



May 7, 2008

State of California  
State and Consumer Services Agency  
California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA 95833

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ASST. DEVELOPMENT SERVICES DIRECTOR  
CITY OF REDDING

RICHARD S. RENFRO, C.B.O.

BUILDING OFFICIAL  
CITY OF ELK GROVE

Dear Commissioners:

I am writing on behalf of the California Building Officials (CALBO).

CALBO's members have a strong commitment to protecting our environment, while building a sustainable California which will benefit future generations. We also believe that when it comes to building standards, "green" or otherwise, that California is best served when the traditional rule making and building standards process is used.

The CALBO Green Building Committee has reviewed the proposed green building standards dated March 18<sup>th</sup> 2008, excluding the reference standards, application checklist, worksheet and Appendix A. CALBO's suggested amendments are provided on the accompanying written comment forms. The following is a summary of CALBO's recommendations and comments on the proposed building standards:

- As a general rule of law, and for writing codes which may become law, hyper links to private websites embedded into code language should be avoided. While this practice may be suitable for a user manual, it is not appropriate in a building code. Such references and links should be placed in the Appendix as a reference or resource section.
- When state agencies adopt the same sections, they should coordinate the language to the extent possible to avoid inconsistencies. This not only makes it easier for the end user, it also eliminates the need to print multiple or duplicative text for the same section, saving paper and ink.
- There is language proposed that conflicts with, or is contrary to, existing state law including the lack of specific statutory authority for which we have proposed deletions or amendments. There are also a number of proposed chapters or code sections that include language that is simply not enforceable or is not a building Standard. The committee has proposed amendments to all of these chapters or sections, including deletion of text, or movement of material to the appendix chapter for further study, and the opportunity to resolve conflicts.

Thank you for your time and consideration on this matter. The CALBO Green Building Committee believes this to be a great step forward to a more sustainable California and we look forward to working together to achieve that goal.

Sincerely,

William R. Schock  
Chair, CALBO Green Building Committee

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: BSC@dgs.ca.gov

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

**PARTICIPATION COMMENTS FOR THE NOTICE DATED MARCH 18, 2008**  
**Written comments are to be sent to the above address.**

**WRITTEN COMMENT DEADLINE: MAY 12, 2008**

Date: May 9, 2008

From: William Schock  
Name (Print or type)

California Building Officials (CALBO) C/O William Schock  
Agency, jurisdiction, chapter, company, association, individual, etc.

835 East 14<sup>th</sup> Street                      San Leandro                      CA                      94577  
Street    City    State    Zip

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

The Agency proposed modifications As Submitted on HCD Section No. 101.7

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

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

**101.7 City, county, or city and county amendments, additions or deletions.** This code does not limit the authority of city, county, or city and county governments to make necessary changes to the provisions contained in this code pursuant to Section 101.7.1. The effective date of amendments, additions, or deletions to this code of cities, counties, or city and counties filed pursuant to Section 101.8.1 shall be the date on which it is filed. ~~However, in no case shall the amendments, additions or deletions to this code be effective any sooner than the effective date of this code.~~

Local modifications shall comply with Health and Safety Code Section 18941.5(b) for Building Standards Law, Health and Safety Code Section 17958.5 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts.

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

- (1) The proposed building standard conflicts with, overlaps, or duplicates other building standards.
- (2) The proposed building standard is not within the parameters established by enabling legislation and is expressly within the exclusive jurisdiction of another agency.

- (3) The public interest does not require the adoption of the building standards.
- (4) The proposed building standard is unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is not reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is unnecessarily ambiguous or vague, in whole or in part.

### **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.

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Street    City    State    Zip

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

The Agency proposed modifications As Submitted on HCD Section No. 102.3

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

to the proposing state agency.

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

**102.3 Verification.** Documentation of conformance for applicable green building measures shall be provided to the enforcing agency. Third-party verification or other special documentation shall be provided as specified in this code or as required by the enforcing agency. Alternate methods of documentation shall be acceptable when the enforcing agency finds that the proposed alternate documentation is satisfactory to demonstrate substantial conformance with the intent of the proposed green building measure.

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

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