

**FINAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)  
REGARDING THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE  
(CALGREEN)**

**CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11**

**BSC 06/18**

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 the 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.

There were no changes made to the proposed regulations published during the 45-day public comment period to the final statement of reasons.

**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).

The CBSC has determined that the proposed regulatory action **WOULD NOT** impose a mandate on local agencies or school districts. CBSC does not have authority to adopt regulations for school districts. The mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

## **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 an 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.

### **Regarding Item #2.1 of the Final Express Terms:**

The following is a summary of the comment(s) CBSC received on Item 2.1 during the 45-day public comment period, CBSC's explanation for how changes were made in response to each comment, and reasons for making no changes, as specified:

#### **Commenter 1: Statewide Utility Codes and Standards Team**

**Recommended: AA** for Item: #2.1, BSC 6/18-2.1-1, Section: 5.106.8 Light pollution reduction.

The commneter states: As written, Section 5.106.8 contains ambiguities surrounding whether or not the requirements apply to additions and alterations, and is misaligned with other requirements in Title 24, Part 6. Our recommended language update clarifies the requirements for additions and alterations, and aligns with language in Title 24, Part 6. Our comment is relevant to items 1, 2, and 3 in the Building Standards Nine-Point Criteria below.

**Agency Response:** CBSC acknowledges the commenter's concerns and appreciates their participation in the code development process. However, after further review and coordination with the CEC, no changes to the Final Express Terms were made as a result of these comments. CBSC's responses for each comment are addressed below.

1. CBSC's 45-day Express Terms for Section 5.106.8 Light pollution reduction added a note 3 to direct the code user to Part 6 California Energy Code which contains regulations for additions and alterations. This amendment was done in response to a recommendation by the GREEN Code Advisory Committee during the GREEN CAC meeting held August 22, 2018. The commenter states that "Section 5.106.5 contains ambiguities surrounding whether or not the requirements apply to additions and alterations, and is misaligned with other requirements in Title 24, Part 6".

Upon consultation with the CEC staff regarding these issues, BSC received an email from CEC staff stating that they do not find any direct conflict between Part 6 and Part 11 BUG requirements because:

1. Part 6 specifies that newly constructed buildings must meet BUG requirements that are identical to the requirements in CALGreen.

2. Part 6 specifies that additions or alterations to outdoor lighting that are subject to Part 6 must meet the same requirements as applicable to newly constructed buildings (whereas Part 11 is silent with respect to additions and alterations.)

In summary, Part 11 includes reference to the Exceptions in Part 6, and Part 6 includes reference to the BUG ratings in Part 11. In this way, the requirements are for the most part identical. With respect to additions and alterations, we don't see the Part 6 requirement that additions and alterations meet the new construction requirements as contradicting any Part 11 provisions.

While CBSC did not accept this comment, it may consider the issue during 2019 Intervening code cycle.

### **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.

The CBSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, 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.

### **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).

There were no proposed alternatives. The CBSC has determined that the proposed regulations will have no adverse impact on small businesses.