

Agenda Report

DATE: JANUARY 7, 2008

TO: CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: DIRECT THE CITY ATTORNEY TO PREPARE AMENDMENTS TO PASADENA MUNICIPAL CODE CHAPTER 14.90 GREEN BUILDING PRACTICES ORDINANCE

RECOMMENDATION:

It is recommended that the City Council:

- 1) Acknowledge that the Green Building Practices Ordinance amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines General Rule, Section 15061 (b)(3);
- 2) Direct the City Clerk to file a Notice of Exemption with the Los Angeles County Recorder; and
- 3) Direct the City Attorney to prepare within 60 days amendments to the Pasadena Municipal Code Chapter 14.90 Green Building Practices Ordinance described herein.

ENVIRONMENTAL ADVISORY COMMISSION RECOMMENDATION (EAC):

At the special meeting held on December 11, 2007, the EAC unanimously recommended that the City Council approve the amendments to the Green Building Practices Ordinance.

BACKGROUND:

In light of the projected water shortage situation faced by the City and the State of California, and to ensure a higher level of green building requirements, staff recommends amendments to the Green Building Practices Ordinance (GBPO) include:

1. Requiring water efficient fixtures in buildings;
2. Raising the required green building rating level for large commercial/institutional type buildings from LEED Certified to LEED Silver;
3. Raising the required green building rating level for new municipal buildings from LEED Certified to LEED Silver;
4. Adding municipal building renovations as a category with a LEED Silver requirement; and

5. Removing an internal inconsistency associated with tenant improvements.

On December 19, 2005 the Pasadena City Council approved the Green Building Practices Ordinance (PMC 14.90) which went into effect on April 16, 2006. The purpose of the ordinance is to ensure green building measures are incorporated into the design, construction, and maintenance of buildings consistent with the City's desire to create a more sustainable community. The ordinance adopts by reference the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) green building rating system and sets categories and thresholds for applicability. The LEED green building rating system is a point based system which evaluates criteria such as how much construction material is recycled, a building's energy and water consumption, and the interior air quality. The points translate into one of four LEED levels (in ascending achievement): Certified, Silver, Gold and Platinum.

Water Efficiency Requirement:

In support of requiring more stringent water efficiency standards, the proposed water reduction amendment will become a mandated Pasadena credit (LEED NC 2.2 Credit 3.1 or similar LEED rating). The LEED credit for water efficiency requires applicants to employ strategies that in aggregate use 20% less water than a building with standard fixtures (not including irrigation). Calculations are based on estimated occupant usage and include building envelope fixtures (toilets, urinals, lavatory faucets, showers and kitchen sinks) as determined by the Energy Policy Act of 1992 fixture performance requirements. This requirement can be met with little or no additional costs to project applicants as the credit applies to interior plumbing fixture types which are readily available. Potential cost-savings can be realized during the life-time of the building operations through reduced water bills and related wastewater fees.

Commercial/Institutional-Type Building LEED Silver Rating

It is recommended that a separate category be created under applicability in the GBPO for commercial/institutional-type buildings with a threshold of 50,000 square feet of new gross square footage and establish a requirement to meet LEED Silver level (33-38 points) at a minimum. Raising the requirement effectively ensures a building incorporates more green features than is currently required in the GBPO (LEED Certification level 26-32 points). This category would include typical office, retail, medical, and academic buildings with occupied and conditioned spaces (heating, ventilation and air conditioning). It would not apply to uses like warehouses, mechanical plants, storage facilities, hotels, or mixed use (combination retail and residential). The 50,000 square foot threshold is the lowest reasonable threshold in consideration of the new LEED requirements for optimizing energy (see Energy Efficiency section below); the costs associated with achieving this level of LEED compliance; building siting, orientation on the site, landscape opportunities, open space and locations with which to mitigate storm water; and the greater availability in the marketplace of economically feasible and efficient products and systems for these larger project types.

LEED Silver for New Construction of Municipal Buildings:

To attain a higher level of environmental soundness for municipal buildings, it is recommended that the minimum LEED Certification level currently required in the GBPO for municipal buildings with 5,000 square feet or more of new construction be raised to Silver level. The Silver standard requires that the building be designed to higher level of environmental responsibility.

Municipal Building Renovations LEED Silver Rating:

It is recommended that a new category be created for municipal renovations as presently only municipal projects with new square footage are subject to the GBPO. This new category would require renovations of municipal buildings with a threshold of 15,000 square feet achieve LEED Silver. The scope of renovations and applicability of the GBPO will be determined when the project is incorporated into the City's Capital Improvement Program (CIP) and will be discussed under the "Special Consideration" section for the project in the CIP. This category is not intended to apply to limited construction or renovation activity (e.g., reconfiguration of cubicle spaces, repair and stabilization work, building systems equipment replacement, roof replacement), or to specialized building renovations (e.g., warehouse, park restroom).

Tenant Improvements for Private Sector Buildings:

An internal inconsistency exists in the GBPO for tenant improvements of 25,000 square feet or more in that the word "new" is used to describe floor area. This amendment proposes striking "new" from the description as tenant improvements, by definition, mean existing built space therefore the space cannot be new.

Energy Efficiency

The City had identified in the Green City Action Plan (September 18, 2006) amending the GBPO to require increased energy efficiency for applicable buildings. The City applies the LEED requirements to larger buildings and the USBGC amended LEED to make energy efficiency a requirement, therefore the City does not need to amend the GBPO. LEED requires projects registering after June 26, 2007 to achieve at least two "Optimize Energy Performance" points, which is expected to improve energy performance of all LEED buildings by 14 percent for new construction and seven percent for existing buildings undergoing renovation, and reduce emissions of carbon dioxide (a greenhouse gas). To help projects achieve the new energy reduction requirements, a prescriptive compliance path is currently under development by the USGBC as an alternative to energy modeling.

ENVIRONMENTAL DETERMINATION:

The Environmental Administrator has determined that the GBPO amendments are exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Section 15061. (b) (3) wherein it states "the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility

that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

FISCAL IMPACTS:

Municipal buildings and facilities could incur some increased up-front costs and design fees that potentially could be offset by long-term savings in operating costs. Associated costs are not known at this time, but will be accessed when the project is included in the Capital Improvement Program.

Respectfully submitted,



Cynthia J. Kurtz
City Manager

Prepared by:



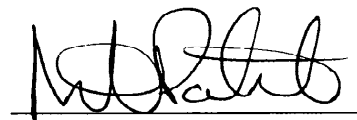
Alice M. Sterling
Senior Project Manager

Approved by:



Richard J. Bruckner
Director of Planning and Development

Concurred by:



Martin Pastucha
Director of Public Works