

# Ordinance Fact Sheet

**TO:** CITY COUNCIL **DATE:** March 6, 2006  
**FROM:** CITY ATTORNEY  
**SUBJECT:** AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 14.90 TO THE PASADENA MUNICIPAL CODE RELATING TO GREEN BUILDING PRACTICES

**TITLE OF PROPOSED ORDINANCE:** AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 14.90 TO THE PASADENA MUNICIPAL CODE RELATING TO GREEN BUILDING PRACTICES

**PURPOSE OF ORDINANCE:**

The proposed ordinance will implement 'green building practices' as following the Leadership in Energy and Environmental (LEED™) Rating System of the U.S. Green Building Council for City buildings of 5,000 square feet or more of new gross floor area; non-residential buildings of 25,000 square feet or more of new gross floor area; tenant improvements of 25,000 square feet or more of new gross floor area which require a building permit; and mixed-use projects and multi-family residential buildings four stories in height or more of new construction.

**BACKGROUND:**

At its meeting on December 19, 2005, the City Council approved the establishment of green building practices in the City and directed the City Attorney to prepare an ordinance to implement these green building practices. This ordinance would apply to those buildings as described above and would impose compliance standards.

MEETING OF 3/6/2006

AGENDA ITEM NO. 9.A.2.

**REASON WHY LEGISLATION IS NEEDED:**

An ordinance is needed to amend the Pasadena Municipal Code.

**PROGRAM, DEPARTMENTS, OR GROUPS AFFECTED:**

The Planning and Development Department will oversee the implementation of the proposed ordinance.

**POLICY CHANGES:**

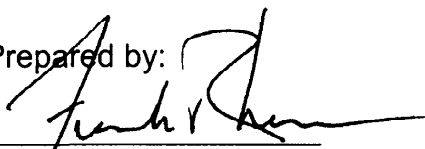
The proposed ordinance would require builders and developers to implement green building measures into the design, construction, and maintenance of buildings to counteract the negative environmental impacts associated with building construction and occupation.

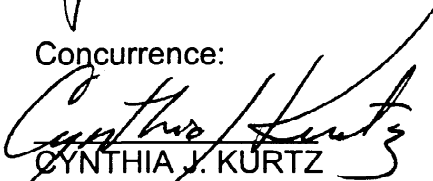
**FISCAL IMPACTS:**

Fiscal impacts are unknown, and will relate to staff time to oversee the program, verify compliance and conduct inspections.

Respectfully submitted,

  
MICHELE BEAL BAGNERIS  
City Attorney

Prepared by:   
FRANK RHEMREV  
Assistant City Attorney

Concurrence:   
CYNTHIA J. KURTZ  
City Manager

Introduced by \_\_\_\_\_

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

AN ORDINANCE OF THE CITY OF PASADENA ADDING A NEW CHAPTER 14.90  
TO THE PASADENA MUNICIPAL CODE RELATING TO  
GREEN BUILDING PRACTICES

The People of the City of Pasadena ordain as follows:

**Section 1.** This ordinance due to its length and corresponding costs of publication will be published by title and summary as permitted by Section 508 of the Charter. The approved summary of this ordinance reads as follows:

**“SUMMARY**

The purpose of the chapter is to implement ‘green building practices’ as those described in the Leadership in Energy and Environmental (LEED™) Rating System approved by the U.S. Green Building Council for City buildings of 5,000 square feet or more of new gross floor area; non-residential buildings of 25,000 square feet or more of new gross floor area; tenant improvements of 25,000 square feet or more of new gross floor area which require a building permit; and mixed-use projects and multi-family residential buildings four stories in height or more of new construction”.

**Section 2.** Title 14 of the Pasadena Municipal Code is hereby amended by adding Chapter 14.90 which reads as follows:

**“Chapter 14.90  
GREEN BUILDING PRACTICES**

**Sections:**

- 14.90.010 Short Title**
- 14.90.020 Purpose**
- 14.90.030 Definitions**
- 14.90.040 Applicability**
- 14.90.050 Standards for compliance**
- 14.90.060 Compliance**
- 14.90.070 Penalties and administrative remedies.**
- 14.90.010 Short Title**

This chapter shall be known as the ‘green building practices ordinance.’

**14.90.020 Purpose.**

The city recognizes that building construction, maintenance and operations consume resources which have a direct impact on the public welfare and the natural environment. Therefore, it is the purpose of this ordinance to:

A. Enhance the public welfare and assure that civic and private sector 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.

B. Improve the health of residents, visitors, and workers by counteracting negative environmental impacts associated with building construction and occupation.

C. Promote development that fosters sustainable sites, improves energy and resource efficiency, decreases waste and pollution generation, and improves the health and productivity of a building's occupants over the life of the building.

**14.90.030 Definitions.**

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

A. 'Applicant' means any individual, person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity filing an application in compliance with this ordinance who is:

1. The owner or lessee of property;
2. A party who has contracted to purchase property contingent upon that party's ability to acquire the necessary approvals required for that action in compliance with the zoning code, and who presents written authorization from the property owner to file an application with the city; or
3. The agent of either of the above who presents written authorization from the property owner to file an application with the city.

