

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)**

REGARDING ADOPTION OF AMENDMENTS TO THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, TITLE 24, CALIFORNIA CODE OF REGULATIONS (CCR), PART 11

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

CBSC made revisions to **Section 5.106.5.3.3, Exceptions 2 & 3** after the 45-day public comment period which ended June 9, 2014, and issued 15-day language. Based on the technical advancements in electric vehicle battery capacity, CBSC reconsidered the necessity for Exception 2. During the Green Building Code Advisory Committee meeting March 13, 2014, Exception 2 was questioned as to its value as it is vague in nature and its intent would only provide relief in very few instances. CBSC proposed to remove Exception 2 and renumbered Exception 3 accordingly. CBSC amended Exception 3 to add clarity for the code user, including local enforcing agencies, utilities, and developers. CBSC edited the proposed language and issued 15-day language for public review. No comments were received in opposition of the proposed language during the 15-day comment period.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

(Government Code Section 11346.9(a)(3)) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.)

The following is CBSC's summary and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change.

In each case, CBSC evaluated the submitted comments and provided responses below.

NOTE: *The complete text of each comment submitted during the 45-day or 15-day comment period may be viewed at the following internet address: <http://www.bsc.ca.gov/>*

COMMENTS RECEIVED DURING THE 45-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW.

(The text with proposed changes clearly indicated was made available to the public from April 25, 2014 until June 9, 2014.)

- 1) **COMMENTER:** Kevin Lee, Counsel at NRG EV Services LLC
11390 W. Olympic Blvd, Suite 250
Los Angeles, Ca 90064

COMMENT: **Section 5.106.5.3.2 Multiple charging space requirements. Item 4**

Kevin Lee recommends approve as amend the proposed language by suggesting the EVSE infrastructure requirements should not be interpreted that the EV charging systems actually installed at the property must always charge at the full rated amperage of the EVSE or that the EV charging system actually installed much charge at 40-ampere.

Agency Response:

While CBSC values the input from Kevin Lee at NRG, CBSC has declined to accept the comment at this time. The intent of the section is to ensure sufficient electrical capacity is available for the future installation of EVSE equipment. The plan design shall be based upon 40-amperes minimum. The regulations don't require that the future charger utilize all 40 amps. Based on the type of EVSE shown on the plans, requirement #1, the plans *could* be designed to accommodate faster chargers, which would require electrical calculations substantiating that demand.

- 2) **COMMENTER:** Timothy Tutt, Program Manager, State Regulatory Affairs, SMUD
6201 S Street
Sacramento, Ca 95852

COMMENT Section 5.106.5.3.3 Exceptions 2 & 3

Timothy Tutt recommends approve as amend the proposed language by suggestion the removal of Exception 2 because it is vague. Also approve as amend Exception 3.

Agency Response:

CBSC thanks with the commenter for their involvement in the rulemaking process. CBSC agreed with the commenter and made specific modifications to the proposed language. Regarding Exception 2, CBSC proposes to withdraw Exception 2 as it is vague in nature and its intent would only provide relief in very few instances. Based on the technical advancements in electric vehicle battery capacity, CBSC reconsidered the necessity for Exception 2. During the Green Building Code Advisory Committee meeting March 13, 2014, Exception 2 was questioned as to its value. CBSC proposes to remove Exception 2 and renumbered Exception 3 accordingly. CBSC amended Exception 3 to add clarity for the code user, including local enforcing agencies, utilities, and developers. CBSC edited the proposed language and issued 15-day language for public review.

- 3) **COMMENTER:** Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc – **Section 5.303.3.4.4 Metering faucets**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

- 4) **COMMENTER:** Matt Sigler, Technical Director, Plumbing Manufacturers International, Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc – **Section A5.303.2.3.1 Tier 1**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

- 5) **COMMENTER:** Matt Sigler, Technical Director, Plumbing Manufacturers International, Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc – **Section A5.303.2.3.2 Tier 2**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

- 6) **COMMENTER:** Matt Sigler, Technical Director, Plumbing Manufacturers International, Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc – **Section A5.303.2.3.3**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

- 7) **COMMENTER:** Matt Sigler, Technical Director, Plumbing Manufacturers International, Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc – **Table A5.303.2.2**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

- 8) **COMMENTER:** Matt Sigler, Technical Director, Plumbing Manufacturers International, Daniel Glibermann, Sloan Valve Co., John Bertrand, Manager-Compliance, Moen Inc. – **Table A5.303.2.3.1**, recommends CBSC approve as amend the proposed language with respect to the mentioned Section.

Agency Response:

CBSC has declined to accept the comment. CBSC did not propose any changes to this provision during this code cycle, but will work with the state agencies, and stakeholders to consider changes in future rulemaking.

COMMENTS RECEIVED DURING THE 15-DAY PUBLIC COMMENT PERIOD ARE LISTED BELOW.

(The text with proposed changes clearly indicated was made available to the public from Jun 11, 2014 until June 26, 2014.)

- 1) **COMMENTER:** California Building Industry Association, California Business Properties Association, California Apartment Association, California Chamber of Commerce, Building Owners & Managers Association of California, California Manufacturers & Technology Association, NAIOP of California, the Commercial Real Estate Assn, International Council of Shopping Centers, American Institute of Architects, California Council, California Retailers Association – Recommends approve for the proposed updates to the California Green Building Standards, **Part 11; particularly the “EV-Ready” regulations.**

The above listed organizations are pleased to inform you that we strongly support adoption of the proposed updates to the California Green Building Standards as proposed by the Building Standards Commission (for commercial construction) and the Department of Housing & Community Development (for residential construction). This support relates to the initial changes contained in the 45-Day Language issued in April of 2014 and the subsequent amendments contained in the 15-Day Language issued in June.

Agency Response:

CBSC thanks the commenter for their support and affirmation of the proposed building standards.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4)) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.)

CBSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

In the case of the California Green Building Standards Code (CALGreen), there is no model code applicable to non-residential occupancies to be adopted. Health and Safety Code Section 18930.5 authorizes CBSC to adopt, approve, codify, update, and publish green building standards for those occupancies which no other state agency has authority. Health and Safety Code Section 18941.10(a)(1) authorizes CBSC to adopt, approve, codify, update, and publish mandatory green building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

(Government Code Section 11346.9(a)(5)) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

CBSC has determined that the proposed regulations do not have adverse economic impact on small businesses therefore, no alternatives were considered. See the Economic and Fiscal Impact Statement (STD. 399). The California Green Building Standards Code was developed in response to the prior administration’s Executive Order S-06-08 to develop green construction standards.