

November 13, 2009

To: Building Standards Commission
From: Rob Samish
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Board Member, Collaborative for High Performance Schools (CHPS)

RE: Feedback to the Green Building Code

As an architect, LEED Accredited Professional and Board member for CHPS, sustainable “green” design is a key component of every design project that we produce at Lionakis. To date, we have used the CHPS criteria for design even in projects that do not pursue certification. We do this because CHPS, like LEED, is a recognizable benchmark for sustainable design. It is in this light that I feel compelled to respond to the proposed Green Building Code, which in its current form is problematic for practitioners and, at best, confusing to the general, consumer public involved with K – 12 school districts .

Response #1

The fundamental organization of the Green Building Code into “mandatory” and “voluntary” categories is not in the best interests of K-12 schools nor in the best interest of the green high performance school movement.

Justification

1. The voluntary measures and their organization into 3 ‘tiers’ will almost certainly create marked confusion for districts. For example: Do I as a school district or Board of Trustees use CHPS, LEED for Schools, or a CalGreen label? If I use ‘CalGreen Excellence’, for example, am I truly a green school? Experts from CHPS and LEED and experienced design professionals emphatically argued that these labels or tiers do not constitute a green or high performance school because they are not part of an integrated design approach.
2. The voluntary measures should be “best practices,” not “building codes.” Mixing the two is problematic in that implementation of voluntary measures would require a new system be developed. CHPS and LEED already have systems in place which are extensively tested, both have name recognition that the public, school board members and district staff are increasingly embracing.
3. There is general concern (and acknowledgment by DSA) that the voluntary measures could/should become the future mandatory measures of a future version of the Green Code is concerning. Increasingly bureaucratic oversight and scrutiny is likely to cause delay and/or additional paperwork as districts are forced to justify criteria expected by the code.
4. CHPS and LEED have a rigorous updating process for its criteria that gathers input and expertise nationally, uses post-occupancy studies to continually verify its standards by deleting and/or modifying measures that are no longer effective or have only regional application. How can the Green Building Code organization possibly stay current with the rapidly transforming green industry and its constant research and development? And should the taxpayer pay for development of a system that so clearly overlaps existing established guideposts.
5. Under the rules for this change to the California Building standards, DSA must determine that no reasonable alternative would be more effective and less burdensome in carrying out the purpose of the proposed changes. (See section *Consideration of Alternatives*). Clearly, better

alternatives exist – CHPS, for example, already has criteria for a ‘Grid Neutral School’ obviating the need for ‘CalGreen Grid Neutral’.

Recommendation

Completely abandon the concept of voluntary categories especially the confusing tier system and the term ‘CalGreen.’ Instead simply reference the existing rating systems, CHPS or LEED, for the pursuit of voluntary measures, implementation methods and recognition.

Response #2

If mandatory measures are employed they should work more in concert with CHPS or LEED and reference these organization’s implementation practices so that conflicts in design are avoided, and the duplication of effort and paperwork are not created for design professionals and school districts.

Justification

1. Actual high performance green results depend on a integrated approach for success. A growing body of evidence including results from post occupancy studies conducted throughout the nation suggest that the collaboration with operations and maintenance during design and construction is a primary key to success for actual measured energy efficiency, effective lighting and other green measures. Green codes that conflict with LEED and CHPS measures could have a negative effect in achieving a green school and add to implementation cost.
2. We understand from Theresa Townsend 10/30/09 that the Green Building Code only applies to new buildings on raw land (not existing campuses). When applied to modernization projects most of the mandatory measures would be completely inappropriate. Here is why: The scope of work varies so much that in order to achieve meaningful green results designers need flexibility in applying green features, sometimes they must occur incrementally due to severe budget constraints and significant unforeseen conditions. The only green standard that specifically applies to modernization of existing schools is CHPS Modernization criteria and it is currently undergoing another upgrade to respond to the demanding needs of school modernizations.

Recommendation

Reference CHPS and /or LEED rating systems for mandatory measures for both criteria and implementation methods.

Response #3

The mandatory measures need to be modified for appropriateness for schools and/or for redundancy because already required by other agencies.

Justification

1. Clearly, the measures that inappropriately deal with fireplaces, woodstoves, long term storage for bicycles, changing rooms and that redundantly deal with grading and paving requirements, weather protection, tobacco smoke ban and outside air delivery should be eliminated from the mandatory measures.
2. Surprisingly, the two measures that would likely have the greatest impact on successful newly constructed green schools are not included: First, a modest 15% better than Title 24 energy use and secondly, Fundamental Commissioning.

3. The mandatory measures seem piecemeal – some area are very detailed, some weak seemingly reflecting the areas of interest or experience of the writers rather than a consistent approach that actually results in a green, healthy and energy efficient school.

Recommendation

Choose mandatory measures only that provide a base ad incentive for schools to take the next step to adopt CHPS or LEED registered projects.