be time-based and shall be programmed to alternate the speed of the motor between low and high to make effective use of the energy savings potential of the unit's multi-speed capability.

§ 14.02.060 General requirements.

The following general compliance requirements apply to all new low-rise residential construction of any size and residential additions that are one thousand square feet of conditioned floor area or larger:

A. The proposed building energy use (TDV KBtu/sf-yr) must be equal to or less than the revised standard design total (TDV KBtu/sf-yr) using the performance compliance

approach.

B. For additions only, the energy efficiency of the existing building may be improved so that the existing building plus the addition meet the revised standard design total energy for the existing + addition + alteration method generated by a state-approved alternative calculation method. In modeling buildings to meet this requirement, domestic hot water energy use must be included. Exception: When there is no change to a building's existing water heater(s), domestic hot water energy use need not be included in the existing + addition + alteration method.

C. Special Energy Compliance Form. In addition to the energy compliance documentation required by Section 10-103 in the 2005 Energy Efficiency Standards, a special compliance form, RP-RES, shall be submitted to the building division. The RP-RES form shall indicate the standard design TDV energy use, the standard design adjustment factor specified in Table A, the revised standard design TDV energy use, and the proposed design TDV energy use. The RP-RES form shall be made available to the public by the building division.

§ 14.02.070 Enforcement.

A. Violation. Violation of any provision of this chapter due to the applicant's failure to build a project in accordance with plans approved by the building division and the conditions of approval in the applicable permit shall be punishable as an infraction as provided in Chapter 1.16 of this code.

B. Civil Penalties. Any person who violates any provision of this chapter is liable to the city for a civil penalty of one thousand dollars.

C. Cumulative Remedies. The foregoing remedies shall be deemed nonexclusive, cumulative and in addition to any other remedy the city may have at law or in equity, including but not limited to injunctive relief to prevent violations of this chapter. (Ord. 779 § 2 (part), 2007)

MUNICIPAL CODE of the CITY of ROHNERT PARK, CALIFORNIA
TITLE 14: SUSTAINABILITY
Chapter 14.50 - Green Building
§ 14.50.010 to § 14.50.100

ORDINANCE NO. 782

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT
PARK, CALIFORNIA, ADDING CHAPTER 14.50, "GREEN BUILDING," TO
THE ROHNERT PARK MUNICIPAL CODE (LOCAL GREEN BUILDING
REQUIREMENTS FOR BUILDING CONSTRUCTION)**

WHEREAS, the Rohnert Park City Council has identified sustainability as one of its top five goals; and

WHEREAS, green building is a key component to sustainability; and

WHEREAS, on July 12, 2005, the Rohnert Park City Council directed staff to prepare an ordinance requiring the mandatory implementation of green building techniques in new construction; and

WHEREAS, on March 14, 2006, the Rohnert Park City Council, by resolution, adopted Build It Green's *New Home Construction Green Building Guidelines* as a referenced standard for green building; and

WHEREAS, on January 25, 2007, the Rohnert Park Planning Commission, by resolution, recommended approval of the proposed addition of Chapter 14.50, "Green Building," to the Rohnert Park City Council; and

WHEREAS, green building benefits can be spread throughout the systems and features of a building. Green buildings can include the use of certified sustainable wood products and high-recycled-content products. Recycling of waste that occurs during demolition, deconstruction, and construction reduces the amount of waste deposited in landfills. The proper orientation and passive solar design of a building reduces demands on its heating and cooling systems. The use of advanced-design heating, ventilating, and air conditioning systems provide increased energy efficiency and improved indoor air quality. Enhancement of indoor air quality is also achieved by the selection and use of construction materials that do not emit chemicals which are toxic or irritating to building occupants. The use of water conserving methods and equipment reduce the per capita demand on resources and infrastructure. The installation of alternative and renewable energy systems can supplement conventional methods of 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 to green building practices. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems and LEED® Reference Guide, has become a leader in promoting and guiding green building. Also, the New Homes Green Points Calculator and the Multifamily Green Points Project Tool published by Build It Green are useful documents in evaluating residential green building projects; and

WHEREAS, Chapter 14.50, "Green Building," is intended to raise the level of construction in the City of Rohnert Park in order to encourage water and resource conservation, reduce waste generated by construction projects, increase energy efficiency in buildings, provide durable buildings that are efficient and economical to own and operate and promote the health and productivity of residents, workers, and visitors to the City; and

WHEREAS, nothing in this ordinance is intended to duplicate, contradict, or enter a field which has been fully occupied by state law, including the California Building Standards Code; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, does hereby ordain as follows:

SECTION 1. Findings.

