

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)**

**REGARDING AMENDMENTS TO THE 2010 CALIFORNIA BUILDING STANDARDS CODE, TITLE 24,
CALIFORNIA CODE OF REGULATIONS (CCR), PARTS 2, 3, 4, 5 and 6 in TITLE 24, CCR, PART 11,
CALIFORNIA GREEN BUILDING STANDARDS CODE**

Notice is hereby given that CBSC proposes to adopt, approve, codify, and publish primarily voluntary green building standards in CCR, Title 24, Part 11, which is currently reserved.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from XXX, 2011, until 5:00 PM on XXX, 2011. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or emailed to 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.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, 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 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

The California Building Standards Commission proposes to adopt these building standards on behalf of DSA-SS 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 17280-17317 and 81130-81147.

The Division of the State Architect is proposing this regulatory action based on Education Code Sections 17310 and 81142.

INFORMATIVE DIGEST

Summary of Existing Laws

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

At the direction of the Building Standards Commission, Part 11 of Title 24, which is currently vacant, will contain California's green building standards. These standards will be coordinated with, and may reference existing laws and regulations (e.g. Title 24, Part 6 energy efficiency standards) pertaining to resource and energy conservation and environmental quality.

Summary of Governor's Executive Orders

S-20-04, December 14, 2004, instructs state entities to design, construct, and operate all new and renovated state-owned facilities paid for with state funds as "LEED Silver" or higher certified buildings.

S-3-05, June 1, 2005, establishes targets for limiting GHG emissions to 2000 levels by 2010, to 1990 levels by 2020, and to 80% of 1990 levels by 2050. It directs the Secretary of the Environmental Protection Agency (EPA) to coordinate this effort with the Secretary of the Business, Transportation and Housing Agency, Secretary of the Department of Food and Agriculture, Secretary of the Resources Agency, Chairperson of the Air Resources Board, Chairperson of the Energy Commission, and the President of the Public Utilities

Commission. These agencies formed a Climate Action Team (CAT) to report to the governor by January, 2006 and periodically thereafter on strategies and progress in meeting the goals.

S-20-06, October 17, 2006, directs CalEPA to continue coordinating reduction of GHG emissions and development of market-based strategies for achievement, mandated by AB 32.

Summary of Effect

This proposed action will make clarification and formatting revisions to the current 2010 California Green Building Standards Code.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Policy Statement Overview

In 2009, the DSA adopted mandatory and voluntary standards for site planning and design, energy efficiency, water conservation, material conservation, and environmental quality, incorporating public comments received in the last code cycle as well as during the 2009 code development process. These standards, codified into the 2010 CGBSC, were the subject of training by CBSC, DSA, and other entities in 2010 and generated additional comments and recommendations. Working with its green building focus group made up of state agencies, building officials, industry representatives, model code publishers, and environmental organizations, the DSA is currently proposing modifications to the 2010 standards intended to clarify and improve the code for its various users.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The DSA has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

No mandate is imposed on school districts.

ESTIMATE OF COST OR SAVINGS

- A. Cost or savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

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

The DSA's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action over and above the Initial Statement of Reasons and the Economic and Fiscal Impact Statement which are part of this rulemaking.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The DSA has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Division of the State Architect 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

The DSA 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.** These regulations, employing emerging green building technologies, products, and services, should create jobs within the State of California.
- **The creation of new businesses or the elimination of existing businesses within the State of California.** These regulations, employing emerging green building technologies, products, and services should create new business and should expand opportunities for existing business within the State of California.

- **The expansion of businesses currently doing business with the State of California.** These regulations will position California in the lead for statewide green building guidelines, and should provide opportunities for businesses currently doing business within the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The DSA has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF REASONABLE ALTERNATIVES

The DSA must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

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 persons named below.

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 persons named below.

CBSC CONTACT PERSONS

General questions regarding procedural and administrative issues should be addressed to:

Jim McGowan, Deputy Executive Director

Jim.McGowan@dgs.ca.gov

DSA CONTACT PERSONS

General questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Richard Conrad, FAIA; Principal Architect

Richard.Conrad@dgs.ca.gov

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Theresa Townsend, AIA; Supervising Architect

Theresa.Townsend@dgs.ca.gov

1102 Q Street, Suite 5100

Sacramento, CA 95811

Telephone No: (916) 445-1304

Facsimile No: (916) 445-3521