



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
January 9, 2008
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission

From: Community Development Department

Subject: Green Building Program---Consider Recommendation to the Town Council for Approval of a Green Building Program, including Amendments to the Municipal Code and Adoption of Green Building Compliance Standards, Rating Systems and Incentives, and other Miscellaneous Amendments to the Zoning Regulations

BACKGROUND

Green building regulations are a fast-spreading trend worldwide as concerns over global climate change grow ever more serious. Several Marin cities and the County of Marin have adopted green building regulations. Regionally, the East Bay (primarily the Alameda County Waste Management Authority) has been the leader in formulating green building measures. The construction industry is rapidly embracing the concept and is developing new building techniques and using more renewable materials, and this knowledge is quickly spreading among contractors and architects.

At the Town Council/Staff retreat held on July 19, 2007, the Town Council provided Staff with specific direction to adapt green building programs successfully implemented by other local jurisdictions for use by the Town. The Council further directed that these measures promote both green building and energy efficiency.

Staff emphasizes that the proposed Green Building Program for Tiburon should be considered an evolving effort that will require frequent review and updating as staff becomes more familiar with the initial regulations, and as green building regulations and practices evolve over time.

ANALYSIS

Staff reviewed the programs and regulations adopted by several local jurisdictions, including but not limited to the County of Marin, City of San Rafael, City of Larkspur and City of Pleasanton. Staff found that each of the programs appears to have its strengths, and that some are more clearly written than others. Staff has borrowed from each program in crafting an initial program for the Town that fits existing staffing levels and the existing regulatory framework.

Green Building Rating Systems

Among the key criteria in selection of a rating system for green building were: flexibility, familiarity to contractors and designers, and ease of administration.

For residential construction, the Green Building Guidelines and associated Green Points rating system are used by several Bay Area jurisdictions and by all Marin County jurisdictions having green building programs. There are no nationally recognized rating systems for residential structures. The Alameda County Waste Management Authority first developed the New Home Construction Green Building Guidelines in 2000 through a collaborative process and public-private partnership among builders and green building experts. The Guidelines were updated in 2005 and published by Build It Green, a non-profit organization largely funded by the California Public Utilities Commission, and a task force of state agencies and industry representatives to expand its applicability throughout California, address changes in Title 24, and incorporate measures from other residential green building initiatives. Green Building Guidelines for Remodeling and Green Building Guidelines for Multifamily Construction were subsequently developed.

Complementing the Green Building Guidelines is Green Points, a rating system for assessing how environmentally friendly or "green" a home is. The Green Points system assigns point values to recommended practices in the Guidelines based on their benefits to the homeowner and the environment (see **Exhibit 1** for a copy of the rating checklists for single-family and multi-family construction).

The nationally recognized rating system for non-residential construction is LEED® (Leadership in Energy and Environmental Design) which is administered by the U.S. Green Building Council.

Green Building Regulations

Residential

Under the proposed program, green building regulations would apply to both single-family and multi-family construction of new units, as well as to additions to existing units that exceed 50% of the existing conditioned space of the dwelling.

The new regulations would require that new construction achieve a minimum of 60 points in the Green Points rating system. Green Building Guidelines and Green Points Checklists exist for the project types to be covered by the regulations. Projects that achieve at least 100 points will qualify for incentives, including Town payment of green building consulting assistance, expedited building permit processing, and Town recognition.

Two major benefits of the Green Points rating system are as follows:

- 1) It is being used by several Bay Area jurisdictions, with many local contractors and architects already having familiarity with the requirements; and
- 2) Build It Green certifies third-party Green Points Raters who can work with applicants in developing their plans, verify that the Green Points rating sheet submitted with development applications accurately reflects green building features in the proposed project and/or construction documents, and then perform field inspections to verify the incorporation of the proposed green building components.

The ability to use third-party Green Points Raters would significantly reduce the amount of Town staff time necessary to implement the green building regulations, and would provide technical expertise to applicants at a reasonable cost (typically \$800 – \$1000 per project).

Under the proposed program, an applicant proposing a project covered by the green building regulations would be required to submit a Green Points Checklist with the design review application in order to demonstrate the feasibility of meeting the required number of points. The Checklist would need to be completed or validated by a certified Green Points Rater. Design review approvals would be conditioned upon the project actually meeting the green requirements as part of the detailed building permit application and permit-issuance process. Prior to final inspection, the Green Points Rater would have to submit verification that the proposed green building components were actually incorporated into the project construction.

Staff is not yet prepared to recommend application of the Town's green building program to residential remodel projects until such time as Build It Green has revised and reworked its Guidelines and Green Point Checklist for Remodel Projects, and programs using those new documents have been successfully implemented by other Bay Area jurisdictions for some trial period of time. Expansion of the Town's programs to remodel projects could come as early as 2009, but staff is not prepared at this time to apply its nascent green building program to such a large number of projects until the process has proven workable at the Town level on a more limited scale.

Non-Residential (including Civic Buildings)

The Town experiences little new non-residential construction, although the possibility for new construction in the Downtown area is always present. While most of the Town's civic buildings are relatively new, the Council has emphasized the Town taking a leadership role in the "greening" of civic projects, and a new Corporation Yard building is on the Town's Capital Improvement Program list. The proposed green regulations for non-residential and civic buildings are as follows:

For new construction of 3,000 to 19,999 square feet, staff recommends that projects achieve the LEED® "Certified" point level (26-32 points), but that full certification by the U.S. Green Building Council not be required. Instead, applicants would use LEED Accredited Professionals, much like the Green Points Raters, to work with applicants, verify completion of the LEED checklist and field verify compliance. This process would significantly reduce the cost and timeframe for compliance with Town regulations.

For new construction of 20,000 square feet or more, staff recommends that project achieve the LEED® "Silver" point level (33-38 points), and obtain certification by the U.S. Green Building Council. This process can cost between \$10,000-30,000 in consultant costs, but this would typically affect a multi-million dollar construction budget.

Like the residential program, an applicant achieving the LEED® "Gold" point level (39-51 points) would qualify for Town incentives such as expedited building permit processing and project recognition. However, the costs for LEED® consultant assistance would not be reimbursed due to the higher potential costs involved.

