June 15, 2012

The Honorable Darrell Steinberg  
California State Senate  
State Capitol Building  
Sacramento, California 95814

Regarding: SB 52 (Steinberg) – Oppose Unless Amended

Dear Senator Steinberg:

The American Institute of Architects, California Council (AIACC), an association of nearly 10,000 architects in California, must regretfully oppose your Senate Bill 52 unless it is amended to allow the use of CALGreen Tier 1 in addition to the USGBC LEED Silver rating system.

SB 52 makes clarifying changes to the law enacted by AB 900 from 2011.

During our testimony on AB 900 in the Senate Environmental Quality Committee on September 9, 2011, we raised the following points:

1. The AB 900 requirement that an eligible project be certified LEED Silver or higher is unworkable as that requirement links a pre-development decision (alternative CEQA judicial review process) to a post-occupancy event (LEED certification).

2. The LEED Silver or higher rating should be replaced with CALGreen Tier 1. CALGreen is a part of the California Building Code and thus, unlike the LEED ratings, is a California regulation that is developed and adopted according to the Administrative Procedures Act (APA). The APA ensures the public can fully participate in the development and adoption of regulations.

SB 52 addresses our Point 1 above by clarifying that an eligible project must be designed according to LEED Silver or higher. This clarification makes this requirement workable, and the AIACC fully supports this necessary clarification.
The second point we raised above, we believe, should also be addressed in SB 52. In our testimony on AB 900 last year, we asked that the LEED rating system be replaced with CALGreen Tier 1. In this letter we instead ask that the AB 900 law be amended to include CALGreen Tier 1 as an equal option to the LEED ratings.

AB 900 provides a benefit to an owner/developer if certain conditions are met, including designing, constructing, and operating the project to a higher green building standard. As California has adopted CALGreen Tier 1, a green building regulation that meets any reasonable definition of a higher green building standard, we believe it should be an option for the owner/developer.

California is the first state in the nation to adopt a green building code, the mandatory CALGreen, with optional and more stringent Tiers 1 and 2. We hope that California law would recognize and support the adoption of the nation’s leading green building code by including it in any statute that requires higher green building standards.

For these reasons, the AIACC respectfully asks that SB 52 be amended to allow the use of CALGreen Tier 1 in addition to the USGBC LEED Silver rating system.

Sincerely,

Mark Christian
Director of Legislative Affairs

Cc: Assembly Member Joan Buchanan
    Assembly Member Richard Gordon
    Kip Lipper, Office of Senator Steinberg
    Lawrence Lingbloom, Consultant, Assembly Natural Resources Committee
    John Kennedy, Consultant, Assembly Republican Caucus