
Chapter 7.94 GREEN BUILDING

Sections:

- [7.94.010](#) Title.
- [7.94.020](#) Purpose.
- [7.94.030](#) Adoption of the Green Building Code.
- [7.94.040](#) Scope.
- [7.94.050](#) Chapter 2, Definitions—Amended.
- [7.94.060](#) Section 4.202.1, Division 4.2, Chapter 4, Future access for solar systems—
Added.
- [7.94.070](#) Section 5.202.1, Division 5.2, Chapter 5, Future access for solar systems—
Added.
- [7.94.080](#) Standards for compliance.
- [7.94.090](#) Submission of green building documentation.
- [7.94.100](#) Review of documentation.
- [7.94.110](#) Construction and verification.
- [7.94.120](#) Infeasibility exemption.

7.94.010 Title.

The green building standards codes adopted by Section [7.94.030](#) and the provisions of this chapter shall constitute the Dublin Green Building Code and may be referred to as such. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.020 Purpose.

A. To improve public health, safety and general welfare 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 in the following categories:

1. Planning and design.
2. Energy efficiency.
3. Water efficiency and conservation.
4. Material conservation and resource efficiency.
5. Environmental quality.

B. The purpose of this code is not to create or otherwise establish or designate any particular class or groups of persons who will or should be especially protected or benefited by the terms of this code. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.030 Adoption of the Green Building Code.

A. The 2010 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the California Building Standards Code, as

defined in the California State Health and Safety Code Section 18901 et seq. (hereinafter referred to as the “State Code”), and any rules and regulations promulgated pursuant thereto, as referenced in and adopted pursuant to California State Health and Safety Code Sections 17922 and 18935, are hereby adopted and incorporated by reference herein.

Copies of the adopted codes have been and are now filed in the office of the City Clerk, 100 Civic Plaza, Dublin, California, for use and examination by the public. Said codes are adopted by reference pursuant to Section 50022.4, et seq., of the Government Code of the State of California, and the codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city of Dublin.

B. Notwithstanding the provisions of subsection A of this section, the State Code is amended as set forth in Sections [7.94.050](#) through [7.94.070](#). (Ord. 25-10 § 10 (Exh. I) (part))

7.94.040 Scope.

A. Except as otherwise provided herein, the provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, within the city.

B. It is not the intent that this code substitute or be identified as meeting the certification requirements of any green building program.

C. Sections [7.94.080](#) through [7.94.120](#) shall apply only to new residential development projects in excess of twenty (20) residential units. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.050 Chapter 2, Definitions—Amended.

Chapter 2 is amended by adding the following definitions:

“Build It Greentm” means the nonprofit organization that publishes the New Home Construction Green Building Guidelines, as amended from time to time, the New Home GreenPoints Checklist, the Multi-Family GreenPoints Checklist, and any successor entity that assumes responsibility for the programs and operations of Build It Greentm.

“Covered Project” means a project that must, pursuant to Section 7.94.040.C, comply with the provisions of Sections [7.94.080](#) through [7.94.120](#) of this Chapter.

“Green Building Documentation” means the documentation submitted to the Building Official as part of the Site Development Review process. The Green Building Documentation includes, but is not limited to, a copy of the applicable Green Building Program Checklist and any other documentation determined necessary by the Building Official.

“Green Building Program” means either the GreenPoint rating system or the LEEDtm for Homes Green Building Rating System, whichever system is selected by the Applicant.

“Green Building Program Checklist” means either the GreenPoint Checklist or the LEEDtm for Homes Project Checklist, whichever is selected by the Applicant.

“Green Building Program Rating” refers to the number of points achieved under either the GreenPoint Checklist or the LEEDtm for Homes Project Checklist.

“GreenPoint Checklist” means the version of the applicable GreenPoint Rated checklist approved by Build It Green and designed for the purpose of calculating a green building rating, in effect at the time of project application for a design review or a City building permit.

“GreenPoints” means credits assigned under the applicable GreenPoint Rated Checklist for a covered project.

