

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

**CONCERNING ADOPTION OF THE 2008 CALIFORNIA GREEN BUILDINGS CODE,
FOR USE IN THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

15-DAY UPDATES were proposed to the following section(s). Updated 15-day Reasons, Recommendations and Rationales are as follows:

101.4 Appendices

15-DAY REASON: DSA-SS is amending 101.4 (Appendices) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Revisions are to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to restore the word “city”.

CBSC RATIONALE: Consistency with Sections 101.7.1, item 1.

101.7 City, county, or city and county amendments, additions or deletions

15-DAY REASON: DSA-SS is amending 101.7 (City, County, or City and County Amendments, Additions or Deletions) to remove the word ‘tier’ and add ‘voluntary measures’ to coordinate with other 15-day amendments and to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards.

101.11 Effective use of this code. ...5.

15-DAY REASON: DSA-SS is amending 101.11 (Effective Use of This Code-item 5) to remove the word ‘tier’ to coordinate with other 15-day amendments and to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards.

SECTION 105 - DIVISION OF THE STATE ARCHITECT

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

15-DAY REASON: DSA-SS is amending 105.1.1 (Application-Public Elementary and Secondary Schools, and Community Colleges) for the reasons that the application needed further defining.

SECTION 304 - VOLUNTARY MEASURES

304.1 Purpose & 304.1.1 Tiers

15-DAY REASON: DSA-SS is amending 304 (Voluntary Measures) because DSA-SS is repealing the reach standards in A5.601. Voluntary tiers are not being proposed for adoption by DSA-SS.

Recommendation: Delete both the DSA-SS reach standards in A5.601 and the voluntary “tiers”. Replace with voluntary “measures”.

Rational: The DSA-SS developed the reach standards in A5.601 in the 45-day language to create a set of criteria instead of a voluntary tier structure. Those reach standards did not align with the high performance incentive program currently offered by the State for which the DSA-SS administers plan verification. DSA-SS is amending this section to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards.

CHAPTER 5

NONRESIDENTIAL MANDATORY MEASURES - DIVISION 5.1 PLANNING AND DESIGN

SECTION 5.102 - DEFINITIONS

CUTOFF LUMINAIRES

15-DAY REASON: DSA-SS is amending 5.102.1 (Definitions) in Cutoff Luminaires, to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Cutoff Luminaires is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to change the number of lamp lumens from 100 to 1000.

CBSC RATIONALE: Consistency with California Energy Code Section 132(b) (Luminaire Cutoff Requirements).

LOW-EMITTING AND FUEL EFFICIENT VEHICLES (2.)

15-DAY REASON: DSA-SS is amending 5.102.1 (Definitions) in Low-emitting and Fuel Efficient Vehicles item 2; to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Item 2 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to change Single Occupant Vehicle (SOV) to High Occupancy Vehicle (HOV).

CBSC RATIONALE: Update for consistency with Air Resources Board laws and regulations.

PZEV

15-DAY REASON: DSA-SS is making a non-substantive editorial grammatical correction in the definition of PZEV by correcting the words "certified be" to read "certified by".

VANPOOL VEHICLE

15-DAY REASON: DSA-SS is amending 5.102.1 (Definitions) in Vanpool Vehicle to ensure that the proposed building standard is not unnecessarily ambiguous or vague. Vanpool Vehicle is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to include the word "to" in the first sentence.

CBSC RATIONALE: Editorial grammatical correction for clarity to the code user.

SECTION 5.106 - SITE DEVELOPMENT**5.106.4 Bicycle parking and changing rooms****5.106.4.1 Short-term bicycle parking****5.106.4.2 Long-term bicycle parking****5.106.4.3 Changing rooms**

15-DAY REASON: DSA-SS is renumbering, reordering, or relocating the mandatory provisions of 5.106.4 (Bicycle Parking and Changing Rooms), 5.106.4.1 (Short-term Bicycle Parking), 5.106.4.2 (Long-term Bicycle Parking), and 5.106.4.3 (Changing Rooms) to Appendix as voluntary provisions in A5.106.4 (Bicycle Parking and Changing Rooms), A5.106.4.1 (Short-term Bicycle Parking), A5.106.4.2 (Long-term Bicycle Parking), and A5.106.4.3 (Changing Rooms). This provision does not have a significant impact for public schools and community colleges since shower/locker rooms for the students are already required by California Regulations, Title 5. DSA-SS is proposing this renumbering, reordering, or relocating to ensure that the proposed building standards are not unreasonable, arbitrary, unfair, or capricious and are not unnecessarily ambiguous.

5.106.5.2 2 & TABLE 5.106.5.2

15-DAY REASON: DSA-SS is repealing the mandatory provisions of 5.106.5.2.2 and Table 5.106.5.2. DSA-SS plans to conduct further study on the impacts associated with providing for plug-in vehicles at public schools and community colleges facilities. The DSA-SS adopts voluntary provisions in A5.106.5.1 (Designated Parking for Fuel Efficient Vehicles) and Table A5.106.5.1.1. This mandatory provision 5.106.5.2.2 is adopted by the CBSC.

