

**101.3 Scope.** The provisions of this code shall apply to the planning, design, operation, construction, ~~replacement~~, use and occupancy, ~~location, maintenance, removal and demolition~~ of every newly constructed building or structure, unless other wise indicated in this code, ~~or any appurtenances connected or attached to such building structures~~ throughout the State of California.

**CBPA Staff Comment:** In response to CBPA comments back in August, BSC made significant changes to this provision in order to clarify that their GB standards only apply to NEW construction.

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**5.106.1 Storm water pollution prevention plan.** For projects of less than one acre, develop a Storm Water Pollution Prevention Plan (SWPPP) that has been designed, specific to its site, conforming to the State Storm water NPDES Construction Permit or local ordinance, whichever is stricter, as is required for projects one acre or more. The plan should cover prevention of soil loss by storm water run-off and/or wind erosion, of sedimentation, and/or of dust/particulate matter air pollution.

**Note:** Assistance with the permit may be obtained from the California State Water Resources Control Board (SWRCB) at: <http://www.swrcb.ca.gov/stormwtr/>, from a Regional Water Quality Control Board, and at local public works departments.

**CBPA Staff Comment:**

1) Language should be added to make it clear that this does not apply to additions, alterations, repairs and improvements that are less than one acre but are taking place on developed sites.

2) If the State of California wants to reduce the one acre threshold that requires a SWPPP, there should be a limit in size or definition of “project” so that the enforcement of the code is not left to interpretation. Ultimately, lowering the threshold to include development of small lots may create additional costs/delays that could add to the financial stress that small developers are already enduring in California. The code would also add cost to minor improvements to Wal-Mart stores. The following language would simplify the code and put the minimum project size at 10,000 SF:

*5.106.1 Storm water pollution prevention plan. For projects of disturbing more than 10,000 SF but less than one acre of previously undeveloped land, develop a Storm Water Pollution Prevention Plan (SWPPP) that has been designed, specific to its site, conforming to the 2010 State Stormwater NPDES Construction Permit or local ordinance, whichever is stricter, as is required for projects disturbing one acre or more.*

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**5.106.4.1 Short-term bicycle parking.** If the project is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 100 feet of the visitors’ entrance, readily visible to passers-by, for 5% of visitor motorized vehicle parking capacity, with a minimum of one two-bike capacity rack.

**CBPA Requested Change:**

*5.106.4.1 Bicycle parking. Provide permanently anchored bicycle racks or secured storage within 100 yards of the main building entrance, with a minimum of one two-bike capacity, readily visible to passersby as follows:*

- 1. Under 150,000 SF: 5% of motorized vehicle parking capacity*
- 2. 150,001 to 300,000 SF: 3% of motorized vehicle parking capacity*
- 3. Over 300,001 SF: 3% of motorized vehicle parking capacity up to 300,000 SF plus 0.5% of the motorized vehicle parking capacity over 300,001 SF.*

**5.106.4.2 Long-term bicycle parking.** For buildings with over 10 tenant-occupants, provide secure bicycle parking for 5% of motorized vehicle parking capacity, with a minimum of one space. Acceptable parking facilities shall be convenient from the street and may include:

1. Covered, lockable enclosures with permanently anchored racks for bicycles;
2. Lockable bicycle rooms with permanently anchored racks; and
3. Lockable, permanently anchored bicycle lockers.

**CBPA Requested Change:**

**Move this section to VOLUNTARY (Tier 1) with the following revisions:**

**A5.106.4.2 Long-term bicycle parking. Provide the following percentage of bicycle parking spaces required as secure bicycle parking:**

1. Office, Industrial, Financial – 40%
2. Retail, Service Commercial – 20%
3. Public or Commercial Recreation – 10%
4. Park and Ride Lots – 80%

**5.106.4.3 Changing rooms.** For buildings with over 10 tenant-occupants, provide changing/shower facilities for tenant-occupants only in accordance with Table 5.106.4.3, or document arrangements with nearby changing/shower facilities.

