

# REVISION RECORD FOR THE STATE OF CALIFORNIA SUPPLEMENT

July 1, 2021

## 2019 Title 24, Part 1, California Administrative Code

### General Information:

1. The date of this supplement is for identification purposes only. See the History Note Appendix on the backside or accompanying page of each Chapter within the Administrative Code.
2. This supplement is issued by the California Building Standards Commission in order to provide new and/or replacement pages containing recently adopted provisions for California Code of Regulations, Title 24, Part 1, the 2019 *California Administrative Code*. Instructions are provided below.
3. Health and Safety Code Section 18938.5 establishes that only building standards in effect at the time of the application for a building permit may be applied to the project plans and construction. This rule applies to both adoptions of building standards for Title 24 by the California Building Standards Commission and local adoptions and ordinances imposing building standards. The new building standards provided with the enclosed blue supplement pages must not be enforced before the effective date.
4. Not all code text on the enclosed blue supplement pages is a new building standard. New, amended, or repealed building standards are identified by margin symbols. An explanation of margin symbols is provided in the code before the table of contents.
5. You may wish to retain the superseded material with this revision record so that the prior wording of any section can be easily ascertained.

### Title 24, Part 1

#### Remove Existing Pages

v and vi  
1 and 2  
7 and 8  
13 through 20  
39 through 42  
45 through 48  
53 and 54  
75 and 76  
93 and 94  
147 and 148  
151 through 156  
159 and 160  
163 through 166  
169 and 170  
179 and 180  
187 and 188

#### Insert Blue-Colored Pages

v and vi  
1 and 2  
7 and 8  
13 through 20  
39 through 42  
45 through 48  
53 and 54  
75 and 76  
93 and 94  
147 and 148  
151 through 156  
159 and 160  
163 through 166  
169 and 170  
179 and 180  
187 and 188

Item No. 5510S192



# CALIFORNIA CODE OF REGULATIONS, TITLE 24

## California Agency Information Contact List

The following state agencies may propose building standards for publication in Title 24. Request notice of such activity with each agency of interest. See Sections 1.2 through 1.14 of the California Building Code (Part 2 of Title 24) for more detailed information on the regulatory jurisdiction of each state agency.

### **Board of State and Community Corrections**

www.bscc.ca.gov ..... (916) 445-5073  
Local Adult and Juvenile  
Detention Facility Standards

### **California Building Standards Commission**

www.dgs.ca.gov/bsc ..... (916) 263-0916  
State Buildings including UC and  
CSU Buildings, Parking Lot and Walkway Lighting,  
Green Building Standards for Non-residential Buildings

### **California Energy Commission**

www.energy.ca.gov ..... **Energy Hotline** (800) 772-3300  
Building Efficiency Standards  
Appliance Efficiency Standards  
Compliance Manual/Forms

### **California State Lands Commission**

www.slc.ca.gov ..... (562) 499-6312  
Marine Oil Terminal Standards

### **California State Library**

www.library.ca.gov ..... (916) 323-9843

### **Department of Consumer Affairs:**

**Acupuncture Board**  
www.acupuncture.ca.gov ..... (916) 515-5200  
Office Standards

### **Board of Pharmacy**

www.pharmacy.ca.gov ..... (916) 518-3100  
Pharmacy Standards

### **Bureau of Barbering and Cosmetology**

www.barbercosmo.ca.gov ..... (800) 952-5210  
Barber and Beauty Shop,  
and College Standards

### **Bureau of Household Goods and Services**

www.bhgs.dca.ca.gov ..... (916) 999-2041  
Insulation Testing Standards

### **Structural Pest Control Board**

www.pestboard.ca.gov ..... (800) 737-8188  
Structural Standards

### **Veterinary Medical Board**

www.vmb.ca.gov ..... (916) 515-5220  
Veterinary Hospital Standards

### **Department of Food and Agriculture**

www.cdffa.ca.gov  
Meat & Poultry Packing Plant Standards  
Rendering & Collection Center Standards ..... (916) 900-5004  
Dairy Standards ..... (916) 900-5008

### **Department of Housing and Community Development**

www.hcd.ca.gov ..... (800) 952-8356  
Residential—Hotels, Motels, Apartments,  
Single-Family Dwellings; and  
Permanent Structures in Mobilehome &  
Special Occupancy Parks  
(916) 445-3338  
Factory-Built Housing, Manufactured Housing &  
Commercial Modular  
Mobilehome—Permits & Inspections  
Northern Region—(916) 255-2501  
Southern Region—(951) 782-4420  
(800) 952-8356  
Employee Housing Standards

