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[San Francisco's Proposed Green Building Legislation: Progressive or Plain](#)

LEED Creep?

Posted on December 20th, 2007 in [Green Building](#), [Green Business Law](#), [Green Real Estate](#), [LEED Creep](#), [San Francisco](#) by Stephen



At a press conference [last week](#) that was held at Tishman Speyer's LEED Silver hopeful 555 Mission Street, San Francisco Mayor [Gavin Newsom](#) proposed municipal LEED legislation that, if enacted, would be among the most rigorous in the country applying to [private construction](#). Mayor Newsom has vowed to fast-track his signature on the legislation should the San Francisco Board of Supervisors approve it. It's unclear when the Board will debate and vote on the measure.

The legislation would require commercial and residential projects greater than 25,000 square feet, or taller than 75 feet, to earn a LEED Certified rating from USGBC in 2008. In 2009, the requirement for commercial projects would increase to Silver and, in 2010, Gold. Residential projects would require a Silver rating beginning in 2010.

Beginning in 2009, mid-sized commercial buildings would need to meet three LEED credits. This requirement would increase to four credits in 2010, six in 2011, and seven credits in 2012. The text of the proposed legislation does not appear to be available online, and it's unclear how the ordinance defines small and mid-sized buildings. Nevertheless, all mid-sized buildings would be required to satisfy a checklist based on LEED during 2008.

Small and mid-sized residential buildings would need to receive 25 points under California-based non-profit [BuildItGreen](#)'s GreenPointRated rating system beginning in 2009. This requirement would increase to 50 points in 2010 and 75 points in 2012 (2011 for multi-family residential buildings with five units or more).

San Francisco already requires all public projects to earn a LEED Silver rating. The proposal is based on the work of a Task Force featuring a number of local owners and A/E/C stakeholders that Mayor Newsom assembled earlier this year. The Task Force provided the Mayor with a 47-page report (which at one point was available online, but I've been unable to track it down) back in June. It issued the report at Newsom's directive that it study and recommend a series of green building mandates, incentives, education, and outreach programs that would increase both the number and quality of sustainable projects in San Francisco. The Task Force was also asked to quantify the impacts of its recommendations, reporting that by 2012 the mandate should reduce local CO2 emissions by 60,000 tons and save 220,000 MW of power and 100 million gallons of drinking water, among others.

San Francisco's green building regulatory scheme is significant for several reasons. First, it is exactly the type of scenario that *greenbuildingsNYC* has decried previously and the latest- and perhaps most sweeping- example of LEED creep in action. It mandates that private construction earn the blessing of an independent third-party organization over which local government exercises zero oversight. However, as we have been observing in the past few months, the process by which the mandate would issue seems to have been more rigorous than many upon which we have commented. Moreover, the legislation is not strictly LEED-based, but also includes GreenPointRated for smaller projects that may not have sufficiently deep pockets to absorb the LEED premium.

Still, it's curious that, at least as it's been reported to date, San Francisco's ordinance won't create a local committee to evaluate projects for compliance, like Boston. Both cities are similarly-situated in terms of size and resources (unlike smaller municipalities that have simply incorporated LEED by reference) and LEED creep concerns could largely be obviated by a branch of local government that exists specifically to perform the approval function in lieu of USGBC. We'll suspend judgment on the ordinance until the Board of Supervisors either approves, rejects, or suggests modifications to Mayor Newsom. In the interim, putting aside our concerns over LEED creep, it's encouraging that more municipalities are spending the time and resources to develop more comprehensive green regulatory schemes rather than quickly incorporating third-party green building rating systems into their local building codes.

- [Newsom Wants S.F. to Have Greenest Codes in Nation](#) (SF Gate)
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1. [Portland Oregon Real Estate - Guy](#) said,

on December 21st, 2007 at 7:20 am

Here in Portland we have been very good about this. I'm noticing more and more green homes on the market. The mls even has a special section for green homes. Just like cars, our homes can be improved with green.

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