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To: San Carlos Planning Commission

Re: Comments on Draft Climate Action Plan and Draft General Plan

I would appreciate the Planning Commission's consideration of the following suggestions with regard to the draft Climate Action Plan and General Plan:

Draft Climate Action Plan

- **Adopt Element 3.1b: Develop a Green Building Ordinance. Don't Just Sit and Wait (aka Element 3.1a).¹**

State "Green Building Code" -- What is it, and why shouldn't we just wait and let the State come up with something?

Introduction: It would be great to have a robust, state-wide green building code, but we are nowhere close to that. There has been a lot of talk about the State Green Building Code, but it is not the easiest code to read and understand. The 2008 California Green Building Standards Code (24 CCR Part 11) ("CalGreen Code") contains *descriptions* of many techniques for making construction greener. But *very few* of these techniques are slated to become mandatory within the next few years, and it has not yet been decided which elements may become mandatory in later years.

What does CalGreen require, and when? For single-family and low-rise residential construction, CalGreen requires a 20% reduction in flow rates for certain indoor water fixtures, and it bans multiple-showerhead showers, starting 7/1/2011. Starting on the effective date of the next round of code revisions, likely in 2011, CalGreen will also require a short list of other mandatory measures, like sealing around electrical and plumbing openings between the home and outside, covering the heat ducts during construction to keep out dust, and limiting VOC levels off-gassing from certain construction materials like carpet and fiberboard. There is also a long list of measures that government agencies are looking at to

¹ Element 3.1b "Develop a green building ordinance consistent with that of neighboring jurisdictions that requires a GreenPoint, LEED, or equivalent green building certification per development category" was included in prior versions of the draft CAP, but is omitted from the draft of September 2009. We understand from conversations with City staff that they will include it in errata they provide to the Planning Commission at or before the hearing.

determine which, if any, will become mandatory for high-rise residential and commercial construction.

Where can we find out more about single-family residential requirements? CalGreen Code Application Matrix (AM-HCD) lists the elements applicable to single-family homes and other residential structures under 3 stories.² A copy is attached for your convenience. As shown on this Matrix, the requirement that low-flow water fixtures be used or that indoor water use be calculated to be 20% below baseline, and the prohibition against multiple showerheads simultaneously providing one shower with more than the combined maximum federal flow rate, go into effect in July of 2011. A list of other mandatory elements, including low-VOC limits on some materials, sealing areas of air leakage between the home and the outside, and covering heat ducts during construction to keep dust out, are to go into effect on the effective date of the 2010 round of code updates, which is currently scheduled for 1/1/2011. So unless the list is modified or the effective date slips (as tends to happen with the building code revisions), this is the list of elements that would become effective in early 2011 for low-rise residential construction.³

Where can we find out more about high-rise residential and commercial building requirements? The matrix for most other buildings (not including hospitals and public schools) is Application Matrix AM-BSC. The list of elements that may become mandatory in the future for this category is the subject of much discussion. The matrix currently only identifies six of the elements as potentially being required, and it is my understanding that most of these are mandated elsewhere in the codes already. The involved government agencies are “looking at their current voluntary regulations to determine which, if any, can be made mandatory, and which others should remain optional.”⁴

Doesn't CalGreen take care of the need for a Green Building program? LEED and GreenPoint, the two Green Building programs most commonly adopted for commercial and residential construction, respectively, have many components that are not currently on any list of elements to be made mandatory by the CalGreen code. For example, the GreenPoint program provides points for installing Energy Star appliances, low-water-use dishwashers, water-efficient landscaping, and locally-produced or rapidly-renewable flooring, counter tops, and other finishes. A copy of the GreenPoint checklist for single-family homes, with notations of which elements are the same or substantially similar to those set to become mandatory by the CalGreen code in 2011 is attached. I have no idea what the difference in carbon emissions is between utilizing a locally-sourced or recycled-content counter top compared to quarrying and shipping halfway across the world a slab of Italian granite, but that is the kind of choice the CAP should be incentivizing people to consider.

² E-mail from Jane Taylor, Senior Architect, California Building Standards Commission (CBSC) Dec. 2, 2008.

³ Telephone conference with Erica of CBSC, Sept. 15, 2009.

