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SCHOOL HOUSING™

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September 10, 2012

The Honorable Anna Caballero
Chair, California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

RE: 2013 California Green Building Standards Code Proposal
45-Day Public Comment: Increased Costs With No Benefit to Pupil
Safety or the Educational Environment
DSA-SS 06/12, Section 105.1.1 (Chapter 1) - OPPOSE

Dear Secretary Caballero:

The Coalition for Adequate School Housing (C.A.S.H.) appreciates the opportunity to provide comments on the proposed 2013 California Green Building Standards Code (CalGreen). C.A.S.H. has supported the existing CalGreen requirements, which apply to new construction on new school campuses. However, we are concerned with provisions included in the Division of the State Architect (DSA) – Structural Safety (DSA-SS 06/12) proposal.

DSA proposes to require new building construction and site work on existing school sites to be subject to the provisions of the CalGreen code. Currently, CalGreen is only mandatory for new construction on new sites or new construction on sites cleared of all structures, and school districts have the choice of adhering to voluntary measures within the code for all other construction projects. Building sustainable, environmentally-responsible facilities is a top priority for school districts. In spite of this support, state and local funding resources are both very limited, requiring districts to closely review their priorities when undertaking important construction projects. C.A.S.H. is concerned about the fiscal burden that would be placed on school districts, and ultimately extended to the general taxpaying public, under DSA's proposed expansion of the CalGreen code to new facilities on existing sites; absent supplemental state funding, districts would need to rely entirely on local bond fund sources to meet the new state-mandated requirements. In light of the current dearth of state bond funds, school districts would receive no support from the state in implementing these significant new requirements.

Additionally, there are complicating differences in what constitutes new construction between DSA and the Office of Public School Construction (OPSC), which processes state funding applications under the School Facility Program. For example, a school district may receive funding for like-kind replacement of square footage under the Modernization program, however that program provides fewer state dollars than the New Construction program; the district would shoulder a relatively higher local financial burden than a district constructing the

exact same facility on a new site receiving New Construction dollars. Adding the greater expense associated with mandated CalGreen codes would compound that local financial burden. An additional concern is that the proposal appears to apply to new square footage of any kind and projects of any size, including the addition of a portable to a site, which we find troublesome.

There are circumstances when a project is compulsory in order to maintain the health and safety of students, such as seismic mitigation work. Once a major seismic issue is discovered, a district is compelled to complete the work, which can include demolition and replacement of the existing facility rather than rehabilitation. Under the DSA proposal, this type of work would be subject to the CalGreen code, increasing the cost pressures on a vital project. We don't believe that the ideal of green building should trump the issue of student safety or create a tipping point in the viability of a project.

C.A.S.H. continues to support the pursuit of sustainable school construction. However, given the current economic environment and the increasing cost pressures on school districts, and the fact that the proposal will increase costs without benefiting the safety of pupils or the educational environment, we must oppose mandating CalGreen requirements for new buildings on existing sites.

Sincerely,



Thomas G. Duffy, Ed.D.

cc: Members, California Building Standards Commission
Willie Armstrong, Undersecretary, State and Consumer Services Agency
Jim McGowan, Executive Director, California Building Standards Commission
Michael L. Nearman, Deputy Executive Director, California Building Standards Commission
Robert Raymer, PE, Chair, Green Building Code Advisory Committee
Chester A. Widom, State Architect, Division of the State Architect
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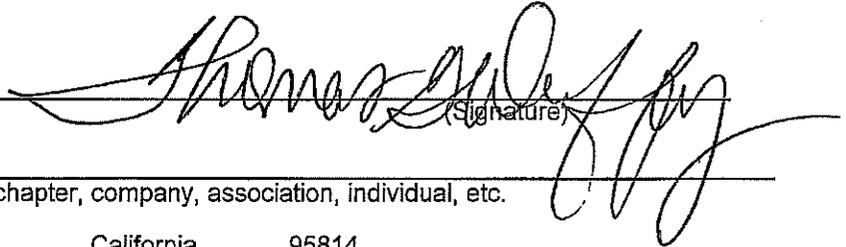
PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 31, 2012
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 15, 2012

Date: September 5, 2012

From:

Thomas G. Duffy
Name (Print or type)


(Signature)

Coalition for Adequate School Housing

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

1130 K Street, Suite 210
Street

Sacramento
City

California
State

95814
Zip

I/We do not agree with:

The Agency proposed modifications As Submitted on Section No. DSA-SS 06/12, Section 105.1.1
(Title 24, Part 11)

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:

Strike the proposed revisions to Section 105.1.1 in Chapter 1, as proposed in DSA-SS 06/12 for the 2013 California Green Building Standards, Part 11.

This proposal would require new building construction and site work on existing school sites to be subject to the provisions of the CalGreen code.

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.]

Please see our attached letter. We oppose the proposal based on the cost implications to school districts and the public at large. The proposed changes do not add to the safety of pupils or the educational environment.

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.
 - (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.