



CLIENT NEWS BRIEF

March 2010

Number 8

NEW GREEN BUILDING CODE SETS CERTAIN MANDATORY REQUIREMENTS, VOLUNTARY STANDARDS, AND "GRID NEUTRAL" GOAL

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California has adopted the nation's first mandatory green building code (also known as "CalGreen"), which will become effective January 1, 2011. (Cal. Code Regs., tit. 24, Part 11.) The code applies to all new construction (but not modernizations), and contains measures applicable to K-12 schools and community colleges, which will be enforced by the Division of the State Architect ("DSA"). In 2011, some portions of the green code for schools will be mandatory and some will be voluntary. For the first time, the voluntary standards include the goal that all new schools be "grid-neutral", meaning that a site must produce as much renewable energy as it consumes in a year. This goal will likely have far-reaching impacts as more schools are designed and constructed with built-in renewable energy features.

The green building code addresses five major areas: (1) planning and design; (2) energy efficiency; (3) water efficiency; (4) material conservation and resource efficiency; and (5) indoor environmental quality.

Mandatory Requirements

Some highlights of the mandatory requirements contained in the code are:

- No direct-beam illumination should leave a site (except safety and emergency lighting)
- Schools must achieve a 20% reduction in their use of potable water as compared to current standards
- Schools must also reduce their wastewater by 20%, using such measures as installing water-conserving fixtures (e.g., toilets)
- Districts must submit construction waste management plans to DSA
- A minimum of 50% of construction and demolition debris must be recycled or salvaged; 100% of trees, stumps, rocks and associated vegetation and soils resulting from land clearing must be reused or recycled
- Paints, carpets, composite wood components and 50% of resilient floorings must be low in VOCs (volatile organic compounds)

In addition, the mandatory portion of the code contains a provision that "encourages" at least a 15% reduction in energy usage compared to current energy efficiency standards. It is not clear how DSA will enforce this provision, as it does not appear to require an actual reduction in energy usage. However, districts would be wise to consider energy conservation measures – and even renewable energy features – in planning their new construction projects.

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Some sources have reported that building commissioning – a quality assurance process for verifying that building systems are planned, designed, installed, operated, and maintained to meet project requirements – will become mandatory for new schools in 2011. While some nonresidential construction in the state will be subject to this requirement, this aspect of the green building code has not been adopted by DSA, and is therefore not a mandatory requirement for schools at this time. However, commissioning remains a voluntary standard that districts can elect to meet. (The new green building code can be found at: <http://www.documents.dgs.ca.gov/bsc/documents/2010/Draft-2010-CALGreenCode.pdf>. A helpful chart showing which of the code's provisions are mandatory for school districts and which are voluntary begins at page 179 of the code.)

Voluntary Standards

The green building code's voluntary standards are extensive, and it appears likely that, as the code is revised in upcoming years, standards that are now voluntary may increasingly become mandatory. Because these standards are voluntary, school districts can elect whether to meet them when planning new projects now – whether such projects are new construction or modernizations. Some of the voluntary standards include:

- Adding bike storage and changing areas
- Reducing on-site parking
- Orienting structures and adding vegetation to reduce thermal loss
- Reducing potable water use by 30%
- Providing water efficient landscape design
- Using construction materials with at least 10% recycled content value
- Recycling or salvaging 80% of construction or demolition debris
- Using life cycle assessment and, as noted above, commissioning to review projects before and after construction
- Minimizing and isolating pollutants
- Providing individual lighting and heating controls for work stations and shared spaces like classrooms

Grid Neutral

The voluntary standard that will likely have the farthest-reaching effect is the goal that schools be 35%, 75%, or 100% grid neutral. According to the new code, "A site that produces at least as much renewable electricity as it uses in a year shall be deemed grid neutral." More than any of the other changes in the green building code, the grid neutral goal looks to impact districts as they evaluate the structural, legal, and financial implications of installing photovoltaic panels and other sources of renewable electricity. DSA has stated a goal of reviewing all plans with an eye to achieving grid neutrality. (For more on grid neutrality from DSA, see <http://www.documents.dgs.ca.gov/dsa/pubs/gridneutralpub.pdf>.)

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As the law in this area evolves, there are certain to be questions regarding exactly how the green building code will work in practice, where the boundaries will fall between mandatory and voluntary elements, and when in the future some voluntary measures may become mandatory. While an admirable goal, achieving green construction will take some time to sort out.

For more on the green building code, energy saving measures, and the legal and financial realities of installing solar energy systems, tune in to Lozano Smith's March 18, 2010 Webinar, "Going Green and Conserving Energy", conducted by associate attorney Devon Lincoln. For more information about this free, one-hour program, go to <http://www.lozanosmith.com/pdf/Workshop/2009FABWebinar.pdf>.

Join us for a **FREE** one-hour Webinar for school district administrators:

Thursday, March 18, 2010

Going Green and Conserving Energy. School districts are being presented with numerous ways to "go green" – from purchasing energy saving equipment to developing a solar farm. We will examine details to consider in these proposals, along with statutory bid exceptions and CEQA issues related to these projects.

Click [here](#) for more information, or visit our web site: www.lozanosmith.com.

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