5.106.8 Light pollution reduction. (2)

15-DAY REASON: DSA-SS is amending 5.106.8 (Light Pollution Reduction) item 3 to ensure that the proposed building standards is not unreasonable, arbitrary, unfair, or capricious. Item 3 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC). DSA-SS is making an editorial correction in Exception 1 by adding the word 'primary' to reflect the actual title language of CCR, Title 24, Part 2, Section 1205.6.

CBSC RECOMMENDATION: Based on criterion 4, CBSC proposes to change item number 3.

CBSC RATIONALE: Based on public comment, recognize the difficulty of compliance with containment of all exterior light within a property.

CHAPTER 5**NONRESIDENTIAL MANDATORY MEASURES****DIVISION 5.4 MATERIAL CONSERVATION AND RESOURCE EFFICIENCY****SECTION 5.407 - WATER RESISTANCE AND MOISTURE MANAGEMENT****5.407.1 Weather protection.**

15-DAY REASON: DSA-SS is making editorial corrections in 5.407.1 by adding the words 'Weather Protection' and 'Mandatory Features and Devices' to reflect the actual title language of CCR, Title 24, Part 2, Section 1403.2 & Part 6, Section 150.

DIVISION 5.5 ENVIRONMENTAL QUALITY**SECTION 5.503 - FIREPLACES****5.503.1 General.****5.503.1.1 Woodstoves.**

15-DAY REASON: DSA-SS is repealing 5.503 (Fireplaces) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Fireplaces and woodstove are already regulated in more detail in the California Energy Code, Title 24, Part 6, Subchapter 7, Section 150.

SECTION 5.504 - POLLUTANT CONTROL

5.504.2 IAQ Post-construction

15-DAY REASON: DSA-SS is renumbering, reordering, and relocating the mandatory regulatory provision (5.504.2) to voluntary provision (A5.504.2) to coordinate with other DSA-SS amendments and to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, and is not unnecessarily ambiguous or vague. DSA-SS is amending to coordinate with amendments proposed by the California Building Standards Commission.

CBSC RECOMMENDATION: Based on criterion 4 and 6, CBSC proposes to remove this provision from the mandatory section of the code and move it to the Appendix. In item 5, CBSC is adding language recommended by Air Resources Board.

CBSC RATIONALE: The section was moved in response to a public comment citing technical, enforcement, and potential liability issues. Air Resources Board language clarifies for the code user how the flush-out air volume is calculated.

5.504.4.3 Paints and coatings

15-DAY REASON: DSA-SS is amending 5.504.4.3 (Paints and Coatings) to ensure that the proposed building standards is not unnecessarily ambiguous or vague. Paints and coatings is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to include the words “more stringent” to qualify local limits.

CBSC RATIONALE: Response to comment from Air Resources Board, for consistency with their regulations.

TABLE 5.504.4.3 - VOC CONTENT LIMITS FOR ARCHITECTURAL COATINGS - Footnote #3

15-DAY REASON: DSA-SS is amending Table 5.504.4.3 (Footnote #3) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Footnote #3 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to change footnote #3 to this new language.

CBSC RATIONALE: Update for consistency with Air Resources Board laws and regulations and with HCD language.

5.504.4.5 Composite wood products & 5.504.4.5.2 Documentation

15-DAY REASON: DSA-SS is repealing 5.504.4.5.2 (Documentation) including item 1 to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Verification of compliance, documentation is repealed since documentation will be addressed by the DSA-SS under separate commentary.

5.504.4.6 Resilient flooring systems

15-DAY REASON: DSA-SS is amending mandatory provision 5.504.4.6 (Resilient Flooring Systems) to ensure that the proposed building standard is not unnecessarily ambiguous or vague. 5.504.4.6 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) for mandatory provision 5.504.4.6.

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to include a requirement for documentation and a note for reference to FloorScore’s web site.

CBSC RATIONALE: Provide clarity to the code user with inclusion of non-regulatory information that was requested by Air Resources Board. Also at Air Resources Board’s request, verification by documentation is included for finish materials to coordinate with HCD and for clarity to the code user.

5.504.7 Environmental tobacco smoke (ETS) control

15-DAY REASON: DSA-SS is repealing 5.504.7 (Environmental Tobacco Smoke (ETS)) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. ETS is repealed because smoking prohibitions are already regulated by California law.

SECTION 5.505 - INDOOR MOISTURE CONTROL - 5.505.1 Indoor moisture control

15-DAY REASON: DSA-SS is making editorial corrections in 5.505.1 by adding the words ‘Ventilation’ and ‘Exterior Walls’ to reflect the actual title language of CCR, Title 24, Part 2, Section 1203 & Chapter 14.

SECTION 5.506 - INDOOR AIR QUALITY - 5.506.1 outside air delivery

15-DAY REASON: DSA-SS is making an editorial correction in 5.506.1 by adding the words ‘Requirements for Ventilation’ to reflect the actual title language of CCR, Title 24, Part 6, Section 121.