The City Council finds that:

A. A duly noticed public hearing regarding the proposed amendment to the Municipal Code was held by the City Council on February 27, 2007.

B. The proposed Chapter 14.50, "Green Building," preserves and enhances the environment, in that it would set forth minimum green building requirements within the City of Rohnert Park for all new residential and non-residential construction, commercial tenant improvements, and residential additions more than 500 square feet in floor area.

C. In accordance with CEQA Section 15061(b)(3), "[C]EQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Staff has determined that the proposed ordinance is exempt from CEQA review.

D. Because the design, construction, and maintenance of buildings and structures within the city can have a significant impact on the city's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of residents, workers, and visitors over the life of the building. Requiring commercial and residential projects to incorporate green building measures is necessary to achieve the public health and welfare benefits of green building.

SECTION 2. Chapter 14.50, "Green Building," is hereby added to Title 14, "Sustainability," of the Rohnert Park Municipal Code to read and provide as follows:

Chapter 14.50, Green Building

§ 14.50.010 - Purpose.

The purpose of this chapter is to enhance public health and welfare and assure that further residential, commercial, and civic development 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 referenced in this chapter are designed to achieve the following goals:

- A. Encourage water and resource conservation;
- B. Reduce waste generated by construction projects;
- C. Increase energy efficiency in buildings;
- D. Provide durable buildings that are efficient and economical to own and operate; and
- E. Promote the health and productivity of residents, workers, and visitors to the city.

§ 14.50.020 - Definitions.

For the purposes of this chapter, certain words and terms used are defined as follows:

"Applicant" means any entity that applies to the city for the applicable permits to undertake any covered project within the city.

"Approved green building inspector" means a person or organization certified or designated by a green building rating system body to perform inspections and provide documentation related to the inspection and verification of covered projects. When not precluded by other requirements, an approved green building inspector also means the green building compliance official.

"Building" means any structure used for support or shelter of any use or occupancy, as defined in the California Building Standards Code.

"Building commissioning" means the testing of a building's equipment and systems to ensure that systems are designed, installed, functionally tested, and capable of being operated and maintained to perform in conformity with the design intent.

"City" means the city of Rohnert Park.

"City council" means the Rohnert Park city council, or a board or commission, designated by the Rohnert Park city council.

"City manager" means the city manager of Rohnert Park or her or his designee.

"City-provided services" means services performed by the city including, but not limited to, the checking of plans, inspection of projects, review of covered project documentation, issuance of certificates, or any other similar services necessary for the implementation of this chapter.

"City-sponsored project" means a building(s) funded more than fifty percent by the city and sponsored by the city. A city-sponsored project is on property that is not a part of the public right-of-way and may, or may not, be on city-owned land.

"Code" means the Rohnert Park Municipal Code.

"Commercial new" means the construction of an entirely new retail, office, industrial, warehouse, or service building(s) within city limits that is not a city-sponsored project, a residential project, or a mixed-use project.

"Commercial tenant improvement (TI)" means the renovation, remodeling, or rehabilitation of any existing retail, office, industrial warehouse, or service building(s), including additions, within city limits that is not a city-sponsored project, a residential project, or a mixed-use project.

"Compliance documentation" means all documentation required by a green building rating system indicating the compliance threshold level that has been achieved. Compliance documentation includes, or excludes, specific requirements as set forth by city council resolution.

"Compliance threshold" means the minimum number of points or rating level of a green building rating system, as specified by city council resolution that must be attained for a particular covered project type and tier for a covered project.

"Construction" means the building or renovation, whether adding additional square footage or not, of any structure or any portion thereof.

"Covered project" means any project that is not a "non-covered project."

"Covered project type" means the type and use of a building as defined in this chapter for the express purpose of determining application of a specific guideline. Covered project types include single-family dwelling new, single-family dwelling addition, multi-family dwelling new, multi-family dwelling remodel, commercial new, commercial tenant improvement, mixed-use, and city-sponsored.

"Design review" means a review performed by the planning division for a covered project including, but not limited to, a building's architectural components, specific plan, final development plan, or site plan architectural review.

