



CONSENT CALENDAR
April 14, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Councilmember Terry Taplin (Co-Sponsor), Councilmember Cecilia Lunaparra (Co-Sponsor)

Subject: Referral to the City Manager: Amendments to the Berkeley Green Code for Newly Constructed Buildings and Existing Construction

RECOMMENDATION

Refer to the City Manager the following:

- (1) Continued development of a Single Source Energy Margin (Single Margin) reach code for adoption;
- (2) Further analysis, for future consideration, of additional Green Building policy and operational measures, such as Flexible Path (FlexPath) and Air Conditioner to Heat Pump (AC2HP) provisions, and/or other applicable pathways; and
- (3) Further streamlining, as feasible and appropriate, of the approval of certain Green Building equipment, systems, features, and processes for residential and residential-over-ground-floor-commercial construction. Consideration should be given to the establishment of an expedited permitting pathway for installations performed by contractors that participate in a California Division of Apprenticeship Standards-approved apprenticeship program in the applicable trade.

As part of this ongoing work, the City Manager shall continue to examine the projected costs and potential savings, as applicable, associated with the referral; evaluate the complexity of compliance; and develop options to simplify requirements and reduce friction, particularly for smaller builders, developers, and homeowners.

POLICY COMMITTEE RECOMMENDATION

On March 18, 2026, the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee adopted the following action: M/S/C (Taplin/Humbert) To send the item to council with a qualified positive recommendation with the provisions that the ongoing work reexamine projected costs, evaluate the complexity of compliance, and offer options for making it simpler and as low friction as possible particularly for smaller builders, developers, and homeowners. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

The proposed Ordinance may modestly or moderately increase the plan check and inspection workload. Costs would be offset by existing fees paid by permit applicants. Staff time associated with Recommendation 1 is already budgeted for and underway.

CURRENT SITUATION AND ITS EFFECTS

City of Berkeley staff is in the process of responding to a May 2025 referral by the City Council to evaluate policies that accelerate building decarbonization.¹ Recommendations 1 and 2 align with the existing proposal for staff's current work plan.^{2 3} Recommendation 3 aligns with the City of Berkeley's ongoing efforts to streamline the permitting process for green building systems and equipment and reduce "soft costs" associated with their permitting process.⁴

Single-Margin Energy Reach Code

The single margin approach would require the proposed building to meet a higher source energy compliance margin for all occupancies than currently required by the California Energy Code. Although "source energy" is not defined in the state Energy Code, a Code manual explains it generally measures the marginal greenhouse gas emissions of energy used to supply electricity (2022 Single Family Residential Compliance Manual at 1.6.4). The metric accounts for the system delivering energy to the building, as well as the time of day the energy is delivered.

By requiring that a proposed building achieve a certain compliance margin below the source energy requirement for a standard design building, such an ordinance would require that a building improve upon the state code's performance metric. Each building type would have a respective single margin it would need to comply with. This approach gives builders flexibility in how to meet these standards and allows and applies to both electric and mixed-use fuel designs. Methods to achieve a particular source energy compliance margin include electrifying appliances, or, if a building uses gas appliances, adding efficiency improvements such as insulation, and/or utilizing solar photovoltaic (PV) or a battery.

Air Conditioning (AC) to Heat Pump

As the federal government is rolling back climate progress, local governments such as Berkeley have the opportunity to step up to sustain and accelerate emissions reductions. Under an "AC to Heat Pump" (AC2HP) policy, any new installation of an air conditioner

¹ <https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2025%20Authorization%20for%20City%20Manager%20to%20evaluate%20policies.pdf>

² [2025-12-03 ECC Item 8 Reach Code Memo.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025%20Reach%20Codes%20for%20FITES%2003-04-26.pdf)

³ <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2025%20Reach%20Codes%20for%20FITES%2003-04-26.pdf>

