

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

**Group 3**

**SUSTAINABLE CONSTRUCTION OF PUBLIC SCHOOLS AND COMMUNITY COLLEGES**

**CERTIFICATION OF COMPLIANCE FOR EMERGENCY BUILDING STANDARDS  
(DSA-SS EF-03-15)**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the Division of the State Architect proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 11. The DSA-SS is proposing building standards related to the reduction of water use in outdoor landscape irrigation.

**PUBLIC COMMENT PERIOD**

(Government Code Section 11346.5(a)(1) and Section 11346.5(a)(15))

A public hearing has not been scheduled; however, written comments will be accepted from **September 25, 2015**, until 5:00PM on **November 9, 2015**. 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 emailed to [CBSC@dgs.ca.gov](mailto: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)), (Government Code Section 11346.8(c))

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 Section 18928. The purpose of these building standards is

to implement, interpret, and make specific the provisions of Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Section 16000-16023. The DSA-SS is proposing this regulatory action based on Education Code Section 17310 and 81142, and Health and Safety Code 16022.

### **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**

Section 16022 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of building systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of building systems for public elementary and secondary schools, and community colleges.

#### **Summary of Existing Regulations**

Existing administrative standards which prescribe administrative requirements for building design and construction of public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 1.

#### **Summary of Effect**

This proposed action will make permanent, upon approval by the commissioners, the addition to the administrative code, Group 3 within Chapter 4 in Title 24, Part 1 for buildings within DSA authority. This emergency code along with amendments to Title 24, Part 11 related to Outdoor Water Use were approved by the commission on July 21, 2015 and effective upon filing with the Secretary of State on July 23, 2015. These emergency building standards and regulations to administrate the sustainable construction program necessitate action to avoid serious harm to the public peace, health, safety and general welfare as it relates to energy and water efficiency.

#### **Comparable Federal Statute or Regulations**

There currently are no federal regulations or statutes.

#### **Policy Statement Overview**

The broad objective of the proposed action by the DSA is the development of green building standards for public elementary and secondary schools and community colleges for which no other state agency has authority or expertise.

#### **Evaluation of consistency**

There are no inconsistent or incompatible regulations being proposed.

### **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))

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to the any specific regulation or class of regulations.

Government Code Section 65595 requires local agencies to either adopt the MWELo or a local water efficient landscape ordinance that is at least as effective as the MWELo. The emergency building standard regulations promulgated by CBSC herein reference elements of the MWELo with regard to reductions in outdoor potable water use for landscape irrigation.

## MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

The DSA has determined that projects following this regulation would impose a mandate on local K-12 school and community college districts having to enforce standards pertaining to energy and water efficiency per the California Green Building Standards (Title 24, Part 11).

## 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**

## INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Government Code Section 11346.5(a)(7)) If the agency makes an initial determination that the adoption/amendment/ repeal of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The DSA has made an initial determination that the adoption 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.

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

## 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.

The proposed regulatory action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

## 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:

The DSA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## 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 DSA-SS 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.

The Division of the State Architect has determined that this proposed action has no effect.

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

The Division of the State Architect has determined that this proposed action has no effect.

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

The Division of the State Architect has determined that this proposed action has no effect.

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

The Division of the State Architect has determined that proposed regulatory action would have no adverse effect on the health and welfare of California residents, worker safety, and the state's 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 Division of the State Architect has made an initial determination that this proposed regulatory action would not have a significant effect on housing costs.

### **CONSIDERATION OF ALTERNATIVES**

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

The Division of the State Architect (DSA) has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which this action is proposed, 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 CBSC 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 L. 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](mailto: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:

Dennis Corelis, Deputy State Architect  
Theresa Townsend, Supervising Architect

(916) 445-4167  
(916) 445-1304

Dennis.Corelis@dgs.ca.gov  
Theresa.Townsend@dgs.ca.gov