SECTION 5.507 - ENVIRONMENTAL COMFORT

5.507.3.1 Interior office space; 5.507.4 Acoustical control; 5.507.4.1 Exterior noise transmission; 5.507.4.2 Interior sound

15-DAY REASON: DSA-SS is repealing 5.507 (Environmental Comfort) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Environmental comfort is repealed because acoustical provisions here conflict with the requirements for classrooms. See provision shown in the Appendix for high performance classrooms. Repealed sections in 5.507 (Environmental Comfort) include; 5.507.3.1 Interior Office Space), 5.507.4 (Acoustical), 5.507.4.1 (Exterior Noise Transmission), and 5.507.4.2 (Interior Sound).

CHAPTER 6— REFERENCED ORGANIZATIONS AND STANDARDS - SECTION 601 – GENERAL - 601.1

15-DAY REASON: DSA-SS is making an editorial corrections in 601.1-Table by adding ‘cross references’ to reflect the actual standards referenced in this code, adopted by DSA-SS.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.1 SITE PLANNING AND DESIGN -

SECTION A5.102 – DEFINITIONS - LOW-EMITTING AND FUEL EFFICIENT VEHICLES

15-DAY REASON: DSA-SS is amending A5.102.1 (Definitions) in Low-emitting and Fuel Efficient Vehicles item 2; to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. This same amendment was also made in 5.102.1 (Definitions). Item 2 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to change Single Occupant Vehicle (SOV) to High Occupancy Vehicle (HOV).

CBSC RATIONALE: Update for consistency with Air Resources Board laws and regulations.

VANPOOL VEHICLE

15-DAY REASON: DSA-SS is amending A5.102.1 (Definitions) in Vanpool Vehicle to ensure that the proposed building standard is not unnecessarily ambiguous or vague. This same amendment was also made in 5.102.1 (Definitions). Vanpool Vehicle is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC).

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to include the word “to” in the first sentence.

CBSC RATIONALE: Editorial grammatical correction for clarity to the code user.

SECTION A5.106 – SITE DEVELOPMENT - A5.106.4 Bicycle parking and changing rooms & A5.106.4.1 Short-term bicycle parking

15-DAY REASON: DSA-SS is amending the voluntary provision A5.106.4.1 (Short-term Bicycle Parking) to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious and that the voluntary and mandatory provisions do not conflict with, overlap, or duplicate each other. CBSC is proposing this amendment in the mandatory provision of 5.106.4.1 (Short-term bicycle parking).

CBSC RECOMMENDATION: Based on criterion 4, CBSC proposes to change the distance for short-term visitors parking to 200’.

CBSC RATIONALE: In response to a public comment, provide more flexibility for the builder in locating visitor bike racks.

A5.106.4.2 Long-term bicycle parking

15-DAY REASON: In voluntary provision A5.106.4.2 (Long-term Bicycle Parking) does not address teachers, students and visitors as a whole for public schools and community colleges.

Recommendation: Add language for public schools and community colleges facilities to include a focus on students consistent with high performance criteria used for state program i.e. providing long term bicycle parking for 15% of occupants (students, teachers, and staff).

Rationale: Align percentage for long term bicycle parking with high performance standards used for the high performance standards used for the high performance incentive program currently offered by the State for which the DSA-SS administers plan verification.

CBSC Recommendation: (Amend mandatory provision 5.106.4.2 Long-term Bicycle Parking) Based on criteria 3 and 6, CBSC proposes to describe the motorized vehicles referenced as those of tenant-occupants and to add the phrase “but not limited to”.

CBSC Rationale: Increase flexibility of compliance options and clarity for the code user.

A5.106.4 & TABLE A5.106.4.3

15-DAY REASON: DSA-SS is renumbering, reordering, or relocating the mandatory provisions of 5.106.4 (Bicycle Parking and Changing Rooms), 5.106.4.1 (Short-term Bicycle Parking), 5.106.4.2 (Long-term Bicycle Parking), and 5.106.4.3 (Changing Rooms) to Appendix as voluntary provisions in A5.106.4 (Bicycle Parking and Changing Rooms), A5.106.4.1 (Short-term Bicycle Parking), A5.106.4.2 (Long-term Bicycle Parking), and A5.106.4.3 (Changing Rooms). This provision does not have a significant impact for public schools and community colleges since shower/locker rooms for the students are already required by California Regulations’, Title 5. DSA-SS is proposing this renumbering, reordering, or relocating to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Amend A5.106.4.1 & A5.106.4.2 to be consistent with CBSC amendments. See CBSC Recommendation and Rationale.

CBSC RECOMMENDATION:

(A5.105.4.1) Based on criterion 4, CBSC proposes to change the distance for short-term visitors parking to 100 yards.

(A5.105.4.2) Based on criteria 3 and 6, CBSC proposes to describe the motorized vehicles referenced as those of tenant-occupants and to add the phrase “but not limited to”.

(A5.105.4.3) Based on criterion 6, CBSC proposes to remove this provision from the mandatory section of the code and move it to the Appendix.

CBSC RATIONALE:

(A5.105.4.1) in response to a public comment, provide more flexibility for the builder in locating visitor bike racks.

(A5.105.4.2) Increase flexibility of compliance options and clarity for the code user.

(A5.105.4.3) Response to public comments concerning the application of this standard to phased projects and potential security and liability issues.

