

PARTICIPATION COMMENTS FOR THE NOTICE DATED NOVEMBER 23, 2015
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: December 8, 2015 (no later than 5:00 pm)

Date: December 8, 2015

From: David Guhin
Name (Print or type) (Signature)

City of Santa Rosa, Water Department
Agency, jurisdiction, chapter, company, association, individual, etc.

<u>69 Stony Circle</u>	<u>Santa Rosa</u>	<u>CA</u>	<u>95401</u>
Street	City	State	Zip
<u>DGuhin@srcity.org</u>			<u>(707) 543-4200</u>
Email address			Phone number

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. 5.304. BSC EF 01/15 and Section 4.304.1 HCD EF 01/15

and request that this section or reference provision be recommended:

Approve Disapprove Further Study Required Approve as Amended

Suggested Revisions to the Text of the Regulations:

Suggested revision for Section No. 5.304. BSC EF 01/15 and Section 4.304.1 HCD EF 01/15

Outdoor water use in landscape areas of 2,500 square feet or less. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of MWELO or conform to the prescriptive compliance measures contained in MWELO's Appendix D [or a local water efficient landscape ordinance that is, based on evidence in the record, at least as effective in conserving water as the MWELO adopted by the Department of Water Resources \(DWR\) per Government Code Section 65595 \(c\).](#)

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.]

Earlier in the proposed BSC revisions, Section 5.304.2 and Section 5.304.3 both recognize local ordinances that are at least as effective as MWELO, but Section 5.304.4 does not. By leaving off mention of local ordinances, CALGreen overrides local ordinances for landscapes less than or equal to 2500 square feet. This appears to be in conflict with three points of HSC 418930: #1 states "The proposed building standards do not conflict with, overlap, or duplicate other building standards."; #2 states "The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency."; and #6 states "The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part."

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.