



COMMITTEE ON ENERGY AND THE ENVIRONMENT AGENDA REPORT

August 25, 2010
Community Development Department

Adoption of California's Green Building Code (CALGreen) and Related Amendments to Chapter 17.50 (Green Building) of the Pleasanton Municipal Code (PRZ-55, City of Pleasanton)

SUMMARY

This report provides an overview of the City's existing Green Building Ordinance (Chapter 17.50 of the Municipal Code) and a discussion about harmonizing these existing requirements with the City's required adoption¹ of the California Green Building Code (CALGreen).

BACKGROUND

Green building is a whole systems approach to the design, construction and operation of buildings. Development of green buildings reflect an interest in conservation of energy, water and other natural resources, while simultaneously creating more healthful environments for the building occupants.

In 2002, Pleasanton was at the forefront of the green building movement when it adopted green building requirements for new commercial buildings of 20,000 s.f.+, commercial additions of 20,000 s.f. +², and civic buildings. Such projects are required to meet the Leadership in Energy and Environmental Design (LEED)TM "certified" rating, which is a point-system process verified by U.S. Green Building Council-accredited City staff.

A few years later in 2004, Gov. Schwarzenegger signed Executive Order S-20-04, known as the "Green Building Initiative." This order requires State buildings to be 20% more energy efficient by 2015, and encouraged the private sector to do the same.

In 2006, Pleasanton again continued as a local governmental leader in the green building field, and expanded its green building requirements to new single-family residential

¹ The California Green Building Standards Code will automatically go into effect state-wide on January 1, 2011. This code, like the Building, Plumbing, Fire Codes, etc., is generally intended to create uniform standards state-wide. However, each local jurisdiction is allowed to adopt "local amendments", which are addressed later in this report.

² Pleasanton's green building threshold of 20,000 s.f. or larger for only new commercial projects was based on consideration that it would be relatively easier for larger projects achieve green building points due to factors such as economies of scale.

projects of 2,000 s.f. or larger³, and all multi-family residential projects. These projects are required to achieve fifty (50) Build It Green™ (BIG) points (awarded for design considerations, energy efficient appliances, drought tolerant landscaping, wiring for photovoltaic, etc.).

In 2008, the California Building Standards Commission⁴ (CBSC) adopted a voluntary green building code. Because Pleasanton already had its own green building standards, the City did not adopt this voluntary code.

In 2010, the CBSC⁵ unanimously adopted the first-in-the-nation mandatory Green Building Standards Code (CALGreen) requiring all new buildings in the state to be more energy efficient and environmentally responsible. The final version of CALGreen was just published in July 2010, and will automatically go into effect state-wide on January 1, 2011. Local agencies, if they take no action, will have CALGreen in effect in their jurisdictions. Pleasanton has historically formally adopted California building codes, with local amendments, and staff expects the same to take place for CALGreen.

CALGreen regulations are projected to achieve major reductions in greenhouse gas emissions, energy consumption, and water use. CALGreen will require that every new building constructed in California reduce water consumption by 20%, divert 50% of construction waste from landfills⁶, and install low pollutant-emitting materials. It also requires separate water submeters for nonresidential buildings' indoor and outdoor water use, with a requirement for moisture-sensing irrigation systems for larger landscape projects. To ensure that all energy systems (e.g., heat furnace, air conditioner, and mechanical equipment) for nonresidential buildings over 10,000 square feet are working at their maximum capacity and according to their design efficiencies, mandatory inspections of those systems are required.

CALGreen will help the state to meet its goals of achieving 33% renewable energy by 2020, reducing greenhouse gases to curb global warming⁷, and promoting sustainable development for all new construction.

³ Pleasanton's green building threshold of 2,000 s.f. or larger for residential construction was based on consideration that it would be relatively easier for larger projects achieve green building points due to factors such as economies of scale, and use of large construction firms.

⁴ This State Commission includes representatives from governmental agencies, the building industry, housing developers, and manufacturers.

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⁶ The Pleasanton Municipal Code already has an equivalent diversion requirement for 50% of construction and demolition debris, as well as 90% for Portland cement concrete and asphalt concrete. See Municipal Code Chapter 9.21.