Energy Efficiency for Large Single-Family Dwellings

Staff also proposes greater energy efficiency in new or expanded homes that exceed 3,500 square feet. The proposed enhanced energy efficiency regulations were initially developed and adopted by the County of Marin and subsequently approved by the California Energy Commission as a local amendment to the uniform building codes. San Rafael and Mill Valley have subsequently

adopted these enhanced energy efficiency requirements. The regulations would require that homes larger than 3,500 square feet meet the same energy budget as a home of 3,500 square feet using computations from State Title 24. Based on implementation of this ordinance by the County, when homes approach 6,500 square feet or more in floor area, the primary way to achieve the required energy budget would be to include photovoltaic panels. The typical construction budget for a home of this size would be such that the cost of a photovoltaic system might add 1-2% in construction costs, but would eventually result in payback due to energy savings.

Other Proposed Zoning Amendments

Two other amendments to the Zoning Ordinance are proposed as part of this action. The first involves clarifying text that distinguishes a “remodel” project from a “new construction” project, as found in Section 16-4.2.10 of the Municipal Code (see **Exhibit 2**). The new text would provide more detail as to the measures used by Town officials in determining that the project constitutes “new construction” as opposed to a mere “remodel”.

The second amendment, required due to changes in state law, establishes the duration of the initial validity of a wireless communication facility use permit approved after January 1, 2007 at ten years, and establishes a renewal length of five years for wireless communication facility use permits issued prior to January 1, 2007.

Tiburon 2020 General Plan Consistency

Several policies and programs in Tiburon 2020 encourage green building, energy efficiency and resource conservation, including Policies OSC-61, OSC-62, OSC-63 and Program OSC-p.

Environmental Determination

Staff has preliminarily determined that the proposed regulations and amendments are exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15308 of the CEQA Guidelines, which exempts changes in land use regulations intended for the protection of the environment, and/or have no potential to result in adverse impacts on the environment, and are therefore exempt from the requirements of CEQA pursuant to Section 15061 [b(3)] of the CEQA Guidelines.

Next Steps in Green Building Program

As noted above, the proposed regulations are considered the next phase of a multi-faceted approach to green building. The Town already has in place a fee reduction program for roof-mounted solar panels provided that certain design guidelines are met. The Town was also the first jurisdiction in the county to establish a construction and demolition materials recycling program.

Other initiatives that the staff intends to study and possibly implement within the next one to two years include:

1. A possible wood-burning appliance ordinance. The Bay Area Air Quality Management District has advocated the adoption of “woodsmoke” ordinances by local jurisdictions for several years due to the air quality and health impacts of inefficient burning of wood in home fireplaces and older wood stoves. Several Bay Area cities have adopted such regulations, including a few jurisdictions in Marin County. Initial discussions of such an ordinance resulted in controversy, and such regulations are not proposed at this time.

2. Extension of the green building requirements to residential remodeling projects once Build It Green has completed its revisions to the Green Remodeling Guidelines and associated Green Points Rating system, the remodel program has been successfully implemented in other Bay Area jurisdictions, and Town Staff can assess the workability of the program on existing resources and staffing levels.
3. Revisions and updates to the Town's Construction and Demolition Materials Recycling regulations, once the County of Marin has completed an updated model ordinance (currently underway).
4. Training of in-house Staff to become certified green-rated plan-checkers and/or green-rated building inspectors.

FISCAL IMPACT

Costs to the Town to implement the proposed Green Building regulations would include minor initial staff training costs and possible reimbursement of Green Point Rater costs and the cost of bronze identification plaques (if desired by the project sponsor) for residential projects that exceed the 100-point threshold, which will be rare.

RECOMENDATION

Staff recommends that the Planning Commission:

1. Recommend a finding of Categorical Exemption from CEQA.
2. Adopt the Resolution (**Exhibit 3**) recommending to the Town Council approval of the Green Building Program ordinances and resolutions.

EXHIBITS

1. Build It Green "Green Point Checklists" for Single Family and Multifamily Construction.
2. Section 16-4.2.10 of the Zoning regulation regarding "remodels" versus "new construction".
3. Draft Resolution recommending Town Council approval of the Green Building Program and related actions, including the following attachments:
 - A. Draft Town Council ordinance amending Title IV, Chapter 16 (Zoning).
 - B. Draft Municipal Code section establishing enhanced energy efficiency standards for large homes.
 - C. Draft Town Council Resolution adopting green building standards in conjunction with new Article VIII, Chapter 16 (Zoning Code).

Prepared by: Scott Anderson, Director of Community Development
Scott Phillips, Assistant Planner

**MINUTES NO. 955
PLANNING COMMISSION
December 12, 2007
Regular Meeting
Town of Tiburon Council Chambers
1505 Tiburon Boulevard, Tiburon, California**

CALL TO ORDER AND ROLL CALL

Chairman Aguirre called the meeting to order at 7:30 P.M.

Present: Chairman Aguirre, Vice-Chairman O'Donnell, Commissioners Fraser and Kunzweiler

Absent: None

Staff Present: Community Development Director Anderson

ORAL COMMUNICATIONS

None

COMMISSION AND STAFF BRIEFING

Staff Update - Director Anderson said the next Commission meeting is scheduled for January 9th and one of the items on that agenda will be zoning text amendments that will be part of the Town's "green building" regulations.

Commission Information Items – None

PUBLIC HEARING

- 1. 84 MAIN STREET: PROPOSAL TO OPERATE A WINE SALES AND TASTING BUSINESS (PRIMA PALATE); CONDITIONAL USE PERMIT #10706; Zelinsky Properties, Owner; Cate Hughes & Brooke Tognazzini, Applicants; Assessor's Parcel Number 059-102-20**

Director of Community Development Anderson said the project is a proposal for a 660 square foot European gourmet food imports and wine tasting business, "Prima Palate," to be located at 84 Main Street in downtown Tiburon. The prior use at this location was an art gallery. Wine tasting would be provided, but applicants are not proposing to sell wine by the glass; however, they would provide wine tasting and purchase of wine by the bottle. No food preparation or cooking would occur on-site. The proposed hours of operation would be Wednesday through Monday, 11AM to 7PM, and closed Tuesdays.

The applicants have indicated that they would be the only employees associated with the business.

A conditional use permit is required because the proposed use is significantly different in nature than the prior use and includes retail sale of alcohol (wine) as well as the serving of alcoholic beverages for consumption on the premises. Staff finds that the use would be compatible with other uses in the area and there have been no complaints associated with similar uses in Tiburon.

