

When the 2009 Climate Action Plan (CAP) www.cityofberkeley.info/climate passed by the unanimous vote of the city council, the city lulled angry homeowners concerned about mandatory vinyl windows, mold-causing air-tight measures, white roofs, and Energy Star appliances with promises that CAP “does not recommend imposing penalties” and that “cost-effective energy improvements will not include replacement of roofs and single pane windows.” <http://www.berkeleydailyplanet.com/issue/2009-04-23/article/32742?headline=Readers-Sound-Off-on-Proposed-Climate-Action-Plan-->

In his open letter in response to an article in the San Francisco Chronicle <http://www.berkeleydailyplanet.com/issue/2009-04-23/article/32764>

City Manager Phil Kamlarz foreshadowed the current BESO crisis: “In 2013, staff will evaluate the community’s progress toward its GHG reduction goal consistent with Measure G and, based on that progress, staff could *potentially recommend* that the City Council adopt requirements for **all homes to have an energy audit** to identify the most cost-effective energy efficiency improvements. Subsequently, if the audit requirements do not result in *voluntary improvements over time*, the Council could *consider other options*.”

This energy audit mandate, known as the Building Energy Savings Ordinance, or BESO is before the city council on 01/20/2014, and mandates under penalty of criminal sanctions that all homes and buildings under go an energy audit by a qualified energy auditor/ agent of the city.

A home energy audit requires the auditor to poke around in every nook and cranny of the home, measure the floor area, learn the habits of all occupants, and examine all utility bills. <http://energy.gov/energysaver/articles/professional-home-energy-audits> When that auditor is a mandated-agent of your government serious privacy concerns are raised. And when the penalty for failure to file this audit is a criminal one, serious fourth amendment search and seizure issues appear.

Back in 2009 Kamlarz promised: *No specific set of improvements are currently proposed, and will not be until there is an opportunity for extensive public involvement.*

Yet no homeowner or neighborhood groups were invited to the series of meetings of the Energy Commission and the Climate Action Council. Invited groups were the Rent Stabilization Board, The Berkeley Board of Realtors, the Sierra Club.

The Climate Action plan foreshadows how these measures affecting homeowners will be gradually imposed.

“This means that minimum standards for energy efficiency in the residential and commercial sectors should continuously be ratcheted up and become more effective at saving energy and money over time. This plan provides recommendations for improving minimum energy standards in new and existing buildings. The plan does not create mandates or requirements. Any future recommended requirements in the plan must be approved by the City Council after a

thorough review by commissions and community members. Consideration of any future requirements will include noticed public hearings.” CAP, Chapter 4, page 56.

In a 2008 presentation to the Landmarks Preservation Board called “Greening Your Historic Building,” run by Billi Romain, Berkeley’s sustainability coordinator and Tom Dufurrena, architect at San Francisco’s Page & Turnbull, <http://www.berkeleydailyplanet.com/issue/2008-11-13/article/31578?headline=City-Encourages-Greening-Historic-Buildings--By-Riya-Bhattacharjee>, Dufurrena said that homeowners could choose from either the Greenpoint principles or LEED (Leadership in Energy and Environmental Design) certification when it was time to evaluate buildings for restoration, adding that Greenpoint <http://builditgreenorg.elasticbeanstalk.com/index.php/greenpoint-rated/learn-the-system/greenpoint-rated-existing-home> was geared principally toward residences while LEED’s primary focus was on commercial properties.

Although the Landmarks Preservation Board meeting mainly revolved around how to make residential buildings air-tight, Dufurrena told the Planet after the meeting that there was more to historic preservation than what meets the eye.

“People that are maintaining historic buildings are already playing a part in preservation,” he said. “The embodied energy already put in the building is being recouped rather than it being demolished and going to a landfill. We should maintain buildings not just as a part of our physical resource but also as a cultural resource. A lot of the older historic buildings are not as efficient in terms of insulation but there is value there.”

