

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS)**

**REGARDING PROPOSED CHANGES TO
THE CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen CODE)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

2013 CALGreen Intervening Code Cycle

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

(Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem the agency intends to address for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

105.1.1 Application – Public elementary and secondary schools and community colleges.

DSA is proposing amendment to the language for clarity of the scope of work related the site work for the application. Additional, DSA proposes the exceptions be deleted to align with amendments proposed in this intervening code cycle for this section (105.1.1) and the Bicycle Parking measure, Section 5.106.4.2.

5.106.4.2 Bicycle Parking [DSA-SS]

DSA has received notes about how to calculate the requirements for the number of bicycle parking spaces for staff and student parking as it relates to the entire campus. The sections were re-titled for clarity, and the requirements were changed to a specific minimum number rather than a calculated percentage per building. Additionally, a specific location for the bicycle parking areas was removed to allow for public schools and community colleges to abide by any local regulations pertaining to bicycle use; some of which do not allow bicycle riding on campus. A workshop was held to discuss this measure. Other complexities discussed were differences in building and campus sizes, topography, climate zone, and programmatic issues.

Section 306.1.2 [DSA-SS] Voluntary Measures.

Rationale: Per the 2013 Energy Code, Commissioning (Cx) is now a mandatory measure for public schools and community colleges. In Sections 5.410.2 and 5.410.4, the CALGreen Code supplements this requirement with testing/adjusting measures and additional Cx requirements including buildings over 10,000 square feet. DSA has not taken these CALGreen mandatory measures; but instead, proposes to encourage these CALGreen measures as optional verification practices. This is a response to stakeholder, Tom Enslow of Adams Broadwell Joseph & Cardozo, to offset the proposal to remove Sections A5.410.3, Commissioning, and A5.410.4, Testing and Adjusting, from the CALGreen voluntary appendix (see below). As a result, DSA proposes to include this statement in Section 306 to encourage Cx standards that exceed the requirements outlined in the 2013 Energy Code, Building Commissioning, Subchapter 3, Section 120.8.

Section 5.303.2 Water Reduction.

Rationale: DSA to align with BSC; is proposing to repeal this section along with the exception for performance calculation method for indoor water use, and also repeal the Water Use Baseline Table 5.303.2.2. This code change will align with the Department of Housing and Community Development's 2013 code change for similar "prescriptive only" code provisions. The benefit from the proposed code change will be to add uniformity and consistency between the residential and nonresidential codes and simplify the code by removing code sections and calculation worksheets.

Table 5.303.2.3 WATER REDUCTION FIXTURE FLOW RATES

Rationale: DSA to align with BSC; is proposing to move all the plumbing fixture types out of Table 5.303.2.3 and into individual code subsections under the main heading Section 5.303.3.4 “Faucets and Fountains” listed below. These subsections will be under the “water conserving plumbing fixtures and fittings” code section 5.303.3. This formatting change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.3.4 Faucets and fountains.

Rationale: DSA to align with BSC; is proposing to add this new section for faucets and fountains and serve as the main heading for the fixture types that are being moved out of Table 5.303.2.3 and into individual code sections all under the “water conserving plumbing fixtures and fittings” code section as promulgated by BSC .

Section 5.303.3.4.1 Lavatory faucets.

Rationale: Editorial change; This new section for lavatory faucets is being added since lavatory faucets are currently only listed in the Water Use Baseline Table 5.303.2.2 which is being repealed. Once the Water Use Baseline Table is repealed there would be no reference to lavatory faucet flow rates. This new section will be under the “water conserving plumbing fixtures and fittings” code section. This formatting change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.3.4.2 Kitchen faucets.

Rationale: This new section is being added since the kitchen faucets and other fixture types are being moved out of Table 5.303.2.3 and into individual code sections. BSC is proposing an allowance for a temporarily increase in the flow above the maximum rate for pot filling with a default back to the baseline. This new section will be under the “water conserving plumbing fixtures and fittings” code section. This proposed code change and format change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.3.4.3 Wash fountains.

Rationale: Editorial change: This new section is being added since the wash fountains and other fixture types are being moved out of Table 5.303.2.3 and into individual code sections. This new section will be under the “water conserving plumbing fixtures and fittings” code section. This formatting change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.3.4.4 Metering faucets.

Rationale: Editorial change: This new section is being added since the metering faucets and other fixture types are being moved out of Table 5.303.2.3 and into individual code sections. This new section will be under the “water conserving plumbing fixtures and fittings” code section. This formatting change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.3.4.5 Metering faucets for wash fountains.

Rationale: Editorial change: This new section is being added since the Metering faucets for wash fountains and other fixture types are being moved out of Table 5.303.2.3 and into individual code sections. This new section will be under the “water conserving plumbing fixtures and fittings” code section. This formatting change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Note (at 5.303.3.4.5): Where complying faucets...

Rationale: DSA to align with BSC; is proposing to add a note for faucets that allows for aerators or other means to be used where complying faucets are not available. This proposed code change will be consistent with the Department of Housing and Community Development’s 2013 code change for similar code provisions.

Section 5.303.4 Wastewater reduction. [N]

Rationale: DSA to align with BSC: Subsequent to the Green Code Advisory committee review, CBSC discovered a conflict between Section 5.303.4 Wastewater reduction and the new proposed prescriptive only approach for indoor potable water use. The new proposed requirements will automatically meet the wastewater reduction requirement by simply complying with the new sections added for reduced fixture flow rates. Therefore, the existing Section 5.303.4 Wastewater reduction is no longer needed and is being proposed to be repealed.

Section 5.504.4.4 Carpet systems.

Rationale: Editorial; This code section is being updated to reflect the new naming system for EQ. 2.2. The new name is now EQ. 7.0 and EQ. 7.1.

5.504.4.6 Resilient flooring systems. The standard, Greenguard Children's & Schools Program, has a modified title and now is "UL GREENGUARD Gold".

A5.410.3 Commissioning [DSA-SS]

This existing voluntary section addressing is proposed to be removed from appendix A5 of the CALGreen Code so that it does not conflict with, overlap, or duplicate other building standards.

A5.410.4 Testing and Adjusting [DSA-SS]

This existing voluntary section is proposed to be removed from appendix A5 of the CALGreen Code so it does not conflict with, overlap, or duplicate other building standards.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

(Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

No technical, theoretical, or empirical studies or reports were used, as Section 18928 of the Health & Safety Code mandates this proposed action.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

(Government Code Section 11346.2(b)(4) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

No new prescriptive standards are proposed.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by law.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

(Government Code Section 11346.2(b)(5)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.)

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

(Government Code Section 11346.2(b)(6)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business)

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to the proposed action.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

(Government Code Section 11346.2(b)(6)(B) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.)

The cost for compliance is minimal, while the maintenance & operations cost savings outweigh the initial costs.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.)

The proposed regulations do not duplicate or conflict with federal regulations.