"Final inspection" means the final inspection and approval required by the California Building Standards Code when a building is completed and ready for occupancy and use.

"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 green building compliance official has found the project meets the provisions of good faith effort pursuant to Section 14.50.075(E)(1).

"Green building" means the design, construction, and operation of buildings that mitigates the environmental, economic, and social impacts of buildings.

"Green building compliance official" means the building official or his or her designee.

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

"Green building rating" means the point or performance threshold proposed or achieved for the respective rating system used for a covered project.

"Green building rating system" means the rating system associated with a specific guideline adopted by city council resolution and used to determine compliance thresholds.

"Green building worksheet" means a worksheet or form developed by the city that specifies information to be submitted prior to an application for a building permit or any hearing for design review for a covered project. The green building worksheet shall specify the form and content of the required documentation.

"Guidelines" means the specified green building rating system that applies to a covered project as set forth by city council resolution in section.

"Hearing of noncompliant project" means a hearing held by the city manager to determine what equivalent measures must be taken by a project's applicant to change the status of a project from noncompliant to compliant by satisfying compliance threshold requirements through alternate means.

"Infeasible" means the existence of obstacles, as set forth in Section 14.50.080 that render the applicant incapable of fulfilling the requirements of meeting this chapter.

"LEED" means any one of the U.S. Green Building Council's Leadership in Energy and Environmental Design green building programs.

"Mixed-use project" means a building(s) within city limits that combines the uses of a commercial project and a residential project.

"Multi-family residential project (MFD)" means a residential project containing more than two attached dwelling units, including apartments, condominiums, and townhouses, excepting townhouses that meet the definition of single-family dwellings.

"Non-covered project" means:

A. Any new construction that is subject to the provisions of any development agreement existing on the date the ordinance codified in this chapter takes effect.

B. Any design review application deemed complete or any building permit application meeting the standards for building permit acceptance by the building division prior to the effective adoption date of the ordinance codified in this chapter. If any such applications expire prior to issuance of a building permit, those projects will become subject to the requirements of this chapter.

C. Repair or renovation of any structure (regulated by the California Building Standards Code) for the express purpose of performing "seismic upgrades."

D. Structural and nonstructural work authorized under the same building permit for seismic upgrades that is required as a result of performing seismic upgrades.

E. Any project where a building permit is issued for the sole purpose of performing plumbing, electrical, or mechanical work.

F. Installation of a roof covering on any existing building.

G. Any covered project type that has not had a compliance threshold set by city council resolution.

H. Repair of any structure (regulated by the California Building Standards Code) that is necessary when the structure has been damaged by fire, flood, wind, earthquake, or accident.

I. Any project specified by city council resolution as a non-covered project.

J. Swimming pools.

"Pre-permitting documentation" means the documentation required by Section 14.50.050.

"Renovation" means any rehabilitation, repair, remodeling, change, addition, or modification to an existing building.

"Residential project" means any building within city limits used for living, sleeping, eating, and cooking. Residential project includes single-family new, single-family addition, and multi-family new. For the purposes of this chapter, a residential project includes assisted-living facilities and senior housing. A residential project does not include hotels, motels, inns, or similar commercial enterprises wherein rooms or suites of rooms are rented for transient occupancy and are considered commercial projects.

"Self-certified" means a project where, after completion, the architect or engineer of record has submitted compliance documentation to the green building compliance official certifying that the project has met the standards specified in the guidelines and has attained the compliance threshold as indicated for the covered project type and tier as set forth by city council resolution.

"Single-family addition" means any residential project that adds new floor area, as defined in Title 17 of this code, to an existing residence. Single-family residential additions may be attached or detached.

"Single-family dwelling (SFD)" means a residential project on a single parcel containing one dwelling unit, or one dwelling unit with a legal second unit as defined in Title 17 of this code, or a duplex. For the purposes of this chapter, townhouses shall be considered single-family residential projects provided there are recorded property lines between each unit and the occupancy group and division of each unit is designated as an R-3 as defined in the California Building Standards Code.

"Stop order" means a written notice to stop work, as defined in the California Building Standards Code, that is served by the building official on any person engaging in work contrary to the provisions of this code.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground, as defined in the California Building Standards Code.

