

**PUBLIC COMMENT on PROPOSED BUILDING STANDARDS**  
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

**Commenter Contact Information**

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**Proposed Building Standard**

Title 24 Part #: (*select one*) Part 1 Section #: 1004.5  
Proposing State Agency State Fire Marshal  
This comment is intended for review during: (*select one*)  
 Code Advisory Committee  
 45-Day Comment Period  
 15-Day Comment Period  
 Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (*select one*)  
 Approve  
 Disapprove  
 Further Study Required  
 Approve as Amended

**In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.**

See attached page.

**Attachments?**  
 Check if you have attached additional pages. The number of pages attached is: 1

**For CBSC Office Use Only** Date Received: \_\_\_\_\_ Rulemaking Item #: \_\_\_\_\_

## Instructions for completing this form

1. Use of this form is optional. It helps CBSC and other state proposing agencies to correctly administer your comments.
2. For matters to be considered at a public CBSC Code Advisory Committee (CAC) meeting, written comments should be received at least seven days before the scheduled meeting.
3. For matters subject to a 45-Day or 15-Day public comment period announced by a Notice of Proposed Action (NOPA), written comments **must be received** on or before the close of the comment period identified in the NOPA.
4. Separate comment forms are necessary for CAC and public comment periods.
5. Separate comment forms are necessary for each state agency proposal.
6. This form is available in fill-and-print format at the CBSC website, [www.bsc.ca.gov](http://www.bsc.ca.gov), for you to complete and submit electronically. Or print a blank form and type or complete by hand. You may attach additional pages if necessary.
7. Submit comments to CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by email to [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov). Please do not fax comments.
8. Written and oral comments may also be provided at CBSC public meetings to consider the proposed building standards.

***For assistance, call CBSC at (916) 263-0916 or email [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov).***

## **Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:**

(a) 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. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. 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 commission, justify the approval thereof in terms of the following criteria:

- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4) The proposed building standard is not 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.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
  - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
  - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

**Principals**

M. Andrew Rodrigues, AIA  
 Michael L. Asaro, AIA, LEED AP BD+C  
 Paul E. Schroeder, AIA, Associate DBIA  
 Frank Ternasky, AIA, LEED AP

**Recommendation:** Approval as Amended per Section 18930(a) criteria 4 and 7  
 Recommend that SFM amend TABLE 1004.5 to include both the 150 and the proposed 100 sq ft per occupant load to address business areas in State Owned or Occupied Buildings.

MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT FUNCTION OF SPACE	OCCUPANT LOAD FACTOR <sup>a</sup>
Business areas	150 gross
Concentrated business use areas	See Section 1004.8
[SFM] Business areas in State Owned or State Occupied Buildings	100 gross
Concentrated business use areas	See Section 1004.8
Concentrated business use areas	See Section 1004.8

**Reason:** SFM proposes to modify a regulation that has been vetted through ICC under code change E9-15 which was submitted by the US General Services Administration as a two-part code change that also includes the addition of Section 1004.6. The SFM does not propose deletion of Section 1004.6 when modifying the occupant load factor to 100 sq ft per occupant.

As part of the justification the SFM states that the code change is proposed to be statewide to all business areas under the authority of Health and Safety Code Section 13110 which is for fire and panic safety. Occupant load factors are regularly updated in the IBC and NFPA 101 and are better vetted there. When the 2015 IBC changed the occupant load factor for the ground floor on mercantile occupancies from 30 to 60 from sq ft per occupant the SFM correctly did not amend the 2016 CBC.

The justification provided to the IBC Means of Egress Committee fully justified the regulations as they appear in the 2018 IBC. A copy of the code change report has been attached.

It is not clear that the SFM has the statutory to regulate all business occupancies or all business areas in other than State Owned and Occupied buildings such as Community Colleges, University of California etc. We propose that TABLE 1004.5 be modified to include two rows for Business areas and thus show the 100 and 150 sq ft occupant load factors. The preference is to adopt the IBC regulation as published.