



# MEMORANDUM

## TOWN OF PORTOLA VALLEY

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**TO:** Planning Commission  
**FROM:** Tom Vlastic, Deputy Town Planner  
**DATE:** October 30, 2008  
**RE:** Planning Commission & ASCC Sub-Group Recommendations relative to a possible "Green Building" point rating system for the town

### **Background and Request for Planning Commission Reactions and Comments**

As planning commission members are aware, over the past year a "Sub-Group" committee of planning commission and ASCC members, as well as representatives of the town council and the town's **B**uilding, **E**nergy and **E**fficiency and **T**ransportation (BEET) Committee, have been meeting to consider options for a local "Green Building" point rating program. Planning commission Chair McKitterick and former commissioner Linda Elkind have participated on this sub-group along with ASCC members Clark and Warr.

At a September 15, 2008 meeting, the sub-group identified components for a possible green rating program and agreed these should be forwarded to the full planning commission and ASCC for comment and reaction. At its October 27, 2008 meeting, the ASCC considered the proposals of the sub-group and offered comments as presented later in this report. The following attached materials were considered by the ASCC and should be reviewed by the planning commission in preparing for discussion at its November 5 meeting:

*October 23, 2008 staff report* prepared for October 27, 2008 ASCC meeting  
*September 11, 2008 staff report with attachments* prepared for September 15, 2008 meeting of the Planning Commission & ASCC "Green Building" Sub-Group

The September 11, 2008 report sets forth the framework for the rating system concepts agreed to by the sub-group at its September 15 meeting. The October 23, 2008 report to the ASCC discusses the concepts in greater detail and also provides a summary update of other green building activities, actions, mandates, etc. taking place in California.

As explained in the October 23, 2008 report to the ASCC, it is anticipated that both planning commission and ASCC comments and reactions along with the sub-group recommendations would be forwarded to the town council for discussion and direction.

Tentatively, it is hoped that the town council would receive and discuss the matter at its December 10, 2008 meeting. This schedule, however, has yet to be finalized.

The information provided below and attached herewith, particularly on pages 3-5 of the October 23, 2008 report to the ASCC, set forth the green building point concepts developed by the Sub-group and the reasoning in support of the concepts. *The commission should consider the materials, including ASCC comments and reactions set forth below, and offer any additional comments and reactions that can be shared with the town council.*

Also as pointed out in the report to the ASCC, eventually, after planning commission input and town council direction, we foresee possibly one or two public workshops in early 2009 (e.g., late January and early February) on the possible green building point system, and how the mechanics of it would likely work. After the workshops, we would then look to the town council for final direction on how to proceed in implementing any local green building point rating program. It is likely the sub-group will assemble in mid-December or early January to develop the details for the workshops. We will also work with town *Sustainability and Resource Efficiency Coordinator* Brandi deGarmeaux to publicize the workshops and the next steps, after the workshops, in town consideration of any green building rating program/ordinance.

The town attorney has advised that since any green building ordinance would not be adopted as part of a zoning ordinance, only the town council would need to hold a public hearing on it. Nonetheless, the details of any ordinance would likely be shared with the ASCC and planning commission for comment, as part of the public outreach process, before it would be set for town council hearing.

At the end of this report, we provide a summary update of the green building programs being pursued in other jurisdictions in San Mateo County. This data is largely from an October 28, 2008 meeting we attended with representatives of other San Mateo County jurisdictions.

### **ASCC Reactions and Comments**

As presented in the attached materials, the sub-group has recommended that the town green point rating program be based on the Build It Green (BIG), GreenPoint Rated system, but with variations similar to those used in the program just adopted in Palo Alto. At its October 27 meeting, all ASCC members were present and fully supported the basic concepts put forth by the sub-group. The following comments and issues were also discussed.

- **Point threshold.** ASCC members considered setting a higher bar for the entry point threshold, but concluded that the recommended graduated threshold was appropriate, starting at 70 points for a new house project. It was agreed that any program should be reviewed periodically and adjusted as necessary to ensure that the state and town greenhouse gas reduction targets were being met. This review and adjustment would also be consistent with the requirements for implementing AB 32.
- **Cost vs. benefit of any green point rating program.** During public outreach, it was agreed there needed to be good examples of compliant projects and, as possible, a cost v. benefit review of them, including "payback" data. It was suggested that a few projects

approved and developed in town during the past two to three years be looked at in terms of checklist compliance and, some data presented relative added costs, if any, for projects that meet or exceed the anticipated mandatory point totals. It was also suggested that the town center project be referenced, as the significant green aspects of the construction did not add to the cost of building, although pursuing the LEED certification was substantially more involved than would be the case for BIG certification.

