

**NINE-POINT CRITERIA ANALYSIS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS)**

**REGARDING PROPOSED CHANGES TO
THE CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

Emergency Rulemaking

Building standards submitted to the California Building Standards Commission for approval are required, by Health and Safety Code Subsection 18930(a), to be accompanied by an analysis which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

DSA affirms that the proposed regulations have been subjected to the full process of Title 24 regulations development through the California Building Standards Commission and review by the public.

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The Division of the State Architect-Structural Safety (DSA-SS) is proposing amendments to the 2013 California Administrative Code to provide clarity to certain measures, as necessary, to fulfill the statutory performance objectives for the occupancies regulated by DSA-SS (public schools, community colleges, and state essential services facilities).

This proposed regulation does not conflict, overlap or duplication with other building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

DSA-SS is the state agency enabled by legislation to adopt building standards for state essential services facilities (Health & Safety Code Section 16022).

The Department of General Services is the state agency enabled by legislation to adopt building standards for public schools and community colleges, per the Field Act (Education Code Sections 17310 and 81142). This work has been delegated to DSA.

Also, Education Code Section 81053 has authorized DSA to adopt alternative building standards (DSA-SS/CC) for community colleges that elect not to utilize the Field Act. This work has also been delegated to DSA.

3) The public interest requires the adoption of the building standards.

The adoption of these regulations is required in order for DSA-SS to fulfill the legislative mandate requiring the adoption of appropriate and current building design and construction regulations to implement the Essential Services Building Act (Health & Safety Code Sections 16000-16023), the Field Act (Education Code Sections 17280-17317 and 81130-81149), and alternative building standards for community colleges (Education Code 81053).

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

DSA has made every effort to avoid proposing regulations that are unreasonable, arbitrary, unfair or capricious. During meetings with stakeholders, DSA has not been informed, and has heard no comment that any proposed regulations are unreasonable, arbitrary, unfair or capricious, in whole or in part.

5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

These proposed regulations may impose a mandatory cost to the public, beyond what the model code, as adopted by the State of California, and current regulations contained in Part 1, Title 24 may impose. This is offset by the health and safety concerns to conserve water as it relates to the current drought that the State of California is experiencing.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

DSA has made every effort to avoid proposing regulations that are ambiguous or vague.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

DSA has proposed the amendment of the current 2013 California Administrative Code to incorporate revised standards, as necessary.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The format of the proposed administrative building standards has been coordinated with the Building Standard Commission. The content is similar to Title 24, Part 1, Chapter 4, Group 2 (Fire and Life Safety) which was recently adopted during the 2013 Intervening Code Cycle. DSA affirms that it is consistent with the format adopted by the Building Standards Commission for Part 1 of Title 24.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The express terms have been sent to the State Fire Marshal (SFM) for their determination that these proposed regulations do not promote fire and panic safety. DSA has obtained written approval of these proposals from the State Fire Marshall, per Memorandum dated September 8, 2015, attached.