Regarding parking, the proposed use would be similar to a retail sales use with a requirement of 1 space per 250 square feet of floor area, or a total of 3 spaces. Parking is located on-site in the Main Street Parking Lot and there are also some street parking spaces along Upper Main Street. There is no outdoor use associated with the proposal; no one will be allowed to take open spirits outside the business; there would be no noise or music impacts; and staff has included conditions to this effect. Director Anderson recommended that the Commission open the public hearing, take any testimony, and approve the use permit subject to the conditions contained in the attached resolution.

Chairman Aguirre opened the public hearing.

Cate Hughes, applicant, briefly described the types of foods, wine and retail sales proposed as part of the application, and said they are excited to open for business.

Gary Lucas, property manager for the building owner, Zelinsky Properties, said the proposed use was a great opportunity for Tiburon to enjoy a nice wine, cheese and specialty store, and he felt it was a benefit for the downtown.

Commissioner Fraser felt the application met all Town requirements, would add to the diversity of the downtown uses, and supported the application. Vice-Chairman O'Donnell echoed Commissioner Fraser's comments and welcomed Ms. Hughes to Tiburon.

Commissioner Kunzweiler agreed, and further suggested adding some flexibility to the hours of operation set forth in Condition #5 in order for the use to remain open to accommodate community events, such as Friday Nights on Main Street.

No being no one else wishing to speak, the public hearing was closed.

Ms. Hughes said they would appreciate remaining open during such events and stated that they are respectful of operating hour limits. They do not want to create a "bar" atmosphere and thanked the Commission for their support.

Chairman Aguirre voiced his support for the application and the amendment to Condition #5 of the resolution regarding hours of operation. He referred to item 1 of the resolution and asked that the words "here to" be changed to "hereto".

ACTION: M/S (O'Donnell/Fraser) to adopt the resolution as amended to add flexibility to the operating hours and correct the typographic error. Motion carried 4-0.

DISCUSSION ITEMS

2. REVIEW AND COMMENT ON PROPOSED FORMAT FOR DRAFT ENVIRONMENTAL IMPACT REPORT FOR ALTA ROBLES RESIDENTIAL PROJECT

Director Anderson said the DEIR format issue was discussed during the scoping session for the Alta Robles project, and it was agreed that Staff would return to the Commission prior to the EIR being far underway to review ideas for an improved format for the DEIR document. He said that the following format has been established thus far:

- An operable three-ring binder will be used;
- Tabbed and labelled section dividers will be used;
- Pages will be numbered consecutively as 1, 2, 3, etc.;
- When cross-referencing other sections or impacts and mitigation measures, a full use of the title of the section or impact will be used in order to more easily locate the reference in the document; if possible, page numbers will be used in such references;
- The DEIR will include a glossary and list of acronyms.

Director Anderson stated that a draft Table of Contents for the DEIR is attached as Exhibit 1 to the staff report.

Director Anderson said staff is also working with the EIR consultant on the formatting of the FEIR document, as this subsequent volume would include similar formatting. He thanked former Planning Commissioner Collins (now Councilmember Collins) for his many format ions, asked for additional comments from the Commission regarding the EIR format, and noted a representative of the applicant was present in the audience.

Commissioner Kunzweiler said he liked the changes, felt staff tackled the letters and cross references to where issues are addressed or resolved very well, but he questioned how changes were highlighted based on statements made in the DEIR and transferred to the FEIR. Because of the volume of changes, he said it has been difficult to keep a history of the dialogue while continuing to move forward.

Chair Aguirre said because of the different versions, he felt it would be difficult to annotate the changes. What could be effective is to highlight originally marked changes to the final changes. This may mean there will be two versions of the EIR; a clean and a marked version. Alternatively, each version that comes out could be marked from the previous version.

Commissioner Kunzweiler suggested an electronic CD working copy of the document be made that shows all changes in Word and Commissioners could work from that. Each

version could be changed as marked and placed on a CD which he felt would address the excessive amount of paper.

Vice-Chairman O'Donnell felt with the binder system, references and outline, it will be an easier document to work with and perhaps the process may not be exactly right, but the Commission will be moving in the right direction.

Commissioner Kunzweiler felt references in notes to the changes made was harder to do and more cumbersome than simply showing a marked document that Word's track changes. He felt marked changes were not difficult and various versions of changes could be kept.

Director Anderson said staff has not discussed the idea of creating various marked change versions with the consultant. He said in the past, this is how EIR's were done; they would strike through the old section and type in the new information, but changes made were so few that it was easy to do at that time. He said it can be done, but it may be very messy.

Vice-Chairman O'Donnell mentioned that the recent Kol Shofar EIR suffered from many redundancies of information and hoped to avoid that in the future. He noted that Sections 2.1 and 3.2 on the draft table of contents for the Alta Robles EIR seemed duplicative, both being labeled Project Description. Director Anderson noted that the Summary section (2.1) would be approximately one paragraph long, whereas Section 3.2 would be many pages long. One is merely an executive summary of the other.

Chairman Aguirre felt it was important to introduce the document with a summary so that the person reading it could initially grasp the issues if they did not have time to read through the entire document. He did not support pushing the Summary of Findings too far back into the document and felt it was helpful to locate it in the front. He suggested flipping Section 3 in front of Section 2. He also felt missing in the Summary was the significant, unavoidable impacts, which he felt should be summarized up front. Director Anderson noted this list would be located under 2.3; Significant Impacts, which would differentiate between those significant impacts that were capable of being mitigated and those that were found to be unavoidable.

Vice-Chairman O'Donnell asked if a "rules of engagement" type of document could be created or posted at hearings in order for people to understand that topics such as color and materials details are not going to be discussed at the DEIR hearing. Commissioner Fraser suggested an announcement or a simple rules document, perhaps on an easel or on the wall, which could alert the public that the purpose of the meeting is to discuss the environmental effects of the project proposed and hold discussion on alternatives.

Commissioner Kunzweiler asked whether the issue of house design is germane to the EIR discussion by the Commission. He noted that typically, the EIR does not deal with specific design of houses, but may discuss aesthetics, location, shapes and sizes. Director Anderson agreed that to the extent that information known about the project can be

extrapolated into environmental impacts, it is fair game to discuss aesthetics that may affect location, shapes and sizes or dimensions. Commissioner Kunzweiler stated that in this case the applicant has committed to specific house designs as part of the project description.

