

# manatt

July 30, 2008

## REAL ESTATE & LAND USE

NEWSLETTER OF THE REAL ESTATE AND LAND USE PRACTICE OF MANATT, PHELPS & PHILLIPS, LLP

### California Adopts Green Building Standards

[Camas J. Steinmetz](#)

In an effort to meet its ambitious goal of reducing greenhouse gas emissions by 30% in the next 12 years, California recently became the first state in the nation to adopt green building standards, albeit optional ones, for all new construction. The new California Green Building Standards Code, unanimously adopted by the California Building Standards Commission, will become effective on a voluntary basis beginning January 15, 2009, until a mandatory edition of the code is enacted, expected in 2010. The adjustment period will allow for industry, local enforcement agencies, and environmental groups to prepare for, comply with, and undoubtedly further negotiate the stringency of these statewide green building standards before they become mandatory.

The new standards are expected to result in a 15% reduction in energy use and a 20% reduction in water consumption through a combination of recommended green building practices. The new code defines green building as "a holistic approach to design, construction, and demolition that minimizes the building's impact on the environment, the occupants, and the community." Recommended green building practices include:

- using sustainable building materials (including recycled, bio-based and reused materials);
- using materials that have been harvested or manufactured within 500 miles of the project site;
- using more efficient appliances;
- incorporating better storm water plans;
- more efficient building design and operation (such as installing alternative energy systems); and
- reducing construction and demolition waste by at least 50%.

The code has reserved placeholders to address – at some

#### NEWSLETTER EDITORS

**[Roger Grable](#)**

Partner

[rgrable@manatt.com](mailto:rgrable@manatt.com)

714.371.2550

**[Robin Kennedy](#)**

Partner

[rkennedy@manatt.com](mailto:rkennedy@manatt.com)

650.812.1360

#### OUR PRACTICE

Manatt has a broad background in all areas of real estate practice that give our domestic and foreign clients the edge to succeed. Our professionals are recognized as some of the premier real estate and development advisors in the nation who promote the transactional expertise, market insight and government advocacy ... [more](#)

[Practice Group Overview](#)

[Practice Group Members](#)

#### INFO & RESOURCES

[Subscribe](#)

[Unsubscribe](#)

[Sarbanes-Oxley Act](#)

[Newsletter Disclaimer](#)

[Technical Support](#)

[Manatt.com](#)

point in the future – site selection, site preservation, and deconstruction and reuse of existing structures.

Green standards for new building construction are considered a critical component to reducing climate change. According to state estimates, buildings are second only to transportation in generating greenhouse gas emissions. The U.S. Green Building Council (USGBC) in Washington, D.C., which sets the Leadership in Energy and Environmental Design (LEED) standards for green building certification, reports that buildings nationwide account for 70% of electricity consumption, 39% of energy usage, 12% of potable water consumption, 40% of raw materials usage, 30% of waste output (136 million tons annually), and 39% of associated greenhouse gases (carbon dioxide).

While the new code goes beyond the Title 24 energy efficiency standards that California adopted in 2005 in response to its energy crisis, it falls short of the LEED benchmark standards for certification of green buildings. LEED silver certification is already required for new construction of state-owned buildings and major renovation projects and is widely implemented in private developments on a voluntary basis by architects, builders and developers in response to a growing segment of the market willing to pay a premium for energy-efficient design and use of sustainable building materials.

Many California cities, including Los Angeles, Palo Alto and Santa Cruz, have already adopted mandatory green building standards based on LEED certification standards. According to the Natural Resources Defense Council (NRDC), about 75 California cities and counties have more stringent green standards than the new statewide standards.

Although the new code as adopted allows cities and counties to enact their own green building codes with stricter requirements than the state rules, earlier drafts of the code would have preempted more stringent green building standards already enacted by cities and counties, according to John Walser, director of policy and education for the Northern California chapter of the USGBC. Despite the revision, Nick Zigelbaum, an energy analyst with the NRDC, warned that many localities would view the weaker state code as “a ceiling” rather than a “floor” and said that the state Legislature should pass a bill to clarify local powers.

In addition to the concern about whether cities and counties will adopt more stringent standards, there is also debate over whether the building code should specify what materials builders can and cannot use. Environmental groups are

advocating for increased standards for use of salvaged building materials, regionally produced and harvested materials, recycled materials, renewable energy and wood. For example, environmentalists advocate use of wood certified as sustainably harvested by the Forest Stewardship Council, an environmental nonprofit organization. But many sectors of the building industry oppose the Council's standards for lumber, and environmentalists were unable to persuade the administration to include that council's guidelines as the only acceptable certification for lumber.

The California Building Standards Commission says it will continue to work with cities and counties and the many stakeholders to develop a comprehensive set of mandatory provisions in the 2010 edition of the California Green Building Standards Code. Thereafter, the code will be updated annually to incorporate the latest technology and green building methods of construction. To view the current version of the adopted code, please visit: [http://www.bsc.ca.gov/prpsd\\_stds/default.htm](http://www.bsc.ca.gov/prpsd_stds/default.htm).

[back to top](#)

### **Government@manatt**

Through its offices in Washington, D.C., Los Angeles, New York City, Sacramento and Albany, Manatt provides effective public policy, regulatory, legislative and advocacy services across a broad spectrum of industries. Our substantive understanding of the real estate industry and interrelationships with public decision makers and regulators enables Manatt to successfully develop, advocate and implement integrated business, legal and government strategies and activities. Manatt professionals maintain strong and continuing relationships with key executive and legislative branch officials and their staffs in both political parties at the federal, state and local level.