⁴ [2023-10-30 Online Standardized Plan Review and Permitting for Rooftop Solar Systems.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/2023-10-30%20Online%20Standardized%20Plan%20Review%20and%20Permitting%20for%20Rooftop%20Solar%20Systems.pdf)

would instead be required to use a heat pump, which provides both heating and cooling through a two-way valve, or, alternatively, to install a suite of energy efficiency measures. An AC2HP ordinance was produced in collaboration with the Statewide Reach Codes Program⁵, and establishes a “Time of Replacement” policy. The model code language proposes a reach code requiring that any existing single-family home involving replacement or alteration of an existing air conditioning system or installation of a new air conditioning must either include a heat pump space heater as the primary heating system or install other energy conservation measures. This approach targets a natural point of intervention in a building’s lifecycle. By focusing on equipment replacement events, this policy minimizes disruption to property owners while ensuring progress toward decarbonization.⁶ Several other California jurisdictions (e.g., Mill Valley⁷, Glendale⁸, Oakland⁹, Menlo Park¹⁰, San Jose¹¹, Sunnyvale¹², Los Altos Hills¹³, Saratoga¹⁴, Campbell¹⁵, *et al*¹⁶) have passed or are on track to pass an AC2HP measure by the end of 2026.

BACKGROUND

The Berkeley City Council adopted the California Green Building Standards Code with local amendments on November 29, 2022, and readopted this code on June 4, 2024, with State Mid-Cycle Supplements and further local amendments (effective July 1, 2024).¹⁷

Proposed amendments to the Berkeley Green Code were discussed by the Environment and Climate Commission (ECC) at its April and May 2024 meetings. ECC considered

⁵ <https://localenergycodes.com/>

⁶ <https://bayareareachcodes.org/model-reach-codes/>

⁷ https://cityofmillvalley.granicus.com/Viewer.php?view_id=2&clip_id=2073&meta_id=100851

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<https://glendaleca.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=db909199-b056-4790-90ff-994bc0f6b172>

⁹ Draft not publicly available as of the date of this report’s publication.

¹⁰ <https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2025-meetings/20250812/h1-ordinance-amend-chapter-12-muni-code.pdf>

¹¹ <https://sanjose.legistar.com/View.ashx?M=F&ID=14574069&GUID=051302E5-52A2-4958-9CEB-6AEDF6C0CAF8>

¹² <https://sunnyvaleca.legistar.com/View.ashx?M=AO&ID=164851&GUID=16d2e642-ad7e-485a-ac75-599a0d0b0f19&N=Q291bmNpbCBBZ2VuZGEgSXRlbSB1cGRhdGVkIGZvbGxvd2luZyBwdWJsaWNhdGlvbiAocG9zdGVkIDlwMjUwODEyKQ%3d%3d>

¹³ <https://losaltoshills.ca.gov/571/Reach-Codes>

¹⁴ Draft not publicly available as of the date of this report’s publication.

¹⁵ Draft not publicly available as of the date of this report’s publication.

¹⁶ <https://bayareareachcodes.org>

¹⁷ On October 28, 2025, the Berkeley City Council adopted the first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions and scheduled a Public Hearing, pursuant to state law, for the second reading on November 18, 2025. While the adoption of these codes constitutes an update from the 2022 to the 2025 Building Standards Code, with certain local amendments, the Green Building reach codes under discussion were not included in the ordinance. Staff anticipates advancing those codes for City Council review in early 2026.

options including a Zero NOx CALGreen reach code and a Single Margin Energy reach code. Several commissioners indicated support for a Zero NOx CALGreen reach code, without an exception for cooking equipment used in commercial kitchens, citing potential benefits including alignment with BAAD's Zero NOx appliance rules, appreciation of future preparedness that a reach code brings, and facilitation of neighborhood decarbonization efforts tied to seismic safety and other health and safety benefits.

On May 7, 2024, City Council referred to the Health, Life Enrichment, Equity & Community (HLEEC) Policy Committee to consider local amendments to CALGreen to require all newly constructed buildings to be Zero NOx Emission Buildings. On July 29, 2024, the HLEEC Policy Committee unanimously voted to send Council a qualified, positive recommendation for the Zero NOx CALGreen reach code, noting also that Council should consider a commercial kitchen exemption, or as an alternative, consider a single margin energy reach code.

The item was removed from the October 15, 2024, Council agenda in order to evaluate recommendations submitted by several environmental organizations to adopt a single margin energy reach code.

CODE AMENDMENTS

The California Building Standards Code (Title 24 of the State of California Code of Regulations) is updated and published on a three-year cycle. After the California Building Standards Commission publishes the triennial codes, they become effective statewide. The current (2022) cycle of State building codes became effective on January 1, 2023. Local jurisdictions may amend the published codes to address local climatic, geological, or topographical conditions.

