

## A Recommended Approach to California's New Green Building Code

August 22, 2010

California's adoption of the nation's first statewide green building standards code is an important next step in the way we design, construct and operate buildings. In light of the upcoming enforcement of this code by local jurisdictions—set to take effect in January of 2011—the Bay Area Climate Collaborative (BACC) has partnered to study and provide comparative data for local jurisdictions and the public to support informed choices as they adapt and develop green building programs in this new era. This document provides the BACC's recommended approach to implementing the new mandatory green building practices while simultaneously addressing local priorities and the construction industry's needs for market-based green building rating systems.

### Summary of Recommendations

1. Prioritize education and enforcement of the CALGreen mandatory provisions.
2. Where a local leadership standard is desired, continue to apply GreenPoint Rated and the LEED rating systems.
3. Should a local government adopt a CALGreen Tier, also accept third-party certified LEED or GreenPoint Rated in lieu of the Tier requirements.

*For details on these recommendations, see the remainder of this document.*

The past 18 months have been eventful for green building. A number of codes and standards have been updated since 2009 that affect construction projects in California:

- November, 2009: the U.S. Green Building Council (USGBC) updated its Leadership in Energy & Environmental Design (LEED) rating system to reflect current best practice nationwide.
- January 1, 2010: The California Energy Commission's (CEC) ratcheted-up the state's rigorous energy standards, Title 24-Part 6. Among the new elements of the energy code are stricter lighting and envelope requirements in commercial buildings, and required mechanical ventilation in residential buildings.
- January 1, 2010: California targeted water conservation with the mandatory update of the state Water Efficient Landscape Ordinance (WELO) for residential and non-residential properties.
- January 1, 2011: Via the new green building section of the state's building code (CALGreen), mandatory green building practices become effective for all new construction projects (except some indoor water conservation requirements which will be required starting July 1, 2011).
- Spring 2010: The California-focused GreenPoint Rated system, administered by Build It Green, was updated to align with the new CALGreen code requirements for residential and multifamily homes.

### CALGreen: the Nation's First Green Building Code

Early in 2010, California's Building Standards Commission (CBSC) and the Department of Housing and Community Development (HCD) finalized the first statewide mandatory green building code in the country for newly constructed buildings: Title 24 Part 11 of the California Building Standards Code (commonly called "CALGreen"). In developing CALGreen, CBSC and HCD have taken a bold step by significantly raising the minimum environmental standards for construction of new buildings in California. Mandatory provisions in CALGreen will contribute to public health through

fundamental green building practices which reduce the use of VOC emitting materials, strengthen water conservation, require construction waste recycling, and extend stormwater pollution prevention efforts to most jobsites. CALGreen is a strong step forward for California's built environment.

There are also demonstrated advantages of established green building rating systems that are not offered by a green building code such as CALGreen. In the Bay Area and beyond, tools like LEED and GreenPoint Rated have played a leadership role in defining best practices with a comprehensive approach to greening the built environment. They have provided strong verification protocols combined with substantial training programs, which have been refined over time based upon experience implementing the rating systems. At the same time, LEED and GreenPoint Rated have provided a structure and encouraged designers and builders to go beyond minimum requirements and to achieve recognition via consistent and meaningful green labels. By combining substantive requirements with rewards for leadership, the rating tools provide both a credible standard and the opportunity to reach for the stars. CALGreen complements—but does not replace—established third-party rating systems.

### ***CALGreen Mandatory Provisions***

The mandatory minimum provisions in CALGreen have elements that go above and beyond a typical building department's role and will require additional training, and likely special inspections and/or increased fees. To help in interpreting and enforcing CALGreen mandatory provisions, HCD released *A Guide to the California Green Building Standards for Low-Rise Residential*, and the CBSC has provided a similar guide to the nonresidential code<sup>1</sup>. These documents are a key first step, providing guidance and documentation helpful to the enforcement of the mandatory provisions in CALGreen.

Although there is overlap between the CALGreen mandatory measures and green building rating system criteria, costly duplication of efforts to report and verify compliance may result when a project team complies with CALGreen and also seeks certification under GreenPoint Rated or LEED. Since not all of the CALGreen mandatory measures have direct overlap with third-party rating systems, GreenPoint Rated or LEED certifications cannot be substitutes for compliance with all of the mandatory CALGreen measures. *In order to minimize duplication, we recommend the acceptance of documents and verification protocols completed in the course of meeting directly compatible third-party rating system criteria as an alternative way to demonstrate compliance with CALGreen mandatory provisions to the maximum extent possible.* See the attached comparison documents for an analysis of mandatory CALGreen measures and how they align to LEED and GreenPoint Rated.

### ***CALGreen Tiers***

In addition to the mandatory measures in CALGreen, the code also includes two voluntary packages of above-minimum green practices, called "Tiers." The Tiers include all the mandatory CALGreen measures plus additional required practices (prerequisites), with a further requirement to choose a set number of optional measures from lists.

Unlike the mandatory provisions of the code, the CALGreen Tier structure and associated provisions are a work-in-progress that requires additional definition and interpretation before they can be implemented and verified consistently across regional boundaries. While the HCD and CBSC have provided guides to CALGreen that address the mandatory provisions, these guides provide little guidance on implementation and verification of the Tiers. Until a guide is developed for the Tiers, the burden of defining and verifying the Tiers is assumed by the local enforcing agency, which will need to allocate sufficient resources to ensure proper compliance. In addition, if the Tiers are adopted by a jurisdiction, the growing number of projects that utilize third-party rating systems—either as a requirement or voluntarily—may incur costly and duplicative documentation and verification procedures, resulting in the unintended consequence of discouraging rating systems, and diminishing a key reward for exemplary performance.

