



City Council Agenda Report

Item #

Meeting Date: November 23, 2009

Subject: AN ORDINANCE OF THE CITY OF DALY CITY ADDING CHAPTER 15.65 OF THE MUNICIPAL CODE ESTABLISHING A GREEN BUILDING PROGRAM FOR NEW RESIDENTIAL BUILDINGS

Recommended Action

Adopt Chapter 15.65 to the Municipal Code establishing a Green Building Program regulating the construction of new single and multi-family residential buildings.

Background

In keeping with the Cities Climate Protection Initiative adopted on June 22, 2009 and the U.S. Conference of Mayors Climate Protection Agreement, a residential green building ordinance is being proposed that focuses on **new** single and multi-family residential buildings.

A Green Building Ordinance will address a number of purposes. For one, in the United States, buildings account for 39 percent of total energy use, 12 percent of the total water consumption, 68 percent of total electricity consumption, and 38 percent of the carbon dioxide emissions, according to statistics provided by the federal Environmental Protection Agency. A Green Building Ordinance will require that buildings are more efficient with the use of resources thereby reducing carbon emissions. Green building is a practice of building construction, operation and design that intends to minimize the environmental impacts of the buildings upon the natural and human environment by preserving natural resources, reducing energy and water usage, and improving indoor environmental quality.

Reduction of resource usage as a result of efficiencies and conservation required by this ordinance is likely to have local benefits such as reduced utility costs for the building owner, additional available system energy capacity for the local utility, reduction in both peak and base electricity demand, and a reduction in greenhouse gas emissions. These benefits are likely to become increasingly important as the effects of global warming and climate change are felt locally.

According to the EPA, in addition to resource conservation, green buildings have a benefit to its occupants. Green building focuses on building technology and products that improve the comfort and indoor air quality for its occupants. These features have shown to improve occupant productivity, enhanced occupant comfort and health.

Therefore, the design, construction, and maintenance of buildings and structures within the City of Daly City are likely to have a beneficial impact on the Daly City's environmental sustainability, resource usage, energy efficiency, waste management, and the health and productivity of occupants.

Finally, the adoption of California Assembly Bill 32 (the "Global Warming Solutions Act") recognizes that greenhouse gas ("GHG") emissions from California are contributing to global warming and the legislation mandates statewide GHG emissions be lowered to 1990 levels by 2020. This proposed Green Building Ordinance is progress toward that goal.

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Discussion

Staff is requesting approval of a Building and Construction text amendment to adopt Chapters 15.65 of the Municipal Code to create a new green building ordinance that pertains to the construction of new single and multi-family residential buildings.

The proposed ordinance will require new single and multi-family residential buildings to be constructed in an effort to reduce construction waste, improve energy efficiency, conserve water, and promote building practices and materials that protect the environment and the inhabitants.

There are over 36 jurisdictions throughout California that have implemented Green Building Ordinances. The proposed Daly City Green Building Ordinance follows the model ordinance established by the County of San Mateo. Their ordinance is based on achieving a minimum number of points through the Build It Green (BIG) or the US Green Building Council (USGBC) to achieve certification. The City's proposed program uses this approach, but also requires specific measures to ensure the new buildings are energy efficient. Additionally, to ensure the market has the time to absorb these new standards, the proposed ordinance is phased over two years. The first year is a pilot program that only requires the applicant to self-tabulate the green attributes of their building using a prescribed checklist without the additional step of verification by a third party. The second year, the program becomes mandatory. In that second year, it requires specific energy efficiency prerequisites, certification from a recognized third party green building rating agency, and submittal of a qualified "miles per gallon" performance indicator.

The cost for a contractor to attain BIG or USGBC certification can be organized into three categories. The application fee is \$400-\$600 for either certification. The cost to hire a Green Building Professional or LEED Accredited Professional and a HERS Rater to certify the building can vary depending on the extent to which they are involved but can be approximately \$1,000. Finally, there is the potential of added costs of materials and time needed to gain certification. However, considering all the existing green products and California's existing regulatory environment this cost can be negligible.

To comply with the proposed Green Building Ordinance the contractor would be required to either meet or exceed both state water and energy conservation standards. In the area of water conservation the state is mandating both indoor and outdoor water conservation standards that may take affect as early as January 2011. Meeting these standards will count toward the required points necessary to meet BIG and USGBC certification. New California Title 24 Energy Standards are also taking affect January 2011. A prerequisite for BIG certification is that homes be 15% more efficient then adopted standards while LEED prerequisite would be meet by complying with Title 24 Standards. Considering all of California's existing requirements, meeting the minimums points for certification in both the programs is not onerous. According to BIG, most projects that require BIG certification end up easily exceeding the minimum standards.

Approval is needed from the California Energy Commission to ensure that the proposed Ordinance has standards that are not less then required by the State. This is a routine process that can be engaged during phase one or pilot stage of the program.

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In an effort to solicit public input, staff held a question and answer session to discuss the Green Building Ordinance on October 28, 2008 at City Hall. Notices were sent to qualified residential contractors, engineers, architects, and COHRA representatives. In addition, notices were placed at the front counter and on the City Website. In addition to City staff, representatives from both the County and Build It Green made presentations and answered questions.

Staff is available to provide additional information desired by the Mayor or City Council Members.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Pirnejad". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Pirnejad
Assistant Director of Economic and Community Development