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San Carlos City Council
c/o Christine Boland, City Clerk
cboland@cityofsancarlos.org

Re: Comments on Draft Green Building Ordinance,
Item 9c on City Council Agenda for Aug. 9, 2010

Dear City Council Members,

I will be traveling and unable to attend the Aug. 9 City Council meeting. I would appreciate your consideration of the following comments on the draft "Green Building Ordinance."

CalGreen Tier 1

The State's new CalGreen code sets up two Tiers of optional green building standards that can be adopted as mandatory by local municipalities. "In order to meet one of the tier levels designers, builders, or property owners are required to incorporate additional green building measures necessary to meet the threshold of each level."¹ Measures must be met in the categories of **Planning and Design, Energy Efficiency, Water Efficiency and Conservation, Material Conservation and Resource Efficiency, and Environmental Quality** in order to achieve Tier 1 or Tier 2.²

However, contrary to the Building Department's matrix reference to "CalGreen with Tier 1 provisions", **the ordinance proposed by the Building Department does not adopt the full Tier 1 set of requirements.** It only adopts one portion of the Energy Efficiency requirements – the requirement that the project exceed the state's minimum building energy efficiency standards by 15%.³ The ordinance does not adopt any of the other Tier 1 requirements in the Energy Efficiency or any other categories.

¹ Draft California Green Building Standards Code ("CalGreen Code" or "CalGreen") §A4.601.1 (Jan. 27, 2010).

² Mandatory and discretionary measures are listed at CalGreen §A4.601.4.2 (Tier 1 residential), A4.601.5.2 (Tier 2 residential), A5.601.2.4 (Tier 1 nonresidential), and A5.601.3.4 (Tier 2 nonresidential).

³ CalGreen §A4.601.4.2.2.1.1.

This Ordinance: Far Narrower in Scope than Other Green Building Ordinances

Although the proposed ordinance includes definitions that make reference to Tier 1, LEED, and the GreenPoint Rating system, it does not require that any project of any size meet the requirements of CalGreen Tier 1, LEED, or GreenPoint.

All of the other local municipalities that have adopted green building ordinances utilize the well-established GreenPoint and/or LEED checklists. GreenPoint Ratings and LEED Certifications both require, as just one of their mandatory elements, that projects exceed the State Title 24 building energy efficiency standards by at least 15%. They also provide a wide variety of elements that projects can choose between to meet required point levels in categories such as water conservation, resource conservation, and indoor air quality. An example of the GreenPoint Rated checklist is attached; the 15%-over-Title-24 requirement is element J2.

By adopting only a 15%-over-Title-24 requirement, San Carlos would have a “green” building ordinance that is substantially narrower in scope than all other local municipalities with green building ordinances. It would be better titled the “Building Energy Efficiency Ordinance” instead of the “Green Building Ordinance” as it fails to address any of the other issues incorporated in its own definition of a green building.⁴

Stakeholder Bait-and-Switch

At the community stakeholder meeting hosted by the Building Department in June, the Department proposed as an initial approach a matrix of compliance levels including LEED Silver certification for large, new commercial construction and various levels of GreenPoints for major residential additions and new construction. By the second meeting, the Department had abandoned the LEED and GreenPoint proposal and instead proposed requiring compliance with CalGreen Tier 1. By the time they circulated their draft ordinance, however, staff had stripped the meat of the ordinance down to just the 15%-over-Title-24 requirement – an approach that had not been discussed in the community stakeholder meetings. The inclusion of only the 15%-over-Title-24 requirement in the draft ordinance is far weaker than what was discussed with the community stakeholders.

Failure to Comply with Climate Action Plan

During the 2009 hearings on the City’s Climate Action Plan, City staff sought to eliminate references to a robust green building program, and sought instead to incorporate only a requirement that buildings exceed Title 24 requirements. The City Council instead approved and incorporated into the Climate Action Plan both the 15%-above-Title-24 requirement (CAP Element 2.1) and the requirement that the City develop a robust green building ordinance:

3.1B. Develop a green building ordinance that is consistent with that of neighboring jurisdictions or that is custom to the City of San Carlos that requires a GreenPoint, LEED, or equivalent green building certification per development category.

This measure, selected by the City Council as the preferred green building option, requires the City to adopt a customized green building ordinance similar to other

⁴ Proposed “San Carlos Green Building Ordinance” § 15.04.125 D.

approaches to green building currently moving forward in the Bay Area. This option could be developed as a stand alone green building ordinance specific to the City of San Carlos, or could be completed in coordination with neighboring jurisdictions, the County of San Mateo, or other appropriate entity as preferred by the City Council. This green building option would require a more rigorous set of green building standards than those that may be required by the State. Although there are a number of options for development of a green building code, the requirements would generally be created in cooperation with neighboring cities and counties in order to create regional consistency and therefore ease obstacles to development at the regional level.

By including no requirements other than the 15%-over-Title-24 requirement, the proposed ordinance fails to comply with CAP Element 3.1B.

Rewrite to Require GreenPoint/LEED, or At Least Require All of Tier 1

As the GreenPoint and LEED checklists offer greater flexibility and have been “road-tested” for several years, we consider it preferable that San Carlos adopt GreenPoint and LEED requirements comparable to that of the City of San Mateo or County of San Mateo. We recommend the City Council send this ordinance back to staff with directions to conform it more closely to the green building ordinances of other nearby jurisdictions.

If the City deems it unacceptable to mandate use of the GreenPoint and/or LEED programs and instead wishes to rely primarily on the new CalGreen code, the City should adopt as mandatory the entirety of the Tier 1 requirements, not just the 15%-over-Title-24 element:

§15.04.125 C.1 should include as adopted as mandatory:

A4.601.4.2 Prerequisites and elective measures for Tier 1, and

A5.601.2.4 Voluntary measures for CALGreen Tier 1.

§15.04.125 E and F: replace “shall exceed Title 24 Energy Efficiency Standards by 15% as required under this ordinance” with “shall meet the requirements of this ordinance”

Sincerely,

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San Carlos resident

GreenPoint Rater

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of General Plan Advisory Committee

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