⁷ AB 32, the California Global Warming Solutions Act of 2006, requires a reduction of greenhouse gas emissions to 1990 levels by 2020. However, Proposition 23 has qualified for the November general election, and proposes to suspend AB 32 until state unemployment levels decline for an extended period. It is not clear if passage of Prop. 23 would have any effect on CALGreen.

In addition to the mandatory regulations (referred to as CALGreen basic measures) CALGreen also provides for additional voluntary measures (known as Tier 1 and 2). Tier 1 and 2 levels encourage local communities to take further action to green their buildings and to reduce greenhouse gas emissions, improve energy efficiency and conserve natural resources. As described, below, City staff has evaluated and compared Pleasanton's existing green building requirements with CALGreen's basic measures, and its Tier 1 and Tier 2 optional provisions.

Like California's existing Building, Fire, and Plumbing Codes that regulate all construction projects throughout the state, CALGreen provisions also will be inspected and verified by City Building Division staff.⁸

TIMELINE & WORK PLAN

In an effort to reduce any confusion in the development community with the advent of CALGreen and its interface with the City's existing green building requirements, staff is crafting an adoption of CALGreen which will have local amendments that harmonize with Pleasanton's Green Building ordinance. The goal is greater uniformity with state standards, while also preserving Pleasanton's existing green building provisions. Since CALGreen contains its own checklists, staff is working to ensure that existing City requirements for LEED™ and Build It Green™ points are still achieved, but only require builders to adhere to one CALGreen checklist (rather than multiple checklists and point sheets).

Staff has considered the following in our analysis of the CALGreen code and the Pleasanton Green Building regulations:

- Comparison of Pleasanton Green Building to CALGreen basic requirements;
- Comparison of Pleasanton Green Building to CALGreen Tier 1 voluntary requirements;
- Comparison of Pleasanton Green Building to CALGreen Tier 2 voluntary requirements;
- Consideration of applying CALGreen to historic buildings, Downtown Specific Plan area, and other projects exempt from Pleasanton Green Building;
- Consideration of impacts to and interests of the development community;
- Ease of process for the development community;
- Actions by other local agencies; and
- Input from other committee and stakeholder groups.

⁸ Just as all City building inspectors are trained to verify all California building codes, all staff will also be trained for CALGreen. Because CALGreen will be a state-wide requirement, trainings are expected to be readily available. In contrast, for LEED™ and Build It Green™ inspection and verification, City Building and Planning staff have had to get specialized training from these private organizations. And, since few jurisdictions have adopted mandatory green building requirements, such trainings are not easily scheduled.

Staff's goal is to receive input from all stakeholders, present the information to the City Council, and have CALGreen adopted with local amendments, as well as municipal code amendments effective January 1, 2011. Therefore, the timeline and work plan are as follows:

Tentative Meeting Schedule

- Aug. 11 - Chamber of Commerce
- Aug. 19 – Economic Vitality Committee—Subcommittee
- Aug. 25 - Committee on Energy and the Environment
- Aug. 26 – Pleasanton Downtown Association—Downtown Vitality Committee
- Sept. 16 - Economic Vitality Committee
- Sept. 29 - Planning Commission
- Oct. 19 - City Council - Introduce Ordinance
- Nov. 16 - City Council adopt ordinance/second reading⁹
- Nov. – Dec. - Staff training
- Jan. 1, 2011 – CALGreen in effect

The Chamber of Commerce meeting occurred on August 11th and staff's meeting notes are attached.

CLIMATE ACTION PLAN

It is possible that Pleasanton's Green Building Ordinance/CALGreen may need to be further amended in early 2012 as a result of the Climate Action Plan study currently under preparation. The results of the Climate Action Plan are anticipated to be reviewed by the City Council later next year.

STAFF RECOMMENDATION

Based on research and internal discussions, staff has formulated an initial recommendation for adoption of CALGreen with local amendments, to maintain the City's existing green building requirements, construction and demolition debris mandates, and other policies of the General Plan, as follows:

1. Adopt CALGreen Tier 1 for those projects currently subject to Pleasanton Green Building.

This would result in the CALGreen “voluntary” Tier 1 measures¹⁰ becoming required measures, which recommendation is based on staff

⁹ The proposed ordinance to adopt CALGreen with local amendments and modify Municipal Code Chapter 17.50 Green Building goes into effect no sooner than 30 days after the second reading. With the holidays in November and December, the Nov. 16th meeting is the only current regular meeting which meets this timeline.

