

STATE OF CALIFORNIA
GOVERNMENT OPERATIONS AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
Email: cbsc@dgs.ca.gov

Office Use Item No. DSA EF 03/15

PARTICIPATION COMMENTS FOR THE NOTICE DATED SEPTEMBER 25, 2015
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: NOVEMBER 9, 2015 (no later than 5:00 pm)

Date: November 3, 2015

From:

Division of the State Architect (DSA) commenting on DSA EF 03/15

Name (Print or type)

(Signature)

Department of General Services, Division of the State Architect, Dennis Corelis

Agency, jurisdiction, chapter, company, association, individual, etc.

1102 Q St, Suite 5100

Sacramento

CA

95811

Street

City

State

Zip

Dennis.Corelis@dgs.ca.gov

916-445-4167

Email address

Phone number

We do **not** agree with:

The Agency proposed modifications As Submitted as various sections and definitions.

and request that this section or reference provision be recommended:

Approved Disapproved Held for Further Study Approved as Amended

Suggested Revisions to the Text of the Regulations:

See attached document for suggested amendments and reasons suggesting Approve as Amended to DSASS EF 03/15 regulations which modify administrative procedural regulations set forth in California Administrative Code, Title 24, Part 1, Chapter 4, Group 3 for Sustainable Construction of Public Schools and Community Colleges.

Reason: [The reason should be concise if the request is for "Disapprove," "Further Study Required," or "Approve As Amended" and should identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

Modifications to the language to expedite the self-certification of the outdoor water use regulations, as it relates to the Model Water Efficiency Landscape Ordinance (MWELO) in response to the Executive Order B-29-15 which mandated water reductions across the state.

November 3, 2015

The Division of the State Architect (DSA) is commenting on its own rulemaking package DSA-EF 03/15 during the 45-Day Public comment period from September 25, 2015 – November 9, 2015. This document contains portions of the 45-Day Express Terms with Approve as Amended recommended language and rationale for the recommended changes.

LEGEND:

1. Emergency rulemaking language appears in underlined and ~~strikeout~~.
2. Proposed amended or repealed language appears in double underlined and ~~double strikeout~~.
3. Rationale: The justification for the proposed change is shown after each section or series of related changes.

GENERAL RATIONALE FOR RECOMMENDING APPROVED AS AMENDED.

The DSA recommends that the language in DSA EF 03/15 be Approved as Amended for the **California Administrative Code, Part 1, Chapter 4, Group 3, Sustainable Construction of Public Schools and Community Colleges - Outdoor Water Use**. The proposed changes align with the procedures developed after the approval of the emergency rulemaking; and with further review, the Division of the State Architect (DSA) decided that inclusion of the California Energy Code review with the self-certification of the Model Water Efficiency Landscape Ordinance (MWELo) would delay and complicate the new program's implementation in response to Executive Order (EO) B-29-15 mandating substantial water reductions across the state. This EO was signed by Governor Brown on January 17, 2014 (and again on April 25, 2014) proclaiming a State of Emergency to exist throughout the State of California due to severe drought conditions. See proposed amendment language below.

ITEM 1 – Title

Suggest amending the title of the section:

GROUP 3
SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS & COMMUNITY COLLEGES
OUTDOOR WATER USE

Rationale: Adjust the title to reflect suggested amendments below.

ITEM 2 – Section 4-501, Purpose.

Suggest amending the following in Section 4-501:

4-501. Purpose. These regulations implement sections of the Education Code to ensure that elementary, secondary, or community college buildings and facilities constructed or altered pursuant to these regulations are in compliance with the California Code of Regulations (C.C.R.), Title 24 related to the design aspects of sustainable (or "green") building elements, components, and systems, specifically irrigation systems for landscape areas.

Rationale: Revision to align with the proposed revision in Section 4-509 below.

ITEM 3 – Section 4-502, Scope.