### **Department of Public Health**

www.dph.ca.gov ..... (916) 449-5661  
Organized Camps Standards  
Public Swimming Pools Standards

### **Division of the State Architect**

www.dgs.ca.gov/dsa ..... (916) 445-8100

### **Access Compliance**

### **Fire and Life Safety**

### **Structural Safety**

Public Schools Standards  
Essential Services Building Standards  
Community College Standards

### **State Historical Building Safety Board**

Historical Rehabilitation, Preservation,  
Restoration or Relocation Standards

### **Office of Statewide Health Planning and Development**

www.oshpd.ca.gov ..... (916) 440-8300  
Hospital Standards  
Skilled Nursing Facility Standards &  
Clinic Standards

### **Office of the State Fire Marshal**

osfm.fire.ca.gov ..... (916) 568-3800  
Code Development and Analysis  
Fire Safety Standards

## HOW TO DETERMINE WHERE CHANGES HAVE BEEN MADE

Symbols in the margins indicate where changes have been made or language has been deleted.

|| This symbol indicates that a change has been made.

> This symbol indicates deletion of language.

# CHAPTER 1

## ADMINISTRATIVE REGULATIONS OF THE CALIFORNIA BUILDING STANDARDS COMMISSION

### ARTICLE 1 GENERAL

**1-101. Abbreviations.** The following abbreviations shall apply to Title 24, California Code of Regulations. Abbreviations may also be provided in each of the other 12 parts of Title 24. If an abbreviation in this section conflicts with an abbreviation within another part of Title 24, the abbreviation reference in the other part shall prevail within that part.

**Note:** For information regarding the code provisions adopted for a state agency and the application of such code provisions, see the agency administrative chapters in the appropriate parts of Title 24, *California Code of Regulations*.

AGR	Department of Food and Agriculture
BSC	Identifies code provisions by the Building Standards Commission
BSC-CG	Identifies the California Green Building Standards Code (CALGreen) provisions by BSC
BSCC	Identifies code provisions by the Board of State and Community Corrections
CA	Department of Consumer Affairs
CALGreen	California Green Building Standards Code (CALGreen), Part 11 of Title 24
CBC	<i>California Building Code</i> (Part 2 of Title 24)
CCR	California Code of Regulations
CEBC	<i>California Existing Building Code</i> (Part 10 of Title 24)
CEC	<i>California Electrical Code</i> (Part 3 of Title 24)
CEC	<i>California Energy Code</i> (Part 6 of Title 24)
CEC	<i>California Energy Commission</i>
CFC	<i>California Fire Code</i>
CHBC	<i>California Historical Building Code</i> (Part 8 of Title 24)
CMC	<i>California Mechanical Code</i> (Part 4 of Title 24)
CPC	<i>California Plumbing Code</i> (Part 5 of Title 24)
CRC	<i>California Residential Code</i> (Part 2.5 of Title 24)
CRSC	<i>California Referenced Standards Code</i> (Part 12 of Title 24)
DPH	Identifies code provisions by the Department of Public Health
DWR	Identifies code provisions by the Department of Water Resources
DSA	Division of the State Architect, a division within the Department of General Services

DSA-SS	Identifies code provisions by the Division of the State Architect-Structural Safety
DSA-SS/CC	Identifies provisions by the Division of the State Architect-Structural Safety, applicable to Community Colleges as specified
DSA-AC	Identifies code provisions by the Division of the State Architect-Access Compliance
DOE	Department of Education
DOT	Department of Transportation
HCD	Housing and Community Development
HCD 1	Identifies code provisions by HCD
HCD 2	Identifies code provisions by HCD
HCD 1AC	Identifies Housing Accessibility code provisions by HCD
IBC	<i>International Building Code</i> ®
IFC	<i>International Fire Code</i> ®
IEBC	<i>International Existing Building Code</i> ®
IRC	<i>International Residential Code</i> ®
NEC	<i>National Electrical Code</i> ®
NFPA	National Fire Protection Association
OHP	Office of Historical Preservation
OSHPD	Office of Statewide Health Planning and Development
OSHPD 1 and 1R	Identifies code provisions by OSHPD
OSHPD 2	Identifies code provisions by OSHPD
OSHPD 3	Identifies code provisions by OSHPD
OSHPD 4	Identifies code provisions by OSHPD
OSHPD 5	Identifies code provisions by OSHPD
SFM	Identifies code provisions by the Office of the State Fire Marshal
SHBSB	Identifies code provisions by the State Historical Building Safety Board
SL	Identifies code provisions by the State Librarian
SLC	Identifies code provisions by the State Lands Commission
UBC™	<i>Uniform Building Code</i> ; the UBC is no longer published or adopted in the current edition of Title 24

