

**NOTICE OF PROPOSED CHANGES  
TO  
BUILDING STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT-ACCESS COMPLIANCE (DSA/AC)  
  
REGARDING THE ADMINISTRATIVE CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 5  
  
Article 5-104 – FEES and 5-106 – Revision of Plans and Specifications**

Notice is hereby given that the California Building Standards Commission (CBSC), on behalf of Division of the State Architect-Access Compliance (DSA/AC), proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1. The DSA/AC is proposing building standards related to fees collected for review of applications and revisions.

**PUBLIC COMMENT PERIOD**

A public hearing has not been scheduled; however, written comments will be accepted from July 15, 2011, until 5:00 pm on August 29, 2011. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, 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.

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

Following the public comment period, the 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**

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Sections 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Government Code sections 4450 through 4461. The Department of General

Services/Division of the State Architect is proposing this regulatory action under the authority provided by the Government Code section 4454.

## **INFORMATIVE DIGEST**

### Summary of Existing Laws

Health and Safety Code Section 18930 states any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the Building Standards Commission, justify the approval thereof in terms of criteria for costs and benefits.

Section 18949.1 of the Health and Safety Code states that any responsibilities of the State Architect to adopt regulations relating to building standards are hereby transferred to the California Building Standards Commission.

Section 4450 of the Government Code authorizes the State Architect to establish building standards for making buildings, structures, sidewalks, curbs, and related facilities accessible to and usable by persons with disabilities.

Section 4454 of the Government Code requires the Department of General Services' review and approval of building projects utilizing state funds (including public school and community colleges) to ensure compliance with accessibility standards. Section 4454 also authorizes the Department to collect a filing fee for the services and include the cost of carrying out the responsibilities for development of building standards as part of the plan review costs in determining fees.

### Summary of Existing Regulations

Existing administrative standards allow the Division of the State Architect (DSA) to collect fees as a percentage of the estimated construction costs for projects submitted for plan review.

Section 5-104 of Title 24, Part 1, directs the DSA to conduct a review of the fee schedule in 2011 and within every four years thereafter. Upon review of the fee schedule, DSA may reduce the fees or propose a fee schedule increase.

### Summary of Effect

The proposed regulatory action will result in a revised fee schedule for projects submitted to the DSA for review and approval of compliance with accessibility standards pursuant to Government Code section 4454(d). The fees are based on percentage of the estimated costs of construction projects submitted for plan review. The proposed regulatory action will result in increase of the base fee from 0.4 percent to 0.62 percent of the project cost and make a corresponding increase to the entire fee schedule, with the exception of the minimum fee of \$400 (to remain unchanged).

### Comparable Federal Statute or Regulations

There are no comparable Federal statues or regulations to these proposed State regulations regarding fees.

### Policy Statement Overview

The Disability Access Account fee structure for the DSA-AC activities was established through the California Building Standards Commission in 1990. This fee schedule was updated effective February 13, 2010. Those regulation amendments also implemented a periodic fee review process starting in 2011. The DSA conducted the fee review and determined that a 55 percent fee increase is necessary to assure sufficient resources in the Disability Access Account.

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

None. There are no other matters prescribed by statute applicable to the DSA-AC, or to any specific regulation or class of regulations. This amendment does not create a change in regulatory effect.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The DGS-DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

(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. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

- A. Cost or Savings to any state agency: **DSA accessibility fees for public projects required to obtain DSA review and approval are projected to increase by 55 percent with this fee structure proposal.**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: N/A

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

The D 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 business in other states.

**DECLARATION OF EVIDENCE**

DSA-AC has identified no documents, testimony, or other evidence to support its initial determination of no adverse impact

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

The proposed regulatory action does not require a report by any business or agency, therefore DSA-AC has not made a finding of necessity for public's health, safety or welfare.

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

The DGS-DSA 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**

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

- The creation or elimination of jobs within the State of California.  
DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.
- The creation of new businesses or the elimination of existing businesses within the State of California.  
DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.
- The expansion of businesses currently doing business with the State of California.  
DSA-AC has determined that this proposed action has no effect. This amendment does not create a change in regulatory effect.

## **INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

The Department of General Services-Division of the State Architect has made an initial determination that this proposal would not have a significant effect on housing costs.

## **CONSIDERATION OF ALTERNATIVES**

The Department of General Services-Division of the State Architect has determined that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, 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.

## **AVAILABILITY OF RULEMAKING DOCUMENTS**

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 California Building Standards Commission website:

[http://www.bsc.ca.gov/prpsd\\_chngs/pc\\_10\\_annual\\_cycle.htm](http://www.bsc.ca.gov/prpsd_chngs/pc_10_annual_cycle.htm)

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 California Building Standards Commission website.

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

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

Jim McGowan, Deputy Executive Director, or  
Michael Nearman, Architectural Associate  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959

**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:

Dale Kuroda, Fiscal Manager  
Department of General Services-Division of the State Architect  
(916) 322-0600  
Dale.Kuroda@dgs.ca.gov  
(916) 324-0207