If you would like more information on how our Government Practice Group can support you, please contact:

<a href="#">Jim Lytle</a> Albany 518.431.6704	<a href="#">George Kieffer</a> Los Angeles 310.312.4146	<a href="#">Steven M. Polan</a> New York 212.830.7292
---	---	---

<a href="#">Thomas R. McMorrow</a> Sacramento 916.552.2310	<a href="#">Elizabeth Munding</a> Washington, D.C. 202.585.6516
--	---

**FOR ADDITIONAL INFORMATION ON THIS ISSUE, CONTACT:**

Camas J. Steinmetz Ms. Steinmetz specializes in land use, real estate and municipal law. Her practice covers all aspects of the land purchase and development process including securing land use entitlements, CEQA, Subdivision Map Act and California Coastal Act compliance, the initiative and referendum process, affordable housing development, development conditions and exactions, zoning, general plans, open space easements, Williamson Act Contracts and natural resources permitting.

\*\*\*\*\*

Attorneys in the Los Angeles office can be reached at (310) 312-4000, Orange County at (714) 371-2500, Palo Alto at (650) 812-1300 and San Francisco at (415) 291-7400.

**Real Estate & Land Use Group Chairs**

Susan K. Hori  
714.371.2528

Keith M. Allen-Niesen  
310.312.4105

**Real Estate & Land Use Group**

<u>Valentin G. Aguilar II</u> 310.312.4313	<u>Keith M. Allen-Niesen</u> 310.312.4105	<u>Elizabeth C. Alonso</u> 310.312.4188
<u>Tina Ang</u> 202.585.6567	<u>Benjamin T. Benumof</u> 714.338.2711	<u>Michael M. Berger</u> 310.312.4185
<u>Ellen Berkowitz</u> 310.312.4181	<u>Katerina H. Bohannon</u> 650.812.1364	<u>William Brunsten</u> 310.312.4109
<u>Edward G. Burg</u> 310.312.4189	<u>Adria I. Cheng</u> 415.291.7438	<u>Alice C. Chuang</u> 415.291.7443
<u>Victor De la Cruz</u> 310.312.4305	<u>June DeHart</u> 202.585.6510	<u>Matthew A. Dombroski</u> 212.790.4556
<u>James F. Eastman</u> 415.291.7436	<u>Steve Edwards</u> 714.371.2546	<u>Robert M. Eller*</u> 310.312.4338
<u>John T. Fogarty</u> 310.312.4165	<u>Chanin A. French</u> 212.790.4515	<u>Paul A. Gangsei</u> 212.830.7213
<u>Clayton B. Gantz</u> 415.291.7600	<u>Virginia Gomez</u> 310.231.5413	<u>Roger A. Grable</u> 714.371.2537
<u>Bea Grossman</u> 212.790-4625	<u>Timi A. Hallem</u> 310.312.4217	<u>Ted W. Harrison</u> 415.291.7441
<u>Susan K. Hori</u> 714.371.2528	<u>Anita Yang Hsu</u> 310.312.4204	<u>Mark D. Johnson</u> 714.371.2515
<u>Robin Kennedy</u> 650.812.1360	<u>George David Kieffer</u> 310.312.4146	<u>Terry N. Kim</u> 212.790.4514
<u>Lisa Boswell Kolieb</u> 310.312.4297	<u>Kisu Lam</u> 310.312.4164	<u>Diana J. Lee</u> 212.830.7246
<u>Bryan C. LeRoy</u> 310.312.4000	<u>Alvin T. Levitt</u> 415.291.7422	<u>Renee B. Lindsey</u> 310.231.5557
<u>Sean Matsler</u> 714.371.2534	<u>Brady R. McShane</u> 310.312.4386	<u>Marvin O. Morris</u> 202.585.6550
<u>Tom Muller</u> 310.312.4171	<u>Todd Nelson</u> 310.231.5449	<u>Scott W. Nichols</u> 310.312.4330
<u>Dana P. Palmer</u> 310.312.4137	<u>Tim Paone</u> 714.371.2519	<u>Marv Pearlstein</u> 415.291.7439
<u>Michael Polentz</u>	<u>John L. Ray</u>	<u>Harvey L. Rochman</u>

650.251.1440	202.585.6565	310.312.4104
<a href="#">Paul Rohrer</a>	<a href="#">Adam R. Salis</a>	<a href="#">Gina Samore Smith</a>
310.312.4264	714.371.2529	714.371.2511
<a href="#">Masood Sohaili</a>	<a href="#">George M. Soneff</a>	<a href="#">Lisa Specht*</a>
310.312.4144	310.312.4186	310.312.4298
<a href="#">Lauren Spiegel</a>	<a href="#">Martin E. Steere</a>	<a href="#">Camas J. Steinmetz</a>
714.371.2533	310.312.4110	650.251.1455
<a href="#">Joshua C. Taylor</a>	<a href="#">Dina Tecimer</a>	<a href="#">Justin X. Thompson</a>
415.291.7446	310.312.4293	310.312.4271
<a href="#">Ray F. Triana</a>	<a href="#">Ronald B. Turovsky</a>	<a href="#">Lisa M. Weinberger</a>
415.291.7442	310.312.4249	310.312.4248
<a href="#">Ted Wolff</a>	<a href="#">Jack S. Yeh</a>	<a href="#">Grace S. Yang</a>
212.790.4575	310.312.4367	415.291.7448
	<a href="#">Michael J. Zerman</a>	
	310.312.4310	
	<i>*Past Co-Chair</i>	

ATTORNEY ADVERTISING pursuant to New York DR 2-101(f)  
Albany | Los Angeles | New York | Orange County | Palo Alto | Sacramento | San Francisco | Washington, D.C.  
© 2008 Manatt, Phelps & Phillips, LLP. All rights reserved.