

MEMORANDUM

July 7, 2017

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. Leslie Katz
Hon. Doreen Woo Ho

FROM: Elaine Forbes
Executive Director

SUBJECT: Request adoption of amendments to the 2016 Port of San Francisco Green Building Standards Code with an effective date of July 15, 2017

DIRECTOR'S RECOMMENDATION: Approve Resolution

Introduction

On December 13, 2016, the Port Commission approved Resolution No. 16-45, and adopted the 2016 Port Building Standards Code, which includes the 2016 Port of San Francisco Green Building Standards Code (also known as the "Green Building Code").¹ Port staff has determined that amendments to the Green Building Code are necessary to include new provisions that reflect recently-passed City ordinances, improve code clarity, and correct certain errors and omissions.

Background

The 2016 California Building Standards Codes (Title 24 of the California Code of Regulations) are State regulations that are based on "model codes" that a private code organization developed and which political jurisdictions internationally publish for adoption. These model codes, as published by their originators, are not specifically applicable to a particular area or the administrative needs of any local jurisdiction.

THIS PRINT COVERS CALENDAR ITEM NO. 10B

¹ See 2016 Port of San Francisco Green Building Standards Code <http://sfport.com/file/18107>

The California Building Standards Commission adopts the construction standards of the model codes with amendments that include requirements of state laws, provide for the state government's administration of the code regulations and address the construction standards necessary for appropriate atmospheric, topographical or geological conditions throughout the state. These standards that the California Building Standards Commission publishes include requirements for structural, mechanical, electrical and plumbing systems, and provide measures for energy conservation, green design, construction and maintenance, fire and life safety, and accessibility.

The California Building Standards Law (California Health and Safety Code Section 18901, and following) mandates that local municipalities apply the 2016 California Building Standards Codes. However, a local jurisdiction may make modifications it determines are reasonably necessary because of local climatic, geological or topographical conditions ("local findings") as specified by Health and Safety Code Sections 17958.5 and 17958.7.

The 2016 Port of San Francisco Building Standards Code adopts the 2016 California Building Standards Codes with local amendments based upon local findings to incorporate city laws and provide the special design standards and technical requirements necessary for construction within the Port's individual locality and marine environment. These local amendments also provide the administrative procedures necessary to process and issue building permit applications, set forth the legal means for code enforcement, and the procedures to hear and adjudicate appeals within the Port's jurisdiction.

The Green Building Code, which is one component of the Port of San Francisco Building Standards Code, seeks to improve the public health, safety and general welfare by minimizing waste of energy, water, and other resources in the construction and operation of buildings and providing a healthy indoor environment. The Green Building Code also seeks to reduce greenhouse gas emissions by encouraging resource-efficient design and construction methods.

At this time, Port staff proposes changes to the Green Building Code to improve standards, improve code clarity, and correct certain errors and omissions. The main amendments staff proposes include:

1) Leadership in Energy and Environmental Design (LEED) requirements:
LEED is a rating system devised by the United States Green Building Council (USGBC) to evaluate the environmental performance of a building and encourage market transformation towards sustainable design.

Under the current version of the Green Building Code, the LEED Silver rating applies to all new low-rise and high-rise residential buildings. The proposed amendments include more restrictive requirements by applying the LEED Gold rating to those low-rise residential buildings that are 10,000 square feet or greater and all new high-rise residential buildings.

Additionally, the current version of the Green Building Code applies the LEED Gold rating to major alterations and commercial interior tenant improvements for construction areas of 25,000 square feet or more. The proposed amendments include more restrictive requirements by applying the LEED Gold rating for construction areas of 10,000 square feet or more.

These amendments will better align the environmental standards of construction activities at the Port with the standards for municipal construction projects elsewhere in the City. More construction projects on Port property will be required to achieve LEED Gold certification. This will improve energy efficiency and lower operating costs for these buildings. The impacts on initial construction costs are expected to be neutral to moderate. Some studies have suggested that achieving LEED certification can reduce construction costs.

Under the proposed code amendments, the Port's Chief Harbor Engineer can grant waivers of these LEED certification standards under the following circumstances: a) when it is necessary to respond to an emergency; b) when requirements are demonstrated to be cost prohibitive; c) when an applicant utilizes an independently verified green building rating system or standard that is at least as stringent as LEED to demonstrate alternate compliance; and d) when compliance would defeat the intent of the Port Green Building Standards Code or create unreasonable burdens. The opportunity for a waiver ensures that Port leasing activities will not be adversely affected, while Port buildings will benefit from the improved environmental standards.