UBC STDS	<i>Uniform Building Code Standards</i> ; the UBC STDS is no longer published, but relevant standards are referenced in the CEBC
UFC	<i>Uniform Fire Code</i> ; the UFC is no longer published or adopted in the current edition of Title 24
UHC	<i>Uniform Housing Code</i> ; adopted by HCD in Chapter 1 of Title 25
UMC	<i>Uniform Mechanical Code</i> ®
UPC	<i>Uniform Plumbing Code</i> ®

**Authority:** Government Code Section 11000, and Health and Safety Code Sections 18931 (f) and 18940.5.

**Reference:** Government Code Section 11000, and Health and Safety Code Sections 18931 (d) and 18940.5.

**1-103. Definitions.** The following definitions shall apply to this Chapter 1, of Part 1, of Title 24, California Code of Regulations. Definitions may also be provided in each of the other 12 parts of Title 24. If a definition in this section conflicts with a definition within another part of Title 24, the definition reference in the other part shall prevail within that part.

**ADOPTING AGENCY (or state adopting agency).** An agency of state government with authority in law to develop and adopt building standards for approval and publication in Title 24, California Code of Regulations, by the Commission. An adopting agency has authority to conduct public hearings aside from the public hearings conducted by the Commission. See Proposing Agency.

**APPEAL.** An appeal to the Commission, as provided and limited by Health and Safety Code Sections 18945 through 18949, by any person adversely affected by the application of an existing building standard or administrative regulation in Title 24, by a state agency or local agency.

**BUILDING STANDARDS ADMINISTRATION SPECIAL REVOLVING FUND (the Fund).** The Fund established in the State Treasury to receive funds submitted by the Commission pursuant to the provisions of Health and Safety Code Section 18931.6 and Article 5.

**CALGreen.** The California Green Building Standards in Part 11 of Title 24, California Code of Regulations.

**CODE ADVISORY COMMITTEE.** An advisory panel or body appointed to advise the Commission with respect to building standards as authorized by Health and Safety Code Section 18927.

**CODE CHANGE (proposed provision).** A proposed addition, amendment, repeal or adoption of a building standard as defined by Health and Safety Code Section 18909, or of an administrative regulation of Title 24.

**CODE CHANGE SUBMITTAL (rulemaking file).** The rulemaking file submitted by a state proposing agency, which includes the proposed code change(s) or provision(s) for Title 24, along with justification and all other required documents, submitted to the Commission by a proposing agency.

**COMMISSION.** The California Building Standards Commission established under Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

**DEPARTMENT.** The Department of Housing and Community Development.

**ENFORCING AGENCY (or Enforcement Agency).** An agency, board, commission, department, division, office or individual assigned by law or ordinance as being responsible for the enforcement of building standards.

**EXECUTIVE DIRECTOR.** The Chief Executive appointed by the California Building Standards Commission pursuant to Health and Safety Code Section 18925, to carry out the duties assigned by the California Building Standards Commission as designated in Health and Safety Code, Division 13, Part 2.5, commencing with Section 18901.

**FEES, FRACTIONS THEREOF.** Fee increments for individual building permit values less than \$100,000 as described in Article 5, Section 1-505 and Table 1-505.

**JUSTIFICATION.** An initial statement of reasons and the information needed to complete a notice of proposed action, including a determination as to the effect of the code change on housing costs.

**NOTICE OF PROPOSED ACTION.** For the purposes of this chapter is synonymous with the term Notice of Proposed Building Standard.

**OFFICE.** The Office of the State Fire Marshal.

**PETITION.** A written submittal to the Commission or a state adopting or proposing agency by any local government agency, firm or member of the public for the purpose of proposing a new building standard or administrative regulation in Title 24, or the amendment or repeal of an existing building standard or administrative regulation in Title 24 that is currently effective.

**PROPOSING AGENCY (or state proposing agency).** A state agency having authority and responsibility to propose a building standard for adoption by the Commission and publication in Title 24, California Code of Regulations. A proposing agency does not have authority to conduct public hearings for the adoption of building standards. See Adopting Agency.

**PUBLIC UTILITY.** The California Public Utilities Commission (PUC); or which would otherwise be regulated by the PUC but are exempted by municipal charter.

