

**NOTICE OF PROPOSED ACTION
TO BUILDING STANDARDS OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(BSC 02/19)**

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The Building Standards Commission (BSC) is proposing building standards related to the 2019 California Building Code (California Code of Regulations, Title 24, Part 2).

PUBLIC COMMENT PERIOD

Reference: Government Code Section 11346.5(a)(17).

A public hearing has not been scheduled; however, written comments will be accepted from **April 24, 2020**, until **5:00 PM** on **June 8, 2020**.

Comments may be submitted to CBSC via:

[e-comments form](https://dgs.ca.gov/BSC/e-comments) dgs.ca.gov/BSC/e-comments

US Mail postmarked no later than **June 8, 2020**:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Michael Nearman, Deputy Executive Director

Written comments may also be emailed 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 CBSC 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

Reference: Government Code Section 11346.5(a)(18).

Following the public comment period, 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 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

Reference: Government Code Section 11346.5(a)(2).

BSC proposes to adopt these building standards under the authority granted by Government Code Sections 11346 et seq. and Health and Safety Code Sections 18928.1, 18929.1, 18930, 18934.5, and 18949.6.

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INFORMATIVE DIGEST

Reference: Government Code Section 11346.5(a)(3).

Summary of Existing Laws

Government Code Section 11346 et seq. establishes the specified statutes of Article 5 to which CBSC is required to comply as specified in Health and Safety Code Section 18929.

Health and Safety Code Section 18928.1 sets forth that CBSC shall incorporate text of the model codes, applicable national standards or published specifications, in whole or in part, only by reference, with appropriate additions or deletions in a publication agreement between the commission and the model code organizations.

Health and Safety Code Sections 18929.1 outlines the contents and procedures for the adoption of regulations for the 18-month code adoption cycle.

Health and Safety Code Sections 18930 sets forth the analysis, review considerations, and factual determinations for the approval or adoption of building standards (9-point criteria).

Health and Safety Code Section 18934.5 authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

Health and Safety Code 18949.6 requires CBSC to adopt procedural regulations for the adoption of building standards and administrative regulations; the adoption process is required to facilitate the triennial adoption of model codes; and, requires the procedural regulations allow for public review of proposed building standards and administrative regulations.

Summary of Existing Regulations

The 2019 California Building Code (Cal. Code Regs., Title 24, Part 2) contains regulations that specify the minimum requirements for the design and construction of buildings in California in efforts to protect the health, safety and welfare of the public. Currently, a designer must use an alternative means approach (Section 104.11, Chapter 1, Division II, California Building Code) if one wants to design a tall wood building in California specifying cross-laminated timber (CLT) to resist anything beyond

gravity loads, as there are no prescriptive regulations in the California Building Code pertaining to the general design and construction of tall wood buildings using CLT.

Summary of Effect

These proposed modifications to the 2019 California Building Code will make applicable to buildings within BSC's jurisdiction, and available to the local jurisdictions if they choose to adopt the provisions via ordinance, provisions relating to buildings of new specified construction types to ensure the health, safety and welfare of the public, should a designer elect to employ the specified construction types: Type IV-A, IV-B, and IV-C. Adopting these provisions in this Intervening Code Adoption Cycle will make them available for use in the 2019 California Building Code, three years prior to the availability of the provisions via model code adoption in the 2022 California Building Code.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations related to the BSC proposed action.

Policy Statement Overview

The objective of these proposed additions and changes to the California Building Code are to comply with Executive Order B-52-18 by providing standards by which buildings of specified construction types must comply in order to ensure the health, safety, and welfare of the public within specified jurisdictions.

Evaluation of Consistency

BSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

Reference: Government Code Section 11346.5(a)(4).

BSC has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Reference: Government Code Section 11346.5(a)(5).

BSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

BSC does not have authority to impose building standards or regulations on school districts.

ESTIMATE OF COST OR SAVINGS

Reference: 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.

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**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

Reference: Government Code Section 11346.5(a)(8).

If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

BSC has made an initial determination that the adoption, amendment or repeal of these regulations will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states, because these regulations do not impose any mandate on businesses. These regulations introduce new construction types and methods into the building code from which designers can voluntarily choose but are not required to use.

DECLARATION OF EVIDENCE

Reference: Government Code Section 11346.5(a)(8).

In making the declaration, the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

BSC has determined that the change in the code is strictly voluntary and not a mandate. However, based on an analysis published in the 2019 GROUP B PUBLIC COMMENT AGENDA by International Code Council's ad hoc Committee on Tall Wood Buildings (available from the Building Standards Commission or at <https://cdn-web.iccsafe.org/wp-content/uploads/2019-ICC-PUBLIC-COMMENT-AGENDA-compressed-2019-upload-upload.pdf>), a typical residential or office building of typical floor plates an estimate of special inspection costs may range from \$1,000 to \$2,000 per floor. Another approach to the cost of special inspection is a percentage of total construction costs; for typical pre-fabricated construction elements the cost of special inspection may range between 0.15% to 0.30%, depending on labor cost and complexities of the construction in the building. Facts, evidence, documents, testimony, or other evidence upon which BSC relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8) is available for inspection by the public. The public may submit information, facts, or documents either supporting BSC's initial determination or finding to the contrary.

During the development of these regulations, the SFM hosted many public workshops with industry, stakeholders, and the public. At no time was there any

evidence proposed that would suggest a significant statewide adverse economic impact on business.

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

Reference: Government Code Section 11346.5(a)(11).

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

BSC has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Reference: Government Code Section 11346.5(a)(9).

Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact, provide the following statement:

BSC 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

Reference: Government Code Section 11346.5(a)(10).

BSC has assessed whether or not and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California.

These regulations may result in the creation of jobs within the mass timber industry in the State of California.

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

These regulations may result in new business within the mass timber industry in the State of California.

C. The expansion of businesses currently doing business within the State of California.

These regulations may result in the expansion of businesses currently doing business within the mass timber industry in the State of California.

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

These proposed regulations will update, clarify and improve the building regulations in the California Building Code, which will provide increased protection of public health and safety, worker safety, and the environment and may reduce GHG's by incentivizing the use of cross-laminated timber and other engineered wood products in construction throughout California.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

Reference: Government Code Section 11346.5(a)(12).

BSC has determined that this proposal would not have a significant effect on housing costs.

BSC does not have the authority to promulgate building standards for housing.

CONSIDERATION OF ALTERNATIVES

Reference: Government Code Section 11346.5(a)(13).

Executive Order B-52-18 directed BSC, in addition to other agencies, to consider for early adoption during the 2019 Intervening Code Adoption Cycle, the provisions put forth by the International Code Council's ad hoc committee on Tall Wood Buildings. This proposal is being made pursuant to that directive. BSC has determined that no reasonable alternative considered by BSC or that has otherwise been identified and brought to the attention of BSC 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

Reference: Government Code Sections 11346.5(a)(16) and 11346.5(a)(20).

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 BSC website: www.dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(19).

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 BSC website: www.dgs.ca.gov/BSC.

Reference: Government Code Section 11346.5(a)(21).

BSC 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

Reference: Government Code Section 11346.5(a)(14).

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

Gary Fabian, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
E-mail: gary.fabian@dgs.ca.gov

**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:

Gary Fabian, Associate Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
E-mail: gary.fabian@dgs.ca.gov

Designated Back-Up Contact Person

California Building Standards Commission
Michael L. Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
E-mail: Michael.Nearman@dgs.ca.gov