



# CHAPTER 3

## GREEN BUILDING

Chapter 3 provides general information regarding the scope of subsequent *CALGreen* chapters. It also provides scoping clarification for additions and alterations, mixed occupancy buildings and phased projects. Voluntary tiers are addressed, including those adopted by the Department of Housing and Community Development, the California Building Standards Commission, the Division of the State Architect and the Department of Health Care Access and Information (HCAI)/Office of Statewide Hospital Planning and Development (OSHDP). Additionally, an explanation of a civil code requirement that pertains to plumbing fixture upgrades and requirements for waste diversion are located in Section 301.3.1.

## SECTION 301 GENERAL

**301.3 Nonresidential additions and alterations. [BSC-CG]** The provisions of individual sections of Chapter 5 apply to newly constructed buildings, building additions of 1,000 square feet or greater, and/or building alterations with a permit valuation of \$200,000 or above (for occupancies within the authority of California Building Standards Commission). Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

A code section will be designated by a banner to indicate where the code section only applies to newly constructed buildings **[N]** or to additions and/or alterations **[A]**. When the code section applies to both, no banner will be used.

### INTENT:

The intent of this code section is to clarify that certain additions and alterations must comply with the applicable mandatory portions of *CALGreen*. Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work. Chapter 8 contains compliance forms and worksheets to assist in determining which mandatory code sections would be relevant to the scope of permitted work. The CBSC website also has additional forms and checklists for evaluating *CALGreen* permitted projects. If the addition and/or the alteration (tenant improvement) does not meet the threshold criteria described in Section 301.3, then the project is exempt from *CALGreen*.

Banner **[N]** is used to designate code sections that apply to newly constructed buildings. Banner **[A]** applies to additions and/or alterations. In the absence of a banner, the code section applies to both.

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#### 301.3.1 Nonresidential additions and alterations that cause updates to plumbing fixtures only:

**Note:** On and after January 1, 2014, certain commercial real property, as defined in Civil Code Section 1101.3, shall have its noncompliant plumbing fixtures replaced with appropriate water-conserving plumbing fixtures under specific circumstances. See Civil Code Section 1101.1 *et seq.* for definitions, types of commercial real property affected, effective dates, circumstances necessitating replacement of noncompliant plumbing fixtures, and duties and responsibilities for ensuring compliance.

### INTENT:

The intent of this code section is to direct the code user to Civil Code Section 1101.1, *et seq.* provisions. This reference to the Civil Code will alert the code user and local jurisdictions to review the law and determine whether a nonresidential additions and alterations project will require updates to the existing plumbing fixtures as required by the Civil Code.

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**301.3.2 Waste diversion.** The requirements of Section 5.408 shall be required for additions and alterations whenever a permit is required for work.

## INTENT:

Section 5.408 provisions cover all mandatory requirements for construction waste diversion and management for *CALGreen* permitted projects.

**Note:** See Chapter 8 of this guide for compliance forms and templates.

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## SECTION 302 MIXED OCCUPANCY BUILDINGS

**302.1 Mixed occupancy buildings.** In mixed occupancy buildings, each portion of a building shall comply with the specific green building measures applicable to each specific occupancy.

## INTENT:

The intent of this provision is to clarify that *CALGreen* requires that each portion of a mixed occupancy building comply with the specific green building measures applicable to that occupancy. Therefore, if a building is a combination of nonresidential and residential uses, then both the nonresidential and residential code requirements apply to the respective portion of the building based on use.

**Suggestion:** Determine if your project is “mixed use”—a combination of residential and nonresidential uses.

**Example:** A new five-story building with the first level having a nonresidential occupancy retail space and the above four levels consisting of residential occupancies would be considered a mixed occupancy building. *CALGreen* nonresidential provisions would apply to the first level of the building for the retail spaces and the residential *CALGreen* provisions would apply to the four-level residential occupancy portion above.

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## SECTION 303 PHASED PROJECTS

**303.1 Phased projects.** For shell buildings and others constructed for future tenant improvements, only those code measures relevant to the building components and systems considered to be new construction (or newly constructed) shall apply.

**303.1.1 Initial tenant improvements.** The provisions of this code shall apply only to the initial tenant improvements to a project. Subsequent tenant improvements shall comply with the scoping provisions in Section 301.3 nonresidential additions and alterations.

## INTENT:

The intent of this requirement is to clarify that certain *CALGreen* provisions apply to new construction or newly constructed shell buildings based on the initial project scope, and in each subsequent phase of tenant improvement development.

**Example 1, phased projects:** A new nonresidential shell building (only) is constructed for future phased tenant improvement development. Pursuant to *CALGreen* Section 303.1, any building components and systems that are part of the project need to comply with the respective applicable provisions within the various code divisions. The shell building design in a phased project would need to comply with Divisions 5.1, 5.3, 5.4 and 5.5. For Division 5.1, the design must comply with site development, bicycle parking, electric vehicle infrastructure and the installation of EVSE as applicable, and grading and paving requirements. For Division 5.3, the design must comply for water efficiency. For Division 5.4, the design must comply with any applicable provision for material conservation and resource efficiency measures. For Division 5.5, the design must comply with environmental quality provisions.

**Note:** Division 5.2 relates to energy efficiency standards regulated by the California Energy Commission when the building is occupied. *CALGreen* contains enhanced voluntary energy related provisions that can be adopted locally by a jurisdiction via the local ordinance process.

**Example 2, initial tenant improvements:** The shell building in Example 1 is now constructed and the first tenant occupant is going to develop a portion of the shell building space. Pursuant to Section 303.1.1, *CALGreen* applies to the space that is considered to be new construction. Any subsequent improvements to that initial tenant space would be considered an addition and/or alteration and therefore be subject to the scoping provisions of *CALGreen* Section 301.1.

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## SECTION 304 VOLUNTARY TIERS

**304.1 Purpose.** Voluntary tiers are intended to further encourage building practices that improve public health, safety and general welfare by promoting the use of building concepts which minimize the building's impact on the environment and promote a more sustainable design.

**304.1.1 Tiers.** The provisions of Divisions A4.6 and A5.6 outline means, in the form of voluntary tiers, for achieving enhanced construction levels by incorporating additional measures for residential and nonresidential new construction. Voluntary tiers may be adopted by local governments and, when adopted, enforced by local enforcing agencies. Buildings complying with tiers specified for each occupancy contain additional prerequisite and elective green building measures necessary to meet the threshold of each tier. See Section 101.7 of this code for procedures and requirements related to local amendments, additions or deletions, including changes to energy standards.

**[BSC & HCD]** Where there are practical difficulties involved in complying with the threshold levels of a tier, the enforcing agency may grant modifications for individual cases. The enforcing agency shall first find that a special individual reason makes the strict letter of the tier impractical and that modification is in conformance with the intent and purpose of the measure. The details of any action granting modification shall be recorded and entered in the files of the enforcing agency.

## **INTENT:**

The intent of this requirement is to clarify that *CALGreen* has voluntary tiers that are intended to further encourage building practices that improve public health, safety and general welfare by promoting the use of building concepts that minimize the building's impact on the environment and promote a more sustainable design. The voluntary tier measures are found in Appendix A5. Tiers checklists are found in Appendix A5, Division A5.6.