**SPECIAL CODE ADVISORY COMMITTEE.** An ad hoc committee established by the Commission, when necessary, to advise the Commission on a subject in the code needing extensive revision or on a complex subject which needs to be regulated or to perform a review of a proposed code change that warrants special technical review.

**STATE AGENCY REPRESENTATIVE(S).** For the purposes of this chapter means representative(s) of state proposing or adopting agencies.

**TECHNICAL REVIEW.** A review of a proposed code change and its justification conducted pursuant to Health and Safety Code Section 18930 (c), (d), (e), (f) to ensure

having been abandoned or may, upon written notice to the appellant and any state or local agency as a party to the appeal, process the appeal based on the information available. Upon written request, the Executive Director may for good cause, extend the 30-day period by one additional 30-day period.

(c) Following the acceptance of an appeal, the Executive Director and Chair of the Commission's Appeals Committee, as appointed by the Chair of the Commission, shall, acting together, designate a hearing authority by determining whether the appeal should be heard by the Appeals Committee, the full Commission, a member of the Commission designated as hearing officer, or by a hearing officer appointed by the Office of Administrative Hearings.

(d) Within 15 days of determining the hearing authority, and no less than 15 days prior to the appeal hearing date, the Executive Director, or their designee, shall provide to the appellant and any state or local agency as a party to the appeal, written notice identifying the hearing authority, procedures, and when possible the scheduled hearing date, time and location.

**Authority:** Health and Safety Code Sections 18931 and 18945.

**Reference:** Health and Safety Code Sections 18931, 18945 and 18946.

### **1-311. Appeal hearing procedures.**

(a) When it is determined pursuant to subsection 1-309(c) that the appeal shall be heard by the Commission's Appeals Committee or a member of the Commission appointed as the hearing officer, the following provisions shall apply:

1. The Executive Director shall provide written notice of the date, time and location of hearing to interested parties, as provided in subsection 1-309(d), and may invite experts or other witnesses as necessary for the hearing.
2. The Appeals Committee or the member of the Commission appointed as the hearing officer, shall not be bound by the rules of evidence or procedure applicable in the courts. Appellant, appellant's witnesses, and any other interested persons may present testimony, argument and/or documentary material concerning the matter(s) under consideration.
3. The Appeals Committee or the member of the Commission appointed as the hearing officer shall prepare their finding(s) and decision within 30 days after the appeal hearing.
4. The Executive Director shall, in writing, advise the appellant, any state or local agency as a party to the appeal, and the Commission, of the Appeals Committee or the member of the Commission appointed as the hearing officer decision within 15 days from the date of the decision.
5. When an appeal is heard by the Appeals Committee or the member of the Commission appointed as the hearing officer, either party may request a reconsideration of the decision by the Commission. The request must be submitted to the Executive Director in writing no more than 45 days after the date the original decision by the

Appeals Committee or member of the Commission appointed as the hearing officer is made.

6. Reconsideration by the Commission shall be conducted in accordance with subsection 1-311(b), and based upon the record of the appeal hearing and additional information or testimony that is specifically requested by the Commission.
7. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceeding as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission's Appeals Committee or the member of the Commission appointed as the hearing officer.

(b) When it is determined pursuant to subsection 1-309(c) that an appeal shall be heard by the Commission, or pursuant to subsection 1-311(a) 5 that a reconsideration hearing is to be conducted by the Commission, the following provisions shall apply:

1. An appeal or request for reconsideration shall be acted on by the Commission during the next regularly scheduled public Commission meeting, or within 180 days, after the date the appeal or request for reconsideration is received by the Executive Director.
2. The Executive Director shall provide written notice of the time, date and location of the hearing to interested parties, as provided in subsection 1-309(d), and invite expert or other witnesses as necessary for the hearing.
3. The Commission shall not be bound by the rules of evidence or procedure applicable in the courts. The hearing shall be conducted according to the Commission's own rules, accepting evidence as it requires, and chaired by its regular Chairperson. Appellant and other interested parties may present relevant testimony, argument or documentary material as acceptable to the Commission.
4. The Commission shall make a decision on the appeal at an open meeting thereof, provided that the matter may be continued or taken under advisement for decision at a later meeting of the Commission, or re-referred to the Appeals Committee for further consideration and report to the Commission. No Commissioner may cast a vote on the determination of an appeal unless the Commissioner was present at the hearing held for appeal.
5. Notwithstanding the foregoing, the appeal may be withdrawn at any time by the appellant upon written notice to the Executive Director. Upon withdrawal, no further proceedings as specified above shall take place. The withdrawal of the appeal shall be accepted with or without prejudice, as determined by the Commission.
6. The Executive Director shall, in writing, advise the appellant, and any state or local agency as a party to the appeal, of the decision of the Commission within 15 days from the date of the official Commission decision.

