



CITY OF  
**HAYWARD**  
HEART OF THE BAY

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**DATE:** December 15, 2009  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of an Ordinance Amending Article 22 of Chapter 10 of the Hayward Municipal Code Establishing Green Building Requirements for Private Development

**RECOMMENDATION**

That the City Council adopts the Ordinance introduced on November 3, 2009.

**BACKGROUND**

The ordinance was introduced by Council Member Henson at the November 3, 2009, meeting of the City Council with the following vote:

<b>AYES:</b>	<b>Council Members:</b>	Zermefio, Quirk, Halliday, May, Henson, Dowling
	<b>Mayor:</b>	Sweeney
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	None
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on Saturday, December 12, 2009. Enclosed is a copy of the resolution that the State Energy Resources Conservation and Development Commission approved on December 2, 2009. Adoption at this time is therefore appropriate.

Recommended by:  
Miriam Lens, City Clerk  
David Rizk, Director of Development Services  
Approved by:

A handwritten signature in black ink, appearing to read "Gregory T. Jones".

Gregory T. Jones, City Manager

Attachments: Attachment I Draft Ordinance Published on December 12, 2009  
Attachment II Resolution approved by the Energy Commission

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY  
THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING ARTICLE 22 OF CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE ESTABLISHING GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose

Section 2. Findings

Section 3. Findings Required by California Health & Safety Code Section 17958.5

Section 4. The City of Hayward's Municipal Code is hereby amended to repeal Article 22 of Chapter 10 in its entirety and replace it with the following:

GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

SECTION 10-22.100 TITLE

SECTION 10-22.110 DEFINITIONS

SECTION 10-22.120 APPLICATION

SECTION 10-22.130 ALTERNATIVE GREEN BUILDING REQUIREMENTS

SECTION 10-22.140 STANDARDS FOR COMPLIANCE

SECTION 10-22.150 PROMULGATION OF IMPLEMENTING REGULATIONS

SECTION 10-22.160 COST EFFECTIVENESS STUDY

Section 5. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 6. Annual Review. The City Council shall review this ordinance at least annually to determine whether it needs to be updated because of new legislation enacted by the State or new standards developed by the California Energy Commission, or other applicable organizations, such as StopWaste.org, Build It Green, and LEED (Leadership in Energy and Environmental Design). The Building Official shall annually report to the City Manager the number and types of projects built under this ordinance.

Section 7. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective thirty days after adoption.

Introduced at a meeting of the Hayward City Council held November 3, 2009, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on December 15, 2009, at 8:00 p.m., in the Council Chamber, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the office of the City Clerk.

DATED: December 12, 2009  
Miriam Lens, City Clerk  
City of Hayward

## RESOLUTION NO09-1202-1c

STATE OF CALIFORNIA  
STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

**RESOLUTION:** California Energy Commission approval of the City of Hayward's locally adopted energy standards for residential and commercial newly constructed buildings and major alterations, requiring greater energy efficiency than the *2008 Building Energy Efficiency Standards*

**WHEREAS,** the City of Hayward has submitted an application to the Energy Commission for approval of a local ordinance with energy efficiency requirements meeting or exceeding those required by the *2008 Building Energy Efficiency Standards*; and

**WHEREAS,** Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106 establish a process for local governments to apply to the Energy Commission for approval to adopt new versions of Building Energy Efficiency Standards that require additional energy efficiency measures or set more stringent energy budgets; and

**WHEREAS,** the City of Hayward submitted an application to the Energy Commission that meets all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2) and Section 10-106; and

**WHEREAS,** the City of Hayward recognizes that the success of their local ordinance is dependent upon support and education of their Building Department staff, and a commitment to enforce compliance with the updated locally adopted energy standards and the *2008 California Building Energy Efficiency Standards*; and

**WHEREAS,** the Energy Commission commends the City of Hayward for seeking to achieve additional demand reductions, energy savings and other benefits exceeding those of the *2008 California Building Energy Efficiency Standards*;

**THEREFORE BE IT RESOLVED,** that on December 2, 2009 the Energy Commission approves the City of Hayward's locally adopted energy standards, and that these local standards may be enforced by the City of Hayward.

Dated: December 2, 2009

STATE ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION



Karen Douglas, Chairman