The Commission asked if the EIR completion date is known at this time. Director Anderson responded that no firm date has been established and that geotechnical studies of the site are not yet completed.

Chairman Aguirre referred to Section 1.2 “EIR Objectivity”, and he questioned and confirmed it was correct and should not be changed to “EIR Objective.”

Public Comments:

Scott Hochstrasser, the applicant’s planning consultant for the Alta Robles project, commented that he appreciates the Commission discussing the organization of the EIR and liked the idea of switching the order of the Summary and Findings section with the Project Description section because it eliminates redundancy. He also suggested that the separate Land Use Planning section should be folded into the Environmental Setting, Impacts and Mitigation Measures section.

Hochstrasser also stated that on the second page of the draft outline, under Section 5.8 Visual Resources, the Visual Impact Analysis section should discuss the design element of the project, as he felt this was an opportunity area for some discussion of how the project design would reduce environmental impacts. He suggested changing the title of that section to Visual Resources and Design Elements. Traditionally, EIR Visual Impact sections talk about contrast, color, materials, and design elements, and he thought this project would allow for further refinement as the house designs are specified.

Hochstrasser also stated that with respect to the geology work, they finished all sampling, the lab work is done, and the write-up is being prepared. He believed that the EIR consultant was well underway on many of the sections of the DEIR.

Lastly, he felt it was important to look at the CEQA guidelines and focus on what the process is as set forth in CEQA, because CEQA provides three possible times for change to the EIR: 1) the administrative draft, which staff reviews but is not available to the public; 2) the Draft EIR, which is released for public comment; and 3) the Final EIR when responses to comments are provided and EIR changes can be made. Changes that occur between the Draft EIR and the Final EIR include public testimony and any changes incorporated. Therefore, there should not be several reiterations of documents, but solely the Draft EIR and then the Final EIR. He noted that one area where opportunities are missed is that the applicant is often not involved in the preparation of the Alternatives Section. The applicant is not often given the benefit of some of the impact analysis and then asked to participate in developing Alternatives to the project in the EIR. The applicant returns and tries to come up with a project that does not have significant impacts; this often leads to additional EIR volumes or addenda. He thought if there was

an opportunity for the applicant to be involved in the Alternatives Analysis in the DEIR, there would not be so many versions of changes, but he was not sure how best to do this.

Commissioners responded that there were reasons why some Draft EIR's needed to be re-circulated. The Commission thought that having the applicant involved in the alternatives analysis would be helpful, but voiced concerns over transparency issues, the ability for public input, and the applicant's standing. They felt the consultant should arrive at the alternatives, allow the applicant to provide input and allow the consultant to exercise their discretion and judgment as to whether or not to take the input.

Director Anderson agreed that applicant input could be helpful, and said applicants are likely to only spend significant energy on one alternative and there will be a range of alternatives developed by the consultant and staff to choose from, so he did not feel that would compromise the process.

With respect to the Land Use and Planning section, he noted that many firms do incorporate this analysis into the strict topical areas, where the Land Use and Planning section is usually very small because the consultant is only looking to see basic consistency with the land use designation in the General Plan. The General Plan and Policy consistency analysis that the Town of Tiburon requires the EIR consultant to prepare is far more extensive than that, but it is the Commission and Council who ultimately decide whether a project is in conformance or not. This is why the Town requires a separate section for Land Use and Planning analysis. It is not an impact analysis per se, but rather a policy analysis.

MINUTES

4. PLANNING COMMISSION MINUTES – Regular Meeting of November 14, 2007

Commissioner Fraser requested the following amendments:

Page 5, top of page: "Commissioner Fraser said the stairwell actually steps down, and from the contour of the land, he believed that the height would not exceed 25 feet."

ACTION: It was M/S (Kunzweiler/Fraser) to approve the Minutes of November 14, 2007, as amended. Vote: 3-0-1 (Aguirre abstained).
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ADJOURNMENT

The Planning Commission adjourned the meeting at 8:40 p.m. to the next regular meeting on January 9, 2008.

AL AGUIRRE, CHAIRMAN

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
AMENDING TITLE IV, CHAPTER 16 (ZONING) OF THE MUNICIPAL CODE TO
ESTABLISH GREEN BUILDING REQUIREMENTS FOR CERTAIN CONSTRUCTION
PROJECTS AND TO ADOPT OTHER TEXT AMENMENTS THERETO**

SECTION 1. FINDINGS.

WHEREAS, the design, construction and operation of buildings and structures within the town can have a significant impact on the town's environmental sustainability, resource usage, energy efficiency, waste management and the health and productivity of residents, workers and visitors; and

WHEREAS, the design, construction and operation of buildings and structures also has far-reaching effects on the region and globally through production of greenhouse gases resulting in global climate change and the consumption of resources that impact wildlife habitat; and

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

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

WHEREAS, according to recent studies published by the United States Green Building Council and the U.S. Environmental Protection Agency, the construction, demolition and operation of buildings in the United States collectively consume up to 37% of the total energy used, 12% of all fresh water supplies, 40% of all raw materials used, and generate 36% of total emissions of anthropogenic carbon dioxide, the primary greenhouse gas associated with global

climatic change, and 46% of all sulfur dioxide emissions, 19% of nitrogen oxide emissions and 10% of fire particulate emissions; and

WHEREAS, by requiring buildings within the Town of Tiburon to be constructed in an environmentally responsible manner, the Town of Tiburon is participating in global endeavors to reduce carbon dioxide, sulfur dioxide, nitrogen dioxide, waste generation and habitat change; and

WHEREAS, on July 19, 2007, the Town Council held its annual Council-Staff Retreat and provided specific direction to Staff to review successfully working programs from other Marin County jurisdictions and adapt them to the Town's processes. Staff was directed to bring forth modifications to the Municipal Code to promote green building and energy efficiency; and

WHEREAS, on January 9, 2008, the Town of Tiburon Planning Commission conducted a public hearing and recommended adoption of Zoning Ordinance amendments to the Town Council, which included green building regulations and other resource conservation regulations, and recommended approval of the proposed ordinance; and

