

SENT TO COUNCIL: _____



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Joseph Horwedel

**SUBJECT: STATUS REPORT ON GREEN
BUILDING POLICY AND
ORDINANCE**

DATE: December 16, 2008

Approved

Date

Council District: City-Wide
SNI: N/A

INFORMATION

The purpose of this memo is to report on the status of the Administration's implementation of the Green Building Policy for New Private Sector Construction.

Background

On October 7, 2008 the City Council adopted the Green Building Policy for New Private Sector Construction (Council Policy 6-32). The Policy advances the City's Green Vision Goal No. 4 of building or retrofitting 50 million square feet of green buildings within the next 15 years, as well as Green Vision Goal 2: reducing per capita energy use by 50%, Goal 3: receiving 100% of electrical energy from clean renewable sources, Goal 5: diverting 100% of waste from landfills and converting waste to energy and Goal 6: Recycling or beneficially reusing 100% of waste water.

Council adopted the Policy and directed staff draft an ordinance establishing mandatory green building standards for private sector development. This memo addresses the status of efforts to prepare the ordinance and describes the Administration's ongoing Policy implementation efforts.

Policy Implementation Status

The Administration anticipates bringing the draft ordinance implementing the Green Building Policy for City Council consideration in early March. The timing of Council consideration for the ordinance is being driven by the City's need to comply with procedural requirements set by the California Energy Commission (CEC), as explained below. California cities adopting green building programs that mandate energy efficiency standards more stringent than state standards

must make findings that the stricter local standards will be cost effective and file those findings with the CEC when they enact the local standards.

City staff is currently working with building energy analysts to complete a study of the construction costs impacts of the improved energy efficiency standards that will be mandated by the Green Building Policy to support the necessary ordinance findings. The study will be complete and provided to Council in time for the Council hearing.

The State's new energy efficiency standards, which are being revised pursuant to a periodic California Building Standards update become effective August 1, 2009. Staff has determined that it is more practical to make the Green Building Ordinance effective as of the date of the new State energy regulations.

The adopted Green Building Policy for New Private Sector Construction will take effect January 1, 2009. Projects meeting the size criteria established by the Policy applying for Planning permits after January 1, 2009 will be conditioned to meet its respective green building standard. In the event a project that is subject to the Policy is ready to apply for a building permit prior to the August 1, 2009 effective date of the Ordinance, the project will not have to meet the green building standard since mandatory building standards will require the enactment of an ordinance that meets state statutory requirements for exceeding the requirement of the state Energy Code. However, given current economic conditions, staff considers it unlikely there are many, if any, projects subject to the Policy that would secure Planning entitlements and be ready to apply for building permits prior to August 1, 2009.

Next Steps

While completing the cost analysis study and ordinance, staff will continue to work with the development community to ensure successful implementation of the City's Green Building Policy for New Private Sector Construction. Ongoing efforts include developing green building information resources for developers and the general public, continuing collaboration with US Green Building Council and Build it Green, and refining internal procedures to ensure seamless development review services for projects subject to the Policy.

JOSEPH HORWEDEL, DIRECTOR
Planning, Building and Code Enforcement

For any questions please contact Michael Rhoades, Senior Planner at 535-7821.