A5.106.5.1 Designated parking for fuel efficient vehicles; TABLE A5.106.5.1.1 - 10% of Total Spaces; Table A5.106.5.1.2 - CALGREEN Excellence or CALGREEN Grid Neutral – 12% of Total Spaces

15-DAY REASON: DSA-SS is repealing Table A5.106.5.1.2 (CALGREEN Excellence or CALGREEN Grid Neutral – 12% of Total Spaces) to coordinate with other DSA-SS amendments.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

A5.106.5.2.7 A5.106.5.3 Electric vehicle charging

15-DAY REASON: DSA-SS is making an editorial correction in A5.106.5.3 by adding the words 'Electric Vehicle' to reflect the actual title language of CCR, Title 24, Part 2, Section 406.7.

A5.106.5.2.1; A5.106.5.3.1 Electric vehicle supply wiring & TABLE A5.106.5.2.1 and TABLE A5.106.5.3.1

15-DAY REASON: DSA-SS is renumbering, the voluntary provisions of A5.106.5.2 (to A5.106.5.3), A5.106.5.2.1 (to A5.106.5.3.1) and Table A5.106.5.2.1 (to Table A5.106.5.3.1) to accommodate new section adopted for Designated Parking (A.106.5.2) as an editorial correction for clarity to the code user.

A5.106.7 Exterior wall shading

15-DAY REASON: DSA-SS is amending mandatory provision A5.106.7 (Exterior Wall Shading-items 1 and 2) to ensure that the proposed building standards are not unreasonable, arbitrary, unfair, or capricious. Items 1 & 2 are amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision A5.106.7.

CBSC RECOMMENDATION: Based on criterion 4, CBSC proposes to clarify shading devices, vegetation, and SRI value.

CBSC RATIONALE: To clarify for the code user that shading devices and vegetation are for walls with windows and that the SRI value for opaque walls is a minimum value.

Exception:

15-DAY REASON: DSA-SS is making an editorial correction in A5.106.7 (Exception) by adding the words 'Materials and Construction Methods for Exterior Wildfire Exposure' to reflect the actual title language of CCR, Title 24, Part 2, Chapter 7A.

A5.106.11.2 Cool roof & TABLE A5.106.11.2.1

15-DAY REASON: DSA-SS is amending Table A5.106.11.2.1 to ensure that the proposed building standard is not unnecessarily ambiguous or vague. Table A5.106.11.2.1 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC). DSA-SS is repealing the title of Table A5.106.11.2.1 to coordinate with other DSA-SS amendments.

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to move Minimum 3-year Aged to a new column and to strike the words "Minimum Aged" and to correct climate zone 2-15 to read 2-16.

CBSC RATIONALE: To provide clarity to the code user with inclusion of information that was recently made available to CBSC by the Air Resources Board and the California Energy Commission.

Table A5.106.11.2.2 - CALGREEN Excellence or CALGREEN Grid Neutral

15-DAY REASON: DSA-SS is repealing Table A5.106.11.2.2 (CALGREEN Excellence or CALGREEN Grid Neutral) to ensure that the proposed building standards do not conflict with, overlap, or duplicate other building standards. Repeal of Table A5.106.11.2.2 is to coordinate with other DSA-SS amendments.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.2 ENERGY EFFICIENCY; SECTION A5.203 - PERFORMANCE APPROACH

15-DAY REASON: DSA-SS is amending section number. Section numbering was mistakenly left out, section number (A5.203) is added for clarity. The word 'renewable' was included in the title of section A5.203 by mistake and is removed for clarity. Editorial grammatical correction for clarity to the code user.

A5.203.1 Energy performance; A5.203.1.1 Energy efficiency – 15% above Title 24; A5.203.1.2 Energy efficiency – 30% above Title 24; A5.203.1.3 CALGREEN grid neutral

15-DAY REASON: DSA-SS is amending the title of A5.203.1 (Energy Efficiency-15% Above Title 24) and A5.203.1.2 (Energy Efficiency-30% Above Title 24) and repealing A5.203.1.3 (CALGREEN Grid Neutral) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

A5.203.1.3 is repealed to coordinate with the DSA-SS amendments to delete reach standards in A5.601.

SECTION A5.204 - PRESCRIPTIVE APPROACH - A5.204.6 Building orientation and shading

15-DAY REASON: DSA-SS is repealing A5.204.6 (Building Orientation and Shading) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards contained in A5.106.9.1 (Building Orientation and

Shading).

SECTION A5.213 - ENERGY EFFICIENT STEEL FRAMING - A5.213.1 Steel framing

15-DAY REASON: DSA-SS is repealing A5.213.1 (Steel Framing) from the code proposal for further study.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.3 WATER EFFICIENCY AND CONSERVATION - SECTION A5.303 - INDOOR WATER USE - A5.303.2.1 30% Savings & TABLE A5.303.2.1 - WATER USE

15-DAY REASON: DSA-SS is amending Table A5.303.2.1 to ensure that the proposed building standard is not unnecessarily ambiguous or vague. Voluntary provision Table A5.303.2.1 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision in Table 5.303.2.2.

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to strike residential showerheads from Table 5.303.2.2 and correct the footnote reference for Occupants to 3.