WHEREAS, the Town Council held duly-noticed public hearings on _____, 2008 and _____, 2008 at which it considered all correspondence and testimony; and

WHEREAS, the amendments to Title IV, Chapter 16 (Zoning) of the Town of Tiburon Municipal Code are based on the following additional findings:

1. The proposed amendments would be consistent with the policies and programs of the General Plan, *Tiburon 2020*, which are pertinent to the Town's zoning regulations, specifically Policies OSC-61, OSC-62, OSC-63 and Program OSC-p.
2. The public health, safety and general welfare would not be adversely impacted by the proposed amendments which reduce impacts on respiratory health and chemical sensitivity of residents and visitors, reduce production of greenhouse gases, reduce impacts on wildlife and vegetative habitats and reduce generation and land filling of waste products; and

WHEREAS, the Town Council finds that these amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines, which exempt changes in land use regulations intended for the protection of the environment, and/or have no potential to result in adverse impacts on the environment, and are exempt from the requirements of CEQA pursuant to Section 15061 [b(3)] of the CEQA Guidelines. The proposed regulations would reduce local, regional and global impacts on air and water quality, resource consumption, waste generation and habitat change; and

SECTION 2. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE, TITLE IV, CHAPTER 16 (ZONING).

NOW, THEREFORE IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF TIBURON THAT TITLE IV, CHAPTER 16 (ZONING) OF THE MUNICIPAL CODE IS AMENDED AS FOLLOWS:

A. Section 16-1.5 (Definitions) is hereby amended to add the following definitions:

“Certified green building rater” means a person or organization certified or designated by a green building rating organization associated with a specific green building rating system adopted by Town Council resolution for performing inspections and providing documentation to assure compliance with green building requirements.

“Conditioned space” means an enclosed space in a non-residential building that is provided with a mechanical heating system that has a capacity exceeding ten (10) Btu/(hr. x ft.²), or is provided with a mechanical cooling system that has a capacity exceeding five (5) Btu/(hr. x ft.²).

“Green building rating checklist” means a rating system adopted by Town Council resolution and used for determining compliance of new construction and substantial additions with green building requirements.

“Historic building” means any building listed on a national, state, or local register or listing of historic resources.

“LEED[®]” means any one of the U.S. Green Building Council’s Leadership in Energy and Environmental Design green building rating systems or programs.

“LEED[®] accredited professional” means a person who is accredited by the U.S. Green Building Council as having a thorough understanding of green building practices and principles and familiarity with LEED[®] requirements, resources and processes.

“Town-sponsored project” means a building(s) exceeding one-thousand (1,000) square feet in floor area primarily funded and sponsored by the Town or on Town-owned land.

B. Section 16-4.2.3 is hereby amended to read as follows:

16-4.2.3 Application and information required.

(a) Application for approval shall be made pursuant to the provisions of Section 16-3.1. Information and materials necessary to adequately describe the proposed project, as appropriate to the proposed size, scale, and nature of the project, and as deemed necessary by the Director or his designee, shall accompany each application. Lists of information and materials which are

typically required for a complete application are available in the Planning Division.

(b) For any residential covered project, as set forth in section 16-8.2, two sets of a completed applicable green building rating checklist and supporting documentation indicating the measures to be used to achieve the required number of points in each rating category. The submitted green building rating checklist shall be prepared or certified as accurate by a certified green building rater.

C. Section 16-4.2.5 is amended to add the following paragraph as follows:

Each approval for a covered project, as set forth in section 16-8.2, shall include a condition of approval that the project shall comply with the applicable green building standard for compliance as set forth by resolution of the Town Council. Failure to explicitly impose the condition on an approval shall not release a project from otherwise meeting applicable requirements of section 16-8 et seq. of this article.

D. Section 16-4.2.7 (k) is added to read as follows:

(k) Green building. For residential covered projects, as set forth in section 16-8.2, the project design includes features that foster renewable energy and/or resource conservation, and the overall project appears to meet or exceed the applicable green building standard for compliance as set forth by resolution of the Town Council.

E. Section 16-4.2.10 is amended to replace the second (middle) paragraph with the following paragraph:

Remodel applications for Site Plan & Architectural Review must include a statement, calculations, and demolition plan drawing of sufficient detail to demonstrate the percentage of existing exterior wall framing and roof structure to be removed as part of the project. The project shall be deemed new construction, with the expectation that the building is to conform with the appropriate zoning standards for new construction, if either of the following occurs:

1. The roof is removed and more than 50% of the existing exterior wall framing on the upper level is removed. A single-story dwelling is considered to be the upper story for purposes of this clause.
2. The roof remains, but more than 50% of the exterior wall framing is removed.

F. Article VIII (Green Building) is hereby added to Title IV, Chapter 16 as follows:

Article VIII. Green Building

16-8.1 Purpose.

The purpose of this section is to enhance the public health and welfare and assure that residential development is consistent with the Town's desire to create a more sustainable community by incorporating green building measures into the design, construction and maintenance of buildings and appurtenant development. The green building practices referenced in this section are designed to achieve the following objectives:

- (a) Encourage resource conservation;
- (b) Reduce waste generated by construction projects;
- (c) Increase energy and water efficiency; and
- (d) Promote the health of residents.

16-8.2 Covered Projects.

Provisions of this article shall apply to:

- (a) The construction of new dwelling units, including dwelling units deemed "new construction" pursuant to section 16-4.2.10 of this chapter.
- (b) Additions to existing dwelling units that constitute at least a fifty percent (50%) increase of conditioned space of the existing structure.
- (b) The construction of new non-residential buildings or additions to existing buildings that equal or exceed 3,000 square feet of conditioned space.
- (c) Town-sponsored projects.

16-8.3 Standards for Compliance.

All covered projects shall demonstrate compliance with the rating system and minimum point requirements established by separate resolution of the Town Council, as amended from time to time.

16-8.4 Documentation.

(a) Residential Projects. Applications for site plan and architectural review and applications for building permit for residential covered projects shall submit two (2) completed sets of the applicable green building rating checklist and supporting documentation indicating the measures to be used to achieve the required number of

points to achieve conformance with the Town's standard for compliance. The submitted green building rating checklist shall be prepared or certified as accurate by a certified green building rater. Building permit drawings shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to attain the required number of points.

(b) Non-residential Projects.