⁴ E-mail from Jane Taylor.

Would we be in conflict with the State if we adopted a Green Building program? The CalGreen Code clearly states that it is not a substitute for the certification requirements of any green building program not adopted by the state BSC, that this code should be viewed as minimal Green Building standards, and that local government entities retain their discretion to exceed these standards.⁵ Local governments are provided with a procedure to adopt any of the listed elements as mandatory sooner than the State does⁶ – so there is nothing to stop San Carlos from adopting more of these elements as mandatory, and they could do so immediately. However, our understanding from the Building Department staff is that they do not intend to propose for adoption as mandatory any element that is not mandatory state-wide. Also, the code is intentionally written to provide flexibility for cities to have other, more stringent Green Building programs.

If you are interested in reading more of the CalGreen Code, it is available at http://www.documents.dgs.ca.gov/bsc/2009/part11_2008_calgreen_code.pdf

If we require homes to be 15% above Title 24 energy efficiency requirements, would that eliminate the need for a Green Building program? Requiring higher energy efficiency modeling is a great idea, and is covered in CAP Element 2.1. But it still does not address all the other aspects of a Green Building program. The requirement that a single-family home be designed to be at least 15% above Title 24 requirements is a mandatory element of the GreenPoint Rated program – but it is only one of the many elements that are addressed.

- **Goal 4: Increase waste diversion goal to 2% instead of 1% per year.**

CAP Goal 4 sets a goal of increasing overall waste diversion by at least 1% per year. In 2006, San Carlos diverted a mere 39% of its waste from landfills – well below the 50% diversion rate mandated by the State starting in 2000. We understand there may be numbers indicating that San Carlos recently achieved the 50% mandatory diversion rate – nine years after it became law. Meanwhile, our neighbors in Redwood City and Belmont are at or above 61% -- a goal we would not even be aiming for until 2020 with the language in the current draft CAP. Meanwhile, San Francisco is leading the pack at 70% diversion.⁷ San Carlos can and should do a better job of working with its waste generators, especially commercial accounts and construction projects, to be a leader in waste diversion instead of failing to even comply with State-mandated diversion laws. We should be aiming to increase our diversion rate by at least 2% per year until it reaches 65%, and then aim for an additional 1% per year. At that rate, we might just catch up with the local average.

⁵ 24 CCR Part 11, §§ 101.3, 101.7.

⁶ §§ 101.7, 101.7.1; E-mail from Jane Taylor: “local jurisdictions may adopt any or all of the provisions as mandatory, providing they meet the findings requirements.”

⁷ <http://www.ens-newswire.com/ens/apr2008/2008-04-24-092.asp>.

Draft General Plan Update

- **Approve EM Policy 4.7 As Written by GPAC to Protect Public Lands from Quick Sale**

The General Plan is not permanent – the closest we can come to creating a permanent policy is to require a General Plan amendment if the City wants to take an action that contradicts the General Plan. The GPAC wording for EM Policy 4.7 was crafted with the intent to make it difficult for the City to sell public open space without adequate advance notification and opportunity for the residents to express their opinion:

“Prohibit the sale of City-owned open space properties to generate City revenue and instead endeavor to utilize such properties as open space.”

City Council in study session suggested softening this language, and the version in the errata is:

“Carefully consider the sale of City-owned open space properties to generate City revenue and to enhance other parks and open space policies where appropriate.”

Not only does this remove the necessity of amending the General Plan if the City Council were to decide to sell off City-owned open space, but it could actually be interpreted as *encouraging* the City to sell off open space.

Please protect our open space by requiring substantial advance notice and notification to adjacent homeowners if the City wishes to sell any City-owned open space. The sale of open space to obtain revenue should be strongly discouraged. If the Planning Commission is not willing to support the language recommended by GPAC, you may wish to consider the following language:

“Sale of City-owned open space properties for purposes other than enhancement of other parks and open space policies is strongly discouraged. In the event that the City proposes to sell City-owned open space properties, nearby property owners shall be notified at least 45 days prior to hearing on the decision to sell such land.”

I would be happy to answer any questions you may have about these suggestions.

Sincerely,

Suzanne Henderson Emerson

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