The current three-year building code cycle and any effective amendments thereto are effective through December 31, 2025. The local amendments proposed with a green building reach code ordinance would not negate or otherwise affect previously adopted amendments; they introduce new amendments to the 2022 and California Green Building Standards Code. Under state law local jurisdictions may adopt stricter building code provisions if justified by findings of local climatic, geological or topographical conditions.

In Fall 2025, the Berkeley City Council adopted an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions and scheduled a Public Hearing, pursuant to state law, for the second reading on November 18, 2025. While the adoption of these codes constitutes an update from the 2022 to the 2025 Building Standards Code, with certain local amendments, the Green Building reach codes under discussion were not included in the ordinance.

A green building reach code ordinance supports the City's Strategic Plan Goals to create a resilient, safe, connected, and prepared city, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The

ordinance also supports City Council directives and policies related to fire and life safety, resilience, and climate protection, and is supported by the resolution adopting findings of local conditions.

RECENT STATE LAW DEVELOPMENTS

On June 30, 2025, Governor Newsom signed AB 130 (Committee on Budget, 2025), which enacted into statute provisions that limited the ability of local jurisdictions to adopt certain performance standards that are higher than those prescribed in the California Building Standards Code, with certain stated exceptions.¹⁸ Per discussion with the Berkeley City Attorney's Office and the solicitation of other professional opinions as well as dialogue with applicable state legislative offices as to AB 130's intent, AB 130 either does not apply or one of AB 130's exemptions is likely to apply to the recommendations.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The recommendations contemplated through this referral align with Berkeley's health, safety, and climate goals. It supports the Climate Action Plan, Berkeley Resilience Strategy, and Fossil Fuel Free Berkeley goals. Green building reach codes reduce the human health, environmental, and climate impacts of emissions associated with occupying and using the new and existing buildings.

This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that this action may have a significant effect on the environment; the referral will result in standards that are more protective of the environment than existing state standards. Further, the referral will result in standards that are exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

RATIONALE FOR RECOMMENDATION

Local green building reach codes provide a higher level of safety than are achieved through the State's Building Codes and Energy Codes. Fire risk, risks to the health of building occupants, the accumulating and compounding risks of climate change to the San Francisco Bay Area, its residents, its coastal and littoral zones, and broader risks of degraded air quality justify adoption of Berkeley code amendments that are stricter than the California Building Standards Code and Energy Code.

In addition to the climate benefits discussed elsewhere in the report, the recommendations would align with Berkeley's Building Emissions Savings Ordinance, which provides a compliance pathway for properties with heat pumps. "Time-of-replacement" policies such as AC2HP are considered among the most cost-effective policies for decarbonizing buildings. According to the Berkeley Existing Buildings Electrification Strategy (BEBES), adopted by Council in 2021, "the marginal cost—[the] difference between installing electric equipment and replacing with new gas equipment—

¹⁸ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB130

at this time is smaller than the full cost of installing electric equipment.”

Yet the economics of AC2HP are even more favorable than gas-to-electric conversions. While furnace-to-heat pump conversions typically incur added costs due to electrical work, the electrical and ducting requirements of an air conditioner are typically identical to those of a heat pump. For this reason, BEBES lists AC2HP as a Phase 1 strategy for implementation by 2025.

ALTERNATIVES CONSIDERED

A wide array of other green building reach code types (e.g., Zero NOx, Ultra-Low NOx, and Flex Path and electric readiness reach codes) and scope of applicability (e.g., industrial and mixed-use buildings beyond residential-over-ground-floor-commercial) were considered by the District 4 Council office but were ultimately deemed to be less feasible than the recommended approaches, potentially preempted by federal and/or state law, less applicable to Berkeley’s climatological characteristics, or potentially already accomplished through prior adoption of other ordinances.¹⁹ As such, the office supports the ongoing efforts of City of Berkeley staff under recommendations 1 and 2 as bolstered by recommendation 3.

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¹⁹ For example, Berkeley’s recently updated Building Emissions Savings Ordinance already may accomplish certain Flex Path objectives through a similar mechanism for certain types of existing residential construction prior to or shortly following time of sale. See <https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso>