



August 22, 2010

Mayor Randy Royce
San Carlos City Council Members:
Omar Ahmad
Bob Grassilli
Andy Kaufman
Matt Grocott

Re: Council's August 9 decision on the Green Building Ordinance

Dear Mr. Mayor and City Council Members,

The members of San Carlos Green are deeply disappointed in the reversal of support by City Council for a robust Green Building Ordinance at the August 9 Council meeting. Council's October, 2009 4 -1 decision to approve the City's Climate Action Plan provided for both a 15%-above-the State's Title-24 requirement **and** the requirement that the City develop a Green Building Ordinance **comparable to GreenPoint and LEED**.

More importantly, the staff report of the new Ordinance has been very misleading and misstates the substance of what is proposed in the actual ordinance and trends in local municipalities in Green Building Ordinance development. In addition, publicity has also been misleading, resulting in an [8/19 Examiner article](#) that is very inaccurate. The approved Ordinance does very little over the legal minimum to apply City requirements to curb greenhouse gasses and, instead, creates the illusion of a progressive and green approach to building codes with "flexibility".

Below we have clarified where we see discrepancies between the City's report and the ordinance and outlined important issues in adopting this ordinance. *Please note the more detailed table at the end of this letter comparing Specific staff report statements with the actual ordinance.*

- The approved Ordinance **does not comply with the City's Climate Action Plan Element 3.1B** which clearly states on page 34:
'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.'

By adopting only 'basic' CalGreen plus the 15%-over-Title-24 energy efficiency requirement, our city will have a Green Building Ordinance that **does not comply with or is equal to the CalGreen code Tier 1 or 2, GreenPoint or LEED**. The ordinance will be 15% above the legal minimum in energy efficiency as of January 1, 2011.

While the approved Ordinance adopts the 'Basic' CalGreen standard plus 15% above Title 24 energy efficiency, it ***does not require that any project of any size meet the requirements of CalGreen Tier 1 or 2, LEED, or GreenPoint.*** The staff report is misleading as it states that it:

"Recognize Build It Green "GreenPoint", LEED, Title-24 Energy Efficiency Standards, and other approved methods as *means by which compliance is measured.*"

This statement applies only to the 15% above Title 24, energy efficiency portion of the Ordinance and only refers to a means of measurement.

- The approved Ordinance represents ***a significantly lower standard*** than all other local cities with green building ordinances. We know of no other city that is looking to San Carlos as a model for development of an ordinance as stated by City staff.

The current, well accepted standards that are being adopted in California by 187 municipalities including San Mateo, Redwood City and Palo Alto use LEED or GreenPoint Rating for most types of construction. All cities will have to "dovetail their building ordinances with CalGreen" – this is mandatory and does not mean they will be altering their current Green Building requirements.

Out of 109 cities and counties throughout the Bay Area:

- Forty-five cities and counties have adopted mandatory municipal and commercial green building standards and nearly all of them are based on the LEED rating system (LEED Silver is most common).
- Fifty-two cities and counties have adopted mandatory residential green building standards and all of them are based on the Build It Green rating system (BIG 50 is most common).
- As documented by the Climate Action Plan, ***the cost of building certification need not add to City costs.*** The City can require the applicant to:
 1. retain a GreenPoint Rater or LEED AP, leaving it to the market to set the rates for these services (as is done in the City of San Mateo and County of San Mateo) or
 2. charge a "Green Building Monitoring Fee" for City staff to perform GreenPoint Ratings (or Tier 1 verifications) and waive that fee for projects that utilize an independent GreenPoint Rater or LEED AP to document compliance (as is done in Hillsborough).
- We anticipate that the January 2012 progress report requested of staff by City Council in October to measure the effectiveness of the Ordinance will indicate that ***emission reductions will be significantly below the target and that the more robust Green Building Ordinance that was originally envisioned will need to be adopted.***



Buildings in San Carlos are responsible for 40% of greenhouse gas emissions – key to achieving the City’s Climate Action Plan goals. Additionally, a robust Green Building Ordinance was rated as the ***second highest possible emission reduction in the Climate Action Plan*** and would have provided the second highest return on investment with negligible cost to the City.

You may be aware of the recent news items in the [Chronicle](#) and [New York Times](#) outlining the overwhelming evidence that recent extreme weather patterns are likely due to climate change. We are deeply concerned for our planet and strongly recommend that San Carlos align with other cities and the spirit of our Climate Action Plan and take some basic steps to address this looming issue.

We recommend the City Council amend their August 9 decision and ask staff to revise the ordinance to conform 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 energy efficiency element.

Respectfully,
San Carlos Green

cc:
Christine Boland, City Clerk
Chris Valley
Debra Nelson
Al Savay

Attached: Comparison chart of staff report and adopted building ordinance

More detailed comparison of the staff report and the actual ordinance.

Staff Report Says . . .	Actually . . .
Adopt CalGreen with mandatory Tier 1 provision (15% above Title-24 Energy Efficiency Standards).	Adopts CalGreen, and adopts mandatory 15%-above-Title-24 energy efficiency requirement, but does not adopt as mandatory the rest of the elements of CalGreen Tier 1.
Recognize Build It Green “GreenPoint”, LEED, Title-24 Energy Efficiency Standards, and other approved methods as means by which compliance is measured.	GreenPoint and LEED systems both require applicants to use a Title 24 Report (CF-1R) to show their projects are computer-modeled to be at least 15% above the state’s minimum Title 24 requirements, as one of the programs’ mandatory requirements. There is no other “means by which compliance [with Title 24] is measured” other than by obtaining a Title 24 Report (CF-1R). References to GreenPoint and LEED are irrelevant in the ordinance as drafted, and contrary to staff’s claims, do not offer any flexibility in meeting requirements. Both programs require a computer-generated report showing 15%-over-Title-24 and then require other elements as well. (Telling people they can either do A, or do A+B, does not offer flexibility – they still have to do A either way.)
Expand CalGreen to include the following . . . projects . . .	The 15%-above-Title-24 requirement is expanded to the listed projects. The ordinance does not contain language that would make other aspects of even “basic” CalGreen applicable other than to new buildings.
Write equivalent San Carlos Title-24 Energy Prescriptive Package checklist for residential additions.	This may be something Staff plans to do in the future, but it is not included in the proposed ordinance.
Consider incentives (expedited plan review or next day inspections) for applicants that choose optional Tier 2 provision (30% above Title-24 Energy Efficiency Standards).	This may be something Staff plans to do in the future, but it is not part of the proposed ordinance. The proposed ordinance Section 15.04.125 G merely says that projects may voluntarily achieve 30% better than Title 24 requires. This is irrelevant, as any project may voluntarily achieve any percentage over 15% higher than the State minimum.