(1) Projects from 3,000 to 19,999 square feet of conditioned space: All applicants are required to retain the services of a LEED[®] Accredited Professional and submit a copy of the LEED[®] checklist and supporting documentation indicating compliance with the Town's standards for compliance, signed by the project LEED[®] Accredited Professional prior to issuance of a building permit. All building documents shall indicate in the general notes and/or individual detail drawings, where feasible, the green building measures employed to attain the applicable LEED[®] rating.

(2) Projects exceeding 19,999 square feet of conditioned space: Non-residential covered projects shall follow the certifying and procedural requirements of the U.S. Green Building Council for the LEED[®] rating system. All applicants are required to retain the services of a LEED[®] Accredited Professional and complete LEED[®] project registration prior to issuance of a building permit. Applicants shall submit proof of registration of the project with the U.S. Green Building Council and submit a copy of the LEED[®] checklist and supporting documentation indicating compliance with the Town's standards for compliance, signed by the project LEED[®] Accredited Professional, prior to issuance of a building permit. All building documents shall indicate in the general notes and/or individual detail drawings, where feasible, the green building measures employed to attain the applicable LEED[®] rating. The applicant shall also provide to the Building Official with online access to the U.S. Green Building Council website in order for the Building Official to monitor the submission of documents by the applicant to the U.S. Green Building Council. If the Building Official determines the project is no longer in compliance with the approved plans or that the applicant is not diligently pursuing LEED[®] certification by the U.S. Green Building Council, the Building Official may issue a stop work order.

(3) The Town Council may, by resolution, adopt an alternative green building rating system other than LEED[®].

16-8.5 Review of Documentation.

If the Building Official determines that the Green Building documentation fails to indicate that the project will conform to the Standards for Compliance, the documentation shall be returned to the applicant as incomplete, with an indication of additional information or project modifications that may be required for approval. A building permit, including a grading permit, shall not be issued until the submittal documentation has been approved.

16-8.6 Verification.

(a) Residential projects. A Certified Green Building Rater or Town building inspector shall verify that the green building measures indicated in the approved green building documentation have been implemented through inspections during the construction of the project or through review of purchase receipts or photographic documentation. At the completion of project construction, the Certified Green Building Rater or Town building inspector shall verify compliance with the approved green building documentation and the Standards for Compliance. During the verification process for the project, flexibility may be exercised by substituting other allowable compliance measures. Substitution of measures must be approved by the Building Official by submittal and approval of a revised Green Building Rating Checklist by the Certified Green Building Rater. An occupancy permit or final inspection approval for the construction project shall not be granted until the Building Official has determined that all required green building measures have been implemented.

(b) Non-residential projects.

(1) Projects from 3,000 to 29,999 square feet of conditioned space: A LEED[®] Accredited Professional shall verify that the green building measures indicated in the approved green building documentation have been implemented through inspections during the construction of the project or through review of purchase receipts or photographic documentation. At the completion of project construction, the LEED[®] Accredited Professional shall verify compliance with the approved green building documentation and the Standards for Compliance. During the verification process for the project, flexibility may be exercised by substituting other allowable compliance measures. Substitution of measures must be approved by the Building Official by submittal and approval of a revised LEED[®] checklist by the LEED[®] Accredited Professional. An occupancy permit or final inspection approval for the construction project shall not be granted until the Building Official has determined that all required green building measures have been implemented. Certification through the U.S. Green Building Council is not required.

(2) Projects exceeding 29,999 square feet of conditioned space: Prior to approval of a final inspection for any covered non-residential 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, following which the Building Official shall grant a conditional occupancy permit if all other requirements have been satisfied. Within one year of granting such conditional occupancy permit, the applicant (or current owner) shall submit satisfactory evidence of LEED[®] certification to the Building Official. Failure of the applicant to submit such evidence shall be a violation of this Code, entitling the Building Official to revoke the conditional occupancy permit, require the vacancy of the building, and/or impose a civil penalty of \$500 per day against the applicant (or current owner) until such evidence of certification has been submitted.

16-8.7 Costs of Verification.

The costs for verification of compliance with green building requirements, including the hiring of a Certified Green Building Rater or a LEED® Accredited Professional, shall be borne by the applicant.

16-8.8 Exemptions.

(a) This section shall not apply to:

- (1) Secondary dwelling units,
- (2) Civic facilities that are located within leased buildings,
- (3) Historic buildings, or

(4) Any project that received and maintains a valid site plan and architectural review approval or a building permit, or which has submitted a complete site plan and architectural review application or a completed building permit application prior to **[insert effective date of this Ordinance]**, unless otherwise required as a condition of approval of the site plan and architectural review application.

(b) Hardship or Infeasibility Exemption. An exemption from the Standards for Compliance may be granted by the Director of Community Development under special circumstances. Such circumstances may include, but are not limited to: availability of green building materials and technology, conflict between green building requirements with other building or zoning standards, or provision of alternate methods that provide greater resource conservation, energy conservation or resident health than adopted green building measures. The determination by the Director of Community Development shall be provided in writing to the applicant. The decision of the Director of Community Development Director may be appealed to the Town Council pursuant to Section 16-3.8.

G. Section 16-4.13.5 of Title IV, Chapter 16, is amended to read as follows:

16-4.13.5 Length of permit--Mandatory review/renewal.

(a) A conditional use permit for a WCF approved on or after January 1, 2007 shall be valid for an initial period of ten (10) years after final discretionary approval, unless a shorter duration is approved on the basis of public safety reasons or substantial land use reasons. At least ninety (90) days prior to expiration of the ten-year approval, the permit holder shall file an application for review/renewal of the WCF permit. The permit holder shall be solely responsible for timely filing of, and for all costs associated with, the processing of applications for mandatory reviews/renewals.

(b) A conditional use permit for a WCF approved prior to January 1, 2007 shall be subject to the specific conditions of the permit with respect to duration and periodic mandatory review/renewal. At least ninety (90) days prior to expiration of the permit, the permit holder shall file an application for review/renewal of the WCF permit. The Planning Commission shall conduct a public hearing for the purposes of verifying continued compliance with the findings and conditions of approval

under which the application was originally approved, as well as compliance with other applicable provisions in the municipal code. Permit reviews/renewals are required every five (5) years, unless a longer time period is approved by the acting body, or another time period is set forth in the permit conditions. The permit holder shall be solely responsible for timely filing of, and for all costs associated with, the processing of applications for mandatory reviews/renewals.