(c) The Commission may elect, pursuant to subsection 1-309(c), to refer the appealing parties to a hearing officer appointed by the Office of Administrative Hearings. When such referral is made to the Office of Administrative Hearings, the hearing procedures and requirements shall be conducted as prescribed in Health and Safety Code Section 18946 and to the applicable regulations in California Code of Regulations, Title 1, Division 2.

(d) Action by the Commission on the appeal of a building standards issue within the authority of the Commission shall exhaust the administrative relief of the appellant.

**Authority:** Health and Safety Code Sections 18931, 18945 and 18946.

**Reference:** Health and Safety Code Sections 18931, 18945 and 18946 and Government Code Section 13959.

### 1-313. Petitions.

(a) Any local governmental agency, firm or member of the public may petition either the Commission or the authoritative agency for the proposal, adoption, amendment or repeal of any building standard or administrative regulation in Title 24 of the California Code of Regulations.

(b) Petitions shall be submitted to the Commission using Petition Form BSC-30, available on the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)). The form contains instructions as to the information to be provided and documents to accompany the petition form.

(c) Petitions shall be filed by mail with the Executive Director at: CALIFORNIA BUILDING STANDARDS COMMISSION, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. The address should be confirmed at the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)).

(d) The Commission may refer received petitions to the state agency, or multiple agencies, having specific jurisdiction for the subject of the adopted building standard or for the subject of the proposed building standard as proposed by the petitioner. Except as provided in Section 1-329 of this chapter, a state agency receiving a petition referred by the Commission shall process the petition as required by this article, including the reporting of actions and decisions by the agency to the Commission.

(e) Petitions are not to be used to address matters relating to a currently proposed building standard or an adopted building standard prior to its effective date. Any concerns relating to currently proposed building standards should be brought forward during the public comment period designated for the proposed building standard.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

**1-315. Criteria for petition.** A petition for the adoption, amendment or repeal of a state building standard must meet the following criteria:

(a) The subject issue must have statewide significance and must have implications for a whole category of projects or a broad range of project types, and:

(b) The rationale for the petition must take the form of at least one of the following criteria:

1. A current building standard conflicts with pertinent statute(s) and/or regulation(s). To substantiate this criterion, the petitioner must cite the subject building standard and the conflicting statute(s) and/or regulation(s), and provide a clear written description of why the two are inconsistent. ||
2. Compliance with a current building standard is routinely impossible or onerous. To substantiate this criterion, the petitioner must cite the current building standard, present written or photographic evidence of the difficulty in complying with it, and clearly show that the problem is common or potentially common to many different projects or project types in many different circumstances. This criterion shall not be used to justify a petition for the repeal or amendment of a current building standard that poses difficulty to a single project.
3. A current building standard is inefficient or ineffective. To substantiate this criterion, the petitioner must cite the subject building standard, provide clear and concise written or photographic evidence of its ineffectiveness or inefficiency, describe a proposed alternative, and provide clear and convincing written or photographic evidence that it is more efficient or effective.
4. A current building standard is obsolete. To substantiate this criterion, the petitioner must show at least one of the following facts:
  - A. A material or product specified in the building standard is not available, or
  - B. There is no statute authorizing the subject building standard, or
  - C. Significant developments in procedures, materials or other issues subject to the building standard have created a need for amendment or deletion of the building standard; that current state statutes permit amendment or deletion of the building standards; and that the building standard has the effect of prohibiting the use of a material or procedure that has demonstrated satisfactory performance and meets the intended purpose of building standards.
5. There is a need for a new building standard. To substantiate this criterion, the petitioner must provide a clear written description of the proposed building standard, explain why it is necessary, and cite the statute(s) that require or authorize the new building standard.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

### 1-317. Emergency petition.

(a) A petitioner may assert the petition requires immediate action because there is potential imminent danger to public health, safety or welfare. To substantiate the existence of potential imminent danger, the petitioner must include in the petition a written description of the specific facts showing the need for immediate action.



without amendment shall be shown without underlining or strikeout or other highlighting.

4. Two (2) copies of the Initial Statement of Reasons for proposing the adoption, amendment, or repeal of a regulation.
5. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399). Wet signatures are not required on STD. 399 until final submittal of the rulemaking file.
6. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
7. One (1) electronic file copy of each of the above documents listed under subsection 1-407(b), which shall be suitable for immediate placement on the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)) for public viewing.