Suggest amending the following in Section 4-502:

4-502. Scope. California Code of Regulations, Title 24, Part 11; known as the "CALGreen Code", designates building regulations that are applicable to the Green Building Standards portions of the design, construction, or addition to any school building as defined in Sections 17283 and 81131 of the Education Code. ~~The term "school building" shall include all buildings, structures, appurtenances, and related systems or facilities as defined in Section 4-314.~~

Rationale: Modification to section to align with the proposed revision in Section 4-509 below.

ITEM 4 – ARTICLE 2, DEFINITIONS, Section 4-506.

Suggest amending the following in Section 4-506:

4-506. General. The definition(s) in Sections 4-507 shall have the meaning stated therein throughout the regulations contained in Part 1, ~~Section 4-409~~ Chapter 4, Group 3 et. seq, Title 24, C.C.R.

Rationale: Correction of the appropriate reference is needed.

ITEM 5 – ARTICLE 3, APPLICATION FOR VERIFICATION OF SELF-CERTIFICATION OF DRAWINGS AND SPECIFICATIONS, Sections 4-508 and 4-509.

Suggest amending the following in Section 4-508 and 4-509:

4-508. Plans, specifications, calculations, fees, and other data. When an application for ~~verification review of the self-certification of compliance with the Outdoor Water Use regulations~~ ~~plans and specifications~~ is filed, it shall be accompanied by a site landscape area location plan ~~set of plans and specifications, a copy of the calculations, the site data, all required completed forms,~~ and a fee payment.

Plans, specifications, or self-certification forms which, when submitted, are determined by DSA to be incomplete or incorrect, shall be returned to the architect, landscape architect, or civil engineer in general responsible charge with a request for additional information or revisions. ~~compliance with these regulations before verification is started by DSA.~~

4-509. Application for self-certified drawings and specifications. ~~(b) The self-certification of the irrigation plans and specifications shall meet the California Code of Regulations, Title 24, Part 11, Section 5.304.5 (CALGreen Code), Outdoor Water Use. The architect, a licensed landscape architect, or civil engineer of record in general responsible charge will shall self-certify that the project's landscape planting and irrigation design is compliant with the current version of the Model Water Efficiency Landscape Ordinance (MWELO) per Section 5.304.5 of the CALGreen Code and built in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.~~

~~Before commencing with construction of a school building landscape irrigation project and any associated buildings, the school board the architect, landscape architect, or civil engineer in general responsible charge shall submit the forms prescribed by the DSA and obtain verification approval of the self-certified plans and specifications.~~

~~When construction is complete, a self-certification of the landscape installation's compliance with the Outdoor Water Use regulations shall be filed with the DSA intake specialist. The applicant will receive DSA authorization when the plans and specifications have been approved and later, when the construction is complete.~~

~~(a) The self-certification of the energy plans and reports shall meet the California Code of Regulations, Title 24, Part 6 (Energy Code). The architect of record or certified energy analyst will self-certify that the project's energy design is compliant with the requirement of the Energy Code and commissioned in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.~~

~~(b) The self certification of the irrigation plans and specifications shall meet the California Code of Regulations, Title 24, Part 11, Section 5.304 (CAL Green Code). The architect, a licensed landscape architect, or civil engineer of record will self certify that the project's irrigation design is compliant with the Model Water Efficiency Landscape Ordinance (MWELo) the CAL Green Code and built in accordance to these regulations. All related drawings and specifications must display their registration seal and signature.~~

Rationale: Due to the urgency of implementing procedures in response to the mandates of EO B-29-15, DSA has determined that limiting the implementation to the self-certification of compliance with the Model Water Efficiency Landscape Ordinance (MWELo) is needed. Having the MWELo and the California Energy Code reviews together complicates the procedures since not all projects require reviews for both. To streamline the *immediate* implementation of the MWELo self-certification process and clarity, DSA suggests modifying the language, as shown above.

ITEM 6 – ARTICLE 4, FEES, Section 4-510.

Suggest deleting the following in Section 4-510:

4-510. Fees. ~~The filing fee for CAL Green the self-certification verification review shall be a flat fee of \$500 due at the time of submission of the project and is non-refundable, once the verification of self-certification has begun.~~

Rationale: After meeting with DSA fiscal staff, modification and clarification of the language is needed to align with the division's procedures for submitting plan review fees.
