

**NINE-POINT CRITERIA ANALYSIS  
OF  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
  
REGARDING THE 2013 CALIFORNIA GREEN BUILDING STANDARDS  
(CALGREEN) CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
  
HCD (EF 01-15)**

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

**1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.**

The proposed building standards include a new mandatory measure to the CALGreen Code which does not exist in the 2013 Building Standards Code. Additional revisions and repeals are proposed to avoid conflict with the proposed new mandatory measures.

**2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.**

HCD has statutory authority to adopt building standards for residential structures and accessory structures. No other state agency has primary authority to adopt building standards for residential structures.

**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.**

California is currently undergoing a severe drought and Governor's Executive Order B-29-15 identifies the challenge to local governments to control effects of the drought and extreme peril to safety of persons and property in the state. Therefore, it is in the public interest that HCD coordinate with other state agencies to help reduce the use of potable water. The proposed building standards are proposed to help reduce use of potable water for outdoor irrigation purposes for in residential projects.

**4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.**

Adoption of a Water Efficient Landscape Ordinance at the local level has been a requirement since January 1, 2010, pursuant to the Water Conservation in Landscaping Act of 2006. Many jurisdictions have adopted either the Model Water Efficient Landscape Ordinance (MWELO) or a similar local ordinance; however, compliance with the MWELO or local ordinance is not enforced uniformly throughout the state. The mandatory requirement in the building standards code

identifies the requirement, and compliance would be increased since construction documents could easily include information showing compliance with the ordinance.

**5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.**

The benefit of this proposal is that implementing an enforcement mechanism effectively provides the oversight to ensure more efficient landscaping designs are installed which reduces potable water used for outdoor landscaping irrigation; which conversely saves more potable water for uses such as drinking, cooking and other sanitation purposes.

**6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.**

The proposed regulations require preparation of a water budget. The proposed regulations clarify that the water budget would be in conformance to the local water efficient landscape ordinance or to the California Department of Water Resources Model Water Efficient Landscape Ordinance (MWELo). However, the proposed regulations, which include a smaller adjustment factor, will result in a decrease in the Maximum Applied Water Allowance as calculated pursuant to the MWELo.

**7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.**

There are no national specifications, standards or model codes which directly reference preparation of a water budget pursuant to the Water Conservation in Landscaping Act of 2006.

**(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.**

The Water Conservation in Landscaping Act of 2006 was specifically codified in the Government Code to address a California-specific concern and recommendations for improved efficiency of water use in urban irrigated landscapes.

**(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.**

*(Health and Safety Code Section 18930 requires a statement of inadequacy of a national specification, published standard or model code if it does not adequately address the goals of the state agency, OR a statement informing the Commission that no national specification, published standard, or model code that is relevant to the proposed building standards exists.)*

The Model Water Efficient Landscape Ordinance as adopted by the Department of Water Resources and local agencies is very specific to California and includes specific regional values for calculation of landscape water needs. There is no equivalent water budget calculation standard with California-specific values.

**8) The format of the proposed building standards is consistent with that adopted by the Commission.**

Yes. The proposed regulations follow the format of the 2013 California Green Building Standards Code (CALGreen).

**9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.**

These regulations are not associated with fire and panic safety since the regulations address outdoor water use specifically for outdoor landscaped areas.