

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DIVISION OF THE STATE ARCHITECT  
REGARDING THE 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
(DSA-SS 04/25)**

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 1**

**Chapter 2 Definitions, Section 202 Definitions**

DSA-SS proposes to add the definition for Salvaged Material or Product to Section 202 for coordination with the proposed amendments to Section 5.409.3 Product GWP – Prescriptive Option. This definition has been coordinated with BSC and is being co-adopted.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

**CAC Recommendation:**

Further study required under criteria #6.

Primary concern was the broader application of the term in other parts of the code and errant use of the term for other requirements. CAC recommended clarifying that the definition is only applicable to Part 11 embodied carbon provisions with reference to the relevant sections where the term is used, as well as a note to specify required compliance with all parts of Title 24.

Additionally, it was questioned if the term “reuse” was appropriate in defining salvaged materials, since a material can be salvaged without being reused.

**Agency Response:**

Withdraw.

DSA-SS has withdrawn the proposed definition. The exception in Section 5.409.3 has been revised to incorporate the language from the formerly proposed definition of “salvaged materials and products”.

## **ITEM 2**

### **Chapter 3 Green Building, Section 301.4 Mandatory Measures for Public Schools and Community Colleges**

#### **SUB-ITEM 2-1**

DSA-SS proposes to amend Section 301.4 Mandatory measures for public schools and community colleges to clarify that the section applies to all building construction, not only new building construction.

DSA-SS proposes to amend Section 301.4.1 for consistency of terminology.

DSA-SS proposes to amend Section 301.4.2 to clarify required mandatory measures based on project type by replacing the written descriptions in Section 301.4.2 with Table 301.4.2.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **SUB-ITEM 2-2**

DSA-SS proposes to relocate Section 301.4.3 Minimum Rehabilitated Landscape Area from the mandatory measures scoping section to the site development Section 5.106.13 to clarify that it is a technical requirement rather than a scope.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Accept

## **ITEM 3**

### **Chapter 5 Nonresidential Mandatory Measures, Section 5.105 Deconstruction and Reuse of Existing Structures**

DSA-SS proposes to relocate embodied carbon reduction provisions related to reuse of existing building option to Section 5.409 where the other two options for compliance with CALGreen embodied carbon reduction are located. In response to stakeholder questions, this will clarify that there are three options for embodied carbon reduction compliance including Reuse of Existing Building Option as the first. Section 5.105.1 is proposed to be reserved for future use as this scoping language is duplicative to Section 5.409.1. Exception to Section 5.105.1 is proposed to be moved to Section 5.409.1 Exception.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Accept

## ITEM 4

### Chapter 5 Nonresidential Mandatory Measures, Section 301.4.3 Minimum Rehabilitated Landscape Area

DSA-SS proposes to amend Section 301.4.3 Minimum Rehabilitated Landscape Area Requirement to clarify what a rehabilitated landscape area is and what qualifies an existing landscape area to be rehabilitated. The term “*rehabilitated landscape area*” comes from the California Department of Water Resources’ Model Water Efficient Landscape Ordinance (MWELO). MWELO Section 490.2 defines it as any landscape renovation project that requires a permit, plan check, or design review, complies with Section 491, and involves a modified landscape area of at least 2,500 square feet. Section 491 outlines when MWELO applies, including to certain existing non-rehabilitated landscapes—specifically those installed before December 1, 2015, that are larger than one acre.

In practical terms, a *rehabilitated landscape area* refers to an existing landscape that has been updated to meet current outdoor water-use requirements for irrigation standards. However, this meaning is not immediately clear in the CALGreen measure without prior familiarity with MWELO. Importantly, the term does not apply to existing landscapes without irrigation systems, since such areas are outside the scope of MWELO’s outdoor water-use regulations, making this proposal necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations. DSA-SS also proposes to relocate Section 301.4.3 Minimum Rehabilitated Landscape Area from the mandatory measures scoping section to the site development Section 5.106.13 to clarify that it is a technical requirement rather than a scope.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Accept

## ITEM 5

### Chapter 5 Nonresidential Mandatory Measures, Section 5.304 Outdoor Water Use

DSA-SS proposes to remove the word Reserved from Section 5.304.3 and add section name of Nonfunctional Turf with a note regarding nonfunctional turf provisions applicable to non-residential applications for public schools and community colleges. The proposed note provides a pointer to the requirements of amended Sections of Division 6 of the Water Code, which amended Sections 10540, 10608.12, and 10608.22, added Section 110, and added Chapter 2.5 (commencing with Section 10608.14) to Part 2.55.

This proposal is necessary to conform with existing statute AB1572 (2023) for nonfunctional turf and does not materially alter the substance or intent of the existing regulations and statute.

#### **CAC Recommendation:**

Approve as amended to include language reference to section 10608.12 related to definitions in the Water Code coordinated between BSC and DSA.