Phase 2, called Building Energy Savings Ordinance is on the City Council agenda for 01/20/2015, and mandates energy audits for all homes and buildings under threat of criminal penalties.

The new BESO gives birth to the energy audits recommended in CAP:

1. Stimulate demand for energy upgrades such as energy audits, energy retrofits, and solar energy systems by providing enhanced services, incentives, and financing to enable building owners to meet local energy standards CAP, Chap 4, p 57
2. Expand and eventually require the monitoring, testing and commissioning of residential and non-residential building systems to ensure that buildings in Berkeley are performing as intended. It is important to verify and document that buildings are performing intended

by the design. This process is known as commissioning for commercial buildings and performance testing for residential buildings.

Below are two charts from the appendix to CAP, setting forth proposed actions to reduce greenhouse gases. A resident who chooses to undertake some or all of them is exercising one's constitutional rights. However a person on whom they are imposed under penalty of criminal sanctions is not a free person.

The City of Berkeley will reach its greenhouse gas (GHG) emissions reduction target only when every individual does his/her part to save energy, reduce waste and drive less. Put together your own climate action plan using some of the steps listed below. For additional ideas and resources, visit the City's climate action website at: www.BerkeleyClimateAction.org

Easy Actions	Estimated Percent of Average Household's GHG emissions reduced	Pounds of GHGs eliminated each year
Replace one out of every five (non-commute) auto trips with bike, bus, walking or BART every week	6%	530
Replace your drive to work with a bike, bus, walking, or BART commute one day per week	5%	445
Replace all incandescent and halogen light bulbs with Compact Fluorescents (CFLs) and turn off unused lights	3%	265
Upgrade to a water-saver (2.5 gallons per minute) showerhead	3%	265
Dry your clothes on the line during the warmest half of the year	2%	180
Dry your clothes on an indoor drying rack during the other half of the year	2%	180
Turn your water heater down to 120 degrees	2%	180
Wash clothes in cold water rather than hot	2%	180
Replace your 20 year old refrigerator with a new ENERGY STAR model	2%	180
Plug all electronics into power strips and switch off when not in use (including cell phone and other chargers, TV, VCR/DVD, stereos, etc.)	1%	90
Watch half as much TV each day	1%	90
Keep car tires inflated (significantly improves your gas mileage)	1%	90
Get a FREE Home Energy Audit from CYES, for more info visit: www.risingsunenergy.org	2%-10%	180-900

Intermediate Actions	Estimated Percent of Avg. Household's GHG emissions reduced	Pounds of GHGs eliminated each year
Join a car sharing organization rather than purchasing (or keeping) a second car for your household	10-20%	890-1800
Apply weather stripping to doors and windows	5%	445
Upgrade your attic insulation to 12 inches	5%	445
Reduce amount of weekly waste by at least one garbage bag (buy products with less packaging, bring your own bag to the grocery store, compost your food scraps and yard clippings etc.)	2-5%	180-445
Join a <u>Low Carbon Diet</u> group to teach friends, neighbors, family and/or community members about some of the tips on this handout as well as those featured in "The Low Carbon Diet" by David Gershon. For more info: www.ecologycenter.org	10-50% or more	890-4430 and up

Advanced Actions	Estimated Percent of Avg. Household's GHG emissions reduced	Pounds of GHGs eliminated each year
Sell your car (it is the single biggest source of most Berkeley residents' greenhouse gas emissions) and, if desired, join a car share organization.	30-45%	2660-4000
Install a solar photovoltaic system	15-40%	1330-3550
Install a solar hot water system	10-15%	900-1330
Replace old single-pane windows with dual-pane windows	10%	900
Start a <u>Low Carbon Diet</u> group and get 5-10 others involved (see intermediate section for more info)	10-50%	890-4430 and up

Percentages and other numerical values are approximations based off of national and local averages. They are here to give you a rough estimate of the impacts of your actions.



Lynn Sherrell

Building Energy Savings Ordinance is Phase Two of 2009 Climate Action Plan