



Developing Green Building Programs or Ordinances

by Peter Bruck

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Concerns about resource depletion and global warming are changing the dynamics and scope of the building code profession in the U.S., with more and more jurisdictions across the country adopting measures to encourage—and in some cases, require—the implementation of “green” building features in new construction and the renovation projects of existing structures.

While no single approach is going to work for every situation, City of Rohnert Park, California, provides an example of how to embark on the road to more responsible development. In May 2005, Rohnert Park joined the other eight cities in Sonoma County in agreeing to pursue the goal of reducing greenhouse gas emissions throughout the community to 25 percent below 1990 levels by 2015 (after having already set the goal the previous year of reducing greenhouse gas emissions by city government operations by 20 percent of 2000 levels). Following a great deal of research and collaborative effort, city staff succeeded in developing a Green Building Ordinance which was subsequently adopted by the Rohnert Park City Council effective July 1, 2007.

Laying the Groundwork

Staff began by determining that a mandatory approach would not only place less of a demand on city resources and result in greater numbers of green buildings than a voluntary program but, if backed by the general public, would be acceptable to most local developers.

With this in mind, they began researching green building ordinances in place in other jurisdictions and came across one adopted by the City of Pleasanton in nearby Alameda County to use as a model. This saved a great amount of time during the initial development process and had the added benefit of making it easier for local builders to familiarize themselves with the new ordinance, illustrating that—as with all codes and standards—regional consistency in green building ordinances and guidelines can go a long way towards gaining compliance.

Building Support

One of the most important lessons learned during the development of Rohnert Park’s Green Building Ordinance was the value of the public process. The more opportunities people were given to be heard, the more the ordinance gained in public support.

Rohnert Park staff held several public meetings with the City Council and Planning Commission, including a Sustainability Workshop that attracted individuals with interests focused on concerns such as water conservation, transportation, solid waste management and universal design, as well as green building advocates. This workshop led to the creation of a new “Sustainability” title in the city’s *Municipal Code* which, once established, will contain the requirements for most issues related to the subject.

Establishing Guidelines

When considering which green building guidelines to use for a new program, jurisdictions should strongly consider referencing recognized standards and inspection service programs. It is also critically important to consult with legal counsel to ensure that a potential green building program or ordinance does not conflict with other state or local regulations. Similarly, partnering with third-party organizations that provide green building training, certification, plan checking or inspection services can significantly reduce the load on building department staff and help facilitate buy-in by the private sector. Utilization of outside guidelines and resources can be especially helpful for voluntary programs by minimizing “interest drift” on the part of designers and builders.

An important point for mandatory programs is, if possible, to defer the subject of compliance thresholds until the end of the development process because once the topic arises, the ensuing debate tends to supersede other issues. Finally, jurisdictions should keep an eye on the “triple bottom line” so that environmental, economic and social equity issues are equally addressed throughout the ordinance development process.

Marshaling Resources

Staffing and funding nearly always pose challenges when projects like the development of a new ordinance come along. Whatever the subject of the proposed ordinance, jurisdictions should find a “champion” on staff who has a desire to head the project and help ensure that it moves forward at a steady pace. In this case, someone with an interest in green building can be expected to make more progress than a staff member who views the project as simply another time-consuming task. Sources of funding beyond the normal channels should also be considered, including solid waste agencies, utilities and other revenue-generating departments that may stand to benefit.

Once the ordinance itself has been written, costs associated with the development of an implementation plan should not be overlooked, and the day-to-day green building plan check and inspection processes will also need funding once that plan is in place. For Rohnert Park, a fee study coincided with the implementation of the new ordinance, resulting in the inclusion of the green building plan check and inspection fees in the new fee schedule.

Also, bear in mind that green building training will be necessary—not just about the basics, but advanced levels as well—for all individuals associated with the program. Staff members and contractors alike will need to understand how the program or ordinance is structured and how it interacts with the green building guidelines in use, and everyone involved should be aware of the specifics of how the selected rating system will be applied.

Conclusion

Just as green building requires an integrated approach to design and construction, so does the development of a green building program or ordinance. One can start with a list of “things to do,” but the difference between a basic list and a fully functional and viable program is the ability to create processes and regulations that are easy to understand and implement.

Nudging the forces of the market to embrace new ways of considering how the construction of buildings affects the world we live in is no easy task. Ultimately, developing the means to a more sustainable future will require the cooperation of the best of both the governmental and private sectors. ♦

Peter Bruck, LEED AP, is the Building Official for the City of Rohnert Park, California. His Master’s paper on the development of Rohnert Park’s Green Building Ordinance is available on the city’s website at www.rpcity.org/content/view/567/183.

For more information about Rohnert Park’s Green Building Ordinance, including a link to the document itself, go to www.rpcity.org/content/view/468/183.

Fourteen Points to Consider when Developing a Green Building Program or Ordinance

1. Understand and assess the direction desired by the local council or board. Without strong political backing, gaining support for funding, staffing and other resources will prove more difficult.
2. Consider the pros and cons of a mandatory versus voluntary program and choose the one most appropriate for the jurisdiction. Consider the use of development agreements as an option to introduce green building features into the local process one step at a time.
3. Research local cities’ and counties’ green programs and ordinances for possible use as models.
4. Consider taking a “working group” approach consisting of a balanced mix of stakeholders including elected officials, governmental staff members, developers and builders, and the public at large.
5. Work with the Planning Commission and use its meetings as a platform for workshops and public participation.
6. Conduct a “sustainability workshop” to illustrate how green building is connected to a host of related issues and help garner support from special interest groups.
7. Select green building guidelines or standards that are appropriate for your jurisdiction and, when possible, are already used in your region.
8. Consult with legal counsel to ensure that proposed guidelines or standards do not conflict with other state or local regulations. In the case of an ordinance, be sure that it is legally defensible.
9. Consider the use of outside resources for green building plan check and inspection.
10. Keep compliance thresholds realistic and try not to address them until the end of the development process.
11. Keep the “triple-bottom line”—environment, economy and social equity—in mind to ensure a sense of fairness for all parties.
12. Determine how the program or ordinance will be staffed and funded.
13. Select a staff member to champion the development process.
14. Provide education about green building principles and your jurisdiction’s program or ordinance to staff members, developers, builders and residents.