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The Town Council declares that it would have passed this chapter and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and before the expiration of fifteen (15) days after passage by the Town Council, a copy of the ordinance shall be published with the names of the members voting for and against it at least once in a newspaper of general circulation in the Town of Tiburon.

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon on _____, 2008, and was adopted at a regular meeting of the Town Council of the Town of Tiburon on _____, 2008, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

JEFF SLAVITZ, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

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RESOLUTION NO. _____

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TIBURON
ESTABLISHING GREEN BUILDING STANDARDS FOR COMPLIANCE, GREEN
RATING SYSTEMS, AND INCENTIVES FOR HIGHER GREEN RATINGS**

WHEREAS, the design, construction and operation of buildings and structures within the Town can have a significant impact on the Town's environmental sustainability, resource usage, energy efficiency, waste management and the health and productivity of residents, workers and visitors; and

WHEREAS, the design, construction and operation of buildings and structures also has far-reaching effects on the region and globally through production of green house gases resulting in global climate change and the consumption of resources that impact wildlife habitat; and

WHEREAS, green building benefits are spread throughout the systems and features of the extensive use of high-recycled content products; recycling of waste that occurs during deconstruction, demolition and construction; orientation and design of a building to reduce the demand on the heating, ventilating, and air conditioning systems; the use of heating, ventilating, and air conditioning systems that provide energy efficiency and improved air quality; enhancement of indoor air quality by selection and use of construction materials that do not emit chemicals that are toxic or irritating to building occupants; the use of water conserving methods and equipment; and installation of alternative energy methods for supplemental energy production; and

WHEREAS, in recent years, green building design, construction and operational techniques have become increasingly widespread. Many homeowners, businesses and building professionals have voluntarily sought to incorporate green building techniques into their projects. A number of local and national systems have been developed to serve as guides and rating systems for green building practices. The U.S. Green Building Council, developer of the Leadership in Energy and Environmental Design (LEED®) Green Building Rating Systems, has become a leader in promoting and guiding green building, particularly for non-residential structures. The Alameda County Waste Management Authority has developed the New Home, Remodeling and Multi-Family Green Building Guidelines and associated Green Points Checklists, published by Build It Green, which have been adopted for use in several Bay Area jurisdictions including the County of Marin, City of San Rafael, and City of Larkspur; and

WHEREAS, according to recent studies published by the United States Green Building Council and the U.S. Environmental Protection Agency, the construction, demolition and operation of building in the United States collectively consume up to 37% of the total energy used, 12% of all fresh water supplies, 40% of all raw materials used, and generate 36% of total emissions of anthropogenic carbon dioxide, the primary greenhouse gas associated with global climatic change, and 46% of all sulfur dioxide emissions, 19% of nitrogen oxide emissions and 10% of fire particulate emissions; and

WHEREAS, by requiring buildings within the Town of Tiburon to be constructed in an environmentally responsible manner, the Town of Tiburon is participating in global endeavors to reduce carbon dioxide, sulfur dioxide, nitrogen dioxide, waste generation and habitat change; and

WHEREAS, on January 9, 2008, the Tiburon Planning Commission conducted a public hearing and recommended adoption of Zoning Ordinance amendments to the Town Council that included green building regulations and other resource conservation and community health regulations, and recommended approval of the proposed resolution; and

WHEREAS, the Town Council has held public hearings on _____, 2008 and _____, 2008 and has adopted a series of green building regulations through amendments to the Tiburon Municipal Code, which regulations reference and rely upon the standards of compliance set forth herein.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Tiburon adopts the following Standards for Compliance for administration of Green Building regulations contained in Title IV, Chapter 16 (Zoning), Article VIII, of the Tiburon Municipal Code.

Standards for Compliance

All “covered projects” shall be constructed using the following green building standards for compliance and green building rating checklists or systems:

- a) New single-family dwellings and new two-family dwellings shall achieve at least sixty (60) green points using the most recently published edition of the *New Home Construction Green Building Guidelines* and the associated Single Family GreenPoint Checklist published by Build It Green.
- b) Single family dwelling additions (with the exception of secondary dwelling units), and two-family dwelling additions shall achieve at least six sixty (60) green points using the most recently published edition of the *New Home Construction Green Building Guidelines* and the associated Single Family GreenPoint Checklist published by Build It Green.
- c) New multiple dwellings, and additions to existing multiple dwellings, shall achieve at least sixty (60) points using the most recently published edition of the *Multifamily Green Building Guidelines* and the associated Multifamily GreenPoint Checklist published by Build It Green.

- d) New non-residential construction of 3,000 to 19,999 square feet of conditioned space shall achieve at least a LEED® “Certified” rating (26-32 points) using the most recently published version of the *LEED® for New Construction* or other more appropriate LEED® rating system as determined by the Building Official based on the proposed construction type, and
- e) New non-residential construction exceeding 19,999 square feet of conditioned space shall achieve at least a LEED® “Silver” rating (33-38 points) using the most recently published version of the *LEED® for New Construction* or other more appropriate LEED® rating system as determined by the Building Official based on the proposed construction type.

Incentives

Projects which meet the following enhanced green building standards are entitled to administrative and financial incentives:

- a) New single-family dwellings and additions thereto (with the exception of secondary dwelling units), and new two-family dwellings and additions thereto, which achieve at least one hundred (100) points using the most recently published edition of the New Home Construction Green Building Guidelines and the associated Single Family GreenPoint Checklist published by Build It Green.
- b) New multi-family dwelling units or additions thereto, which achieve at least one hundred (100) points using the most recently published edition of the Multifamily Green Building Guidelines and the associated Multifamily GreenPoint Checklist published by Build It Green.
- c) New non-residential residential construction which achieves at least a LEED® “Gold” rating using the most recently published version of the *LEED® for New Construction* or other more appropriate LEED® rating system as determined by the Building Official based on the proposed construction type.

Administrative and financial incentives shall include all of the following:

- a) Expedited processing of building permit plan checks,
- b) Reimbursement for costs of a Certified Green Building Rater associated with verification of compliance with green building regulations for residential projects,
- c) Provision of a plaque certifying the building as meeting the Town’s “Emerald” Green Building Standards,
- d) Provision of a Town Green Building logo for placement on construction and sales signage, and

- e) Listing on the Town's website for a period of time, as determined by the Director of Community Development.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Tiburon held on _____, 2008, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

JEFF SLAVITZ, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK

Section 16-4.2.10. New Construction Versus Remodel Projects.

