

Raising the Sustainability Bar: San Francisco Amends its Green Building Ordinance to Comply with CalGreen

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Published by the Hanson Bridgett Real Estate Practice Group

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Effective January 1, 2011, San Francisco has an amended and restated green building ordinance. How has it changed, and what is its effect on commercial developers? In the Registry's August 2008 Annual Green Building issue, we reported on the City of San Francisco's adoption of its then toughest in the nation Green Building Ordinance ("GBO").¹ Since then, the State of California adopted CalGreen, a mandatory green building code of its own that is effective for all new construction beginning January 1, 2011. For the most part, San Francisco's 2008 GBO contained more onerous requirements than those required by CalGreen. Still, adoption of CalGreen required the City to amend its GBO to include CalGreen specific requirements and unify their respective provisions. The City's new amended GBO sets higher standards from its predecessor in certain noteworthy respects..

San Francisco effected its GBO amendment by adopting CalGreen as its baseline green building code, and revising CalGreen to reflect the City's existing GBO standards to the extent they exceeded CalGreen. At the same time the City increased an important energy savings benchmark, discussed below, over and above the standard set both in CalGreen and in the City's original GBO. The City also took the opportunity to reflect a clear preference for LEED® compliant construction.² For example, the City upgraded the GBO to reference LEED® 2009 standards and elected against awarding voluntary CalGreen tier classifications based on achievement of specified green building criteria.

With regard to commercial buildings, CalGreen, as reflected in the City's amended GBO, raises the sustainability bar in several ways. Certain CalGreen measures are similar to those contemplated by LEED®, while others go beyond the LEED® framework, either by increasing certain LEED® baseline requirements or by establishing entirely new standards. These measures include:

- **Sub-metering:** New buildings are required to have sub-meters for water.
- **Storm Water Pollution Prevention Plan:** Projects smaller than one acre are now required to implement storm water pollution prevention plans conforming to those required for projects bigger than one acre.
- **Bicycle parking:** Buildings approved under the

¹ *The Registry*, August/September 2008, "San Francisco's Green Building Ordinance: All that Glitters..."
http://www.theregistrysf.com/Past_Issues_files/2008_0809.pdf

² Section 13C.101.10 of the new Code makes clear that a LEED certification is not required and that alternative equivalent method approved by the Department of Building Inspections may be used.

amended GBO must have short-term bicycle parking in the form of bike racks for 5% of all visitor parking capacity as well as long-term secured bike parking for the equivalent of 5% of vehicle parking capacity.

- **Designated parking spaces:** Depending upon the number of parking spaces, up to 12% of parking capacity must be designated for low-emitting, fuel efficient and/or carpool/van pool vehicles.
- **Noise Pollution:** CalGreen requires implementation of noise control strategies both inside and outside of new buildings.

For those measures similar to LEED® credits, the effect, in a sense, is to make a number of otherwise optional LEED® credits mandatory in California, and with the City's adoption of CalGreen, in San Francisco, including:

- **Construction Management:** Covering duct openings and protecting mechanical equipment during construction.
- **Low VOC Products:** Requiring low-emitting adhesives, sealants, paints, coatings, flooring systems, and composite wood and agrifiber products.
- **Ozone Depletion and Greenhouse Gas Reductions:** Eliminating halons and CFC's to reduce ozone depletion.
- **Light Pollution:** Establishing minimum standards for interior and exterior light fixtures.

Still, the hallmarks of the City's original GBO remain in place. The City's Department of Building Inspections remains the agency responsible for compliance with the revamped code, and will do so primarily at the construction permit stage with ongoing oversight thereafter. The amended GBO reiterates the City's more stringent requirements for historic buildings and building demolitions, and re-confirms an enhanced building commissioning requirement, which was to go into effect in 2011, to ensure that newly constructed and/or retrofitted buildings perform as designed. The amended GBO actually goes a step further in terms of energy performance standards. While the 2008 GBO required buildings to achieve energy performance standards 10% higher than Title 24 (2008), the newly amended GBO requires buildings to exceed the standard by at least 15%, a measure that CalGreen does not address.

With the amendment to GBO on its books, the City is now poised to adopt an existing building energy performance ordinance. This proposed ordinance will require commercial building owners to perform energy efficiency audits of their buildings and report annual energy benchmark summaries of their findings to the City. This proposed ordinance should provide greater transparency as to energy performance in the City's commercial leasing market and presumably enhanced energy efficiency over time. At the same time it will impose a new cost on commercial building owners and raise important confidentiality issues. Look for a new briefing on this development from Hanson Bridgett in the near future.

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