“LEEDtm for Homes Green Building Rating System” means the most recent version of the Leadership in Energy and Environmental Design Home Green Building Rating System, or other related LEEDtm rating system, approved by the U.S. Green Building Council. As new rating systems are developed by the U.S. Green Building Council, the Building Official shall have the authority to specify the applicable LEEDtm residential green building rating system for a covered project.

“LEEDtm for Homes Project Checklist” means the version of the applicable LEEDtm for Homes Project Checklist approved by the U.S. Green Building Council and designed for the purpose of calculating a green building rating, in effect at the time of project application for a design review or a City building permit.

“Residential Development” includes, without limitation, detached single-family dwellings, multiple-family dwelling structures, groups of dwellings, condominium or townhouse developments, cooperative developments, and mixed-use developments that include housing units.

(Ord. 25-10 § 10 (Exh. I) (part))

**7.94.060 Section 4.202.1, Division 4.2, Chapter 4, Future access for solar systems—
Added.**

A new Section 4.202.1 is added to read:

4.202.1 A minimum one-inch (25.4 mm) electrical conduit shall be provided from the electrical service equipment to an accessible location in the attic or other location approved by the Building Official.

(Ord. 25-10 § 10 (Exh. I) (part))

**7.94.070 Section 5.202.1, Division 5.2, Chapter 5, Future access for solar systems—
Added.**

A new Section 5.202.1 is added to read:

5.202.1 Install conduit from the building roof or eave to a location within the building identified as suitable for future installation of a charge controller (regulator) and inverter.

(Ord. 25-10 § 10 (Exh. I) (part))

7.94.080 Standards for compliance.

A. Covered projects shall achieve a minimum green building program rating of fifty (50) points under the green building program checklist for single-family housing. All multifamily residential projects shall achieve a “green home” or similarly entitled minimum compliance rating system, which currently requires fifty (50) GreenPoints, or a minimum green building program rating of fifty (50) points under the green building program checklist for multifamily housing, unless the Building Official determines that the single-family green building rating system is more appropriate for the building, such as for a duplex building that is part of a larger project. Approval of a building permit for new construction shall not be granted unless the applicant submits a checklist demonstrating the covered project receives the minimum green building program rating required on the appropriate green building program checklist.

All mixed-use projects shall meet the requirements for a multifamily residential project, unless the Building Official determines the Green Building Code or another rating system is more appropriate.

B. In the event that an applicant wishes to use an alternative green building standards program other than the GreenPoint rating system or the LEEDtm for Homes Green Building Rating System, the applicant may apply to the Building Official for approval of the alternative program. The applicant must submit green building documentation showing that the applicant’s utilization of the alternative program will result in green building benefits that are better than the benefits that would be achieved by obtaining a green building program rating of fifty (50) points under either the GreenPoint rating system or the LEEDtm for Homes Green Building Rating System.

Any proposed alternative green building program must be created by a third-party entity not under the control of the applicant, and must be sufficiently similar in structure to the GreenPoint rating system and the LEEDtm for Homes Green Building Rating System to allow the Building Official to administer the requirements of this chapter to the alternative green building standards program without significant deviation. At a minimum, the alternative green building standards program must utilize a checklist structure similar to the green building program checklists.

No applicant may utilize an alternative green building standards program unless the Building Official gives the applicant written approval of the applicant’s proposed utilization of the program. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.090 Submission of green building documentation.

A. In conjunction with site development review of any project subject to this chapter, the applicant shall submit to the Building Official the required green building documentation indicating compliance with this chapter. The documentation shall indicate the measures to be used to achieve the required green building program rating and shall include a completed green building program checklist and any other documentation required by the Building Official to determine compliance with this chapter.

B. Applications for residential building permits shall include the approved green building program checklist with the first building permit plan set submitted. Building plans shall indicate in the general notes or individual detail drawings, where appropriate, the green building measures to be used to attain the required minimum green building program rating. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.100 Review of documentation.

