AMENDMENT TO TITLE 15, CHAPTER 15.72 OF THE STOCKTON MUNICIPAL CODE REGARDING GREEN BUILDING STANDARDS, GENERAL PROVISIONS: APPLICABILITY

RECOMMENDATION


Summary

The proposed ordinance satisfies the requirements of a 2008 Settlement Agreement between the City of Stockton, the Sierra Club and the California Attorney General, in connection with the City’s 2008 General Plan, by adopting existing State mandates regarding green building standards and, thereby, incorporating them into the Stockton Municipal Code (Attachment A - Proposed Ordinance re: Green Building Standards (Redline Version)).

DISCUSSION

Background

The 2008 Settlement Agreement between the City, the Sierra Club, and the California Attorney General required that the City adopt a green building ordinance obligating new construction projects to be significantly more efficient than prescribed in State and City standards of 2008. Per the Agreement, new residential units were to obtain Build It Green professional certification and certain large non-residential projects and municipal facilities were to achieve LEED (Leadership in Energy and Environmental Design) certification.

Subsequently, the Climate Action Plan Advisory Committee (CAPAC) was formed and began work on a green building ordinance, among other assignments. On August 26, 2010, the City Council, on recommendation from the CAPAC, adopted Ordinance 010-10, which imposed the City’s first green building standards. Rather than address new construction, the standards addressed large additions to existing structures. Specifically, the Ordinance required that a 5,000+ square-foot non-residential addition or a 500+ square-foot residential addition exceed the 2008 State standards by 10 or 30 percent, respectively. This increased standard was to apply to the entirety of the structure, not just the addition. The Ordinance affected the implementation of the State-mandated energy code; thus it was submitted to the California Energy Commission (CEC) for concurrence. The CEC did not endorse the Ordinance because of the City’s use of an outdated 2001 building code as a baseline and, as a result, it was never implemented.

Staff and the CAPAC then drafted a second green building ordinance that avoided the technical
The revised draft ordinance was presented to the CAPAC in mid-2014. On the advisement of staff, however, the CAPAC considered and balanced the provisions in that draft ordinance against the progression of Statewide green building and energy standards, and the market-based and regulatory difficulties of fostering infill development throughout the city. Eventually, CAPAC came to the recommendation to have staff craft an ordinance that would not impose standards beyond those currently prescribed by the State. In essence, the proposed Ordinance formally incorporates by reference the 2013 State energy efficiency and green building standards.

On September 18, 2014, the CAPAC voted unanimously to forward a recommendation to the City Council to adopt the proposed Ordinance. The CAPAC consists of ten representatives from environmental, development, labor, business and non-profit organizations. CAPAC, as a whole, agreed that this action would satisfy this particular requirement from the 2008 Settlement Agreement.

**Present Situation**

Since the 2008 mandate to generate a green building program, the State has emerged as a national leader in the development and adoption of very progressive statewide energy efficiency and green building requirements. These standards are contained in Title 24 of the California Code of Regulations, Part 6 (Building Energy Efficiency Standards) and Part 11 (CALGreen). Significant changes were made to the Energy Code in 2013 and also to CALGreen in 2010 and 2013. Today’s standards are remarkably more advanced and stringent than those in place in 2008, when the requirement was imposed, and have likely eclipsed many local green building ordinances adopted during that era. Even the standards of Stockton Ordinance 010-10 can reasonably be considered less effective than the common requirements contained in the State standards today.

Due to this advancement, the CAPAC found no overall benefit in adopting a new stand-alone green building ordinance with unique procedures and standards for the City. Rather, the CAPAC found that such an ordinance would unduly complicate the permitting process and increase the costs of plan review and administration, which might, in turn, discourage infill development and reinvestment in the community. More importantly, the CAPAC found that the additional costs and complications would achieve an insignificant additional benefit to energy efficiency or green building.

Formal adoption of the State standards is not necessary for the standards to apply and failure to adopt the standards does not relieve the City from those requirements. However, formal adoption of the standards by ordinance provides a clear and codified source for the City’s energy efficiency and green building standards and, as stated above, provides a mechanism to satisfy the requirements of the 2008 Settlement Agreement.

It is important to note that the City Council may impose additional energy efficiency or green building standards in the future at its discretion. Such an action might be appropriate in the future if the State takes a less-aggressive approach to green building standards and the City desires to mandate additional green building standards. At that time, the City would need to revisit economic conditions, infill priorities, and the relative advantage/cost of these additional measures. No such measures or standards are included in the proposed ordinance.
FINANCIAL SUMMARY

The proposed ordinance does not obligate additional review or staff resources beyond those currently required by State law. As such, its adoption and implementation will not incur any new expense to the City of Stockton.

Attachment A - Proposed Ordinance re: Green Building Standards (Redline Version)