

CITY COUNCIL ORDINANCE NO. 09-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINE AMENDING CHAPTERS 1 AND 4 OF DIVISION 9 OF SECTION 5 OF THE IRVINE MUNICIPAL CODE TO ESTABLISH GREEN BUILDING CODE REGULATIONS

WHEREAS, the City of Irvine is a thriving master-planned community committed to planning and building in a sustainable manner that preserves and improves the natural and built environment of the City, protects the health of its residents and visitors, and fosters its economy; and

WHEREAS, green building is a holistic approach to design, construction, and demolition that minimizes the building's impact on the environment, the occupants, and the community; and

WHEREAS, green buildings benefit building industry professionals, residents, and the community by improving construction quality; increasing building durability; reducing utility, maintenance, water and energy costs; creating healthier homes; and enhancing comfort and livability; and

WHEREAS, the State of California has adopted the 2008 California Green Building Standards Code as the nation's first comprehensive green building code; and

WHEREAS, adoption of the California Green Building Code establishes a place for green building standards as part of the fundamental structure of the California Building Code; and

WHEREAS, adoption of the California Green Building Code by the City of Irvine at a time earlier than the Statewide mandated date benefits the environment, building occupants and the community; and

WHEREAS, the Orange County Chapter of the Building Industry Association of Southern California has reviewed the California Green Building Code and is supportive of early adoption by the City of Irvine; and

WHEREAS, the City of Irvine Green Ribbon Environmental Committee has reviewed early adoption of the 2008 California Green Building Standards Code; and

WHEREAS, the Planning Commission has recommended early adoption of the 2008 California Green Building Standards Code; and

WHEREAS, the City Council hereby finds that green building design, construction and operation furthers the goals set forth in the City's General Plan, including land use, waste management, energy, conservation and open space; and

WHEREAS, certain ongoing residential projects in Planning Area 6 have had model homes constructed for several years and have significant portions of the

project currently completed or anticipated to be completed prior to the effective date of this ordinance.

NOW, THEREFORE, the City Council of the City of Irvine DOES HEREBY ORDAIN as follows:

SECTION 1. Unless otherwise amended or added, Section 5 of Division 9 of the Irvine Municipal Code is hereby incorporated by reference.

SECTION 2. Section 5-9-101, Adoption of Building Code, of Chapter 1 of Section 5 of Division 9 of the Irvine Municipal Code is hereby amended to add a new code reference to read as follows:

10. California Green Building Standards Code, 2008 edition with errata (Title 24, Part 11, California Code of Regulations) as adopted by the Department of Housing and Community Development for housing construction as identified using the abbreviation "HCD1" in the Matrix Adoption Tables of that Code.

The provisions of this code as amended by the provisions of this Division of the Irvine Municipal Code shall be added to the Building Code Regulations of the City of Irvine.

SECTION 3. Chapter 4, Amendments to Building and Fire Code Technical Regulations, of Section 5 of Division 9 of the Irvine Municipal Code is hereby amended to add new Section 5-9-407 to read as follows:

Section 5-9-407 Green Building Code.

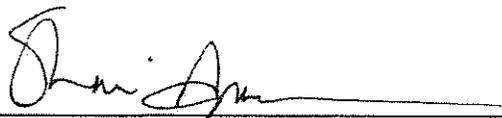
A. *Chapter 11, Section AM-HCD for HCD1, Application Matrix for AM-HCD*, of the 2008 California Green Building Standards Code is amended to revise the effective date for Green Building Measures identified as "Required" in the matrix to April 1, 2010, inclusive of footnote 1, for newly constructed residential buildings except for projects with model homes approved prior to September 1, 2009 in Planning Area 6.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsection, subdivision, sentence, clause, phrase, or portions thereof be declared invalid or unconstitutional.

PASSED AND ADOPTED by the City Council of the City of Irvine at an adjourned regular meeting held on the 13th day of October 2009.