**Table 5.106.4.3**

<u>Number of tenant-occupants</u>	<u>Shower/changing facilities required<sup>2</sup></u>	<u>2-tier (12" x 15" x 72") personal effects lockers<sup>1,2</sup> required</u>
<u>0-10</u>	<u>0</u>	<u>0</u>
<u>11-50</u>	<u>1 unisex shower</u>	<u>2</u>
<u>51-100</u>	<u>1 unisex shower</u>	<u>3</u>
<u>101-200</u>	<u>1 shower stall per gender</u>	<u>4</u>
<u>Over 200</u>	<u>1 shower stall per gender for each 200 additional tenant-occupants</u>	<u>1 2-tier locker for each 50 additional tenant-occupants</u>

<sup>1</sup> One 2-tier locker serves two people. Lockers shall be lockable with either padlock or combination lock.

<sup>2</sup> Tenant spaces housing more than 10 tenant-occupants within buildings sharing common toilet facilities need not comply; however, such common shower facilities shall accommodate the total number of tenant-occupants served by the toilets and include a minimum of 1 unisex shower and two 2-tier lockers.

**CBPA Concern/Question:**

**There are major liability/health and safety issues:**

- **Showers:** Would a shower be required in most commercial occupancies where the public has complete access (ie: strip mall, super-market, bank, restaurant, etc?), **or is it an “employees-only” shower?** Must the shower stall and the surrounding area comply with the disabled accessibility provisions of Chapter 11B?
- **How and Where?** If you are doing a strip mall and do not know who the tenants are going to be until post-construction, how would you comply? And does each tenant have to comply?

It should also be noted that the BSC Code Advisory Committee agreed with these concerns and requested that this issue be sent back for Further Study.

**CBPA Requested Change:**

**Either delete this section in its entirety (preferred) or move it to VOLUNTARY (Tier 2). Until these issues are resolved, this proposal seems to be a clear violation of BSC Criteria #3, #4, #5 and #6.**

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**5.106.8 Light pollution reduction.** Comply with lighting power requirements in the California Energy Code, CCR, Part 6, and design interior and exterior lighting such that zero direct-beam illumination leaves the building site. Meet or exceed exterior light levels and uniformity ratios for lighting zones 1-4 as defined in Chapter 10 of the California Administrative Code, CCR, Part 1, using the following strategies:

1. Shield all exterior luminaires or provide cutoff luminaires per Section 132 (b) of the California Energy Code.
2. Contain interior lighting within each source.
3. Contain all exterior lighting within property boundaries.
4. Automatically control exterior lighting dusk to dawn to turn off or lower light levels during inactive periods.

**Exceptions:**

1. Part 2, Chapter 12, Section 1205.6 for campus lighting requirements for parking facilities and walkways.
2. Emergency lighting and lighting required for nighttime security.

**CBPA Comment:**

**CBPA is pleased to see that the BSC has added a second Exception which exempts from this provision “Emergency lighting and lighting required for nighttime security.”**

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**5.303.1 Meters.** Separate meters or metering device shall be installed for the uses described in Sections 503.1.1 and 503.1.2.

**5.303.1.1 Buildings in excess of 50,000 square feet.** Separate submeters shall be installed as follows:

1. For each individual leased, rented, or other tenant space within the building projected to consume more than 100 gal/day.
2. For spaces used for laundry or cleaners, restaurant or food service, medical or dental office, laboratory, or beauty salon or barber shop projected to consume more than 100 gal/day.

**5.303.1.2 Excess consumption.** Any building within a project or space within a building that is projected to consume more than 1,000 gal/day.

**CBPA Comment:**

**CBPA is pleased that the BSC has added amendments to both portions of 5.303.1.1 which triggers compliance in buildings “projected to consume more than 100/1000 gal/day.”**

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**5.408.2.1 Documentation.** Documentation shall be provided to the enforcing agency which demonstrates compliance with Section 5.408.2 items 1 thru 4. The waste management plan shall be updated as necessary and shall be accessible during construction for examination by the enforcing agency.