(c) Upon approval of the Notice of Proposed Action for building standards, the Executive Director will forward the approved Notice of Proposed Action to the Office of Administrative Law for the sole purpose of publication in the California Regulatory Notice Register before the start of the public comment period, and return an approved copy to the proposing agency. If a Notice of Proposed Action is found to be incomplete or incorrect by Commission staff, the Executive Director shall return it to the proposing agency within 10 days with a written listing of the found deficiencies to enable the agency to make corrections for resubmittal to the Commission.

1. Any Notice of Proposed Action not acted upon within 20 days by the Commission staff shall be considered approved and may be published in the California Regulatory Notice Register.

**Authority:** Government Code Sections 11346–11348 and Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

**Reference:** Health and Safety Code Sections 18930, 18931, 18935 and 18949.6.

#### 1-408. Certification of delegation of authority.

(a) Whenever a certification is required by this article, it shall be made by the head of the state agency that is proposing, adopting, amending or repealing building standards or administrative regulations, or by a designee of the agency head. The certification and delegation shall be in writing.

(b) The certification wet signature required on the Notice/Submission Face Sheet (BSC-1) by Sections 1-407(b)1, 1-415(a)1, and 1-419(b)1 and the certification wet signature required on the Department of Finance Economic and Fiscal Impact Statement (STD. 399) required by Section 1-415(a)7 shall be made by the agency director, or their designee, of the agency proposing or adopting the building standards. A written delegation identifying the agency's authorized signatory designee(s) shall be submitted prior to or with the rulemaking file(s) when the Notice/Submission Face Sheet (BSC-1) is signed by other than the agency director.

**Authority:** Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

**Reference:** Government Code Sections 11340 et seq., and Health and Safety Code Sections 18929.1, 18930, 18931, 18934, 18935 and 18949.6.

#### 1-409. Code advisory committee review.

(a) Prior to conducting any hearing or public comment period as part of the rulemaking proceeding required by the Administrative Procedure Act, the Commission shall assign an initial rulemaking file, received on or before the deadline established under Section 1-406 of this article, to one or more code advisory committees specifically knowledgeable in the building standard being proposed and schedule the submittal for a noticed public hearing to ensure adequate opportunity for public participation and technical review.

(b) A state proposing agency responsible for developing an initial rulemaking file, shall attend the code advisory committee meeting to present its proposal, and be prepared to respond to committee comments and questions.

(c) **Code advisory committee reviews.** A code advisory committee shall conduct a public hearing to perform a technical review of all initial rulemaking files assigned to it by the Commission. A code advisory committee meeting shall be scheduled by the Commission and shall be open to the public.

(d) **Code advisory committee meeting notice.** The location, date and time of a code advisory committee meeting shall be noticed by the Commission and conducted in accordance with the Bagley-Keene Open Meeting Act (Gov. Code, §§ 11120–11132.).

(e) **Code advisory committee recommendations.** A code advisory committee shall make a recommendation on each proposed provision within the initial rulemaking file. A recommendation other than “approve” shall include a substantiating reason based on the Nine-Point Criteria in Health and Safety Code Section 18930. The recommendations to the Commission shall be based on one of the following and shall become part of the rulemaking file:

1. **Approve.** Approval of a proposed provision as submitted.
2. **Disapprove.** A proposed provision does not meet one or more specified criteria of Health and Safety Code Section 18930.
3. **Further study required.** A proposed provision has merit but does not meet one or more specified criteria of Health and Safety Code Section 18930. The proposed provision requires further study by the proposing agency. Upon further study, the proposing agency may resubmit the proposed provision for a comment period in the current cycle. The committee may recommend that the proposing agency submit the proposed provision in the next code adoption cycle after further study, or, if the matter can be resolved in time, submit the proposed provision for a comment period in the current cycle.
4. **Approve as amended.** Approval as amended of a proposed provision, as suggested by the committee for organization, cross-referencing, clarity and editorial improvements or as amended and submitted for committee review by the agency. Modifications are justified in terms of Health and Safety Code Section 18930.

(f) **Code advisory committee reports.** The code advisory committee report of recommendations to the Commission

shall be made available to the public for review and comment and be included in the Commission's rulemaking file.

(g) **State proposing agency action.** State proposing agencies shall address each code advisory committee recommendation in the revised Initial Statement of Reasons by explaining what, if any, action was taken or not taken to address the recommendation.

