

STATEMENT OF REASONS-DRAFT
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11
(BSC XX/24)

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

ITEM X

**Chapter 5 Chapter 5 Nonresidential Mandatory Measures,
Section 5.106.4.1 Bicycle parking.**

Pursuant to AB 2863, BSC-CG is proposing to revise the CALGreen mandatory building standards for short-term and long-term bicycle parking regulations that are independent of the number of vehicle parking spaces in nonresidential buildings and authorizes the commission to adopt these standards.

The proposed amendments include amending code Section 5.106.4.1.1 Short-term bicycle parking to change the verbiage visitor motorized vehicle parking spaces being added to foot traffic visitors, including amendment to the Exception.

Additional proposed changes include amending Section 5.106.4.1.2 Long-term bicycle parking to change tenant-vehicular parking spaces being added to tenant-occupants being added.

Section 5.106.4.1.5 For new shell buildings is also being amended to repeal the verbiage regarding vehicular parking spaces and maintaining tenant-occupants. A change from 5 percent to 10 percent is being proposed for both short-term and long-term bicycle parking requirements.

Lastly, the Note regarding the bicycle association is being repealed since it is no longer relevant.

CAC Recommendation (if applicable)

[Enter CAC recommendation(s), if any]

Agency Response:

[Enter the agency's response to CAC recommendation(s)]

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

BSC has determined that these proposed amendments are in response to AB 2863 and has coordinated with HCD for related amendments.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

California's building standards codes have historically been a mix of performance and prescriptive provisions and reference standards. This code is no different, and wherever possible, a performance option is included to provide flexibility to the code user.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

BSC has determined no alternatives and the cost of compliance is negligible.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

BSC has not determined reasonable alternatives the agency has identified that would lessen any adverse impact on small business. The cost of compliance is negligible.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

BSC staff has determined that the bicycle parking amendments would not have an adverse impact on business and the cost of compliance is negligible at less than 0.5 percent of the construction cost of a new typical building.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

Government Code Sections 11346.2(b)(2) and 11346.3(b)(1)

BSC has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations may likely promote creation of jobs for bicycle parking rack manufacturing. No jobs are expected to be eliminated.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will likely promote the expansion of businesses currently involved with bicycle parking rack manufacturing. No business is expected to be eliminated.

C. The expansion of businesses currently doing business within the State of California.

These regulations will likely promote the expansion of businesses currently involved with bicycle parking racks manufacturing within the State of California.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will increase the sustainability of California's natural resources by reducing fuel use, GHG emissions, criteria pollutants, and fossil fuel dependence. Additionally, updating and clarifying the current CALGreen codes for bicycle parking regulations will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

BSC staff estimates that the cost for compliance with these proposed amendments are negligible and the benefits derived would result is the installation of more bicycle parking racks being installed which promotes the reduction of greenhouse gas emissions by removing motor vehicles from the road.

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

These regulations do not duplicate nor conflict with federal regulations.