- **Mandatory vs. BIG Checklist selection of green improvements.** It was suggested that perhaps the town should mandate specific improvements for all new projects, e.g., plumbing for a solar hot water system. After discussion, it was agreed that allowing for an applicant to select those features from the BIG checklist most suited to the project was preferable to mandating specific improvements. It was agreed that reaching the mandated point totals should be the main objective. (Below, under discussion of the October 28 meeting with San Mateo County jurisdictions, we discuss further the matter of checklist point totals. From this meeting we were able to obtain the attached example checklists showing the types of efforts that would be needed to achieve 50, 75 and 100 points on the GreenPoint Rated system.)
- **Enforcement, verification of project compliance.** Members agreed that it was essential that a workable verification and enforcement system be in place to avoid any potential for having to withhold occupancy for point system non-compliance. It was stressed that inspections needed to be made during the course of the project to ensure work was proceeding in line with checklist commitments. (Based on discussion with BIG representatives and others at the 10/28 County meeting, it is clear that a critical inspection point is when framing is complete and insulation is being installed. BIG certified 3<sup>rd</sup> party raters must do such inspections.)
- **Eventually the town will need to ensure that point system levels are adjusted when needed to achieve mandates under AS 32.** This will require good data on reduction in local greenhouse gas (ghg) levels. It is recognized, however, that new building and remodels are only a portion of the elements impacting ghg levels and that they will need to be evaluated in terms of the success of other parts of State, regional and local programs, particularly those related to transportation.

ASCC members agreed that the next steps should include an effective outreach program, including the community workshops suggested above. It was noted that these could be conducted as work sessions by the ASCC because of its direct role in review of building applications in the town and the success the ASCC has had in generally informing residents of town land use policies and objectives.

Former planning commissioner Linda Elkind was at the ASCC meeting and commented that there was considerable "green" momentum in the community in light of the recently opened new town center and the response to the October 13 green speaker meeting. She indicated that the ASCC, planning commission and town council should capitalize on the excitement surrounding these events and hopefully be able to educate the community on the benefits of a mandatory green building rating program in the town. ASCC members concurred, but cautioned that there will be some new demands that would result from the program and that these need to be clearly understood and addressed in the outreach and eventual program implementation efforts. All agreed, however, that Portola Valley should continue its leadership role with respect to sustainability.

(It should be noted that BIG has also developed a detailed “roadmap” to follow in developing and implementing a local green building, *Build It Green* program. We have downloaded a copy of the “roadmap” and will make use of it as appropriate to facilitate the next steps for a green building program, upon direction of the town council.)

### **Update on Activities in other San Mateo County Jurisdictions relative to Green Point Rating Programs**

On October 28, 2008 we attended a meeting of San Mateo County jurisdictions convened by the “RecycleWorks” arm of the San Mateo County Green Building Program. The purpose of the meeting was a “round table” discussion of the efforts of jurisdictions in the county. A copy of the meeting agenda is attached, as is the summary sheet prepared by RecycleWorks showing the status of local green building ordinance efforts.

The discussion included a presentation by Val Alexeef, Government Relations Manger for BIG, the organization that has developed the GreenPoint Rated system that is now most used for both voluntary and mandatory programs in the state. As discussed above and in the attached materials, this is also the program recommend for use in the town by the sub-group.

Much of the discussion at the 10/28 meeting focused on the matter of point thresholds for qualifying projects and also on enforcement, including in-house vs. 3<sup>rd</sup> party project “raters,” and possible incentives, including, for example, “green” awards. It was noted that BIG would only certify a project if an independent rater was used, and their certification includes running the metrics for the certified project. Jurisdictions do need the metrics to prepare reports to the state that are required relative to implementing AB 32.

San Mateo County has had a mandatory BIG based program in place since March. A copy of the county ordinance is attached for reference. It is to be re-evaluated in one year and modified as determined necessary.

During the course of discussion on point thresholds, it was consistently commented that achieving 50 points on the BIG checklist was relatively “easy” for most single family residential projects. For reference, San Mateo County has developed the attached model checklists showing what is needed to achieve 50, 75 and 100 points. This data is part of what the ASCC has commented should be available for reference during the anticipated public workshops on any town program.

At the 10/28 meeting we shared information on, and copies of the draft Sustainability Element and the other sustainability efforts of the town. The Sustainability Element appears to be a unique document in the County and there was interest in seeing how the town was looking to the general plan to set a policy framework for its efforts to implement the local green building program.

### **Next Steps**

As noted above, the planning commission should consider the concepts developed by the sub-group, and ASCC input and then provide additional comments and reactions, as determined appropriate. The concepts and ASCC and planning commission input would

then be forwarded to the town council for discussion and direction, now tentative scheduled to take place at the December 10 council meeting.

TCV  
Attach.

cc. Town Council Liaison Steve Toben  
Mayor Maryann Derwin  
ASCC Chair Breen  
Town Administrator Angela Howard  
Planning Manager Leslie Lambert  
Sustainability and Resource Efficiency Coordinator Brandi deGarmeaux  
Town Attorney Sandy Sloan