**Authority:** Health and Safety Code Sections 18931 and 18935.

**Reference:** Health and Safety Code Sections 18931 and 18935.

#### **1-411. Public comment rulemaking file submitted by a state proposing agency.**

(a) Public comment periods, including 45-day and 15-day periods, shall be conducted according to Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) State proposing agencies shall submit rulemaking files to the Commission on or before the deadline established by the Commission, in preparation for the 45-day public comment period.

**Note:** Current forms, templates, and checklists for developing rulemakings are available from the Commission to assist state proposing and adopting agencies. These are provided in order to help ensure that the state agencies' rulemaking documents comply with specific requirements for content, completeness, statutory authority and reference and numerous other requirements.

(c) File content. The rulemaking file shall include the following items.

1. One (1) copy of the Notice of Proposed Action.
2. Two (2) copies of the 45-Day Express Terms, including any amendments made to address code advisory committee recommendations.
3. Two (2) copies of the Initial Statement of Reasons, including explanations of any revisions suggested in the 45-Day Express Terms to address code advisory committee recommendations.
4. All other items required by Section 1-407 that have been amended since the initial rulemaking file was submitted for Code Advisory Committee review.
5. One (1) electronic file copy of each document submitted, which shall be suitable for immediate placement on the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)) for public viewing.

(d) In coordination with the Commission, and with the Commission's approval of the submitted rulemaking file items, a state proposing agency shall perform the following to carry out the public comment periods:

1. Verify the rulemaking items submitted by the state proposing agency are posted and available to the public on the Commission's website ([www.dgs.ca.gov/bsc](http://www.dgs.ca.gov/bsc)).
2. Distribute the Notice of Proposed Action to the parties on record with the state proposing agency that have requested to receive proposed rulemaking documents.

3. Provide printed or electronic files of the rulemaking documents described in the Notice of Proposed Action, if requested.

4. Maintain all written public comments received during the public comment periods in preparation for developing the final rulemaking file for submittal to the Commission for adoption.

5. Public comments received by a state proposing agency shall be forwarded to the Commission.

(e) Coordinate with the Commission should it be necessary to conduct additional 45-day and/or 15-day public comment periods.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

**Reference:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934, 18935 and 18949.6.

#### **1-413. Public comments and related actions.**

(a) Anyone wishing to provide written or oral comment on a recommendation of the code advisory committee(s) and/or on a proposed building standard or the repeal of an existing building standard may do so in accordance with this section. The Commission, or state proposing agency, shall consider public comments received during a public comment period announced by a Notice of Proposed Action.

(b) When no public hearing is scheduled as part of a public comment period, a public hearing may be requested. Upon written request received, no later than 15 days prior to the close of the public comment period, a public hearing pursuant to Government Code Section 11346.8 shall be held by the Commission when the Commission is the proposing agency, or state proposing agency responsible for the proposal, to receive comment on the proposed building standard or repeal of an existing building standard, its justification or code advisory committee recommendations. At the hearing statements, arguments, or comments, either oral or in writing, or both, shall be permitted.

(c) A written or oral public comment submitted pursuant to this section shall refer to a specific recommendation made by a code advisory committee on a proposed building standard or repeal of an existing building standard. The public comment shall clearly indicate the action desired and include a substantiating reason for the desired action based on the Nine-Point Criteria in Health and Safety Code Section 18930.

(d) The Commission shall make available to the public upon request a record of written and oral comments received at the Commission office, or during code advisory committee meetings and meetings and hearings by the Commission, and during public comment periods, in regard to a proposed building standard or the proposed repeal of an existing building standard.

(e) The Commission and/or state proposing agency, whichever is appropriate, shall consider the comments received during a code advisory committee meeting and during a public comment period from the public pursuant to this section. Any amendments to the proposed building standard or proposed repeal of an existing building standard as a result of the public comment and determinations shall be explained in the Final Statement of Reasons.

|| (f) Following all public comment periods for a proposed building standard or proposed repeal of an existing building standard, the Commission will conduct a public meeting to consider the approval or adoption of the proposal.

|| **Note:** The Commission provides a suggested public comment form at the Commission's website - [dgs.ca.gov/BSC](https://dgs.ca.gov/BSC)

No new issues will be raised before the Commission that were not included in the record of comments.