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<sup>1</sup> Available at [www.hcd.ca.gov/CALGreen](http://www.hcd.ca.gov/CALGreen) (residential guide), and [www.bsc.ca.gov/CALGreen](http://www.bsc.ca.gov/CALGreen) (non-residential guide).

## ***CALGreen & Third-Party Green Building Rating Systems***

Continuing to provide a clear and easy path for utilization of third-party rating systems is imperative if we are to maintain momentum in the green building industry, including spill-over effects that the rating systems have had encouraging the upgrades to existing buildings in order to compete with new construction. Therefore, we recommend the continued utilization of established third-party rating systems should a jurisdiction wish to exceed code minimums of the CALGreen mandatory provisions. *If considering the adoption of a CALGreen Tier as a local requirement, we recommend accepting certification under a third-party rating system as at least equivalent to meeting the Tier.* Excepting the mandatory CALGreen requirements (which must be implemented and documented as necessary to meet the local building department's requirements), compliance in a third-party rating system such as LEED or GreenPoint Rated should be considered equal to all elements included in a Tier. Contrary to the overlap of mandatory provisions in CALGreen and the third-party rating systems, we believe that officially certified LEED or GreenPoint Rated labels are an acceptable wholesale substitution of the Tiers. The benefits of local governments recognizing third-party rating systems are:

- Clearly defined and tested measures have been vetted for environmental benefits and field applicability, minimizing ambiguous interpretations that can contribute to confusion among design professionals and builders. Rigorous third-party verification also reduces the staffing implications of verifying CALGreen requirements.
- Maintain consistency across jurisdictional boundaries by continuing to recognize a common set of guidelines and verification protocols, reducing confusion in the marketplace.
- Promote the highest standards in the industry; maintaining regional leadership.
- Rating systems can be helpful in gathering critical performance data on green buildings, thereby connecting policy goals (such as Climate Action Plans or construction waste recycling ordinances) to tangible outcomes.<sup>2</sup>
- Both GreenPoint Rated and LEED require design for significant above-code energy performance. For non-residential buildings, LEED requires the country's most comprehensive standards and verification procedures for building energy commissioning.
- Green building rating systems parallel state and national code processes; they promote best practices while continuously improving criteria, implementation, and results. It is valuable to continue to incentivize and reinforce the value of green labels and certification programs.

## **Recommendations for Local Governments**

California jurisdictions have an opportunity to take advantage of the benefits of both CALGreen and third-party rating systems, and help facilitate the way they work together and inform each other's development. With this goal in mind, the BACC Green Building Working Group recommends the following adoption and implementation pathway for local governments.

1. Prioritize education and enforcement of the CALGreen mandatory provisions. Allow rating system documentation as compliance of directly compatible mandatory CALGreen measures.
2. Where a local leadership standard is desired, continue to apply GreenPoint Rated and the LEED rating systems. File an application to the CEC and submit findings to the CBSC as appropriate and required by law for any ordinance that includes standards in excess of California building and energy code baselines.

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<sup>2</sup> A report on the GreenPoint Rated Calculator can be found at [www.BuildGreenNow.org](http://www.BuildGreenNow.org). The USGBC recently launched the Building Performance Partnership that seeks to monitor performance of LEED-certified buildings and inform future updates to the rating system, [www.usgbc.org/bpp](http://www.usgbc.org/bpp).

3. Should a local government adopt a CALGreen Tier, also accept third-party certified LEED or GreenPoint Rated in lieu of the Tier requirements. In other words, green building certification at a given level should be accepted as fulfilling local green building requirements above and beyond the CALGreen mandatory measures.

## **For More Information**

For further information on CALGreen and the standards mentioned herein, visit the following websites.

- CALGreen: [www.bsc.ca.gov/CALGreen](http://www.bsc.ca.gov/CALGreen) or [www.hcd.ca.gov/CALGreen](http://www.hcd.ca.gov/CALGreen)
- The Bay Area Climate Collaborative: [www.baclimate.org](http://www.baclimate.org)
- Green Building In Alameda County (a program of StopWaste.Org): [www.buildgreennow.org](http://www.buildgreennow.org)
- GreenPoint Rated: [www.builditgreen.org](http://www.builditgreen.org)
- The Northern California Chapter of the US Green Building Council: [www.usgbc-ncc.org](http://www.usgbc-ncc.org)
- The US Green Building Council & LEED: [www.usgbc.org](http://www.usgbc.org)
- American Institute for Architecture, California Council: [www.aiacc.org](http://www.aiacc.org)

## **Attachments: Comparison Documents**

The following are cross-referenced tools that provide a guide to CALGreen and the residential and non-residential green building rating systems. These comparisons are meant to provide a summary of each green building program as written. Included are:

- Comparisons for residential construction:
  - Mandatory CALGreen provisions as compared to GreenPoint Rated
  - CALGreen Tier prerequisite provisions as compared to GreenPoint Rated
- Comparisons for non-residential construction:
  - Mandatory CALGreen provisions as compared to LEED: Building Design & Construction (BD&C)
  - Mandatory CALGreen provisions plus Tiers as compared to LEED: BD&C

While the mandatory CALGreen comparison documents are not likely to be revised substantially, the documents which reference the Tiers are draft and will likely be updated in the coming months. An effort to more comprehensively compare CALGreen with the rating systems of LEED and GreenPoint Rated is being undertaken currently in cooperation with CBSC and HCD. Those documents are expected to be released in September of 2010 by the AIA California Council.