"Tier" means the level of compliance, as indicated by Tier 1, Tier 2, or Tier 3 in Table 1 — Tiers, for a given covered project type. Tier levels are determined by housing density for single-family, number of dwelling units for multi-family residential new projects, number of dwelling units for multi-family remodel projects, and floor area for all other covered project types. Specified green building standards and compliance thresholds for each tier of each covered project type shall be as set forth by city council resolution.

§ 14.50.030 - General provisions - Applicability.

A. Neither this chapter, nor any of its related green building resolutions, shall affect in any manner the permissible use of property, density/intensity of development, design and improvement standards, or other applicable standards or requirement of this code, all of which shall be operative and remain in full force and effect without limitation.

B. When the provisions of this chapter conflict with state law, state law shall govern.

§ 14.50.040 - Standard for compliance.

A. Covered Projects. All covered projects shall be constructed using the guidelines, green building rating systems, and green building project checklists adopted by city council resolution.

B. Compliance as a Condition of Approval. Compliance with the provisions of this chapter shall be listed as a condition of approval on any design review approval issued by the planning division for a covered project. Failure to comply with any of the terms of this chapter shall subject the applicant of the covered project to the full range of enforcement mechanisms set forth in Section 14.50.100.

§ 14.50.050 - Submission of pre-permitting documentation.

A. Pre-permitting Documentation. Prior to the application for design review or a building permit, whichever comes first, the applicant shall submit documentation indicating the measures to be used to achieve the applicable compliance threshold. This pre-permitting documentation shall include:

1. Applicable green building project checklist;
2. Applicable green building worksheet with an analysis of each credit claimed; and
3. Any other documentation that may be necessary to show compliance with this chapter.

B. Non-Covered Projects. Non-covered projects are exempt from the requirements of this section.

§ 14.50.060 - Review of pre-permitting documentation.

A. Review and Pre-Hearing Meeting. After submission of the pre-permitting documentation required by Section 14.50.050(A), but prior to the hearing of the design review or application for a building permit, the green building compliance official shall review the pre-permitting documentation for compliance with this chapter and arrange a meeting with the applicant to review and discuss the proposed green building measures. The green building compliance official has the authority to waive this meeting requirement under the following circumstances:

1. The applicant's plans have been previously approved under a prior permit for the same model of a single-family or multi-family building provided the plans for the new application follow the same green building compliance standards and compliance threshold as the previously approved plans.
2. Applications for additions and remodels of residential structures.
3. The pre-permitting documentation clearly indicates the project exceeds the minimum requirements of this chapter.

B. Approval. The green building compliance official shall approve the pre-permitting documentation only if it is determined that the pre-permitting documentation indicates the covered project can achieve the applicable compliance standards and threshold, set forth in Sections 14.50.040 and 14.50.070. If the green building compliance official determines these conditions have been met, the pre-permitting documentation shall be marked "approved," and returned to the applicant. The green building compliance official shall provide a copy of the approved pre-permitting documentation to the planning and building divisions. A building permit shall not be issued until the pre-permitting documentation has been approved under this section or an exemption has been granted under Section 14.50.080.

C. Non-Approval. If the green building compliance official determines the pre-permitting documentation is incomplete or fails to indicate that the covered project will meet the required green building rating for a covered project as set forth in Sections 14.50.040 and 14.50.070, he or she shall either:

1. Return the pre-permitting documentation to the applicant marked "Denied," including a statement of reasons, and notify the planning and building divisions of the denial; or
2. Return the pre-permitting documentation to the applicant marked "Further Explanation Required," and detail the additional information needed.

D. Resubmission. If the pre-permitting documentation is returned to the applicant, the applicant may resubmit the pre-permitting documentation with such additional information as may be required or may apply for an exemption under Section 14.50.080.

E. Waiver of Review. The green building compliance official may waive the initial review of pre-permitting documentation when she or he determines that review of the pre-permitting documentation can be carried out during the regular building permit plan review process, such as when multiple projects of a subdivision are submitted at different times and the projects are very similar in nature.

§ 14.50.070 - Compliance threshold for levels of green building established.

A. Compliance threshold levels for green building are established for all covered projects within the city.

B. The city council shall, by resolution, set forth the specific compliance threshold required for each covered project type and tier in Table 1 — Tiers.

