



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: July 19, 2011
Staff Report #: 11-112

Agenda Item #: D-2

CONSENT CALENDAR: Re-introduction of an Ordinance Adopting Local Amendments to the 2010 California Green Building Standards Code to Include Additional Sustainable Building Requirements

RECOMMENDATION

Staff recommends that the City Council introduce an ordinance adopting local amendments to the 2010 California Green Building Standards Code (Attachment A) to require:

- All newly constructed residential and non-residential structures currently subject to the 2010 California Green Building Standards Code (Cal Green) regulations to exceed the minimum energy efficiency standards established in the 2010 California Energy Code (Energy Code) by 15 percent;
- All newly constructed residential and non-residential structures currently subject to Cal Green regulations to test heating and cooling ducts for leakage; and
- All newly constructed residential structures currently subject to Cal Green regulations to install cool roofs or use alternative methods and materials to achieve equivalent energy savings.

BACKGROUND

The State has developed and adopted Part 11 of the Building Standards Code known as the 2010 Green Building Standards Code or Cal Green which was adopted by City Council on December 14, 2010 and became effective January 1, 2011. Cal Green establishes minimum green building standards for the construction of new residential and non-residential structures to encourage sustainable construction practices. Cal Green does not currently apply to additions or alterations of existing buildings.

In an April 5, 2011 Council informational item, staff identified a two-phase approach to the adoption of local amendments to the State Code intended to enhance energy efficiency in newly constructed buildings beyond that provided by Cal Green. The focus of the first phase was to establish local sustainable building measures that provide significant beneficial environmental impact while balancing ease of implementation by the development community and staff. The proposed ordinance amendment currently

before the Council is the result of the first phase work effort. The second phase will focus on the exploration of additional sustainable building measures and includes an extensive community outreach component and participation by the Environmental Quality Commission. The adoption of an ordinance exceeding the sustainable building standards established in Cal Green is a strategy identified in the City's Climate Action Plan (CAP) which was approved by Council in April of 2009.

The Council first reviewed the proposed ordinance amendment at its May 24, 2011 meeting and acted to introduce the ordinance. As part of the Council's action to introduce the ordinance amendment, the Council expressed an interest in additional outreach to the development community. Following the May 24th meeting, staff sent an email describing the proposed changes embodied in the local amendment to 36 architects, contractors and developers who frequently work in Menlo Park.

At its meeting of June 14, 2011, the Council considered adoption of the proposed ordinance amendment. In response to the outreach conducted by staff, six members of the community submitted a total of seven pieces of correspondence for the Council's consideration. Additionally, three members of the community spoke at the meeting. The comments ranged from support of the proposed ordinance to concern regarding individual elements of the proposal. Of specific concern was the proposed requirement for the installation of cool roofs. Following Council's consideration of the proposal and public comments, Council directed inclusion of language in the proposed ordinance that explicitly allows for alternative methods or materials that would achieve comparable energy savings as a cool roof to be used in lieu of the installation of a cool roof for new residential structures. The revised language necessitates the reintroduction of the ordinance and the formal adoption of the ordinance at a subsequent Council meeting.

ANALYSIS

Staff has modified Section 12.18.050 of the proposed ordinance to include the language directed by the Council at its June 14, 2011 meeting. The proposed ordinance is included as Attachment A, with the new language highlighted for easy reference. Although the proposed requirements for increased energy efficiency, duct-testing and cool roofs would remain as part of the ordinance, the new language explicitly allows for the use of alternative materials or methods that can demonstrate an equivalent performance to the requirement without having to comply with the specific requirement. When an alternative material or method is being proposed, reports providing evidence of equivalency are required to be supplied by a source that the Building Official finds to be reliable and accurate. The explicit inclusion of this language allows for the use of innovative ideas or technological advances which may not have been envisioned at the time of the drafting of the ordinance.

Staff's recommendation for adoption of the proposed local amendments is based on an effort to identify measures that will have a minimal impact to the development community while achieving greater energy efficiency in new buildings. The proposed

measures are based on measures currently in use by the design and construction community, are required by both Leadership in Energy and Environmental Design (LEED) and Build It Green (BIG), are recommended additional measures in Cal Green, and are proven to reduce energy consumption and greenhouse gases.

If the Council acts to introduce the modified ordinance amendment, staff will prepare the final ordinance amendment for Council adoption at the July 26, 2011 meeting. Upon action to adopt the ordinance by the Council, staff will forward the ordinance to the California Energy Commission for review and approval. Energy Commission review can take up to 90 days. If the Energy Commission approves the ordinance it would become effective 30 days thereafter. The requirements would apply to new buildings submitted for building permits after the effective date. Notification to the public of the additional measures will be made 30 days prior to their effective date by the posting of a notice at the development service counter and on the City's web site. Additionally, handouts will be available prior to the effective date to explain the additional measures and provide guidance on implementation of the measures. Specifically, the requirements for cool roofs and alternative methods of meeting the requirements will be addressed.

IMPACT ON CITY RESOURCES

The proposed phase one local amendments to Cal Green will not result in any significant costs to the City other than staff resources to process the ordinance amendment.

POLICY ISSUES

The adoption of the proposed local amendments does not represent a change in City policy and is consistent with the greenhouse gas reduction strategy in the Climate Action Plan.

ENVIRONMENTAL REVIEW

The adoption of the proposed ordinance is not a project that has the potential for causing a significant adverse effect on the environment and therefore is not subject to review under the California Environmental Quality Act (CEQA).

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PUBLIC NOTIFICATION

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. [Ordinance No. _____ amending Title 12 \(Buildings and Construction\) of the Menlo Park Municipal Code adopting amendments to The 2010 California Building Standards Code Part 11.](#)