

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of November 13, 2014

FROM: Ken Johnson, Senior Planner via John Swiecki, Community Development Director

SUBJECT: Green Building Ordinance Update

BACKGROUND:

In 2012, the City Council directed the Planning Commission and the Open Space and Ecology Committee (OSEC) to establish a joint subcommittee to review the City's Green Building Ordinance and provide Council with recommendations for revision. The subcommittee met beginning in June 2012 and has prepared a memorandum to the Planning Commission and OSEC with the subcommittee's recommendation (see attached).

Given the scope of recent advances in the state's Building Code (including CalGreen and the Energy codes), which have surpassed even what the subcommittee had prepared as a preliminary draft ordinance in 2012/13, the recommendation from the subcommittee is that the City repeal its existing Green Building Ordinance. Additionally, it's recommended that the City re-visit potential adoption of either a new Green Building Ordinance or adoption of the state's CalGreen optional Tier 1 standards once more information is available at the state level. This may also coincide with the finalization of the Baylands Sustainability Subcommittee's work in defining performance indicators for sustainability, which might also be instructive in the development of a reach code. Further details are provided in the subcommittee's memorandum.

Procedurally, the recommendation from the subcommittee has been forwarded to both the Planning Commission and OSEC to discuss with these larger bodies so they may independently provide their recommendations to City Council.

RECOMMENDATION:

Provide a Planning Commission recommendation to City Council, based on the subcommittee's recommendation, as outlined above and detailed in the attached memorandum.

ATTACHMENTS:

- Green Building Ordinance Recommendation Memorandum, from the Subcommittee, dated 11/6/14



MEMORANDUM

DATE: November 6, 2014

TO: Planning Commission and Open Space and Ecology Committee

FROM: Green Building Ordinance Subcommittee

SUBJECT: Green Building Ordinance Recommendation

This memorandum is to provide the Green Building Ordinance Subcommittee's recommendation to City Council.

In 2012, the City Council directed the Planning Commission and the Open Space and Ecology Committee (OSEC) to establish a joint subcommittee to review the City's Green Building Ordinance and provide Council with recommendations for revision.

The subcommittee met regularly from June through December 2012 and prepared draft recommendations. The draft changes would have significantly lowered the thresholds for when a project would be subject to the ordinance, with requirements tied to Build-It-Green for new residential or to LEED for new commercial construction. In addition to requirements on new development, the ordinance would have required certain residential and commercial remodels to exceed Title 24 energy requirements by 15%. Prior to forwarding it as a recommended draft to City Council, the subcommittee sought input from the City Attorney and from the local building community in 2013. In the meantime, significant revisions to the state's Building Code were in process, which were proposed to exceed the draft ordinance. These revisions raised serious questions about the viability of the proposed ordinance, especially the energy portion, since the state's ordinance was to result in 25 to 35 percent reductions in energy use.

After the state's building code updates became effective in 2014, the subcommittee reconvened and met with the City's Building Official and City staff to discuss the scope of the state code and the viability of a City reach code. In brief, the Building Official recommended that the City repeal the existing ordinance and wait until there is adequate data from the state for the City to be able to more fully evaluate the feasibility and cost implications of a Green Building reach code (see the attached memorandum).

After deliberation, the subcommittee recommends that the existing Green Building Ordinance be repealed and that adoption of either a new Green Building Ordinance or the State's Green Building Tier 1 standards be considered once more information is available at the state level. It is further suggested by the subcommittee that a re-evaluation of a reach code may also coincide

with the finalization of the Baylands Sustainability Subcommittee's work in defining key performance indicators for sustainability, which might also be instructive in the development of a potential new reach code.

