

California's New Green Building Standards

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On July 17, 2008, California became the first state in the nation to approve green building standards. The California Building Standards Commission (“CBSA”) created new standards to meet California’s goal of decreasing its global warming emissions. Currently, the U.S. Green Building Council estimates that buildings nationwide account for 70% of electricity, 39% of energy, 12% of potable water, and 40% of raw material consumption. Additionally, buildings generate 30% of the waste output and 39% of the greenhouse gases in America. Although California already has the nation’s most energy-efficient building standards, they were insufficient to meet California’s legal mandate to reduce emissions by 30% over projected amounts, by 2020.

The CBSA realized that buildings provide some of the best opportunities to fight climate change, and decided greening them must be an essential part of any policy approach. With more stringent green building standards, California can ensure that buildings will be more energy efficient, use less water, and help reduce the amount of greenhouse gas emissions. Importantly, the code will encourage sustainable construction and environmentally responsible practices in planning and design, material conservation, resource efficiency, and environmental air quality.

The green building standards require that all new buildings built in California reduce energy usage by 15%, water use by 20%, and water use for landscaping by 50%. Furthermore, to support material conservation and resource efficiency, the new code encourages using more “bio-based” materials, more reused and recycled materials in carpets and other building supplies, cement and concrete made with recycled products, and building materials harvested or manufactured within California. Additionally, it includes provisions aimed at reducing maintenance costs and suggests various site improvements. For example, the green building standards promote parking for hybrid vehicles, better storm water plans, and readily accessible recycling areas that serve the entire building.

These standards apply to all new commercial and residential construction throughout California. The code will take effect on January 14, 2009, but it will remain voluntary until 2010. Afterwards, it is expected to become mandatory. Although the green building standards represent compromises by both environmentalists and members of the construction industry, the language allows localities to adopt even tougher standards. While some believe a weaker state standard will become a “ceiling,” the CBSA has reiterated that the code “sets a floor, not a ceiling.” This is essential for cities, like San Francisco and Los Angeles, that have enacted or wish to enact strict building ordinances based on national benchmarks such as the Leadership in Energy and Environmental Design (“LEED”) standards.

To promote flexibility in the green building standards, the CBSA has also created mandatory and voluntary provisions. Although the new code sets necessary reductions in water and energy consumption, the rules do not specify how they must be met. Instead, suggestions are made for more environmentally friendly building materials, material conservation, and resource efficient practices. By keeping the new code flexible, builders have the discretion to choose the most cost effective means of reducing energy and water consumption.

As the CBSA plans to develop a new mandatory standard, there is still debate on this issue from proponents and opponents. While some environmentalists call for clearer, more robust language, the building industry is concerned about the strict standards and the potential market impact. However, regardless of the arguments on either side, it is undeniable that California is continuing to be a leader in environmental protection by adopting green building standards.

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