¹⁰ For example, as discussed above, CALGreen's basic requirements are that beginning July 1, 2011, baseline water usage be reduced by 20%. To achieve the Tier 1 level for indoor water use in a new residence, the kitchen sink faucet cannot flow more than 1.5 gallons per minute. Such water use reduction earns a "point" under the Build It Green™ system currently in effect, and similarly meets the CALGreen Tier 1 recommendation.

research that Tier 1 is substantially similar to the points required by Pleasanton's current green building standard, and new policies in the General Plan.

2. Modify both the Pleasanton Green Building Ordinance and CALGreen, as appropriate, to incorporate basic green building design in new Downtown buildings, and in new buildings not located in Downtown which are currently exempt from green building.

This would be consistent with state law. CALGreen is intended to set mandatory minimum standards for all new construction. CALGreen basic is the minimum standard recommended by the state. Downtown Pleasanton is currently exempt from the Pleasanton Green Building Ordinance as are new commercial buildings less than 20,000 sq. ft. in size.

3. Modify both the Pleasanton Green Building Ordinance and CALGreen, as appropriate, to incorporate the current regulations on additions, and to continue to exempt historic structures¹¹.

This would provide consistency with our current green building standards and be consistent with local historic preservation interests. Additions are exempt from CALGreen, whereas larger additions (e.g., residential additions greater than 2,000 s. f. in size) are subject to Pleasanton's Green Building Ordinance.

4. To amend Pleasanton Municipal Code chapter 17.50 Green Building to incorporate CALGreen as the reference standard.

This would eliminate the references to the standards of the Build It Green™ Guidelines and the LEED™ programs; and require projects subject to green building to adhere to only one checklist.

CONCLUSION

CALGreen provides for greater uniformity of checklists, definitions, and procedures throughout the State, thus creating efficiencies for City staff, builders, and the community.

When Pleasanton adopted its Green Building ordinance in 2002, the City's stated purpose was resource conservation, energy efficiency, and the health and productivity of residents, workers and visitors to the City. These goals were reaffirmed when green

¹¹ Historic structures are allowed to be exempt according to the State's Health and Safety Code.

building requirements were expanded in 2006. Both occasions involved extensive public outreach with stakeholders, committees, commissions, and the public.

To further these goals, as well as the policies of the General Plan's Conservation and Open Space, Water, Air Quality and Energy Elements, staff recommends that the Committee support staff's recommendation to adopt CALGreen, with local amendments, as described on pages 4 and 5.

Attachments:

1. Chamber of Commerce Meeting Notes Dated August 11, 2010

Staff Contact: Rosalind Rondash, Assistant Planner, (925) 931-5607 or rrondash@ci.pleasanton.ca.us

Chamber of Commerce Meeting Notes

August 11, 2010: 18 chamber attendees and 4 City staff

Director David Stark started the meeting, and began with self introductions around the table.

President/CEO Scott Raty asked for an economic analysis of the effects of CalGreen, based upon a reasonable estimate of actual activity in the City.

Pam Hardy was concerned about the continual elevation of the level of compliance that the Planning Commission requires for projects that come before them above the state mandated requirements.

Janice Phalen asked about the costs of green building, particularly compared with other cities.

Planning Commission Chair Arne Olsen responded that the Planning Commission has asked for additional requirements, but usually only for the very large custom home type of projects.

Janice Phalen suggested that staff craft a list of known and anticipated future development projects.

Jan Batcheller also expressed concern about the economic effects of these requirements. She spoke of favoring the carrot versus the stick analogy, asking if fees could be reduced for those choosing a higher level of compliance.

Gary Schwaegerle asked if the Pleasanton Downtown Association or the Pleasanton Heritage Association was involved in the outreach process.

Sharrell Michelotti asked how these requirements will affect historic properties and additions, and also had the same concern as Pam Hardy regarding the Planning Commission. She also suggested that some form of education be provided for the public.

Zone 7 Public Information Specialist Boni Brewer asked if these regulations were consistent with the State mandated water reduction requirements.

Pam Hardy also expressed her concerns about the ever-increasing Energy requirements mandated by the Energy Commission and the increased costs associated with them.

Commissioner Olsen asked that the complete list of electives be included in the presentation, so as to clarify that applicants will still have many choices for their designs.