

LEGISLATIVE DIGEST

(Substituted February 7, 2017)

[Environment Code - Green Building Requirements for Municipal Buildings]

Ordinance amending the Environment Code to update the green building requirements for the design, construction, and operation of municipal buildings; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Chapter 7 of the Environment Code contains a number of "green building" standards for buildings owned or leased by the City. These standards include construction and operating requirements for energy efficiency, water conservation, toxics reduction, indoor environmental quality, and recycling and composting of refuse. Chapter 7 also includes provisions for administration and enforcement of the requirements.

Amendments to Current Law

The proposal is an ordinance that would amend the Environment Code to modify and update the provisions of Chapter 7. In addition to technical and administrative updates, the proposal contains some more substantive changes:

Application of Chapter 7 to City Tenants. Current law defines a "Construction Project"—subject to the Chapter—as any construction activity “by a City department at a City-owned Facility, or City Leasehold.”

The proposal would add language stating that a “Municipal Construction Project” means “any planning, design, building, or construction activity, including demolition, new construction, major renovation, or building additions performed either by a City department at a City-owned Facility or City Leasehold, or by tenants at a City-owned Facility.”

Threshold for Requiring LEED Gold Certification. Current law requires that City construction projects of 5,000 square feet or more meet the requirements for LEED Gold certification. LEED (Leadership in Energy and Environmental Design) is a green building certification system providing third-party verification that a building or community was designed and built to improve performance in areas such as: energy savings, water efficiency, CO₂ emissions reduction, improved indoor environmental quality, and stewardship of resources. “Gold” is the second-highest LEED rating level.

The proposal would raise the threshold for requiring LEED Gold certification for projects of 10,000 square feet or more, although smaller projects would still be required to qualify for the maximum LEED credits practicable, without a certification requirement, and to

comply with other applicable requirements under Chapter 7 and the California Green Building Standards Code.

Energy Efficiency, Better Roofs, and Energy Resilience. The proposal would add a requirement that the project design include a target for annual net energy consumption. For projects of three or fewer stories, the project design would have to address the feasibility of designing and constructing the project to have zero net annual site energy consumption, including all building end uses. All projects subject to the Chapter would have to include a combination of photovoltaic, solar thermal, and/or living roof area meeting the requirements of the City's Better Roofs ordinances. And the proposal would require project sponsors to confer with the Department of Emergency Management and the Green Building Task Force to specifically analyze the costs and benefits of incorporating onsite battery systems to store electricity from solar photovoltaic systems to supply power to the community in the event of disaster.

The proposal would eliminate the separate specifications in Chapter 7 for energy efficient lighting retrofit requirements.

Background Information

The Department of the Environment, which oversees implementation of Chapter 7, has stated that it already construes and administers the current legislation to apply to construction projects by tenants at a City-owned facility and that it considers the amendment to the definition of "Municipal Construction Project" to be a clarification of, rather than a change in, the law.

This legislative digest reflects a substitute ordinance introduced on January 31, 2017. The term "Construction Project" was changed to "Municipal Construction Project" and the definition revised to clarify that the term encompasses projects by tenants at a City-owned facility.