CBSC RATIONALE: Consistency with authority and footnote numbering.

SECTION A5.304 - OUTDOOR WATER USE - A5.304.3 Potable water reduction; A5.304.3.1 CALGREEN Merit. Reduce the use of potable water by 50%; A5.304.3.1.1 CALGREEN Excellence or CALGREEN Grid Neutral. Reduce the use of potable water by 60%.

15-DAY REASON:

(A5.304.3 Potable Water Reduction) DSA-SS is amending the A5.304.3 (Potable Water Reduction) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards.

(A5.304.3.1 (CALGREEN Merit and A5.304.3.1.1 (CALGREEN Excellence or CALGREEN Grid Neutral) DSA-SS is repealing A5.304.3.1 (CALGREEN Merit) and A5.304.3.1.1 (CALGREEN Excellence or CALGREEN Grid Neutral) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.4 MATERIAL CONSERVATION AND RESOURCE EFFICIENCY - SECTION A5.405 - MATERIAL SOURCES - A5.405.4 Recycled content & A5.405.4.1 Recycled content, CALGREEN Excellence or CALGREEN Grid Neutral

15-DAY REASON: DSA-SS is amending the title of A5.405.4 (Recycled Content) and repealing A5.405.4.1 (Recycled Content, CALGREEN Excellence or CALGREEN Grid Neutral) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

SECTION A5.408 - CONSTRUCTION WASTE REDUCTION, DISPOSAL, AND RECYCLING - A5.408.3.1 Enhanced construction waste reduction

15-DAY REASON: DSA-SS is amending A5.408.3.1 (enhanced Construction Waste Reduction) by repealing reference to CALGREEN Merit and CALGREEN Excellence or CALGREEN Grid Neutral to coordinate with other DSA-SS amendments.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

SECTION A5.410 - BUILDING MAINTENANCE AND OPERATION - A5.410.2.1 Owner's Project Requirements (OPR

15-DAY REASON: DSA-SS is amending voluntary provision A5.410.2.1 (Owner's Project Requirements (OPR)) to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious and is not unnecessarily ambiguous.

Voluntary provision A5.410.2.1 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.2.1 (Owner's Project Requirements (OPR)).

CBSC RECOMMENDATION: Based on criteria 4 and 6, CBSC proposes to add a phrase concerning project phase.

CBSC RATIONALE: In response to a public comment, clarify for the code user scope for phased projects.

A5.410.2.3 Commissioning plan

15-DAY REASON: DSA-SS is amending voluntary provision A5.410.2.3 (Commissioning Plan) to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, and is not unnecessarily ambiguous or vague. A5.410.2.3 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.2.3 (Commissioning Plan).

CBSC RECOMMENDATION: Based on criteria 4 and 6, CBSC proposes to add a phrase concerning project phase.

CBSC RATIONALE: Editorial grammatical correction to provide clarity to the code user.

A5.410.2.5 Documentation and training

15-DAY REASON: DSA-SS is amending voluntary provision A5.410.2.5 (Documentation and training) to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, and is not unnecessarily ambiguous or vague. A5.410.2.5 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.2.5 (Documentation and Training).

CBSC RECOMMENDATION: Based on criteria 4 and 6, CBSC proposes to delete the words “Post-construction”.

CBSC RATIONALE: In response to a public comment, clarify for the code user the importance of training before all construction activities are complete.

A5.410.2.5.1 Systems manual

15-DAY REASON: DSA-SS is amending A5.410.2.5.1 (Systems Manual) by repealing the last sentence “Documentation of compliance with measurer required by tiers, if applicable.” to coordinate with other DSA-SS amendments.

A5.410.2.5.2 Systems operations training

15-DAY REASON: DSA-SS is amending voluntary provision A5.410.2.5.2 (Systems Operations Training) item 2 – to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious and is not unnecessarily ambiguous or vague. A5.410.2.5.2 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.2.5.2 item 2.

CBSC RECOMMENDATION: Based on criteria 4 and 6, CBSC add a new Item 2 for training in servicing and preventive maintenance.

CBSC RATIONALE: In response to a public comment, clarify for the code user training requirements prior to the close of construction to ensure that the benefits of commissioning persist over time.

A5.410.2.6 Commissioning report

15-DAY REASON: DSA-SS is amending voluntary provision A5.410.2.6 (Commissioning Report) to ensure that the proposed building standard is not unnecessarily ambiguous or vague. A5.410.2.3 is amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.2.6.

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to recommend reporting requirements for post-construction phases in lieu of requiring them.

CBSC RATIONALE: Provide clarity to the code user that this code does not apply to activities once the Certificate of Occupancy is issued.

A5.410.3 Testing and adjusting; A5.410.3.2 Systems; A5.410.3.3 Procedures; A5.410.3.3.1 HVAC balancing

15-DAY REASON: DSA-SS is amending voluntary provisions in A5.410.3 (Testing and Adjusting) through A5.410.3.3.1 (HVAC Balancing) to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, and is not unnecessarily ambiguous or vague. A5.410.3 through A5.410.3.3 are amended to coordinate with 15-day amendments proposed by the California Building Standards Commission (CBSC) mandatory provision 5.410.3 through 5.410.3.3.1.