2) Renewable Energy and Better Roofs Requirements:

Modified requirements for renewable energy and better roofs include photovoltaic, solar thermal, and living roofs. The proposed amendments include added language which allows a living roof alternative to satisfy renewable energy and better roof requirements listed/specified in the City Planning Code.

3) Electric Vehicle Charging Requirements:

The Board of Supervisors adopted City Ordinance No. 92-17, on April 25, 2017, which establishes construction requirements for electrical vehicle ("EV") charging infrastructure.² The ordinance requires new buildings to be ready to deliver electricity for EV charging to parking spaces by 1) sizing electrical infrastructure with the ability to simultaneously charge vehicles in 20% of parking spaces; and 2) installing full circuits to enable simple installation and activation of standard Level 2 chargers in 10% of parking spaces; and 3) requiring project plans to indicate the path of future wiring to all parking spaces.

These construction standards are relevant and desirable for construction activity within the Port's jurisdictional area and should be incorporated into the current Port Green Building Standards Code.

² See City Ordinance 92-17 <http://sfbos.org/ordinances-2017>

Funding

There are no funding requirements for publishing and distributing revisions for the 2016 Port of San Francisco Green Building Standards Code. Staff maintains copies of current codes on the Port's internet web page.

Schedule

After Port staff developed the proposed amendments to the 2016 Port Green Building Standards Code, a public notice was published in the San Francisco Examiner newspaper announcing the Port's intent to adopt the amendments. This notice gave the public the opportunity to review and comment on the proposed amendments for a period of 30 days at the Port's webpage and at the Pier 1 Permit Desk. The Port did not receive any comments by the deadline of 5:00 P.M., June 26, 2017.

Port staff requests authorization from the Port Commission to file the Green Building Code amendments and local findings with the California Building Standards Commission and to adopt the proposed Code amendments with an effective date of July 15, 2017.

Summary

Port staff has determined it is appropriate and necessary to adopt amendments to the 2016 edition of the Port of San Francisco Green Building Standards Code currently in use, to include new provisions, improve code clarity, and correct certain errors and omissions in order to provide for a more effective application of the Green Building Code. The amendments were posted for public review with a deadline to comment by June 26, 2017, 5:00 PM. No public comments were received in response to the proposed amendments. With Port Commission approval, Port staff will file the proposed code amendments and local findings with the California Building Standards Commission in accordance with state law. Port staff requests that the Port Commission adopt these proposed amendments to the Port of San Francisco Green Building Standards Code with an effective date of July 15, 2017.

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**PORT COMMISSION
CITY & COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 17-30

- WHEREAS, the Port of San Francisco derives its authority to regulate and permit building construction and improvements within its jurisdiction from the Burton Act (Chapter 1333 of the Statutes of 1968) and from relevant sections of the Agreement Relating to Transfer of the Port of San Francisco from the State of California to the City and County of San Francisco; and
- WHEREAS, the Port staff has established a Building Permit Group as part of the Port Engineering Division with the responsibility for enforcement, administration, and interpretation of building standards on Port property; and
- WHEREAS, the Port's Building Permit Group is considered a local building department; and
- WHEREAS, through Resolution 16-45, the Port Commission adopted the 2016 edition of the Port of San Francisco Green Building Standards Code based upon the 2016 California Green Building Standards Code (codified in Title 24, Part 11 of the California Code of Regulations); and
- WHEREAS as outlined in the accompanying staff memorandum, Port staff has developed proposed amendments to the 2016 Port of San Francisco Green Building Standards Code, and determined that these amendments are necessary to include new standards, improve code clarity and correct certain errors and omissions, in order to provide for a more effective application of the code; and
- WHEREAS the Port staff has elicited public comment on the proposed amendments to the Port of San Francisco Green Building Standards Code but received none; now, therefore, be it
- RESOLVED, that the San Francisco Port Commission hereby authorizes staff to file the amendments to the 2016 Port of San Francisco Green Building Standards Code, and the local findings that support the amendments based on local climatic, geologic or topographical conditions, with the California Building Standards Commission; and be it further

RESOLVED, that the Port Commission hereby adopts these amendments and declares that after such filing of the amendments to the 2016 Port of San Francisco Green Building Standards Code and the supporting local findings, with the California Building Standards Commission, these amendments shall become effective on July 15, 2017.

I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of July 11, 2017.

Secretary