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

- C. 'City' means the city of Pasadena.
- D. 'City building' means a building which was built for use by the city or which is located on city owned land.
- E. 'Construction' means the building of any building or structure or any portion thereof.
- F. 'Green Building Compliance Official' means the director of planning and development or his/her designee.
- G. 'Gross floor area' means the total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment and mechanical equipment rooms and basement or attic areas having a height or more than seven feet, but excluding area used exclusively for vehicle parking or loading.
- H. 'LEED™ Accredited Professional' means a person who is recognized by the United States Green Building Council as having the knowledge and skills necessary to participate in the design process, to support and encourage integrated design, and to streamline the LEED™ project application and certification process.
- I. 'LEED™'s Green Building Rating System' (Rating System) means the Leadership in Energy and Environmental Design Green Building Rating System approved by the United States Green Building Council (USGBC) and as that Rating System may be amended from time to time by the USGBC.
- J. 'LEED™'s checklist' means the credit and point checklists developed by

the Leadership in Energy and Environmental Design Green Building Rating System for measuring the sustainability, efficiency, and environmentally soundness of a building.

K. 'Mixed-use project' shall have the definition as set forth in the city's zoning code.

L. 'Multi-family residential' shall have the definition as set forth in the city's zoning code.

M. 'Story' shall have the definition as set forth in the city's zoning code.

N. 'Tenant improvement' means any improvement which requires a permit pursuant to the California building code.

**14.90.040 Applicability.**

A. Projects meeting the following thresholds shall comply with the provisions of this chapter:

1. City buildings of 5,000 square feet or more of new gross floor area.
2. Non-residential buildings of 25,000 square feet or more of new gross floor area.
3. Tenant improvements of 25,000 square feet or more of new gross floor area and requiring a building permit as determined by the building official or designee.
4. Mixed-use projects and multi-family residential buildings four stories in height or more of new construction.

**14.90.050 Standards for compliance.**

A. The City shall adopt by reference the United States Green Building

Council LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System as the standard for which a project shall be measured as a green building. The specific actions required for project compliance with this chapter are as follows:

1. All applicable projects are required to retain the services of a LEED™ Accredited Professional and complete LEED™ project registration prior to issuance of a building permit.
2. All applicable projects shall submit a LEED™ checklist and supporting documentation indicating points meeting at a minimum LEED™ “certified” level incorporated into documentation for a building permit. The LEED™ checklist shall be prepared, signed, and dated by the project LEED™ accredited professional. 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.
3. Applicable city buildings are required to attain LEED™ certification and meet, at a minimum, LEED™ certified level.
4. Building commissioning, although specified as a prerequisite for LEED™ certification, is not required for applicable projects under this chapter except for city buildings. Applicants are encouraged to verify that fundamental building systems are designed, installed, and calibrated to operate as intended.

**14.90.060 Compliance.**

The Green Building Compliance Official shall:



A. Verify LEED™ project registration and review the required LEED™ checklist and supporting documentation prior to issuance of a grading or building permit.

B. Verify that the building measures and provisions indicated on the project LEED™ checklist and on the supporting approved documentation, including approved plan sets, are being implemented at foundation inspection, framing inspection, and prior to issuance of a final certificate of occupancy.

C. Conduct any inspection as needed to ensure compliance with this chapter.

**14.90.070 Penalties and administrative remedies.**

A. If, as a result of any inspection, the Green Building Compliance Official determines that the applicable project does not comply with the approved documentation, a stop work order may be issued. At the discretion of the Green Building Compliance Official such a stop work order may apply to the portion of the project impacted by noncompliance or to the entire project. The stop work order shall remain in effect until the Green Building Compliance Official determines that the project is in compliance with the requirements of this chapter or meets the requirements of B, below.

B. If the Green Building Compliance Official determines that the applicable project has not met the requirements of the LEED™ checklist, as set forth in section 14.090.060 of this chapter, he or she shall determine on a case by case basis whether

the applicant has made a good faith effort to comply with this chapter. In making this determination, the Green Building Compliance Official shall consider the availability of markets for materials to be recycled, the availability of green building materials and technologies, and the documented efforts of the applicant to comply with this chapter. The Green Building Compliance Official may require additional reasonable green building measures be included in the operation of the covered project to mitigate the failure to comply fully with this chapter.

Section 3. The City Clerk shall certify the adoption of this ordinance and shall cause the ordinance to be published by title and summary.

Section 4. This ordinance shall take effect 30 days after its publication.

Signed and approved this \_\_\_\_ day of March, 2006

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Bill Bogaard  
Mayor of the City of Pasadena

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Pasadena at its meeting held the \_\_\_\_ day of March, 2006, by the following vote:

Ayes:

Noes:

Absent:

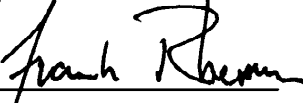
Abstain:

Published:

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Jane L. Rodriguez, CMC  
City Clerk

Approved As To Form:



Frank L. Rhemrev  
Assistant City Attorney