CBSC RECOMMENDATION: Based on criteria 4 and 6, CBSC proposes in Section 5.410.3.3.1 to change the word “should” to “shall” and to reserve the requirement for balancing for HVAC systems.

CBSC RATIONALE: Based on public comment, the changes are to indicate that balancing is required only for HVAC systems. Other systems with controls will require testing and adjusting, but not balancing.

5.410.3.5.1 Compliance with tiers

15-DAY REASON: DSA-SS is repealing A5.410.3.5.1 (Compliance with Tiers) to coordinate with other DSA-SS amendments.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.5 ENVIRONMENTAL QUALITY - SECTION A5.504 - POLLUTANT CONTROL - A5.504.1 Indoor air quality (IAQ) during construction; A5.504.1.1 Temporary ventilation

15-DAY REASON: DSA-SS is making an editorial correction in 5.504.1.1 by adding the words ‘Requirements for Ventilation’ to reflect the actual title language of CCR, Title 24, Part 6, Section 121.

A5.504.2 IAQ Post-construction

15-DAY REASON: DSA-SS is renumbering, reordering, and relocating the mandatory regulatory provision (5.504.2) to voluntary provision (A5.504.2) to coordinate with other DSA-SS amendments and to ensure that the proposed building standard is not unreasonable, arbitrary, unfair, or capricious, and is not unnecessarily ambiguous or vague. DSA-SS is amending to coordinate with amendments proposed by the California Building Standards Commission.

CBSC RECOMMENDATION: Based on criterion 4 and 6, CBSC proposes to remove this provision from the mandatory section of the code and move it to the Appendix. In item 5, CBSC is adding language recommended by Air Resources Board.

CBSC RATIONALE: The section was moved in response to a public comment citing technical, enforcement, and potential liability issues. Air Resources Board language clarifies for the code user how the flush-out air volume is calculated.

A5.504.4.5.1 Early compliance with formaldehyde limits

15-DAY REASON: DSA-SS is amending A5.504.4.5.1 (Early Compliance with Formaldehyde Limits) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards. DSA-SS is amending to coordinate with amendments proposed by the California Building Standards Commission.

CBSC RECOMMENDATION: Based on criterion 6, CBSC proposes to delete the reference to Phase 2 (II) and add a note concerning documentation of compliance.

CBSC RATIONALE: Reference to Phase 2 has been removed from Table 5.504.4.5 in favor of dates of compliance.

A5.504.4.7 Resilient flooring systems

15-DAY REASON: DSA-SS is repealing from the title of A5.504.4.7 (Resilient Flooring Systems) reference the words 'CALGREEN Merit', to coordinate with other DSA-SS amendments. DSA-SS is amending this section to coordinate with amendments proposed by the CBSC.

A5.504.4.7.1 Resilient flooring systems, CALGREEN Excellence or CALGREEN Grid Neutral

15-DAY REASON: DSA-SS is repealing A5.504.4.7.1 (Resilient Flooring Systems) to coordinate with other DSA-SS amendments.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

A5.504.4.8 Thermal insulation

15-DAY REASON: DSA-SS is repealing from the title of A5.504.4.8 (Thermal Insulation) reference the words 'CALGREEN Merit', to coordinate with other DSA-SS amendments. DSA-SS is making an editorial correction in A5.504.4.8 by adding the words 'Standards for Insulating Material' to reflect the actual title language of CCR, Title 24, Part 12, Chapter 12-13.

A5.504.4.8.1 Thermal insulation, No-Added

15-DAY REASON: DSA-SS is amending the title A5.504.4.8.1 to read (Thermal Insulation, No-Added Formaldehyde) and repealing reference to the words 'CALGREEN Excellence or CALGREEN Grid Neutral', to coordinate with other DSA-SS amendments.

Voluntary tier reach standards were revised to be voluntary measures. Some of the voluntary tiers which included two levels of reach standards are being consolidated to be one voluntary measure. In all cases the lower quantity was used for the provision, except in the case of Construction Waste Reduction where the higher quantity was used. The title of the voluntary tiers that remained as two voluntary measures were re-titled accordingly.

A5.504.4.9 Acoustical ceilings and wall panels

15-DAY REASON: DSA-SS is amending A5.504.4.9 (Acoustical Ceilings and Wall Panels) to ensure that the proposed building standard does not conflict with, overlap, or duplicate other building standards. DSA-SS is amending A5.504.4.9 to coordinate with amendments proposed by the California Building Standards Commission.

CBSC RECOMMENDATION: Based on criteria 1 and CBSC proposes to amend this section based on a comment from ARB, who noted that the previous sections did not specify a time period and thus an air flow rate, which could conceivably be too low for effective flush-out. Based on criterion 6, CBSC proposes to add a note concerning documentation of compliance.

CBSC RATIONALE: Because the amendment is sufficiently related to the original proposal that was brought to the California building Standards Commission Code Advisory Committee, CBSC believes that the public has been adequately noticed that the change might occur. The committee and recommended that the section be amended to include a testing protocol, but ARB advised against this because testing is costly and a building flush-out should eliminate the need for almost all air quality testing. At Air Resources Board's request, the documentation requirement from chapter 5 for formaldehyde, resilient flooring, and thermal insulation is included in the Appendix for consistency with HCD and for clarity to the code use.

