

# Creation of the San Rafael GREEN BUILDING ORDINANCE



The City of San Rafael adopted a mandatory green building ordinance in 2007 which was applicable only to new residential and commercial buildings. In 2009 the City Council adopted a Climate Change Action Plan which was developed by a large citizens task force. Among other programs intended to reduce the production of greenhouse gases in San Rafael, the Climate Change Action Plan recommended an update to the City's green building requirements.

Since over 80% of the construction activity in San Rafael involves remodeling of existing buildings, to have a significant effect on energy and resource use in existing structures, it was critical that green building regulations be extended to both new and remodeled buildings. The Marin Builders Association, a local construction trades association, supported the adoption of green building requirements, but members were becoming increasingly concerned by the differing approaches being adopted by Marin cities. They requested that a more uniform approach be developed.



Rather than updating San Rafael's green building regulations in isolation, the City Council endorsed a collaborative process with other Marin cities, towns and the County. In May 2009, Mayor Al Boro requested that other mayors appoint a city council member or planning commissioner to a task force to help develop a model green building ordinance for adoption throughout Marin County. This collaborative process was dubbed Marin Green BERST (Green Building, Energy Retrofit and Solar Transformation). The intention was to have recommendations for green building emerge from the building trades for consideration by the appointed task force. Therefore, a Technical Advisory Committee was assembled, consisting of architects, contractors, realtors, energy consultants, building officials, home performance auditors, environmentalists and representatives from the Marin Municipal Water District, Marin Builders Association, Marin Energy Authority and PG&E. The initial Technical Advisory Committee included 17 individuals, but expanded to over 40 throughout the process.

The Technical Advisory Committee met 18 times between August and October 2009 and developed recommendations for a comprehensive set of green building regulations intended to significantly reduce energy and water demands and therefore greenhouse gas production from residential and commercial buildings. These recommendations were shared with the BERST Task Force in September and October 2009, and were endorsed by the Task Force in November, 2009.

It is intended that each jurisdiction in Marin will ultimately adopt a similar version of the Model Green Building Ordinance, with local refinement to address the size and scale of development most common in that particular jurisdiction. It is also expected that, by relying upon common ordinance provisions, building officials will collaborate in the enforcement and future refinement of the green building regulations.

The BERST process also included examination of incentives for property owners to incorporate green building and energy reduction techniques into their projects. This process is on-going. Both federal and California utility tax credits and rebates will be available in fall 2010 which utilize the concepts of building performance testing built into the Model Green Building Ordinance provisions. Work is also being done to develop a Property Assessed Clean Energy (PACE) financing program, similar to that underway in Sonoma County. PACE financing allows property owners to finance energy and water efficiency upgrades with no money down, placing the loan obligation on the property tax for repayment typically in 15-20 years. If done correctly, a positive cash flow can result, whereby reductions in utility costs exceed the annual loan financing. It is hoped that a PACE program can be launched in Marin in late 2010 or 2011.