

**DOCKETED**

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**TOWN OF SAN ANSELMO  
STAFF REPORT**

**April 20, 2020**

**For the Meeting of April 28, 2020**

To: Town Council

From: Erica Freeman, A.I.A., P.E., C.B.O. Building Official  
Sean Condry, P.E., C.B.O. Public Works and Building Director

Subject: Adopt Green Building Ordinance

**RECOMMENDATION**

That Council adopt by title only an “AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO REPEALING AND REPLACING SAN ANSELMO MUNICIPAL CODE TITLE 9 (BUILDING REGULATIONS) CHAPTER 19 (GREEN BUILDING REQUIREMENTS) TO ADOPT AMENDMENTS TO THE CALIFORNIA GREEN BUILDING STANDARDS CODE TO REFLECT LOCAL CONDITIONS AND AMENDING SECTION 9-20.05 OF THE SAN ANSELMO MUNICIPAL CODE TO BRING DIVERSION REQUIREMENTS IN LINE WITH THE GREEN BUILDINGS STANDARDS CODE”

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**SUMMARY**

At its meeting of April 14, 2020, the Town Council held a public hearing and voted unanimously to introduce the attached ordinance. (April 14, 2020 Town Council meeting video available at [https://sananselmo-ca.granicus.com/MediaPlayer.php?view\\_id=1&clip\\_id=411&meta\\_id=67295](https://sananselmo-ca.granicus.com/MediaPlayer.php?view_id=1&clip_id=411&meta_id=67295)).

Town staff respectfully requests that the Town Council adopt the attached ordinance.

**BACKGROUND**

In 2010, the Town adopted the current green building requirements to enhance the long-term public health and welfare by contributing to the overall reduction of greenhouse gas production and emissions. The requirements were also intended to improve the environmental and economic health of the Town through the efficient design, construction, operation, maintenance and deconstruction of buildings and site development by incorporating green building practices and materials. Currently, covered projects include residential new construction, additions, and renovations; multifamily new construction; and commercial renovations and new construction projects. The green building requirements were consistent with Marin County’s green building requirements in 2010; however, there have been a few state construction code cycles since its adoption without amendment to the current local code. Best practices and available technologies have evolved since 2010 and this update incorporates new policies that will make new buildings in the Town more energy efficient, comfortable, and affordable to operate.

The proposed amendments are identical to those passed by the County of Marin in the Fall of 2019, except for the definition of demolition, which will be defined later in this report.

Primary changes in the proposed ordinance include:

- **Energy efficiency measures separated from green building measures.** Green building standards currently require the submittal of a Green Point Rated (residential) or Leadership in Energy and Environmental Design (commercial) checklist demonstrating that the project has achieved the number of points required of their project. Categories in the checklists range from community measures, such as street-facing porches and proximity to a transit stop, to building performance and renewable energy measures, such as high efficiency windows or on-site solar. By measuring compliance with only a total number of points, the Town's current code allows applicants to under-achieve on measures in one category (such as energy efficiency) but make up the points in other areas. While the Town wants to encourage broader green building measures, the reduction of energy use in new buildings is a key part of making homes more comfortable, cost effective, and less carbon intensive. To address this ambiguity, the updated green building ordinance sets separate requirements for green building and energy efficiency, rather than bundling them as is done now. This clarifies the requirements for reducing energy use in new buildings.
- **Emphasis on performance vs prescriptive measures.** Stakeholders within the building community emphasized the need for flexibility in green building requirements. Mandatory solar ordinances have grown in popularity across California jurisdictions in recent years. This is often referred to as a prescriptive requirement because it outlines a specific measure the applicant would need to complete. To increase the applicability of the ordinance for multiple geographies, these standards include performance energy efficiency standards, which allow applicants to meet more stringent requirements in the most efficient way for their property. While applicants can still get credit for installing solar, other pathways are available for those that can't or don't want to produce energy on site. This should reduce or eliminate the time needed for the applicant and staff to determine an appropriate alternative.
- **All electric building option for new construction.** Marin County's electricity generation is increasingly from renewable sources such as solar and wind power, and 100% renewable power is available for purchase from both MCE and PG&E. 100% renewable electricity does not have associated greenhouse gas emissions, which means that reducing the Town's emissions from building energy use requires a focus on natural gas. Because there is not currently a commercially available renewable alternative to natural gas, attention has increasingly turned to reducing the need for natural gas in the first place.

The California Energy Commission develops software with each update of the State's building codes (Title 24) to measure compliance with statewide energy efficiency standards. Currently, this software "weights" energy sources (such as electricity and natural gas) differently, and consequently makes it difficult to comply with the state energy code when constructing an all-electric building where natural gas is available.