A5.504.5.3.1 Filters

15-DAY REASON: DSA-SS is amending A5.504.5.3.1 (Filters) by adding the word 'student' and correcting "MERV of 13" to now read "MERV of 11" to better align with the current high performance incentive program administered by the Division of the State Architect for schools. DSA-SS is amending A5.504.5.3.1 to coordinate with amendments proposed by the California Building Standards Commission.

CBSC RECOMMENDATION: Based on criterion 1, CBSC proposes to change the MERV rating of 13 to 11.

CBSC RATIONALE: Update for consistency with DSA-SS, who is proposing the change, because MERV 13 filters require more frequent replacement, which is a cost and maintenance issue for schools and may have a similar impact on nonresidential new buildings.

SECTION A5.507 - ENVIRONMENTAL COMFORT

A5.507.1.1.2 Thermal comfort

15-DAY REASON: DSA-SS is making an editorial correction in 5.507.1.1.2 (item 2) by adding the words 'Requirements for Ventilation' to reflect the actual title language of CCR, Title 24, Part 6, Section 121.

A5.507.5 Acoustical control

15-DAY REASON: DSA-SS is amending A5.507.5 (Acoustical Control) by deleting the word 'Enhanced' to ensure that the proposed building reach standards aligns with the high performance incentive program currently offered by the State for which the DSA-SS administers plan verification.

APPENDIX A5 - NONRESIDENTIAL VOLUNTARY MEASURES - DIVISION A5.6 VOLUNTARY REACH STANDARD - SECTION A5.601 - CALGREEN TIERS - A5.601.1 Scope; A5.601.2 CALGREEN merit; A5.601.2.1 Prerequisites; A5.601.2.2

Energy performance; A5.601.2.3.1 Additional voluntary measures for CALGREEN merit; A5.601.2.3.2 35% Grid neutral A5.601.3 CALGREEN excellence; A5.601.3.1 Prerequisites; A5.601.3.2 Energy performance; A5.601.3.3 Additional voluntary measures for CALGREEN excellence; A5.601.3.4 75% Grid neutral; A5.601.4 CALGREEN grid neutral A5.601.4.1 Prerequisites; A5.601.4.2 Energy performance; A5.601.4.3 Additional voluntary measures for CALGREEN grid neutral; A5.601.4.4. Grid neutral

15-DAY REASON: DSA-SS is repealing the reach standards in A5.601 for further study. The DSA-SS developed the reach standards in A5.601 in the 45-day language to create a set of criteria instead of a voluntary tier structure. Those reach standards did not align with the high performance incentive program currently offered by the State for which the DSA-SS administers plan verification.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because the initial version of the green building standards proposed are primarily voluntary in nature, DSA-SS has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Thus, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

Air Quality Sciences, Inc. (AQS) - Stephany I. Mason (Email dated Nov 12, 2009): Comments made by Air Quality Sciences, Inc. were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by AQS, unless otherwise noted in this document.

Air Resources Board (ARB) - Mary D. Nicolas (Letter dated Nov 12, 2009): Comments made by Air Resources Board were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by ARB, unless otherwise noted in this document.

California Building Officials (CALBO) - William R. Schock (Letter dated Nov 13, 2009): Comments made by California Building Officials were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by CALBO, unless otherwise noted in this document.

California's Coalition for Adequate School Housing (CASH) - Thomas Duffy (Letters dated Nov 16, 2009, Nov 23, 2009 & Dec 16, 2009): All provisions commented on by California's Coalition for Adequate School Housing were taken, withdrawn, or moved to the appendix as voluntary measures as suggested except the following:

- Deletion of lists for 5.504.4 – These lists add clarity and are already existing lists provided to the CBSC from ARB.
- 5.504.4.6 Resilient Flooring – this balances out the other products in 5.504 and the references are valid.
- 5.408 Construction Waste Reduction, Disposal and Recycling (5.408.1—5.408.3) – DSA-SS will take this recommendation under consideration when outlining the required documentation in the enforcement of this provision. An Interpretation of this regulation may be issued.

Refer to statement of reasons for further detail and/or review CBSC's Final Statement of Reasons to find additional responses made to comments by CASH.

California Commissioning Collaborative (CCC) - Phil Welker, Executive Director (Comments dated Nov 16, 2009): Comments made by California Commissioning Collaborative were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by CCC, unless otherwise noted in this document.

California Landscape Contractors Assoc. (CLCA) - Larry Rohlfes (Letter dated Oct 8, 2009 & Nov 16, 2009): Comments made by California Landscape Contractors Assoc. were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by CLCA, unless otherwise noted in this document.

California Nevada Cement Association (CNCA) - Thomas Tietz (Letter dated Nov 13, 2009 & Nov 16, 2009): Comments made by California Nevada Cement Association were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by PCMAC, unless otherwise noted in this document.