#### **Agency Response:**

Disagree. DSA incorporated the inclusion of section 10608.12 but disagrees with the

location of the DSA-SS note. After further consideration DSA-SS proposes to locate the note to align with section 5.304.6 Outdoor Water Use in Landscape Areas changing language, under regulatory language DSA-SS adopts for public schools and community colleges rather than at a section DSA-SS does not adopt and section number intended for regulatory language. This is in alignment with criteria #1 of the nine-point criteria to avoid conflict with sections DSA adopts in the matrix adoption table for Division 5.3. This will support regulations for non-functional turf developed in future code cycles. Additionally, DSA-SS proposes updating the note to clarify its authority by specifying applicable institutional properties, including public schools and community colleges.

## **ITEM 6**

### **Chapter 5 Nonresidential Mandatory Measures, Section 5.304.6 Outdoor Potable Water Use in Landscape Areas**

DSA-SS proposes to amend the exception to Section 5.304.6 for conformance with the Department of Water Resources MWEL0, in which Appendix D was repealed on January 2, 2025 and prescriptive measures are contained in Section 492.

This proposal is necessary for conforming with existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Accept

## **ITEM 7**

### **Chapter 5 Nonresidential Mandatory Measures, Section 5.402 Definitions**

DSA-SS proposes the new defined term Salvaged Material or Product is added to the list for consistency in the code. However, the term definition is in Chapter 2.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Withdraw

## **ITEM 8**

### **Chapter 5 Nonresidential Mandatory Measures, Section 5.407 Water Resistance and Moisture Management**

DSA-SS proposes to repeal 5.407.1 Weather Protection as it is redundant to California Building Code Section 1402.2 Weather Protection. This proposal is part of the CALGreen clean-up effort requested by stakeholders.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

**CAC Recommendation:**

Approve

**Agency Response:**

Accept

**ITEM 9**

**Chapter 5 Nonresidential Mandatory Measures, Section 5.409 Life Cycle Assessment (renamed to Embodied Carbon Reduction)**

DSA-SS is proposing to consolidate all embodied carbon reduction provisions in Section 5.409 and rename it to Embodied Carbon Reduction, with Sections 5.409.2, 5.409.3 and 5.409.4 reorganized and renamed to identify them as “options”. This will clarify that there are three options for embodied carbon reduction compliance including Reuse of Existing Building Option, Product GWP – Prescriptive Option, and Whole Building Life Cycle Assessment – Performance Option as applicable based on project scope. ITEM 11 proposals are related to DSA-SS proposals in ITEMS 1 (SUB-ITEM 1-2), 4, 9 and 12. The proposed amendments have been coordinated with BSC and are being co-adopted. The rationale for each proposed change is listed below. This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

**SUB-ITEM 9-1**

DSA-SS proposes to rename Section 5.409 from Life Cycle Assessment to Embodied Carbon Reduction to clarify that there are three options for embodied carbon reduction compliance, rather than only the Life Cycle Assessment option.

**SUB-ITEM 9-2**

DSA-SS proposes to amend Section 5.409.1 for coordination with the proposed Section 5.409 reorganization. Amendments include updates to the referenced section numbers and the addition of the relocated exception from Section 5.105.1, which relates to the reuse of existing building option section also relocated from Section 5.105 to Section 5.409. In addition, there are several editorial amendments to delete words “other” and “section” which are duplicative or not correct grammatically.

**SUB-ITEM 9-3**

DSA-SS proposes to relocate Section 5.105.2, Reuse of Existing Building, along with subsection to Section 5.409.2 and rename Section 5.409.2 to add the word “option”. This will clarify that it is the first of three options for embodied carbon reduction compliance.

**SUB-ITEM 9-4**

DSA-SS proposes to rename Section 5.409.3 by removing the word “compliance” and replacing the word “path” with “option” to identify it as the second of three options for compliance with Section 5.409 Embodied Carbon Reduction.

DSA-SS also proposes to amend Section 5.409.3 incorporating language from Section 5.409.3.1 to clarify that only the items listed in Table 5.409.3 require a type III EPD. Section 5.409.3.1 is proposed to be repealed.

### **SUB-ITEM 9-5**

DSA-SS proposes to add Exception 1 for salvaged materials and products to Section 5.409.3 to clarify that salvaged materials and products comply with the GWP limits of Table 5.409.3 and are not required to have a type III EPD.

### **SUB-ITEM 9-6**

DSA-SS proposes to amend Section 5.409.3 to identify the concrete mixes exception as Exception 2 for coordination with other section amendments, and to clarify that concrete mixes may be considered individually or as a weighted average for compliance with Section 5.409.3.

### **SUB-ITEM 9-7**

DSA-SS proposes to amend Table 5.409.3 to correct the unit of measurement for flat glass. DSA-SS is proposing to correct the unit of value from kg CO<sub>2</sub>e/MT to MT CO<sub>2</sub>e/MT. The revised unit of value for flat glass will align with the reported GWP values and industry data published in the Carbon Leadership Forum (CLF) Material Baselines for North America (2023). Additionally, subscript notes referring to the table footnotes are proposed to be revised to coordinate with changes proposed to the footnotes in SUB-ITEM 9-8.

### **SUB-ITEM 9-8**

DSA-SS proposes to remove footnotes one and two following Table 5.409.3 because they are purely information and do not provide any instructions or clarifications. The information they provide has been misconstrued as instructional by stakeholders.

### **SUB-ITEM 9-9**

DSA-SS proposes to amend the section number for the Verification of Compliance to Section 5.409.3.1 for coordination with other section amendments.

### **SUB-ITEM 9-10**

DSA-SS proposes to relocate the Whole Building Life Cycle Assessment language from Section 5.409.2 to 5.409.4 and add "Performance Option" to the section name to clarify that it is the third of three options for compliance with Section 5.409 Embodied Carbon Reduction, listed in order of the least to the most complexity.

DSA-SS proposes to amend the language of Section 5.409.4 to clarify that "location" is intended to mean "geographic location".

DSA-SS proposes to amend the subsection numbers of Section 5.409.4 for coordinate with the relocation of the section from Section 5.409.2.

### **CAC Recommendation:**

Approve

### **Agency Response:**

Accept, for ITEMS 9-1 through 9-4 and 9-6 through 9-10.

Disagree for ITEM 9-5. After further consideration and coordination with BSC, additional language has been added to Item 9-5 to clarify the meaning of salvaged materials and products as it pertains to product GWP compliance and to incorporate the language from the formerly proposed definition of "salvaged materials and products" eliminating the need for a new defined term in ITEM 1.

## **ITEM 10**

### **Chapter 8 Compliance Forms, Worksheets and Reference Material**

#### **SUB-ITEM 10-1**

##### **Worksheet (WS-3)**

DSA-SS proposes to amend Worksheets 3 for coordination with the proposed renumbering and renaming amendments to Section 5.409.2. Additionally, the typo in the last column is corrected from “SF” to “%”.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **SUB-ITEM 10-2**

##### **Worksheet (WS-4)**

DSA-SS proposes to amend Worksheet 4 to clarify that the term “location” is intended to mean “geographic location”, and for coordination with the proposed renumbering and renaming amendments to Section 5.409.4.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **SUB-ITEM 10-3**

##### **Worksheet (WS-5)**

DSA-SS proposes to amend Worksheets 5 for coordination with the proposed renumbering and renaming amendments to Section 5.409.3. DSA-SS is also proposing to amend the language of the statement to align with the requirements in Section 5.409.3. Worksheet (WS-5) as printed contains inappropriate references to “10 percent reduction in GWP” while the intent of the worksheet is to certify compliance with the maximum GWP values listed in Table 5.409.3.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **SUB-ITEM 10-4**

##### **Worksheet (WS-9)**

DSA-SS proposes to amend Worksheets 9 for coordination with the proposed renumbering and renaming amendments to Section 5.409.4.

This proposal is necessary for clarity of existing regulations and does not materially alter the substance or intent of the existing regulations.

#### **CAC Recommendation:**

Approve

#### **Agency Response:**

Accept

### **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.

No new prescriptive standards are proposed.

## **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)

The Division of the State Architect 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.**  
DSA-SS has determined the proposed amendments to existing regulations will not have an effect upon the creation or the elimination of jobs within the State of California.
- B. The creation of new businesses or the elimination of existing businesses within the State of California.**  
DSA-SS has determined the proposed amendments to regulations will not have an effect upon the creation of new businesses or the elimination of existing businesses in the State of California.
- C. The expansion of businesses currently doing business within the State of California.**  
DSA-SS has determined the proposed amendments to regulations will not have an effect upon the expansion of businesses currently doing business 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.**  
DSA-SS has determined the proposed amendments to existing regulations will not have an effect upon the health and welfare of California residents, worker safety, and the state's environment.

## **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).

There are no formal studies, reports, or documents to be identified as the basis for the proposed amendments.

## **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.

DSA-SS has not identified any reasonable alternatives including less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with statute. The proposed CALGreen amendments have clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of

the existing code provisions.

### **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.

DSA-SS has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

### **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.

DSA-SS has made an initial determination that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states. The proposed CALGreen amendments have clarifying, conforming, or coordinating changes that do not materially alter the substance or intent of the existing code provisions. Therefore, there are no other facts, evidence, documents, testimony, or other evidence indicating any potential significant adverse impact on business with regard to the proposed action.

### **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.

The proposed CALGreen amendments will have no overall cost impact, since they provide conformity with statute and clarity of the existing regulations.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

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.

The proposed regulations do not conflict with federal regulations.;