Table 1 - Tiers

Covered Project Type	Tier 1	Tier 2	Tier 3
SFD New	> 12 dwelling units/acre	7-12 dwelling units/acre	1-6 dwelling units/acre
SFD Addition	> 500 square feet		
MFD New	< 20 dwelling units	20-50 dwelling units	> 50 dwelling units
MFD Remodel	< 20 dwelling units	20-50 dwelling units	> 50 dwelling units

Commercial, New	< 20,000 square feet	20,000-50,000 square feet	> 50,000 square feet
Commercial TI	< 20,000 square feet	20,000-50,000 square feet	> 50,000 square feet
City Sponsored	< 10,000 square feet	10,000-20,000 square feet	> 20,000 square feet

§ 14.50.075 – Compliance.

A. Building Permit Documentation. With the application for a building permit, the applicant shall submit:

1. A copy of all approved pre-permitting documentation with the first building permit plan set submittal. If an applicant is proposing changes to the approved pre-permitting documentation, a supplemental green building project checklist shall be submitted indicating all differences from the approved pre-permitting documentation. Under no circumstances shall the proposed changes cause the covered project to be out of compliance with the applicable compliance threshold requirements. The green building compliance official shall reject applications and return plans to the applicant when changes to the green building project checklist result in the project being unable to meet the required compliance threshold.

2. Building plans shall have a copy of the approved green building project checklist printed on the plans. Notwithstanding any other provision of this code, no building permit shall be issued for any covered project unless and until the green building compliance official has approved the pre-permitting documentation, including any subsequent changes to the green building project checklist, along with building construction documents and plans.

B. Plan Review and Construction Compliance. Plan review and inspection of covered projects shall be as set forth by city council resolution.

C. Noncompliance. If, as a result of any inspection, the city determines that the covered project does not comply with the approved plans, a stop order shall be issued if the green building 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 green building compliance official determines that the covered project will be brought into compliance with the approved plans.

D. Documentation for Final Determination of Compliance. Compliance documentation shall be submitted to the green building compliance official as set forth by city council resolution.

E. Final Determination of Compliance. Prior to approving a final inspection for a covered project, the green building compliance official shall review the documentation submitted by the applicant, along with inspection records and certificates submitted by the approved green building inspector(s), and determine whether the applicant has achieved the required compliance threshold as set forth in Sections 14.50.040 and 14.50.070. If the green building compliance official determines the applicant has met the requirements of Chapter 14.50 for covered projects, the green building compliance official shall make a final determination that the covered project is ready for a final inspection, provided the covered project has received approval of all inspections required by the California Building Standards Code. If the green building compliance official determines the applicant has not achieved the required green building rating, the green building compliance official shall find for one of the following:

1. Good Faith Effort to Comply. A good faith effort to comply shall apply to items on the green building project checklist on an individual basis. 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 project checklist. When an applicant submits a request in writing to the green building compliance official for approval of a good faith effort to comply, and when the green building compliance official determines that the covered project has not met one or more of the requirements for the applicable compliance threshold as set forth in Sections 14.50.040 and 14.50.070, the green building compliance official shall determine that the applicant has made a good faith effort to comply with this chapter when any of the following findings can be made:

- a. The cost for providing green building documentation is disproportionate to the overall cost of the project. That is, the cost for compliance documentation is more than 2.5 percent of the total construction cost; or
- b. The green building materials and technologies on the green building project checklist are no longer available or not yet commercially available.

2. Noncompliant Project. If the green building 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 by Section 14.50.075(D) within the required time period, then the project shall be determined to be noncompliant, and the final inspection and approval for the project shall be withheld. Applicants for projects deemed to be noncompliant shall file an application for hearing of noncompliant project with the city manager. A final inspection shall not take place until the applicant has implemented equivalent alternate measures approved by the city manager at a hearing of noncompliant project.

§ 14.50.080 - Infeasibility exemption.

A. Exemption. If an applicant for a covered project believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may apply for an

exemption as set forth in this section. In applying for an exemption, the burden is on the applicant to show infeasibility.

B. Application. If an applicant for a covered project believes such circumstances exist, the applicant may apply for an exemption of one or more items on the green building project checklist at the time that he or she submits the pre-permitting documentation required under Section 14.50.050. The applicant shall indicate in the pre-permitting documentation the maximum number of credits he or she believes is feasible for the covered project and the circumstances that he or she believes make it infeasible to fully comply with this chapter. An infeasibility exemption shall be made if any one of the following conditions exist:

1. There is a lack of available or affordable consulting support as described in Section 14.50.075(E)(1)(a); or
2. There is a lack of commercially available green building materials and technologies; or
3. There is conflict with the compatibility of the requirements of the green building rating system and the California Building Standards Code.
4. The green building compliance standards do not include enough green building measures that are compatible with the scope of the covered project.

