

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

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 19, 2015

From:

Shawn Huff
Name (Print or type)


(Signature)

Department of Housing and Community Development

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

2020 West El Camino Avenue Sacramento CA 95833
Street City State Zip

shawn.huff@hcd.ca.gov (916) 263-3124
Email address Phone number

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

[X] The Agency proposed modifications As Submitted on Section No. Chapter 2 definitions; 4.304; 4.304.1; 4.304.1.1; 4.304.1.2; 4.304.2; and A4.304.3.

and request that this section or reference provision be recommended:

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

Suggested Revisions to the Text of the Regulations:

See attached letter.

Further amendments are proposed based on Criteria 1 to avoid conflict within CALGreen and with other state agency regulations; and Criteria 3 for environmental health and resource efficiency purposes related to drought conditions.

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

HEALTH & SAFETY CODE SECTION 18930

SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
 - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
 - (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.
 - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
 - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
 - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
 - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (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.
 - (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.
 - (8) The format of the proposed building standards is consistent with that adopted by the commission.
 - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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October 13, 2015

Mr. Michael Nearman, Deputy Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Dear Mr. Nearman:

**RE: 2013 CALGreen Proposed Amendments HCD EF 01-15
Outdoor Potable Water Use Reduction Standards**

The Department of Housing and Community Development (HCD) has reviewed the above proposed changes to the 2013 California Green Building Standards Code (CALGreen). HCD has also reviewed the approved changes to the Department of Water Resources' (DWR) Model Water Efficient Landscape Ordinance (MWELO), effective December 1, 2015, and has the following comments:

1. Item 1, Chapter 2 Definitions.

Definitions should be considered for addition or deletion in order to provide guidance of the meaning of the terms as used in CALGreen.

Recommendation(s):

- Add a definition for "Landscape Water Meter."
- Repeal the following definitions: **ET ADJUSTMENT FACTOR (ETAF)** and **REFERENCE EVAPOTRANSPIRATION (ET_o)**. These definitions are no longer needed because the terms will no longer be used in CALGreen.

**2. Item 2, Chapter 4, Division 4.3, Section 4.304 Outdoor Water Use
Subsection 4.304.1 Outdoor Potable Water Use in Landscape Areas.**

Subsection 4.304.1 provides a starting compliance date of June 1, 2015, which applies to the DWRs' MWELO as it existed on that date. DWR has since updated the MWELO, and a revised version dated July 9, 2015 (effective December 1, 2015), has been approved by the California Water Commission and codified in the California Code of Regulations.

Commission and codified in the California Code of Regulations.

Recommendation(s):

- Refer to the updated MWELo and effective date of December 1, 2015.
- Amend the language in order to address scoping changes in the updated MWELo; clarify MWELo applies to new residential developments with an aggregate landscape area equal to or greater than 500 square feet.

Subsection 4.304.1 Items 1 and 2 include specific evapotranspiration rate factors (ETAF) for purposes of determining the project's water budget Maximum Applied Water Allowance (MAWA). The numerical values for the ETAF have been revised in the updated MWELo to provide different values for residential vs. nonresidential landscapes. In addition, the updated MWELo includes revised Irrigation Efficiency (IE) factors in the formula for a project's water budget Estimated Total Water Use (ETWU) calculation.

Recommendation(s):

- Provide a direct reference to MWELo for compliance purposes rather than modifying the requirements of MWELo. This reinforces a statewide standard adopted by DWR and still allows more restrictive standards to be adopted by local enforcing agencies, if desired.
- Information should be made explicit in CALGreen to provide clear guidance on application, such as: thresholds for area (square footage); availability of alternate methods of compliance; pointers to resources to be used for completing the MAWA and ETWU calculations; and the internet address of MWELo and supporting references.

**3. Item 2, Chapter 4, Division 4.3, Section 4.304 Outdoor Water Use
Subsection 4.304.1.1 Methods to Reduce Potable Water Use.**

Subsection 4.304.1.1, Items 1 and 2, as proposed, do not appear to be regulatory text or contain any mandate. They provide a reference to other methods to reduce potable water use however, the use of captured gray water, rainwater and recycled water are recognized by MWELo as "Special Landscape Areas" for purposes of calculating water budgets.

Recommendation(s):

- Repeal Subsection 4.304.1.1 since the methods mentioned in this section are addressed by the revised MWELO.

4. Item 2, Chapter 4, Division 4.3, Section 4.304 Outdoor Water Use Subsection 4.304.1.2 Authorized Potable Water Use.

Subsection 4.304.1.2 references language from existing regulations adopted by the State Water Resources Control Board (California Code of Regulations, Title 23, Division 3, Article 22.5, Section 864) regarding the use of potable water “...*where necessary to address an immediate health and safety need or to comply with a specific term or condition in a permit issued by a state or federal agency*”.

Recommendation(s):

- Repeal Subsection 4.304.1.2, as it restates a regulatory provision addressed by the State Water Resources Control Board regarding prohibited activities for water conservation.

5. Item 2, Chapter 4, Division 4.3, Section 4.304 Outdoor Water Use Subsection 4.304.2 Irrigation Controllers.

Subsection 4.304.2 is a renumbering of an existing CALGreen requirement for irrigation controllers to be either weather or soil-moisture based. MWELO includes additional mandates for irrigation controllers to have non-volatile memory, be self-adjusting, located with diagrams of irrigation plans, regulate irrigation schedules, and allow connection to flow sensors (when applicable).

Recommendation(s):

- Repeal Section 4.304.2 due to the numerous requirements for irrigation controllers in the revised MWELO. This will avoid duplicative and incomplete references.

Note: Public Resources Code, Section 25401.9, directs the California Energy Commission, in consultation with DWR, to adopt performance standards and labeling requirements for landscape irrigation equipment, including irrigation controllers, by January 1, 2010. These regulations have not been adopted as of the date of this letter, however, may result in further changes to requirements for irrigation controllers outside of CALGreen.

6. Item 3, Appendix A4, Division A4.3, Section A4.304 Outdoor Water Use Subsection A4.304.3 Irrigation Metering Device.

The term "irrigation metering device" is not defined in CALGreen. However, the terms "landscape water meter" and "submeter" are included as new definitions in the revised MWELo. The current voluntary measure for irrigation metering device applies to irrigated landscapes of more than 2,500 square feet; MWELo and the Water Code require submeters for irrigated residential landscapes of 5,000 square feet or greater. For consistency with MWELo and the Water Code, it seems logical to clarify the scoping of CALGreen to address areas less than 5,000 square feet.

Recommendation(s):

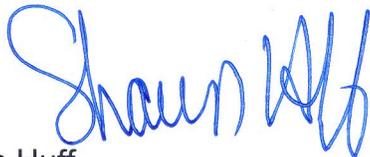
- Amend CALGreen to use the defined terms (as used within MWELo's irrigation design plan requirements).
- Amend CALGreen to apply to areas less than 5,000 square feet.

7. General Comment

References to MWELo should also be verified and updated to include the most recent and applicable information as related to residential requirements, e.g., water budget calculators, links to MWELo and plant water use factors, etc.

HCD should consider the above comments and make any necessary amendments to CALGreen to provide clarity to code users, and to avoid duplication and conflict within state regulations.

Sincerely,



Shawn Huff
Assistant Deputy Director
Department of Housing and Community Development
Division of Codes and Standards

cc: Kyle Krause, HCD
Emily Withers, HCD