**CBPA Comment:**

**CBPA is pleased that the BSC has added the amendment clarifying that the documentation simply be “accessible during construction”.**

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**5.408.2.2 Isolated jobsites.** The enforcing agency may make exceptions to the requirements of this section when jobsites are located in areas beyond the haul boundaries of the diversion facility.

**CBPA Comment:**

**CBPA is pleased that the BSC has added the amendment clarifying that this provision is limited to areas within the “haul boundaries of the diversion facility.”**

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**5.408.4 Excavated soil and land clearing debris.** 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed.

**CBPA Comment:**

***Please move this section to VOLUNTARY Appendix. Consider using/referencing Integrated Waste Management Board standards and practices.***

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**5.410.1 Recycling by occupants.** Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

**CBPA Comment: Modify as follows:**

**5.410.1 Recycling by occupants.** Provide readily accessible areas that serve the ~~entire~~ building *occupants* and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics and metals.

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**5.410.2.5.2 Systems operations training.** The training of the appropriate maintenance staff for each equipment type and/or system shall include, as a minimum, the following:

1. System/Equipment overview (what it is, what it does and what other systems and/or equipment it interfaces with).
2. Review of the information in the Systems Manual.
3. Review of the record drawings on the system/equipment.

**CBPA Comment:**

**Please use the alternate language provided below:**

**5.410.2.5.2 Procedures, documentation, tools, and training** shall be provided to the building operating staff to sustain features of the building assemblies and systems for the service life of the building.

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**5.504.2 IAQ Post-construction.** After construction ends, with all interior finishes have been installed, flush out the building by supplying continuous ventilation with all air handling units at their maximum outdoor air rate and all supply fans at their maximum position and rate for at least 14 days while.

1. During this time, maintaining an internal temperature of at least 60 °F, and relative humidity no higher than 60%. If extenuating circumstances make these temperature and humidity limits unachievable, the flush out may be conducted under conditions as close as possible to these limits, provided that documentation of the extenuating circumstances is provided in writing.
2. Occupancy may start after 4 days, provided flush-out continues for the full 14 days. During occupied times, the thermal comfort conditions of Title 24 must be met.
3. For buildings that rely on natural ventilation, exhaust fans and floor fans must be used to improve air mixing and removal during the 14-day flush out, and windows should remain open.
4. Do not “bake out” the building by increasing the temperature of the space.
5. (If continuous ventilation is not possible, flush-out must total the equivalent of 14 days of maximum outdoor air.)

**CBPA Comment:** CBPA strongly objects to the BSC decision to move forward with this proposal after the entire BSC Code Advisory Committee voiced such strong concern and suggested this be sent back for extensive Further Study. Numerous mechanical engineers have indicated that it is doubtful that this provision, as written, can be physically complied with in most climate zones. There are numerous other problems associated with this provision, as indicated at the CAC meeting on August 5<sup>th</sup>. Please delete this provision and send it back to a focused subcommittee of interested parties so it can be dealt with in a more reasonable fashion.

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**5.507.4.2 Interior sound.** Wall and floor-ceiling assemblies separating tenant spaces and tenant spaces and public places shall have an STC of at least 40.

**Note:** Examples of assemblies and their various STC ratings may be found at: [http://www.toolbase.org/PDF/CaseStudies/stc\\_icc\\_ratings.pdf](http://www.toolbase.org/PDF/CaseStudies/stc_icc_ratings.pdf).

**CBPA Comment:**

CBPA is pleased that the BSC has changed the STC value of “50” to “40”.

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## **A5.103 and A5.103.1 Site Selection:**

### **CBPA Comment:**

This entire section seems to run contrary to property rights and undermines the ability for property owners to develop their property and for local government to serve as the lead entity regarding local planning and land use decisions. It should be noted that, at the present time, there is considerable confusion regarding how SB375 will be implemented.

