# NOTICE OF PROPOSED ACTION
# TO
# BUILDING STANDARDS
# OF THE
# DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS AND DSA-SS/CC)

## REGARDING THE CALIFORNIA ADMINISTRATIVE CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 4

# 2016 CALIFORNIA ADMINISTRATIVE CODE

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 1, Chapter 4. The DSA is proposing building standards related to the administrative regulations for the structural design of public elementary and secondary schools, community colleges, and state-owned or state-leased essential services buildings.

## PUBLIC COMMENT PERIOD
(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from September 11, 2015 and conclude at 5:00 p.m. October 26, 2015. Please address your comments to:

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

Written Comments may also be faxed to (916) 263-0959 or E-mailed to 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 California Building Standards Commission 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
(Government Code Section 11346.5(a)(18)), (Government Code Section 11346.8(c))

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
(Government Code Section 11346.5(a)(2))

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 16000-16023, and Education Code Sections 17280-17317 and 81130-81147. The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, and Education Code Sections 17310 and 81142.

## INFORMATIVE DIGEST

(Government Code Section 11346.5(a)(3))

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

### Summary of Existing Laws

Section 16023 of the Health & Safety Code authorizes the State Architect to establish building standards for state-owned and state-leased essential services buildings.

Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for public elementary and secondary schools, and community colleges.

### Summary of Existing Regulations

Existing administrative standards which prescribe administrative requirements for building design and construction of state-owned or state-leased essential services buildings, public elementary and secondary schools, and community colleges are promulgated by the Division of the State Architect. These regulations are contained in Title 24, Part 1.

### Summary of Effect

The proposed action would modify existing provisions to clarify design and rehabilitation of new and existing school buildings and streamline construction-phase procedures for oversight of school and essential services buildings to facilitate project certification. The proposed action would also make editorial changes to clarify existing provisions within Title 24, Part 1.

### Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

### Policy Statement Overview

The broad objective of the proposed action is to maintain administrative regulations in conformance with current state law and other Parts of Title 24.

### Evaluation of consistency

There are no inconsistent or incompatible regulations being proposed.

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

(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

(Government Code Section 11346.5(a)(5))

The DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The proposed regulations include an increase in project filing fee within the statutory authority adopted in California Education Code Sections 17300 and 81133. The fee increase does not mandate a new program or a higher level of service as defined in the California Constitution, Article XIII B and regulated in the California Government Code, Part 7 commencing with Section 17500 of Division 4.

## ESTIMATE OF COST OR SAVINGS

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

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: **NO**
E. Cost or savings in federal funding to the state: **NO**

Estimate: DSA estimates an annual increase in filing fees to public school districts and community colleges of $2,700,000 based on the average fees received over the past four years. See attachment.

**INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**
(Government Code Section 11346.5(a)(8))

The 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 business in other states.

**DECLARATION OF EVIDENCE**
(Government Code Section 11346.5(a)(8))

No facts, evidence, documents, testimony or other evidence has been relied upon to support the initial determination of no effect.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**
(Government Code Section 11346.3(d)).

The proposed regulatory action does not require a report by any business or agency, so the Division of the State Architect has not made a finding of necessity for public's health, safety or welfare.

**COST IMPACT ON REPRESENTIVE PRIVATE PERSON OR BUSINESS**
(Government Code Section 11346.5(a)(9))

The 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**
(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

The DSA 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.

The Division of the State Architect has determined that this proposed action has no effect.

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

The Division of the State Architect has determined that this proposed action has no effect.

☐ The expansion of businesses currently doing business with the State of California.

The Division of the State Architect has determined that this proposed action has no effect.

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

The Division of the State Architect has determined that proposed regulatory action would have no adverse effect on the health and welfare of California residents, worker safety, and the state's environment.

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

(Government Code Section 11346.5(a)(12)

The Division of the State Architect has determined that this proposed action has no effect on housing.

## CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.5(a)(13))

The DSA has determined that no reasonable alternative considered by the state agency, or that has otherwise been identified and brought to the attention of the agency, 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

(Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

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/

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.

Government Code Section 11346.5(a)(21) states that the Division of the State Architect 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

(Government Code Section 11346.5(a)(14))

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

Mia Marvelli, Associate Architect
Michael Nearman, Deputy Executive Director
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:

James P. Hackett, Principal Structural Engineer
Division of the State Architect
Ph. 916-322-4699
jim.hackett@dgs.ca.gov
Fax. 916-445-3521

Ronald W. LaPlante, Supervising Structural Engineer
Division of the State Architect
Ph. 858-674-5461
ron.laplante@dgs.ca.gov
Fax. 858-674-5471