A. The Building Official shall review the documentation to determine if the project achieves the required green building program rating and shall approve or reject the project. If necessary, the Building Official shall schedule a meeting with the applicant to review and discuss the proposed green building measures incorporated into the project.

B. Approved. The Building Official shall approve the green building documentation only if it is determined that the project can achieve the applicable compliance standards set forth in this chapter. If the Building Official determines these conditions have been met, the green building documentation, including the green building program checklist, shall be marked "approved" and returned to the applicant. A copy of the approved green building documentation shall also be forwarded to the city's Planning Division. A building permit shall not be issued until the green building documentation is approved under this section or an exemption has been granted.

C. Not Approved. If the Building Official determines that the green building documentation fails to indicate the project will achieve the required green building program rating, the Building Official shall deny the documentation and return the documentation to the applicant, including a statement of reasons for denial and measures required to conform to this chapter.

D. Resubmittal. If the documentation is returned to the applicant as not approved, the applicant may resubmit the documentation with such modifications and additions as may be required for approval. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.110 Construction and verification.

A. After approval of the green building documentation, any changes to the construction or design that may have an effect on the green building program rating the project will obtain must be submitted to the Building Official. Prior to the issuance of occupancy permits, the applicant must submit a final green building program checklist to the Building Official, verifying installation of the required measures and certifying the building meets the required green building program rating. If measures have been added or omitted, the final checklist must reflect the changes.

B. If an applicant using the GreenPoint rating system voluntarily submits documentation to Build It Green for a GreenPoint Rated Certificate, proof of receipt of the GreenPoint Rated Certificate will be accepted in lieu of a revised green building program checklist.

If an applicant using the LEEDtm for Homes Green Building Rating System voluntarily registers his or her project with the U.S. Green Building Council for LEEDtm certification at the same or higher green building program rating than required by this chapter, proof of said registration and certification will be accepted in lieu of a revised green building program checklist.

If an applicant voluntarily obtains and submits certification under either the GreenPoint program or the LEEDtm for Homes program, then the Building Official may reduce the scope of the verification process as appropriate.

C. The Building Official shall not be responsible for verifying the green building program measures implemented during construction, nor shall the Building Official's acceptance of a revised green building program checklist indicate a building has met the green building program rating required by the city. (Ord. 25-10 § 10 (Exh. I) (part))

7.94.120 Infeasibility exemption.

A. Application. If an applicant for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with Sections [7.94.080](#) through [7.94.110](#), the applicant may apply for an exemption at the time that he or she submits the green building documentation required under Section [7.94.090](#). In applying for an exemption, the burden is on the applicant to show infeasibility. Such circumstances may include, but are not limited to, availability of markets for materials to be recycled, availability of green building materials, technology, and compatibility of green building requirements with other building standards. The applicant shall include with the green building documentation the green building program rating he or she believes is feasible and the specific circumstances that he or she believes make it infeasible to comply with this chapter. The Building Official shall review the information provided by the applicant and may meet with the applicant to discuss possible ways of complying with the required green building program rating.

B. Granting of Exemption. If the Building Official determines it is infeasible for the applicant to meet the green building program rating due to unique circumstances described in the exemption application, he or she shall determine the maximum feasible green building program rating reasonably achievable for the project and shall enter the number of credits on the green building documentation, which shall be marked "Approved with Exemption."

C. Denial of Exemption. If the Building Official determines that it is possible for the applicant to meet the requirements of this chapter, he or she shall so inform the applicant in writing. The applicant shall have thirty (30) days to resubmit the required green building program checklist and materials to be in compliance with this chapter. If the applicant fails to resubmit the green building documentation, the Building Official shall deny the project in accordance with Section [7.94.100\(C\)](#). (Ord. 25-10 § 10 (Exh. I) (part))

This page of the Dublin Municipal Code is current through Ordinance 28-10, passed December 21, 2010.

Disclaimer: The City Clerk's Office has the official version of the Dublin Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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