The Town of Tiburon has witnessed an increase in projects that are proposed and presented as remodel projects, but which during implementation essentially become total or near total demolitions followed by new construction. Since the acting body might reach different conclusions on an application for Site Plan and Architectural Review if presented as a remodel as opposed to new construction, the following provisions are established.

Remodel applications for Site Plan & Architectural Review must include a statement, calculations, and drawings of sufficient detail to demonstrate the percentage of existing floor area proposed to be demolished. If the floor area to be demolished is less than 50% of the total existing floor area of the building, then the project is classified as a remodel. If the floor area to be demolished is equal to or more than 50% of the total existing floor area of the building, then the project shall be classified as “new construction”, with the expectation that the building is to conform with the appropriate zoning standards for new construction.

If an application is filed and approved as a remodel project, but prior to or during construction expands to become a “new construction” project as defined herein, all zoning and building permit approvals shall become null and void. The applicant shall be required to resubmit applications for Site Plan & Architectural Review approval and building permits as “new construction”. The Planning Director shall have authority to waive this requirement in cases where the public safety and necessity require the additional demolition, or in de minimis cases.

**PROPOSED ADDITION TO CHAPTER 13
(BUILDING) OF THE TIBURON MUNICIPAL CODE**

The following section 13-5.1 would be added:

**Section 13-5.1 ENERGY EFFICIENCY STANDARDS FOR
SINGLE-FAMILY DWELLINGS GREATER
THAN 3,500 SQUARE FEET OF
CONDITIONED FLOOR AREA**

13-5.1.1 Purpose.

The purpose of this section is to reduce the annual and peak energy consumption of large single-family homes.

13-5.1.2 Definitions.

As used in this section:

“Adjusted proposed design total” means the proposed building energy use, in KBtu/sf-yr, calculated by the state approved alternative calculation method (ACM) less any PV credit.

“Adjusted standard design total” means the performance energy budget, in KBtu/sf-yr, which this section establishes for all building to which it applies. It is defined as the standard design total (KBtu/sf-yr) obtained from any state-approved residential alternative calculation method (ACM) multiplied by the Standard Design Adjustment Factor contained in Table A.

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

“PV credit” means the energy credit applicable to the proposed design for a solar photovoltaic system that is capable of generating electricity from sunlight and supplying it directly to the building; and is connected, through a reversible meter, to the utility grid. The amount of PV credit under this chapter is defined as W_o multiplied by 13.262 KBtu/sf-yr time dependent value energy, where W_o is a unitless value calculated as the rated watts of the proposed photovoltaic system divided by the total conditioned floor area of the building.

13-5.1.3 Buildings covered.

The provisions of this section shall apply to all new single-family dwellings greater than three thousand five hundred (3,500) square feet of total conditioned floor area, and additions to existing single-family dwellings which together with any other additions made after the enactment of this chapter in the aggregate exceed five hundred (500) square feet where the

total conditioned floor area of the building exceeds three thousand five hundred (3,500) square feet.

13-5.1.4 Exceptions.

The provisions of this section shall not apply to building area used for a secondary dwelling unit, or to any project that received and maintains a valid planning approval or a building permit, or which has submitted a complete planning application or building permit application prior to the effective date of the ordinance, unless otherwise required as a condition of approval of the planning application.

13-5.1.5 Basic requirements.

All buildings covered by this section shall meet both of the following:
A. The adjusted standard design total energy budget, in source KBtu/sf-yr, using the state-approved performance compliance approach, and
B. All other provisions applicable to low rise residential buildings contained in the California Building Energy Efficiency Standards.

13-5.1.6 Permit forms.

In addition to the standard Title 24 report submitted to the building division, an ordinance compliance form and worksheet will be required, which shall be available at the building division.

**Table A
Standard Design Adjustment Factors**

House Size (Total Conditioned Sq. Ft.)	Adjustment Factor
3,501—4,499	0.918
4,500—5,499	0.826
5,500—6,499	0.700
6,500—7,499	0.629

RESOLUTION NO. 2008-DRAFT

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF TIBURON RECOMMENDING TO THE TOWN COUNCIL ADOPTION
OF A GREEN BUILDING PROGRAM, INCLUDING AMENDMENTS TO THE TIBURON
MUNICIPAL CODE (CHAPTER 16, ZONING AND CHAPTER 13, BUILDING), ADOPTION
OF GREEN BUILDING STANDARDS, RATING SYSTEMS, AND INCENTIVES, AND
ADOPTION OF MISCELLANEOUS OTHER ZONING TEXT AMENDMENTS**

WHEREAS, the Town of Tiburon has initiated the adoption of a Green Building Program, comprised of several elements including text amendments to the Town's Zoning Ordinance and Building Regulations and the adoption of standards for compliance and rating systems; and

WHEREAS, the Planning Commission has determined that the project is categorically exempt from the requirements of CEQA pursuant to Section 15308 of the CEQA Guidelines, and/or has no potential to result in adverse impacts on the environment, and is exempt from the requirements of CEQA pursuant to Section 15061 [b(3)] of the CEQA Guidelines; and

WHEREAS, a display ad notice of the public hearing on the amendments was published in the Ark newspaper on December 26, 2007 and other noticing was provided as required by law; and

WHEREAS, the Planning Commission did hold a duly noticed and advertised public hearing on January 9, 2007, at considered any and all testimony received; and

WHEREAS, the Planning Commission finds that the proposed Municipal Code amendments are consistent with the goals, policies, and programs of the Tiburon General Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby recommends that the Town Council adopt:

- 1) Municipal Code text amendments to Chapter 16, Zoning, as set forth in attached Exhibit A
- 2) Municipal Code text amendments to Chapter 13, Building, as set forth in attached Exhibit B
- 3) A resolution setting forth green building standards for compliance, rating systems, and incentives, as set forth in attached Exhibit C.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the Town of Tiburon held on _____, 2008, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

AL AGUIRRE, CHAIRMAN
Tiburon Planning Commission

ATTEST:

SCOTT ANDERSON, SECRETARY (ACTING)

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