

STATE OF CALIFORNIA  
GOVERNMENT OPERATIONS AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
Email: [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov)

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED SEPTEMBER 11, 2015**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 26, 2015 (no later than 5:00 pm)**

Date: October 26, 2015

From:

**Bob Raymer** commenting on BSC EF 01/15 & HCD EF 01/15  
Name (Print or type)

  
(Signature)

**California Building Industry Association** (on behalf of The Industry Coalition)

Agency, jurisdiction, chapter, company, association, individual, etc.

**1215 K St., Suite 1200**      **Sacramento**      **CA**      **95814**  
Street                              City                              State                              Zip

[rayer@cbia.org](mailto:rayer@cbia.org)  
Email address

**(916) 340-3322**  
Phone number

I/We (do)(do not) agree with:

[  ] The Agency proposed modifications As Submitted on Section No. \_\_\_\_\_

and request that this section or reference provision be recommended:

[  ] Approved    [  ] Disapproved    [  ] Held for Further Study    [  ] Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

The Industry Coalition is requesting the addition of DWR's *Appendix D – Prescriptive Compliance Option* to Part 11, Chapter 8: *Compliance Forms and Checklists*. **(see attached letter w/ attachment)**



Date: October 26, 2015

To: Michael Nearman, Deputy Executive Director  
California Building Standards Commission  
Shawn Huff, Assistant Deputy Director  
Department of Housing & Community Development

From: California Building Industry Association  
California Business Properties Association  
Building Owners & Managers Assn. of CA  
NAIOP of California, the Commercial Real Estate Assn  
International Council of Shopping Centers  
California Retailers Association

**RE: Comments on: (BSC EF 01/15) and (HCD EF 01/15)  
California Green Building Standards {Title 24, Part 11}**

The above listed organizations would like to submit the following comments on the two rulemaking packages cited above and to the comments to each of these regulatory packages as submitted by the BSC (dated September 25<sup>th</sup>) and HCD (dated October 19<sup>th</sup>).

**Unprecedented Circumstances:**

We are very sympathetic to the circumstances that confront both BSC and HCD staffs. The emergency standards adopted on May 29<sup>th</sup> were based upon DWR's 2010 MWEL0. In response to the governor's Executive Order, both BSC and HCD, among other things, adopted modified versions of DWR's MWEL0 water budget calculation formulas which effectively resulted in a 25% reduction in outdoor landscape water consumption.

Unfortunately, at the same time BSC and HCD were in the process of adopting these emergency building standards, DWR had embarked on an expedited update of their 2010 MWEL0. On July 15<sup>th</sup>, the California Water Commission adopted DWR's updated MWEL0 (CCR Title 23, Division 2, Chapter 2.7). These updated MWEL0 provisions in Title 23 will take effect on December 1, 2015.

It goes without saying that the recent changes to DWR's MWEL0 were significant with major changes being made to scoping provisions, definitions and construction specifications. More importantly, DWR has made it clear that there remain outstanding issues that they were unable to address during the recent expedited regulatory process. In response, DWR has indicated that they will be establishing a Working Group in 2016 to start dealing with these issues.

Simultaneously, BSC and HCD staffs are seeking to make "permanent" the emergency building standards adopted on May 29<sup>th</sup>. Comments submitted by BSC staff (dated 9/25/15) on their 45-Day Language include: some suggested changes to align the BSC proposal with the recent updates made by DWR to their MWEL0. In addition, BSC is proposing to delete some existing language and instead direct the code-user to DWR's MWEL0, a 40-page document contained in Title 23 and maintained and interpreted by the Department of Water Resources, not the Building Standards Commission or the Department of Housing & Community Development. While we understand why BSC is proposing to do this, the unprecedented aspects of this proposed action gives us concern.

### Issues/Potential problems with this approach:

- With regards to landscape water conservation measures, Title 24 code-users are going to be sent to Title 23 in order to access the required scoping provisions and construction specifications. While Title 24 often references technical and health standards found in other publications, this would represent yet another time that the California building standards would send the code user to another Title in order to gain access to a significant volume of required “building standards”. Doing so represents a potential hurdle for field-compliance by making it more difficult to access CalGreen in its entirety.
- Who would be responsible for interpreting proper application of the MWELO? BSC and HCD staff or DWR staff? Since this relates to code provisions which are relatively new to most building departments, if it will be DWR responding to interpretation requests, does their staff have the resources and background (in building code administration) needed to adequately handle what will undoubtedly be a significant workload? Will DWR coordinate any and all interpretations with HCD and BSC staff prior to issuing those interpretations?
- The provisions of DWR’s MWELO have **not** gone through the code development and adoption process administered by the Building Standards Commission. Put differently, the provisions of DWR’s MWELO have not been required to show compliance with the BSC’s Nine Point Criteria (H&S 18930).
- The DWR MWELO is updated on a schedule not consistent with that of California’s building standards. This is going to create serious field-implementation issues down the road.

### A good plan today is better than a perfect plan tomorrow:

If the time were available, which it is not, the industry coalition would prefer BSC and HCD work with stakeholders and DWR to effectively convert the updated MWELO into a complete set of building standards which could then be amended into Title 24, Part 11. A similar project was done by HCD several decades ago when that agency took HUD’s federal provisions implementing the Fair Housing Amendments Act as issued in the Federal Register and converted these measures into building standards that were subsequently adopted into the California Building Code. Unfortunately, that administrative endeavor took over two years to complete.

Given the serious nature of California’s drought emergency, it’s far more important to get something into CalGreen that is functional and gets the job done for the short term. Fine-tuning to these provisions can then be accomplished in subsequent code-cycles as time allows.

### Suggestions:

In this spirit of cooperation, the Industry Coalition is respectfully suggesting BSC and HCD to consider one of the following two options:

- **Option One:** Reprint in its entirety DWR’s *Appendix D – Prescriptive Compliance Option* in CalGreen’s Chapter 8 *Compliance Forms and Checklists*, or
- **Option Two:** Produce a checklist of items based on DWR’s *Appendix D – Prescriptive Compliance Option* for inclusion in CalGreen’s Chapter 8 *Compliance Forms and Checklists*.

### Reasoning:

There is significant benefit to having an easy-to-read listing of the basic provisions of the updated MWELO available to code-users **in the same document** with all of the other provisions of CalGreen. We would welcome the opportunity to discuss this suggestion in greater detail.

Sincerely,



Senior Engineer/Technical Director  
California Building Industry Association

## Appendix D – Prescriptive Compliance Option

(a) This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.

(b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

(A) date

(B) project applicant

(C) project address (if available, parcel and/or lot number(s))

(D) total landscape area (square feet), including a breakdown of turf and plant material

(E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)

(F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well

(G) contact information for the project applicant and property owner

(H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWELO".

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

(3) Plant material shall comply with all of the following;

(A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

(B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(4) Turf shall comply with all of the following:

(A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by subsurface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

(A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.

(B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

(D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(F) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(6) For non-residential projects with landscape areas of 1,000 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.

(c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.