

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
REGARDING THE CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11

Outdoor Irrigation

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

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

In response to State of Emergency proclamation issued by Governor Brown in Executive Order B-29-15 issued April 1, 2015, the Office of Statewide Health Planning and Development (OSHPD) proposed an emergency regulation pertaining to the reduction of potable water use for exterior landscape irrigation for specified nonresidential buildings. OSHPD, in coordination with the California Building Standards Commission (CBSC), Department of Water Resources, the Department of Housing and Community Development, the Division of the State Architect, and other stakeholders, developed emergency regulations that amend the 2013 California Green Building Standards Code (Part 11, Title 24, California Code of Regulations, also known as "CALGreen").

The emergency regulations became effective upon the California Building Standards Commission filing with the Secretary of State on June 1, 2015. This rulemaking action represents OSHPD's proposal for the permanent adoption of the following regulation:

Section 301.4 Health Facilities - This new amendment will provide clarification that the non-residential mandatory requirements for reduction of potable water use for exterior landscape irrigation apply to OSHPD health facilities and are enforced by the local agency having jurisdiction. Local approval must be obtained and submitted to OSHPD prior to issuance of OSHPD's plan approval or building permitting.

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

There are no formal studies, reports or documents to be identified as the basis for the proposed regulation.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

The proposed changes do not mandate any specific technologies or equipment and do not require any prescriptive standards.

CONSIDERATION OF REASONABLE ALTERNATIVES

There were no alternatives for consideration by the Office. The proposed regulations will provide clarification and consistency within the code.

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

Small business will not be adversely impacted by the proposed amendment.

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

The Office did not identify any cost to comply with the proposed amendments. The proposed regulation will provide clarification and consistency within the code.

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

The OSHPD 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 proposed regulation will not create or eliminate jobs within the State of California.

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

The proposed regulation will not create new businesses or eliminate existing businesses within the State of California.

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

The proposed regulation will not cause expansion of businesses currently doing business with the State of California.

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

The proposed action is in response to the Governor's Executive Order No. B-29-15 proclaiming a State of Emergency due to the severe drought conditions throughout California.

OSHPD promulgates building standards regarding the design and construction of licensed health facilities to ensure the protection of the public's health and safety in the facilities. The proposed regulation clarifies that the local authority, not OSHPD, has jurisdiction for the enforcement of exterior landscape requirements.

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

OSHPD did not identify any cost to comply with the proposed regulation. The amendment will provide clarification.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The proposed regulation does not duplicate or conflict with federal regulations.