Recognizing the existing regulatory challenges to constructing all-electric buildings under the current energy code, and the importance of reducing emissions from natural gas use in the built environment, this amendment includes energy efficiency compliance options that allow applicants to meet (rather than exceed) state energy efficiency standards if the project is all electric.

- **Streamlined project tiers.** The existing Green Building Standards include five project size tiers identified by both square footage and project valuation. The inclusion of project valuation has led to different green building requirements for projects of essentially the same scope, as each project can have widely varying valuations depending on materials selected. Additionally, the granularity of the size tiers did not necessarily result in additional energy savings or green building measures but added complexity to the application process. To resolve these issues, the proposed code is simplified to include a maximum of two tiers in each building sector.
- **Energy efficiency requirements only apply to new construction.** To require more stringent energy efficiency standards than the state code, the Town must demonstrate to the California Energy Commission that the additional requirements are cost effective, meaning they will pay for themselves over the life of the project. To date, cost effectiveness studies have only been completed for new construction projects, meaning the energy efficiency requirements in the proposed code amendments apply only to new buildings. For the purposes of this ordinance, the definition of a demolition is as follows: for buildings, removal or substantial modification of fifty percent (50%) or more of the market value of the structure before the improvement or repair is started. This definition of demolition is the one variation from The County's adopted code. Any existing building that is demolished to this level will be required to comply with the green building standards outlined in this chapter for new construction.
- **Electric Vehicle Charging Infrastructure.** Under the revised code, all new homes would be required to add additional capacity to the service panel to allow for at home Level 2 EV charging (240 volt). This reduces barriers to EV purchasing by allowing charging at home without having to undergo a service panel upgrade after the House is built. This is also required for remodels where the service panel is being expanded. For multifamily and commercial projects, when a new parking lot is added or an existing lot is modified, 10% of the new parking spaces need to have everything but the charger installed (EV Ready), and an additional 10% of the spaces will have conduit laid in anticipation of later EV installation (EV capable). In Marin County, which has one of the highest EV purchase rates of any California County, it will be vitally important to build out the local infrastructure to support greater EV adoption.

The California Public Resource Code states that a local jurisdiction may adopt more restrictive energy standards when they are cost-effective and approved by the California Energy Commission (CEC). The proposed Ordinance's energy efficiency requirements have all been determined to be cost effective via third party analysis for projects in our climate zones. In other words, the additional cost of the proposed energy efficiency requirements will pay for themselves over the life of the project from reduced energy usage at the site.

The final proposed amendment is to the waste diversion requirements set out in Section 9-20.05 of the San Anselmo Municipal Code. Currently, the diversion requirements for a project and for a certified C&D recovery facility shall be a minimum of ninety percent (90%). However, local refuse centers cannot divert more than sixty-five percent. The change from ninety percent (90%) to sixty-five percent (65%) would bring the diversion requirements in line with the 2019 California Green Building Standards Code as well as local refuse facilities.

The proposed code amendments will further the Town's sustainability and green building goals, simplify the current process and stay consistent with the code adopted by The County. Specifically, adoption of the attached Ordinance is consistent with San Anselmo General Plan Circulation Element Policy 17.1 (Zero Emission Vehicle readiness), the Town's Climate Action Plan 2030 and the Town's Electric Vehicle Strategy.

### **FISCAL IMPACT**

There will be no increase in staff time and no fiscal impact.

### **CEQA AND CONSISTENCY WITH CLIMATE ACTION PLAN 2030**

Adoption of the proposed ordinance is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Adoption of the ordinance will not result in cumulative adverse environmental impacts or any other potentially significant impact described in CEQA Guidelines Section 15300.2.

The proposed ordinance furthers the Town's climate action plan goals and reduces environmental impacts. In 2016, the main contributors to the emissions within the Town were: transportation (55%), residences (29%) and commercial properties (9%). One of the key strategies of the plan is electrification and fossil fuel phase-out. It also specifically requested the adoption of the County of Marin's green building model ordinance (also referred to as "Reach Codes"). Several of the goals are directly met through this adoption: ease and reduced long term expense for residents and businesses to install electric vehicle charging infrastructure, pre-wiring single family and multifamily development, use of photovoltaic systems and all-electric building systems as options to achieve green building compliance, elimination of barriers during the permit and inspection process in an effort to provide technical assistance to ensure successful implementation of green building requirements, and participation in countywide efforts to make it easier for contractors and building counter staff to simplify applications and identify incentives.

Respectfully submitted,

Erica Freeman, A.I.A., P.E., C.B.O., Building Official  
Sean Condry, P.E., C.B.O., Public Works Director

Attachments:

1. Draft Ordinance as Introduced on April 14, 2020
2. 2019 Residential Cost Effectiveness Study
3. 2019 Nonresidential Cost Effectiveness Study