Collaborative for High Performance Schools (CHPS) - William R. Orr, (Letters dated Nov 16, 2009 & Dec 16, 2009): All provisions commented on by Collaborative for high Performance Schools were taken, withdrawn, or moved to the appendix as voluntary measures as suggested except the following:

- Deletion of lists for 5.504.4 – These lists add clarity and are already existing lists provided to the CBSC from ARB.
- 5.504.4.6 Resilient Flooring – This balances out the other products in 5.504 and the references are valid.
- Bicycle Parking – This provision was moved from mandatory to a voluntary measure in the 15 day language. Changes were made to consider the alignment with schools and bicycle parking requirements. Since this is voluntary, no change will be made at this point and this recommendation for language revision will be consider in the next code cycle.
- Construction waste reduction – This provision is a voluntary measure as a reach standard. Since this is voluntary, no change will be made at this point and this recommendation to adjust the percentage to match CHPS standards will be considered in the next code cycle.
- Reference to CHPS "High Performance Products database" – DSA-SS and other agencies will update this information at the time of publication as this is a non-regulatory note.

Refer to statement of reasons for further detail and/or review CBSC's Final Statement of Reasons to find additional responses made to comments by CHPS.

GREENGUARD Environmental Institute (GEI) - Josh Jacobs (e-mail dated Nov 9, 2009): Comments made by GREENGUARD Environmental Institute were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by GEI, unless otherwise noted in this document.

Johns Manville (JM) - (Letter dated NOV 16, 2009): Comments made by Johns Manville were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by JM, unless otherwise noted in this document.

Lehigh Hanson-Heidelberg Cement Group (LH-HCG) - Lehigh Hanson (Letter dated Nov 13, 2009): Comments made by Lehigh Hanson-Heidelberg Cement Group were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by LH-HCG, unless otherwise noted in this document.

LIONAKIS - Rob Samish (Letters dated Nov 6, 2009 & Nov 13, 2009): Comments made by LIONAKIS were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect worked with the CBSC on the changes made in response to these comments and incorporated into the DSA-SS Green Building Standards Code the same revisions of proposed DSA-SS provisions in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by LIONAKIS unless otherwise noted in this document. Many of these comments were general in nature except mandatory measures 5.503 Fireplaces and 5.504.7 Environmental tobacco smoke (ETS) control; both were withdrawn from the DSA-SS green building standards.

Additionally, Lionakis requested more stringent controls for Energy Efficiency which is regulated by the California Energy Commission, and Fundamental Commissioning; reach standards were added in the appendix to encourage these provisions.

Natural Resources Defense Council (NRDC) and Environmental Defense Fund (EDF) - Victoria Rome and Lauren Navarro (Letter dated Nov 16, 2009): Comments made by Natural Resources Defense Council and Environmental Defense Fund were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were

proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by NRDC and EDF, unless otherwise noted in this document.

Precast/Prestressed Concrete Manufacturers Association of California (PCMAC) - Douglas M. Mooradian (Letter dated Nov 13, 2009): Comments made by Precast/Prestressed Concrete Manufacturers Assoc. of California were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect-Structural Safety (DSA-SS) worked with the CBSC on the changes made in response to these comments and incorporated them into the DSA-SS California Green Building Standards Code. These same revisions were proposed by DSA-SS in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by PCMAC, unless otherwise noted in this document.

Rainforth Grau Architects (RGA) - Anthony C. Fejararig-Herrera (Letter dated Nov 11, 2009): Comments made by Rainforth Grau Architects were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect worked with the CBSC on the changes made in response to these comments and incorporated into the DSA-SS Green Building Standards Code the same revisions of proposed DSA-SS provisions in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by RGA unless otherwise noted in this document. Many of these comments were general in nature except a voluntary provision, A5.213 – Energy Efficient Steel Framing; this was withdrawn from the voluntary DSA-SS provisions.

U.S. Green Building Council - Dennis Murphy, Andrea Traber, Elizabeth Echols; Build It Green - Catherine A. Merschel Stop Waste.org - Wendy Sommer; Sierra Club California - Jim Metroulo; Planning and Conservation League - Tina Andolina - (Joint Letter dated Nov 16, 2009): Comments made by U.S. Green Building Council, Build it Green, Stop Waste.org, Sierra Club California, Planning and Conservation League were reviewed by California Building Standards Commission (CBSC), the lead agency on this green buildings standards code. The Division of the State Architect worked with the CBSC on the changes made in response to these comments and incorporated into the DSA-SS Green Building Standards Code the same revisions of proposed DSA-SS provisions in the 45-day proposed language and the 15-day proposed language. Please review CBSC's Final Statement of Reasons to find responses made to comments by U.S. Green Building Council, Build it Green, Stop Waste.org, Sierra Club California, Planning and Conservation League unless otherwise noted in this document.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The initial version of the green building standards proposed by DSA-SS is primarily voluntary in nature. Therefore, DSA-SS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons, than the adopted regulation. This determination is based on public input received during the 45-day and 15-day Notices of proposed action.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

There were no proposed alternatives that would lessen the impact on small businesses, because the initial version of the proposed green building standards proposed by DSA-SS are primarily voluntary. The DSA-SS has determined that the proposed regulations will have no adverse impact on small businesses.