

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)
REGARDING AMENDMENTS TO THE 2015 CALIFORNIA BUILDING STANDARDS CODE,
TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 11, CALIFORNIA GREEN
BUILDING STANDARDS CODE**

(BSC 04/15)

[Note to agencies: Directions below, which, like this note, are not intended to be shown in your submittal, have been updated to reflect requirements of AB 1612 (Chapter 471, Statutes of 2012) effective January 1, 2013. New directions are shown in underline.]

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish amendments to mandatory and voluntary green building standards in CCR, Title 24, Part 11.

PUBLIC COMMENT PERIOD

(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from **October 9, 2015**, until **5:00 PM** on **November 23, 2015**. Please address your comments to:

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Jim McGowan, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov. Pursuant to Government Code Section 11346.5(a)(17), any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

(Government Code Section 11346.5(a)(18))

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 16600, 18928, 18930.5, 18934.5, 18934.6, and 18938(b) and Government

Code Section 14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC, Sections 16600 through 16604 and Division 13, Part 2.5, commencing with Section 18901; and Government Code Sections 14617.

INFORMATIVE DIGEST

(Government Code Section 11346.5(a)(3))

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

Summary of Existing Laws

H&SC Section 16600 authorizes the commission and the Division of the State Architect to develop and adopt building seismic retrofit guidelines for state buildings.

H&SC Section 18928 authorizes the commission to adopt the most recent edition of model codes, national standards, or specifications.

H&SC Section 18934.5 sets forth that, where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

H&SC Section 18934.6 mandates that the commission shall adopt, approve, codify, and publish by reference Appendix Chapter 1 of the International Existing Building Code for providing the minimum standards for unreinforced masonry buildings.

H&SC 18930.5 grants CBSC the authority, if no state agency has the authority or expertise to propose green building standards applicable to a particular occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

H&SC Section 18938(b) provides that model code standards as referenced in the California Building Standards Code (CCR, Title 24) shall apply to all occupancies throughout the state, and shall become effective 180 days after publication in the California Building Standards Code by CBSC, or on a later date after publication established by CBSC.

H&SC 18940.5 sets forth that, agencies that propose green building standards for inclusion in Part 11 shall reference or reprint the green building standards in other relevant portions.

H&SC 18941.10 (a) (1) mandates that the commission shall adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in nonresidential development.

H&SC Section 38500 et seq (AB 32, Stats 2006, c. 488) requires a cap on greenhouse gas (GHG) emissions by 2020, mandatory emissions reporting, and a market-based compliance program.

Government Code Section 14617 authorizes the commission and the Division of State Architect to establish a standard of lighting for parking lots at the University of California, California State University, and California Community Colleges.

Government Code Sections 65601 through 65607 regulate use of recycled water in landscaping.

Public Resources Code Sections 42900 through 42911 provide for access in development projects to adequate areas for collection and loading of recyclable materials, and include a model ordinance for local agency adoption.

Summary of Existing Regulations

California Code of Regulations (CCR), Title 24, also referred to as the 2013 California Building Standards Code incorporates the following:

- Part 1, the California Administrative Code, with administrative regulations for CBSC and the California Energy Commission (CEC)
- Part 5, the California Plumbing Code, Chapter 16 and 17 for graywater and rainwater, respectively, being adopted simultaneously for the 2013 edition;
- Part 6, the California Energy Code, which contains minimum energy efficiency standards for non-residential buildings in California promulgated by the CEC
- Part 11, the California Green Building Standards Code (CGBSC), also known as the CALGreen Code, which contains mandatory and voluntary green building standards for residential and nonresidential occupancies.

Other relevant CCR titles:

- Title 17 includes regulations for air quality promulgated by the California Air Resources Board
- Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures.

- Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

Summary of Governor's Executive Orders

- **B-16-12**, March 23, 2012, directs state government to help accelerate the market for zero emission vehicles (ZEVs) in California. This executive order established several milestones including an interim target requiring California's ZEV infrastructure to support up to 1 million vehicles by 2020.
- **B-18-12**, April 25, 2012, instructs state entities to design, construct, and operate all new and renovated state-owned buildings paid for with state funds as Zero Net Energy facilities by 2025 and, with those over 10,000 square feet being "LEED Silver" or higher certified buildings.
- **S-3-05**, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.
- **S-20-06**, October 17, 2006, directs CalEPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.
- **B-30-15**, April 29, 2015, establishes targets to reduce statewide GHG emissions 40% by 2030 and 80% by 2050; measured against 1990 levels.