C. Granting of Exemption. If the green building compliance official determines it is infeasible for the applicant to meet the requirements of this chapter based on the information provided, the green building compliance official shall return a copy of the pre-permitting documentation to the applicant marked "Approved with Exemption." The green building compliance official shall provide a copy of the approved pre-permitting documentation marked "Approved with Exemption" to the planning and building divisions. If an exemption is granted, the applicant must still comply with this chapter in all other respects and shall be required to achieve the compliance threshold, less the credits or points that would have been achieved for the exempted items. Anyone may appeal to the city manager the determination of the green building compliance official to grant or deny an exemption.

D. Denial of Exemption. If the green building compliance official determines that it is possible for the applicant to fully meet the requirements of this chapter, the green building compliance official shall so notify the applicant in writing. The applicant may resubmit the pre-permitting documentation in full compliance with Sections 14.50.050 and 14.50.060. If the applicant does not resubmit the pre-permitting documentation, or if the resubmitted pre-permitting documentation does not comply with Sections 14.50.050 and 14.50.060, the green building compliance official shall deny approval of the pre-permitting documentation in accordance with Section 14.50.060(C).

§ 14.50.090 - Appeal.

A. Any applicant or person may appeal to the city manager the determination of the green building compliance official regarding:

1. The granting or denial of an exemption pursuant to Section 14.50.080; or
2. Compliance with the ordinance pursuant to Sections 14.50.040, 14.50.070, or 14.50.075.

B. Appeals to the city manager must be filed in writing with the city clerk within fifteen days of the determination by the green building compliance official. The appeal shall state the alleged error or reason for the appeal. In reviewing the appeal, the city manager may request additional written or oral information from the applicant or the green building compliance official. The city manager shall issue a written determination within thirty days of the receipt of the appeal.

C. Any applicant or person may appeal to the city council the determination of the city manager regarding:

1. Compliance with the ordinance pursuant to Sections 14.50.040, 14.50.070, or 14.50.080; or
2. Determination of alternate means as approved by the city manager at a hearing for noncompliant project, pursuant to Section 14.50.075.

D. Appeals to the city council must be filed in writing with the city clerk within fifteen days of the mailing of written determination by the city manager. The appeal shall state the alleged error or reason for the appeal. In reviewing the appeal, the city council may request additional written or oral information from the applicant, the city manager, or the green building compliance official. The city council shall hold a hearing and issue a written determination within forty-five days of the receipt of the appeal.

§ 14.50.100 - Enforcement.

A. Violation. Violation of any provision of this chapter due to the applicant's failure to build the covered project in accordance with the covered project's plans, including the pre-permitting documentation and the conditions of approval in the applicable permit, shall be punishable as an infraction as provided in Chapter 1.16 of this code.

B. Civil Penalties. Any person who violates any provision of this chapter is liable to the city for a civil penalty of one thousand dollars.

C. Cumulative Remedies. The foregoing remedies shall be deemed nonexclusive, cumulative and in addition to any other remedy the city may have at law or in equity, including but not limited to injunctive relief to prevent violations of this chapter.

CITY COUNCIL – CITY of ROHNERT PARK, CALIFORNIA
RESOLUTIONS No. 2007-29 and No. 2007-30 – GREEN BUILDING STANDARDS

RESOLUTION NO. 2007-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
APPROVING AND ADOPTING GREEN BUILDING STANDARDS AND RATING
SYSTEMS FOR CONSTRUCTION OF BUILDINGS OF CERTAIN COVERED
PROJECT TYPES**

WHEREAS, on February 27, 2007, the City Council considered regulations for the use of green building features in buildings and introduced Ordinance No. 782; and

WHEREAS, the Ordinance specifies that the green building guidelines, ratings systems, and project checklists for certain building covered project types will be set forth by city council resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby approve and adopt green building guidelines, rating systems, and project checklists as set forth in Table 1, attached as Exhibit A to this Resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Rohnert Park that the applicable green building guidelines, rating systems, and project checklists are specified in Exhibit B, attached to this resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Rohnert Park that this resolution shall take effect upon the effective date of Ordinance No. 782.