MAYOR OF THE CITY OF IRVINE

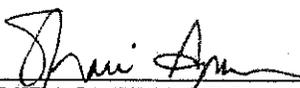
ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF IRVINE)

I, Sharie Apodaca, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Ordinance was introduced for first reading on the 22nd day of September, 2009, and duly adopted at an adjourned regular meeting of the City Council of the City of Irvine held on the 13th day of October, 2009, by the following vote:

AYES: 4 COUNCILMEMBERS: Agran, Choi, Shea and Kang
NOES: 0 COUNCILMEMBERS: None
ABSENT: 1 COUNCILMEMBERS: Krom


CITY CLERK OF THE CITY OF IRVINE

CITY COUNCIL RESOLUTION NO. 09-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE SETTING FORTH FINDINGS WITH RESPECT TO LOCAL CONDITIONS WHICH REQUIRE CERTAIN MODIFICATIONS AND CHANGES TO THE CALIFORNIA GREEN BUILDING STANDARDS CODE REASONABLY NECESSARY FOR BUILDING OCCUPANCIES IN THE CITY OF IRVINE

WHEREAS, Health and Safety Code Section 17958 mandates that the City of Irvine shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health and Safety Code Section 17922; and

WHEREAS, the State of California is mandated by Health and Safety Code Sections 13143.5 and 17922 to impose substantially the same or more stringent requirements as are contained in the most recent edition of the California Building Standards Code; including the California Building Code, the California Green Building Code, the California Fire Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, and the California Existing Building Code (hereinafter referred to collectively as "Codes"); and

WHEREAS, Health and Safety Code Sections 18941.5, 13143.5, 17958.5, and 13869.7 permits the City to make such changes or modifications to the Codes as are reasonably necessary because of local conditions; and

WHEREAS, Health and Safety Code Sections 13143.5, 17958.7, and 13869.7 require the governing body of a city to make express findings that such changes or modifications are needed due to climatic, geologic, or topographic conditions; and

WHEREAS, the Planning Commission has recommended that changes and modifications be made to the Codes; and

WHEREAS, the Chief Building Official has advised that certain said changes and modifications to the 2008 California Green Building Standards Code provisions are reasonably necessary to improve public health, safety and general welfare due to local conditions in the City of Irvine by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact, or positive environmental impact and encouraging sustainable construction practices; and

WHEREAS, certain ongoing residential projects in Planning Area 6 have had model homes constructed for several years and have significant portions of the project currently completed or anticipated to be completed prior to the effective date of the Ordinance adopting the 2008 California Green Building Standards Code with City amendments.

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

SECTION 1. The following changes and modifications to the 2008 California Green Building Code as recommended by the Planning Commission are hereby found to be reasonably necessary due to the following local climatic, geological, or topographic conditions.

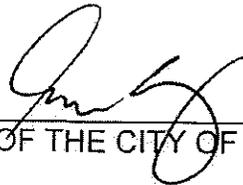
- A. 2008 California Green Building Standards Code Chapter 11, Section AM-HCD for HCD1, Application Matrix for AM-HCD, is amended to revise the effective date for Green Building Measures identified as "Required" in the matrix to April 1, 2010, inclusive of footnote 1, for newly constructed residential buildings except for projects with model homes approved prior to September 1, 2009 in Planning Area 6.

Findings:

1. Water efficiency and conservation- The City of Irvine is in an arid area with minimal rainfall dependent on conservation of groundwater and water imported from outside the region. Provisions relating to water use reduce the amount of water used in residential buildings and conserve potable water supplies.
2. Environmental air quality- The City of Irvine is in the South Coast Air Basin which is recognized to have impaired air quality. Provisions relating to pollutant control and indoor environmental air quality reduce pollutant emissions and improve indoor air quality for building occupants.
3. Material conservation and resource efficiency- The City of Irvine has access to limited and finite landfill resources. Provisions relating to recycling and reuse of construction waste divert materials from local landfills to preserve landfill space and promote efficient use of resources.
4. Water quality- The City of Irvine watershed includes the San Diego Creek drainage which has been identified as an impaired water body by the State of California. Provisions related to storm water management reduce pollutants in runoff from construction sites.

