

City of Brisbane

Agenda Report

TO: Honorable Mayor and City Council

FROM: Community Development Director via City Manager

SUBJECT: Amendments to the Municipal Code for Consistency with the 2010 California Green Building Standards Code

DATE: Meeting of February 7, 2011

City Council Goals:

To provide for effective and efficient delivery of City services (Goal #1).
To develop plans and pursue opportunities to protect natural resources (Goal #8).

Purpose:

To make the Municipal Code consistent with applicable provisions of the recently adopted California Green Building Standards by amending provisions of the Grading Ordinance, the Water Conservation Ordinances, Construction & Demolition Debris Recycling Ordinance, and Zoning Ordinance.

Recommendation:

Introduce Ordinance No. 556.

Background:

On December 6, 2010, Ordinance No. 552 was approved by the City Council, adopting the 2010 edition of the California Building Standards Code (CALGreen). At that time, it was noted that areas of overlap and/or potential conflict between CALGreen and specific provisions of the Municipal Code would be addressed through amendment of the Municipal Code. Zoning Ordinance revisions to adopt “clean air vehicle,” short-term bicycle and long-term bicycle parking requirements for new non-residential buildings and to incorporate references to CALGreen requirements for light pollution reduction and recycling facilities were considered and recommended for approval by the Planning Commission at its January 13, 2011 meeting.

Discussion:

In addition to the Zoning Ordinance amendments discussed in the attached Planning Commission agenda report, the proposed ordinance would amend provisions of the Brisbane Municipal Code (BMC) pertaining to grading (BMC Chapter 15.01), indoor and outdoor water conservation (BMC Chapters 15.70 and 15.72), and construction/demolition debris recycling (BMC Chapter 15.75.) The proposed amendments are further described below.

Grading and Construction Waste Recycling

CALGreen Section 5.408.4 requires that 100 percent of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing be reused or recycled. The City's construction and demolition debris recycling ordinance (BMC Section 15.75.030A.1) requires that 100% of the "inert solids" (asphalt, concrete, rock, stone, brick, sand and soil) and 50% of the trees, stumps and associated vegetation be diverted from the landfill waste stream via recycling or reuse. The City's grading ordinance (BMC Section 15.01.260) does not specify what should be done with ground cover removed during excavation. The proposed ordinance would revise BMC Section 15.75.030.A.1 to reflect the requirements of CALGreen Section 5.4.08.4 and revise BMC Section 15.01.260 to cross reference Chapter 15.75.

Indoor/Outdoor Water Conservation

BMC Sections 15.70 (Outdoor Water Conservation) and 15.72 (Indoor Water Conservation) will be amended to reference compliance with CALGreen, noting that to the extent the provisions of this chapter conflict with any provisions in CALGreen, then the most stringent provisions shall apply.

Additionally, CALGreen Section 5.304.2 requires that new nonresidential water services including landscaped areas between 1,000 and 5,000 sq. ft install separate meters or submeters for outdoor water use. This is a more stringent standard for nonresidential projects than is currently required in BMC Section 15.70.060.C.1. Similarly, CALGreen Section 5.304.3 requires that irrigation controllers and sensors be installed for new nonresidential construction with between 1,000 and 2,500 sq. ft. of landscaped area, which is a lower threshold (for nonresidential projects) than that established in BMC Section 15.70.060.C.2 ("Tier 2 Landscapes," as defined in BMC Section 15.70.020A.2, are all new construction and rehabilitated landscapes with irrigated areas equal to or greater than 2,500 square feet). The proposed ordinance would resolve these conflicts.

Environmental Determination:

Actions by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment are categorically exempt from the provisions of the California Environmental Quality Act per Section 15308 of the State CEQA Guidelines

Fiscal Impact:

None.

Measure of Success:

The elimination of inconsistencies between State law and the Brisbane Municipal Code.

Attachments:

Redline Version of Proposed BMC Changes

Draft Ordinance No. 556

Planning Commission Resolution RZ-1-11

Planning Commission Minutes for 1/13/11 Meeting

Agenda Report for 1/13/11 Planning Commission Meeting



Department Head



City Manager