

EXECUTIVE SUMMARY

DSA-SS EF 02/15

SUBJECT:

These amendments, in part, complete the certifying rulemaking process following the approved adoption of emergency regulations to the 2013 California Green Building Standards Code on July 21, 2015 and October 21, 2015 (90-day re-adoption). These amendments also accommodate changes, effective September 25, 2015, to the referenced Model Water Efficient Landscape Ordinance (California Code of Regulations, Title 23, Division 2, Chapter 2.7, Section 490 et seq.) by the California Department of Water Resources subsequent to the adoption of the emergency regulations.

PROPOSING STATE AGENCY

Division of the State Architect – Structural Safety (DSA-SS)

SUMMARY OF PROPOSED BUILDING STANDARDS

In response to State of Emergency proclamations issued by Governor Brown in January and April of 2014, and in particular Executive Order B-29-15 (issued April 1, 2015), DSA-SS is proposing the permanent adoption of these emergency building standard regulations (originally approved on July 21, 2015). DSA-SS and their stakeholders have developed the following regulations that amend the 2013 California Green Building Standards Code (Title 24, Part 11, California Code of Regulations, also known as “CALGreen”) as follows:

- Amends definitions in Section 202
- Amends scope in Section 301.4
- Amends definitions in Section 5.302
- Amends sections of the California Green Building Standards related to Section 5.304 pertaining to Outdoor Water Use

BACKGROUND

Emergency proclamations issued by Governor Brown in January and April of 2014, as well as Executive Order B-29-15 (issued April 1, 2015), gave direction to the DSA-SS and other agencies to propose emergency building standard regulations pertaining to the reduction of water use for exterior landscape irrigation for specified public schools K-12 and community college buildings by updating the outdoor potable water use requirements located in the California Green Building Standards Code (CALGreen), Chapter 5 and Appendix Chapter A5. Currently the Department of Water Resources (DWR) establishes, through Title 23 regulations, the required use of a Model Water Efficient Landscape Ordinance (MWELO) or a locally established Water Efficient Landscape Ordinance (WELO) that is equivalent to the MWELO. A coordinated effort took place with DWR to establish the appropriate formulas and regulatory language to accomplish the desired reduction in water used in exterior landscape irrigation systems within the 2013 California Green Building Standards Code, Title 24, Part 11 (CALGreen). Along with DWR, the Department of Housing and Community Development (HCD, for residential occupancies), the California Building Standards Commission (CBSC, for nonresidential occupancies), and the Office of Statewide Health Planning and Development (OSHPD, for hospitals, skilled nursing facilities and correctional treatment centers), also proposed new emergency mandatory requirements addressing the outdoor use of water in landscape irrigation systems. These emergency building standards were approved by the

California Building Standards Commission on May 29, 2015, and were effective upon filing with the Secretary of State on June 1, 2015.

DSA-SS proposes to the California Building Standards Commission the permanent adoption of specified sections of the recently approved CALGreen Code language.

FINDINGS:

The proposed submittal appears to be compliant with the Administrative Procedure Act and State Building Standards Law. Please refer to the Final Statement of Reasons for information on DSA-SS's responses to comments received during the 45-day and 15-day public comment periods.

Enclosed for commission consideration are the following documents:

- Final Express Terms;
- Final Statement of Reasons;
- Nine-Point Criteria Analysis;
- Updated Informative Digest;
- Fiscal and Economic Impact Statement; and
- Initial Statement of Reasons (for reference only)

COMMISSION ACTION:

A nine-point analysis prepared in accordance with Health and Safety Code Section 18930 must, to the satisfaction of the commission, justify the approval of the proposed building standards. The commission must give great weight to the determination and analysis of the proposing agency on each of the nine points.

Any factual determination of the proposing agency shall be considered conclusive by the commission unless the commission expressly finds, and sets forth its reasons in writing, that the determination of the proposing agency is arbitrary and capricious, or substantially unsupported by the evidence. If there is such a finding, the commission may return the proposal to the proposing agency for re-examination of the disputed facts.

The commission may take any one of the following actions on this item:

- **Approve**
- **Disapprove**
- **Approve as Amended**
- **Further Study Required**