#### **1) Suggest striking the entire section A5.103 – Site Selection**

2) In the event this section is not deleted, the BSC should obtain legal advice with regards to their authority to propose building standards relative to local planning and land use issues already under the authority of local cities and counties.

### **CBPA Comment:**

Once again, it needs to be clarified that all of this applies ONLY to NEW building construction and not to additions, alterations, repairs, upgrades/improvements of existing.

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## **A5.103. 4 Brownfield or greyfield site redevelopment or infill area development.**

### **CBPA Comment:**

**Please Delete or Revise:** There is legal risk in this and the following “voluntary measures”. Brownfields must be properly remediated and cleaned up to the appropriate levels for the new land uses. (see US EPA regulations regarding Brownfields). Certain remediation levels of clean up are sufficient for industrial land uses, however schools and residential units require a much higher level of clean up and in some instances they can not be cleaned up sufficiently to allow for these land uses.

## **A5.103. 4.1 Brownfield redevelopment.**

### **CBPA Comment:**

**Please Delete or Revise:** This may well be illegal: there are health and safety reasons why you can not develop a site while it has been classified as contaminated by a Phase II; it must be remediated first to the appropriate clean up levels for the new land uses – there are health restrictions on developing on Brownfields. (See US EPA regulations regarding Brownfields).

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**A5.106.7 Exterior wall shading.** Meet requirements in the current edition of the California Energy Code and select one of the following for wall surfaces:

1. Provide vegetative or man-made shading devices for east-, south-, and west-facing walls, with 30% coverage to a height of 20 feet or top of exterior wall, whichever is less, for east and west walls. Calculate shade coverage on the summer solstice at 10 AM for east-facing walls and at 3 PM for west-facing walls. Vegetative shade shall reach desired coverage within 5 years of building occupancy.
2. Use wall surfacing with SRI 25 (aged), for 75% of opaque wall areas.

### **CBPA Comment:**

**1) Please move this section to VOLUNTARY (Tier 2)**

**2) This doesn't appear to be based on much, if any, real science. “Vegetative or man-made shading devices” are not really defined here, and light colored walls probably**

*have negligible real impact on the cooling loads for most California commercial buildings --- some smaller buildings in hot climates may see a benefit but to broadly claim that light colored walls save energy is a stretch.*

3) This section needs to be clarified as follows: (a) what percentage coverage is required for south-facing walls? (b) What if there are no windows on the east-, west- or south-facing walls – is shade coverage still required? (c) What types of man-made shading devices are contemplated? The way the code is currently drafted, window canopies/shading devices will not satisfy the requirement of continuous shade coverage to a height of 20 feet or the top of the exterior wall. (d) Is the requirement 20 feet or the top of the exterior wall, whichever is lower, or higher?

**A5.106.8 Air conditioner condensing unit shading.** Shade 75% of the horizontal surface of air conditioner condensing units without impeding air flow.

**Exceptions to Sections A5.106.7 and A5.106.8:**

1. Projects located in Climate Zone 6 as defined in ASHRAE 90.1.
2. Use of vegetated shade in Wildland-Urban Interface Areas as defined in Chapter 7A of the California Building Code shall meet the requirements of that chapter.
3. Air conditioning units on roofs.

**CBPA Comment:**

*Please move this section to VOLUNTARY (Tier 2) with following text.*

*A5.106.8 Air Cooled air conditioner condensing unit shading. Shade 75% of the horizontal surface of air cooled air conditioner condensing units without impeding air flow, or use air cooled equipment with SRI 29 or greater.*

*Exceptions to Sections 5.106.7 and 5.106.8:*

1. *Projects located in Climate Zone 6 through 8 as defined in ASHRAE 90.1.*
2. *Use of vegetated shade in Wildland-Urban Interface Areas as defined in Chapter 7A of the California Building Code shall meet the requirements of that chapter.*
3. *Air conditioning units with a cooling capacity less than 5 tons.*
4. *Air conditioning units on roofs.*