

**NOTICE OF PROPOSED ACTION  
TO BUILDING STANDARDS OF THE  
DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-CC)  
REGARDING THE 2019 CALIFORNIA BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2  
(DSA-SS/CC 02-19)**

Note to agencies: The laws associated with the instructions in this form are found primarily in Government Code Section 11346.5 et sequentes. For clarity during the administrative review process, do not remove the headings or statutory references to applicable sections being completed.

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of The 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 2. The DSA is proposing building standards related the structural design for the structural design of public elementary and secondary schools, community colleges and state-owned or state leased essential services buildings.

**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](https://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

Note: Only comments received in an accessible format will be viewable via CBSC's website. Use the e-Comment form to ensure accessibility.

Written comments may also be emailed to [CBSC@dgs.ca.gov](mailto: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 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**

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

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949. The purpose of these building standards is to implement, interpret, or make specific the provisions of Health & Safety Code Sections 16000-16023, and Education Code Sections 17280-17317, 81130-81147 and 81052-81053.

The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, and Education Code Sections 17310, 81142, and 81053.

## **INFORMATIVE DIGEST**

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

### **Summary of Existing Laws**

Section 16022 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.

Sections 81052 and 81053 of the Education Code authorize the State Architect to establish building standards which a community college may elect to use in lieu of those standards promulgated in accordance with Education Code Sec. 81142.

### **Summary of Existing Regulations**

Existing building standards which prescribe the 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 2, and are based on provisions within the adopted model building code.

### **Summary of Effect**

The proposed action would adopt and amend the current 2019 edition of the California Building Code (CBC) (Title 24, Part 2, California Code or Regulations) which was based upon adoption and amendment of the most recent edition of the selected model building code (*International Building Code (IBC)*, 2018 edition). The proposed action will:

- Integrate currently adopted structural safety amendments into the updated Title 24, Part 2.

- Repeal currently adopted amendments deemed to be sufficiently addressed by the adopted model building code.
- Make editorial changes to currently adopted amendments to improve clarity or intent.
- Co-adopt provisions affecting mass timber with the State Fire Marshal and California Building Standards Commission after consideration for adoption under Executive Order B-52-18. These provisions originate from International Code Council (ICC) - Tall Wood Building Proposal, which is up for adoption into the 2021 IBC in October of 2019.

### **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 building regulations in conformance with current state law by adopting and amending the current edition of the California Building Code based upon the most current edition of the model building code and nationally recognized structural design standards.

### **Evaluation of Consistency**

There are no regulations being proposed that will be inconsistent or incompatible within this submittal and with current California Building Code and statutory requirements of the Education Code and Health and Safety Code; with the exception that the provisions affecting mass timber being adopted by ICC for incorporation into the next model code are being proposed for adoption into this Intervening code cycle prior to becoming effective in the next model code.

### **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).

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**

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

DSA has determined that the proposed regulatory action DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or 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**

Estimate: The proposed regulations will have no mandated cost or savings to any state agency, local agency, or school district.

The election to utilize mass timber as a construction method is voluntary and the cost to associated with this selection is considered to be negligible for the following reasons. Use is dependent upon the economic viability of mass timber for a construction project and the environmental mindset of the project owner/developer. During the SFM Workshops on ICC's Tall Wood Building Proposals, several contractors indicated that mass timber, including Cross-laminated Timber (CLT), becomes economical at approximately five to six stories. This is also corroborated in Section 2.4.1 of the *Mass Timber Market Analysis Completed for Council of Western States Foresters* by The Beck Group (November 2018) which indicates that CLT is most advantageous and competitive in terms of cost and appropriateness of application in buildings 6 – 16 stories tall. Most school or essential services building projects are one- or two-story buildings, and DSA does not anticipate these regulations to result in any significant increase in use of mass timber. The current regulations have resulted in one project constructed with mass timber since inclusion in the 2016 CBC, and we would expect the same in 2019/2020. This is because mass timber is not considered economically feasible for one- or two-story buildings that are typical in school and essential services building construction.

### **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.

DSA 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.

### **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.

Through economic assessment of the proposed regulations, the DSA determined no significant, adverse economic impact will directly affect businesses in the manner described by GC Section 11346.5, subdivision a8.

During the SFM Workshops on ICC's Tall Wood Building Proposals, several contractors indicated that mass timber becomes economical at approximately five to six stories. Likewise, the *Mass Timber Market Analysis Completed for Council of Western States Foresters* by The Beck Group (November 2018) indicates that CLT is most advantageous

and competitive in terms of cost and appropriateness of application in buildings 6 – 16 stories tall. Since use of mass timber as a means of construction is voluntary, DSA estimates one or two projects within its jurisdiction may use mass timber per year for environmental or aesthetic reasons, which is essentially the same number of school projects that have been constructed using CLT in the last 3 years. Mass timber is not considered economically feasible for one- or two-story buildings that are typical in school and essential services building construction.

No other 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**

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.

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 REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

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

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**

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

The Division of the State Architect 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.**

The Division of the State Architect has determined that this proposed action has little to no effect on the creation or elimination of jobs within the State of California. However, future creation of mass timber industry in California may occur if these regulations increase demand in mass timber products; but, due to non-fiscal viability described above, the effect on schools and essential services buildings is expected to be negligible.

#### **B. 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 on the creation of new businesses or the elimination of existing businesses within the State of California. However, future creation of mass timber industry in California may occur if these regulations increase demand in mass timber products; but, due to non-fiscal viability described above, the effect on schools and essential services buildings is expected to be negligible.

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

The Division of the State Architect has determined that this proposed action has no effect on the expansion of businesses currently doing business within the State of California. However, future creation of mass timber industry in California may occur if these regulations increase demand in mass timber products; but, due to non-fiscal viability described above, the effect on schools and essential services buildings is expected to be negligible.

**D. 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 the proposed regulatory action would have no adverse effect on the health and welfare of California residents, worker safety, and the state's environment. However, future creation of mass timber industry in California may occur if these regulations increase demand in mass timber products, which will improve the health of California's forests and have a positive effect on the state's environment.

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

Reference: 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**

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

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA 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 [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://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 [CBSC website](https://dgs.ca.gov/BSC): [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC)

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

DSA 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:

Michael L. Nearman, Deputy Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Telephone: (916) 263-0916

**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

Diane C. Gould, Supervising Structural Engineer  
Division of the State Architect  
Ph. 916-324-6959  
diane.gould@dgs.ca.gov