Summary of Effect

This proposed action will make effective mandatory and voluntary green building standards available in Title 24, Part 11 for buildings under authority of CBSC, on a date commensurate with the 2010 annual code adoption cycle, either 180 days after publication in Title 24 or at a later date determined by CBSC.

Comparable Federal Statute or Regulations

There are no known applicable Federal Statutes or regulations.

Policy Statement Overview

Working with its green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, CBSC is currently proposing modifications to the 2013 mandatory and voluntary standards. To be published in the 2016 codes, the changes are intended to clarify and improve the code for its various users and to enhance specific requirements meant to assist the state in reaching its energy and greenhouse gas emission goals.

One overall goal of these regulations is to increase diversion of both organic and construction and demolition wastes from California landfills and to increase demand for recycled content materials to support that diversion. Benefits include reduced disposal and the associated greenhouse gases generated with the decomposition of organic wastes in a landfill environment. Greenhouse gas emission reductions are also realized through the increased use of recycled content building materials.

Another overall goal of these regulations is to increase the percent of electric vehicle charging infrastructure in new buildings. These standards should facilitate large scale deployment of zero emission vehicles, which will sustain California's natural resources by the reduction of energy use, reduction in greenhouse gas emissions, and less dependency on fossil fuels. CBSC's proposed action will support the implementation of the Governor's Executive Order B-16-12 to achieve an interim target to provide infrastructure to support 1 million ZEVs by 2020.

Additionally, the proposed increased water efficiency for certain commercial food service equipment would respond to California's drought emergency.

Evaluation of consistency

The proposed action is consistent with both building standards regulations and with enabling statute.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

(Government Code Section 11346.5(a)(4))

CBSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Government Code Section 11346.5(a)(5))

CBSC has determined that projects following the Green Building Code would impose a mandate on local agencies in the form of verification. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

(Government Code Section 11346.5(a)(6)) An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399)

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Estimate: **NONE**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Government Code Section 11346.5(a)(8)) If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

The CBSC has made an initial determination that the adoption/amendment/ repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

(Government Code Section 11346.5(a)(8)) The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

CBSC's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

(Government Code Section 11346.3(d)). Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

CBSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

CBSC finds that the proposed regulations are necessary for the public's health, safety, or welfare because they will directly result in:

- Increased diversion of materials from California landfills,
- Increased demand for recycled content products,
- Increased electric vehicle charging infrastructure,

- Reduced generation of greenhouse gas emissions, and
- Reduced use of potable water in commercial food service equipment.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Government Code Section 11346.5(a)(9)) Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

CBSC is aware of initial cost impacts that a representative private person or business could incur in reasonable compliance with the proposed action. However, it is also anticipated that such costs would be recouped in long-range savings expressed in utility and transportation costs, worker productivity, health costs, and goodwill. The Initial Statement of Reasons and the Economic and Fiscal Impact Statement support this statement.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

The CBSC has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California. CBSC has determined that this regulatory action would have no significant adverse economic impact on jobs in California, but may have indirect and induced benefits of new jobs related to increased California-based manufacturing that uses recycled content materials.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

CBSC has determined that this regulatory action would have no significant adverse impact on businesses. The number of businesses within California is not expected to change, but the number of persons employed may show a small net increase due to indirect and induced benefits of the proposed regulation.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and improve green building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

(Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs)

The CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.5(a)(13))

The CBSC determined that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

(Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

Government Code Section 11346.5(a)(21) states that [STATE AGENCY NAME] shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

(Government Code Section 11346.5(a)(14))

General questions regarding procedural and administrative issues should be addressed to:

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

Michael.Nearman@dgs.ca.gov

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Enrique M. Rodriguez, Associate Construction Analyst

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No: (916) 263-0916

Facsimile No: (916) 263-0959

Enrique.Rodriguez@dgs.ca.gov

Back-up:

Yara Farr-Ohanian, Architectural Associate

2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

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