EXHIBIT “A”

Covered Project Type	Tier 1	Tier 2	Tier 3
SFD New	<i>Build It Green’s 2005 New Home Construction Green Building Guidelines, Rating System and Checklist</i>		
SFD Addition	<i>Alameda County Waste Management Authority’s Home Remodeling Green Building Guidelines, Rating System and Checklist</i>		
MFD New	<i>Alameda County Waste Management Authority’s Home Multi-family Green Building Guidelines, Rating System, and Checklist</i>		

MFD Remodel	Not Applicable
Commercial, New	U.S. Green Building Council <i>LEED for New Construction Version 2.2</i> or <i>LEED Core and Shell Version 2.0 Guidelines, Rating System and Checklist</i>
Commercial, TI	U.S. Green Building Council <i>LEED for New Construction Version 2.2</i> or <i>LEED for Commercial Interiors Version 2.0 Guidelines, Rating System and Checklist</i>
City Sponsored	As per project type above

EXHIBIT "B"

1. Standards of Compliance for Covered Projects.

- a) Single-family residential new projects shall be constructed using the 2005 Edition of the *New Home Construction Green Building Guidelines* published by Build It Green. The green building project checklist shall be the *New Homes GreenPoints Checklist* by Build It Green.
- b) Single-family residential addition projects shall be constructed using the Alameda County Waste Management Authority's *Home Remodeling Green Building Guidelines* published January 2004. The green building project checklist shall be the *Green Points Rating System for Remodeling Projects* by Build It Green.
- c) Multi-family residential new projects and remodel projects shall be constructed using the Alameda County Waste Management Authority's *Multi-family Green Building Guidelines*. The green building project checklist shall be the *Multifamily GreenPoint Checklist* by Build It Green.
- d) Commercial projects new shall be constructed using the U.S. Green Building Council LEED-NC (New Construction) Version 2.2 rating system, or the U.S. Green Building Council LEED-CS (Core and Shell) Version 2.0 rating system, whichever one the U.S. Green Building Council determines is the most appropriate. In the absence of a determination by the U.S. Green Building Council for specifying the applicable green rating system, the determination shall be made by the green building compliance official. The green building project checklist shall be the corresponding *Registered Project Checklist* published by the U.S. Green Building Council as required for the respective rating system used for the covered project.

- e) Commercial tenant improvement projects shall be constructed using the U.S. Green Building Council LEED-NC Version 2.2 rating system, or LEED-CI (Commercial Interiors) Version 2.0 rating system, whichever one the U.S. Green Building Council determines is the most appropriate. In the absence of a determination by the U.S. Green Building Council for specifying the applicable green rating system, the determination shall be made by the green building compliance official. The green building project checklist shall be the corresponding *Registered Project Checklist* published by the U.S. Green Council as required for the respective rating system used for the covered project.
 - f) Mixed-use projects shall meet the requirements in “a” through “e” above for both residential and commercial projects, for their respective parts, as if they were separate projects.
 - g) All city-sponsored projects shall use rating systems as specified in “a” through “f” above.
 - h) All city-sponsored projects that are either residential projects or mixed-use projects shall be constructed using the same green building rating system and green building project checklist as specified for non-city Sponsored projects.
2. **Green Building Project Checklist.** The Applicant may request to use Innovation credits at the time of pre-permitting documentation review. The green building compliance official shall consider such requests and specify the additional points allowed if findings are made that the request achieves one or more of the five goals specified in Section 14.50.010 of the Rohnert Park Municipal Code.
3. **Plan Review and Construction Compliance for Covered Projects.**
- a) For other than registered LEED projects, the green building compliance official shall review the green building checklists, plans, and any other application documentation for compliance with chapter 14.50 of the municipal code. The green building compliance official shall also verify that the green building measures and provisions indicated in the pre-permitting documentation are being implemented at foundation inspection, framing inspection, any type of close-in inspection, and prior to approval of a final inspection. The green building compliance official shall conduct other inspections as needed to ensure compliance with chapter 14.50. The inspection and verification activities shall be conducted by a Build It Green Certified GreenPoint Rater or approved green building inspector. The rater or inspector may be an employee of the city or a third party whom the green building compliance official designates, provided she or he has a current Build It Green Certified GreenPoint Rater certificate.