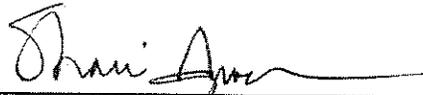
SECTION 2. A copy of this Resolution together with the Ordinance adopting the 2008 California Green Building Code and City amendments shall be filed with the California Building Standards Commission by the Chief Building Official of the City of Irvine.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 22nd day of September, 2009.



MAYOR OF THE CITY OF IRVINE

ATTEST:

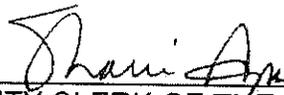


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 22nd day of September, 2009 by the following vote:

AYES: 5 COUNCILMEMBERS: Agran, Choi, Krom, Shea and Kang
NOES: 0 COUNCILMEMBERS: None
ABSENT: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE

CITY COUNCIL RESOLUTION NO. 09-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE AUTHORIZING THE CITY TO DISCONTINUE THE APPLICATION OF THE IRVINE BUILD GREEN PROGRAM AND ENDORSE THE VOLUNTARY PARTICIPATION IN THIRD-PARTY CERTIFIED GREEN BUILDING PROGRAMS IN ITS PLACE

WHEREAS, The City of Irvine has a long history of environmental stewardship; and

WHEREAS, sustainability has been a core value of the City of Irvine since its corporation in 1971; and

WHEREAS, the City of Irvine 's General Plan sets forth goals for preserving and improving the natural and built environment of the City, protecting the health of its residents and visitors, and fostering its economy; and

WHEREAS, green building is a whole systems approach to the design, construction and operation of buildings that employs materials and methods that promote natural resource conservation, energy efficiency, and good indoor air quality; and

WHEREAS, green buildings benefit building industry professionals, residents, and communities by improving construction quality; increasing building durability; reducing utility, maintenance, water and energy costs; creating healthier homes; and enhancing comfort and livability; and

WHEREAS, the City convened a group of stakeholders active in the City, and

WHEREAS, it has been determined by the City that third-party certified green building programs administrated by outside agencies that require verification by experts in the field of green building is an effective method for promoting sustainability; and

WHEREAS, third-party verified green building programs, such as U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) and Build It Green's Green Point Rated (GPR), provide an educational tool to local governments, building professionals, and the general public and present a consistent range of voluntary measures for builders to choose from when constructing green homes throughout the State of California; and

WHEREAS, endorsement of third-party verified green building programs promotes regional consistency and predictability for building professionals; and

WHEREAS, the City has determined that the "Irvine Build Green Program" is no longer the preferred program to promote Irvine's mission of supporting green building; and

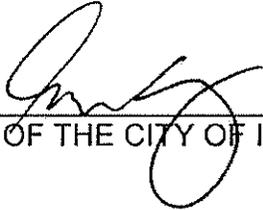
WHEREAS, the endorsement of third-party verified green building programs will not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA");

NOW THEREFORE, BE IT RESOLVED, that the City of Irvine hereby finds that green building design, construction and operation furthers the goals set forth in the City's General Plan; and

NOW THEREFORE, BE IT RESOLVED, that private residential builders and developers should be encouraged on a voluntary basis to use green building design, construction, and operation whenever feasible; and;

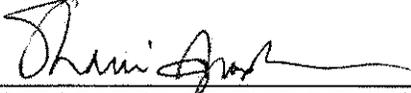
NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Irvine discontinues the application of the "Irvine Build Green Program" and endorses the voluntary application of third-party verified green building programs in its place.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 22nd day of September, 2009.



MAYOR OF THE CITY OF IRVINE

ATTEST:



CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, SHARIE APODACA, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 22nd day of September, 2009 by the following roll call vote:

AYES: 5 COUNCILMEMBERS: Agran, Choi, Krom, Shea and Kang

NOES: 0 COUNCILMEMBERS: None

ABSENT: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE