

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)  
REGARDING THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
(DSA-SS/CC 04-19)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Division of the State Architect (DSA) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 5. DSA is proposing building standards in the 2019 California Plumbing Code.

**PUBLIC COMMENT PERIOD**

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 10, 2020**, until **5:00 PM** on **May 26, 2020**.

Please address your comments to:

**California Building Standards Commission**  
Attention: Mia Marvelli, Executive Director  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Any interested person, or his or her duly authorized representative, may request no later than 15 days prior to the close of the written comment period that a public hearing be held.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the CBSC to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

**POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

**NOTE:** To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## AUTHORITY AND REFERENCE

Reference: Government Code Section 11346.5(a)(2).

The CBSC proposes to adopt these building standards under the authority granted by Government Code Sections 11000 and 11340 et seq. and Health and Safety Code Sections 18909, 18929, 18929.1, 18930, 18930.5, 18931, 18934, 18934.8, 18935, 18937, 18942, 18945, 18946, 18949, 18949.1, 18941.2, 18949.3, 18949.5, and 18949.6.

The State Architect is proposing this regulatory action based on Education Code Section 17310 and 81142, and Health and Safety Code 16022.

## INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

### Summary of Existing Laws

Section 16022 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of building systems for state-owned or state-leased essential services buildings. Sections 17310, 81142 and 81053 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of building systems for public elementary and secondary schools, and community colleges.

### Summary of Existing Regulations

Existing green building standards apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure throughout the State of California. It is not the intent that the green building standards substitute or be identified as meeting the certification requirements of any green building program. The green building standards are promulgated by the Division of the State Architect. These regulations are contained in the California Green Building Standards Code (CALGreen Code, Part 11, Title 24) and incorporate the following:

Part 4, California Mechanical Code, which prescribe the design and construction requirements for mechanical systems of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings

Part 5, the California Plumbing Code, with Chapter 16 for alternate water sources for non-potable applications authored by Department of Water Resources

Part 6, the California Energy Code, which contains minimum energy efficiency standards for non-residential buildings in California promulgated by the California Energy Commission (CEC)

Part 11, the California Green Building Standards Code (CALGreen Code), which contains mandatory and voluntary green building standards for residential, and nonresidential facilities.

Other relevant CCR titles:

Title 17 includes regulations for air quality promulgated by the California Air Resources Board

Title 20, Article 4, Appliance Efficiency regulations, contains CEC standards for water consumption of widely used plumbing fixtures

Title 23 includes the Model Water Efficient Landscape Ordinance recently updated by Department of Water Resources.

### **Summary of Effect**

This proposed action will implement the proposed modifications to the California Green Building Standards Code for buildings within DSA authority. The proposed amendments are mostly editorial and non-substantive with no intended change in regulatory effect. However, there are few amendments that are substantive. The substantive changes include; Increasing the Electric Vehicle infrastructure percentages for mandatory provisions.

Once filed with Secretary of State, the standards will be codified and published by January 1, 2020, and will become effective July 1, 2021.

The Initial Statement of Reasons (ISOR) provides a complete description of the proposed building standards effect.

### **Comparable Federal Statute or Regulations**

There are no federal statutes or regulations that are comparable to the proposed editorial updates to the CALGreen Code.

### **Policy Statement Overview**

The broad objective of the proposed action is to maintain green building standards in conformance with current state law, by updating the 2019 California Green Building Standards Code (CALGreen Code).

### **Evaluation of Consistency**

There are no inconsistent or incompatible regulations proposed.

## **OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

Reference: Government Code Section 11346.5(a)(4).

There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

Reference: Government Code Section 11346.5(a)(5).

DSA-SS has determined that the proposed regulatory action WOULD impose a mandate on local agencies or school districts. The proposed regulatory action would impose a mandate on school districts; however, does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code.

## **ESTIMATE OF COST OR SAVINGS**

Reference: Government Code Section 11346.5(a)(6).

An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**

- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes**
- E. Cost or savings in federal funding to the state: **No**

Estimate: Any additional expenditure resulting from this proposed action would be minor. Funding from programs operated by the Office of Public School Construction would cover approximately half the costs for K-12 schools, and similar programs exist for community colleges.

### **INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption, amendment, repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

DSA has made an initial determination that the [adoption/amendment/repeal] of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

### **DECLARATION OF EVIDENCE**

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

DSA-SS/CC has made an initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states. This determination is based on comments received at the workshop and the cost benefit analysis provided by the California Air Resources Board "California Air Resources Board, *Electric Vehicle (EV) Charging Infrastructure: Nonresidential Building Standards, CARB Technical and Cost Analysis*, September 30, 2019". DSA has shown in the Economic and Fiscal Impact Statement (399) documents and the Initial Statement of Reasons (ISOR) which are part of this rulemaking, that the electric vehicle regulations do not pose a significant adverse economic impact on businesses.

### **FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

DSA has made an assessment of the proposed code changes and has determined that these changes do not require a report.

### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

DSA-SS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Reference: Government Code Section 11346.5(a)(10).

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

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

These regulations will not affect the creation or cause 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.**

These regulations will not affect the creation or the elimination of existing business within the State of California.

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

These regulations are likely to promote the expansion of businesses currently involved in EV manufacturing installation and maintenance and technology development 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.**

The proposed editorial amendments to the regulations will have a positive benefit to California residents as they will add clarity to the design and implementation of sustainable codes. These EV regulations will also have a positive benefit the state's environment by reducing greenhouse gas emissions.

### **ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING**

Reference: Government Code Section 11346.5(a)(12).

DSA has determined that this proposal would not have a significant effect on housing costs.

### **CONSIDERATION OF ALTERNATIVES**

Reference: Government Code Section 11346.5(a)(13).

DSA-SS has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

### **AVAILABILITY OF RULEMAKING DOCUMENTS**

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the [CBSC website](http://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](http://dgs.ca.gov/BSC).

Reference: Government Code Section 11346.5(a)(19).

Interested parties may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or at the [CBSC website](http://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](http://dgs.ca.gov/BSC).

Reference: Government Code Section 11346.5(a)(21).

DSA-SS shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

### **CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

Reference: Government Code Section 11346.5(a)(14).

General questions regarding procedural and administrative issues should be addressed to:

**Michael L. Nearman, Deputy Executive Director**

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

Telephone: (916) 263-0916

E-mail: [Michael.Nearman@dgs.ca.gov](mailto:Michael.Nearman@dgs.ca.gov)

### **PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Department of General Services

Division of the State Architect

1102 Q Street, Suite 5100

Sacramento, CA 95811

Paul Johnson, Senior Electrical Engineer

(916) 443-9841

[Paul.Johnson@dgs.ca.gov](mailto:Paul.Johnson@dgs.ca.gov)

#### **Designated Back-Up Contact Person**

Department of General Services

Division of the State Architect

1102 Q Street, Suite 5100

Sacramento, CA 95811

Tav Commins, Senior Mechanical Engineer

(916) 443-9841

[Tav.Commins@dgs.ca.gov](mailto:Tav.Commins@dgs.ca.gov)