- b) LEED projects that are registered shall follow the certifying and procedural requirements of the U.S. Green Building Council for the green building rating system used. Applicants of LEED registered projects shall submit proof of registration of the project with the U.S. Green Building Council within thirty (30) days of permit issuance. The applicant shall also provide the green building compliance official with online access to the U.S. Green Building Council website in order for the green building compliance official to monitor the submission of documents by the applicant to the U.S. Green Building Council. If the green building compliance official determines the project is no longer in compliance with the approved plans or approved pre-permitting documentation, the green building compliance official may issue a stop order pursuant to Section 14.50.075.C.

4. Documentation for Final Determination of Compliance. Documentation shall be provided as described below:

- a) Prior to final building inspection and approval for any covered single-family residential, multi-family residential, or mixed-use project, the applicant shall notify the green building compliance official that their project is ready for final inspection of green building features required by chapter 14.50 of the Rohnert Park Municipal Code. Upon the green building compliance official's receipt and review of documentation from the GreenPoint Rater demonstrating project compliance with the applicable compliance threshold requirements, the green building compliance official shall reach a final determination of compliance as specified in section 14.050.075.E.
- b) Prior to approval of a final inspection for any covered commercial, city-sponsored, or mixed-use project, the applicant shall demonstrate substantial completion of the LEED documentation for the project as evidenced by accessing the online information of the project on the U.S. Green Building Council's website. Within one year of granting occupancy by the city, the applicant shall submit proof of LEED certification to the green building compliance officer. Failure to do so shall result in enforcement actions as provided in Section 14.50.100.

5. Self-certifying for LEED Projects.

- a) Self-certifying projects do not require LEED registration or certification. Applicants are, however, encouraged to register their projects with the U.S. Green Building Council. Self-certifying projects that become LEED registered and certified need only attain a threshold level of green that is one level less than that required by city council resolution specified in Section 14.050.070.
- b) Project Documentation for self-certifying projects shall be substantially the same as that which is required for LEED registered projects. The one exception is that instead of filing documents with the U.S. Green Building Council, the architect or engineer of record shall be the repository for all documentation related to the LEED rating system being used for the project. The architect or engineer of record shall make these documents available to the green building compliance official at her or his request.

- c) Building commissioning, specified as a prerequisite for LEED ratings is not required under this chapter for self-certifying projects. Applicants are encouraged to verify that fundamental building systems are designed, installed, and calibrated to operate as intended. Documentation of building commissioning is required when commissioning measures other than the prerequisites are included as a part of the designated points in the pre-permitting documentation.
- d) Inspection of self-certifying projects shall be as specified in item 3.a of this resolution.

RESOLUTION NO. 2007-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK APPROVING AND ADOPTING GREEN BUILDING COMPLIANCE THRESHOLDS FOR CONSTRUCTION OF BUILDINGS OF CERTAIN COVERED PROJECT TYPES

WHEREAS, on February 27, 2007, the City Council considered regulations for the use of green building features in buildings and introduced Ordinance No. 782; and

WHEREAS, on February 27, 2007, the City Council considered green building rating systems for the construction of buildings of certain covered project types and adopted Resolution No. 2007-29; and

WHEREAS, the Ordinance specifies that the green building compliance threshold levels for certain building covered project types will be set forth by city council resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby approve and adopt compliance thresholds as set forth in the Table 1 attached as Exhibit "A" to this resolution.

BE IT FURTHER RESOLVED by the City Council of the City of Rohnert Park that for LEED® projects, which are required to meet a percentage of all possible LEED points, the architect or engineer of record for the respective covered project types shall submit a list of possible LEED points as a part of the pre-permitting documentation. Approval of the list of possible LEED points shall be determined by the green building compliance official.

BE IT FURTHER RESOLVED by the City Council of the City of Rohnert Park that this resolution shall take effect upon the effective date of Ordinance No. 782.

EXHIBIT "A"

Covered Project Type	Tier 1	Tier 2	Tier 3
SFD New	90 points and Build It Green Certified	100 points and Build It Green Certified	110 points and Build It Green Certified
SFD Addition	1 point		
MFD New	80 points		
MFD Remodel	Not Applicable		
Commercial, New	LEED Certified, Self-certifying	LEED Silver, Self-certifying	LEED Silver, Registered
Commercial, TI	35% of all possible LEED points. Self-certifying	45% of all possible LEED points. Self-certifying	55% of all possible LEED points. Self-certifying
City Sponsored	LEED Certified Self-certifying	LEED Silver Self-certifying	LEED Silver Registered