Note that there were several factors which the subcommittee considered in this recommendation to Council:

1. The State of California has adopted much more rigorous building and energy codes which have far surpassed the previous state codes and the City's own green building ordinance in a number of areas. A few of these are as follows:
 - a. The City's current ordinance has thresholds for applicability, whereas the state's code applies to virtually any home remodels and commercial tenant improvements and all new construction.
 - b. Energy efficiency requirements are estimated by the state to result in 25 to 35 percent more energy efficient homes and commercial structures than the previous code cycle of 2010 and cover everything from HVAC systems to windows, including, for example, regulation of pet doors.
 - c. With only a few exceptions, a building permit on an existing house will trigger other state provisions that apply to areas of the house that were not part of the subject of the requested permit, such as provisions for low flow water fixtures to be installed throughout the home.
 - d. Whether it be new construction or improvements to an existing building, the state code is prescriptive and applies to whatever part of the building is the subject of the building permit and covers all aspects of the improvement.
2. The state code is prescriptive in its requirements, versus third party systems which are points-based, so the requirements for a project are generally clear under the state's mandatory building code provisions. This removes the guesswork for owners and thereby encourages the upgrading of buildings, which, depending on the building, may have far reaching implications from safety to energy efficiency improvements.
3. Given the state's code advances, it appears that the third party systems of LEED and Build-it-Green, on which the City's current ordinance is based, have failed to distinguish themselves as providing a significant environmental benefit over the current state code. Much of what a project may receive points for (ie: credit towards certification) are now embedded in the state's code. Also, these systems have significant administrative costs to demonstrate compliance, which are in addition to the cost of the actual improvements. For single family homes the cost to demonstrate compliance can run several thousand dollars or more and for commercial projects this may be in the tens of thousands.
4. There are no modeling tools available at this time to evaluate reach codes, as required for adoption. Note that the California Energy Commission's energy code compliance

software has undergone multiple re-releases since it became effective in July 2014. This software is to certify compliance on current permit applications, under the state's mandatory ordinance. Given the delays in consistent energy systems modeling for the state's mandatory measures, it appears to be at least several months away before energy compliance software will be available to enable Cities to undertake the required modeling for reach codes.

5. In addition to the California Building Code, the City has additional tools available to address ecological concerns, such as the water conservation in landscaping ordinance adopted in 2010. For larger projects, development agreements may be used to impose additional measures that meet site and project specific objectives.

It is also noteworthy that the state's energy goals for new construction include requiring net-zero energy consumption for all homes by 2020 and net-zero for commercial buildings by 2030. Consistent with that, the State's building code update cycle, in 2016, will be even more rigorous than this last update and will continue to make demands on technology and suppliers of building products to keep up.



MEMORANDUM

TO: Planning Commission &
Open Space and Ecology Committee

September 10, 2014

FROM: Doug Rider, Building Official

SUBJECT: Green Building Ordinance Update

This memorandum is provided as a follow up to the September 3rd meeting of the Green Building Ordinance subcommittee and provides my recommendations regarding the City's update to its Green Building Ordinance, as requested.

Given the scope of changes in the California Building Code since January 2014, especially increased requirements associated with the CalGreen, Energy and Plumbing codes, I recommend that the City wait before adding further requirements beyond the state's mandatory measures.

Given the fast pace of changes at the state level to be net zero energy by 2020 for residential and 2030 for commercial buildings, suppliers are struggling to provide building materials that meet even the mandatory code.

As we discussed in the September 3rd meeting, the state's current codes will apply to whatever part of the house or commercial building included in any given building permit. Additionally, some measures are already required by the state which will impact other areas of the home beyond the building permit area. For example, in residential development, many building permits for an existing home trigger the requirement that all of the home's water fixtures be replaced with low water use fixtures.

Given the far reaching scope and the timing of the latest code changes, the feasibility and cost associated with going beyond the state's mandatory measures, to Tier 1, is unknown at this time. Similarly, I would not recommend using third party systems, such as Build It Green or LEED. The feasibility, cost and incremental advantage of these systems is also unknown at this time.

Finally, I understand that, at the City Council's request, the subcommittee has been exploring various means to redraft the City's Green Building Ordinance to go further towards reducing impacts of buildings on the environment than the existing ordinance. The subcommittee began by exploring significant reductions in the thresholds of applicability of the City's ordinance to single family homes and relatively small commercial buildings, versus the existing thresholds of residential developments with 20 housing units and commercial developments of 10,000 sq. ft. However, the state's code has now encompassed and gone beyond what even the subcommittee was intending to recommend.

Since the new state code has encompassed all new development and remodels, I recommend repealing the current ordinance and utilizing the state mandated codes as written.