Items not challenged but affected as a result of an action on another item may also be considered at the Commission meeting to eliminate conflict, duplication or overlap.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

**Reference:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18929.1, 18930, 18934 and 18935.

#### 1-415. Final rulemaking file by state proposing agencies.

(a) After any hearings and the close of all public comment periods a final rulemaking file shall be submitted to the Commission with all rulemaking documents complete and ready for the Commission's public meeting to consider adoption. Forms, templates, and checklists are available from the Commission. Each final rulemaking file shall be organized and indexed to identify the following items required for inclusion:

1. One (1) original Building Standards Face Sheet (BSC-1) with the wet signature of the agency director or designee.
2. One (1) copy of the Notice of Proposed Action.
3. One (1) copy of the Informative Digest.
4. One (1) copy of the Initial Statement of Reasons.
5. One (1) copy of the Final Express Terms to illustrate the final proposed building standards.
6. One (1) copy of the Finding of Emergency Statement (submitted only with Emergency Building Standards). Also see Section 1-419 of this article.
7. One (1) copy of the Department of Finance Economic and Fiscal Impact Statement (STD. 399) containing all required wet signatures as appropriate, together with fiscal analysis prepared by the submitting Agency.
8. One (1) copy of the written transcript or recorded minutes of any public hearings.
9. One (1) copy of each exhibit submitted or written comment received at any public hearing conducted by the agency and a transcript of any oral comments received.
10. One (1) copy of each written comment received during public comment period(s), and a memo attesting to the 45-day public availability period.
11. One (1) copy of the Final Statement of Reasons and any studies, surveys or documents used to support the rationale for the proposed building standard(s).
12. One (1) copy of the Updated Informative Digest.
13. One (1) copy of the proposed standards with any post hearing changes indicated, and a memo attesting to the 15-day public availability period (if applicable).

14. One (1) original Certification of Close and Complete of the Rulemaking File with the wet signature of the agency director or designee.

15. One (1) copy of the written Nine-Point Criteria Analysis, which shall justify the approval of the building standard(s) in terms of the criteria as set forth in the State Building Standards Law, Part 2.5, Division 13, Section 18930 et seq., of the Health and Safety Code.

16. One (1) copy of the Certification of Compliance, which is required to make emergency building standards permanent (submitted only with Emergency Building Standards during certifying rulemaking).

17. One (1) copy of a written statement confirming that the state agency complied with the provisions of Government Code Section 11346.4(a)(1) through (4) regarding the mailing of notice of proposed action at least 45 days prior to public hearing and close of the public comment period. The statement shall include the date upon which the notice was mailed. This section is not intended to require an agency to provide a copy of its mailing list to support the statement.

18. One (1) electronic file copy of each of the above documents listed under this section. The electronic files shall be suitable for immediate placement on the Commission's website for public viewing.

(b) The proposed building standards shall be submitted in the strikeout/underline format. If the proposed building standards amend existing building standards, all deletions must be shown in strikeout type and all additions, including punctuation, must be underlined. The provisions of this section may be waived by the Executive Director through written notification to the adopting agency.

**Authority:** Health and Safety Code Sections 18931 and 18949.6.

**Reference:** Health and Safety Code Sections 18931 and 18949.6.

#### 1-417. Final actions by the Commission and proposing agency.

(a) Following the close of the public comment period, and any public hearing, the Commission shall take one of the following actions on each received final rulemaking file proposing to adopt new, repeal, or amend building standards.

1. **Approve.** The Commission approves a proposed code change as submitted. The change is justified in terms of Health and Safety Code Section 18930.
2. **Disapprove.** The Commission disapproves a proposed code change as not justified in terms of Health and Safety Code Section 18930.
3. **Further study required.** The Commission finds that a proposed code change has merit but does not meet specified criteria of Health and Safety Code Section 18930. The change requires further study and justification by the proposing agency. The proposed code change may be submitted in a future code adoption cycle with further study and justification.
4. **Approve as amended.** The Commission approves a proposed code change as modified by the proposing Agency Director or authorized representative in accordance with

an approved written delegation order. No modification shall be made that materially alters a requirement, right, responsibility, condition or prescription in the text made available to the public for comment in accordance with this chapter. The proposing agency shall justify the modification pursuant to Health and Safety Code Section 18930 in an amended justification consistent with the approval action submitted to the Commission within 15 days. Failure to submit the amended justification within that time is cause for disapproval.

(b) **Withdrawal.** A proposing agency may withdraw a proposed code change as determined appropriate at any time during the rulemaking process.

**Authority:** Health and Safety Code Sections 18929.1, 18949.6 and 18931(f).

**Reference:** Health and Safety Code Sections 18927, 18929 through 18932, 18934, 18935, 18936, 18949.1, 18949.2, 18949.3, 18949.5 and 18949.6.

### 1-419. Emergency building standards.

(a) Emergency building standards may be developed and acted on as provided in Health and Safety Code Sections 18937 through 18938 and other referenced or applicable provisions of California Building Standards Law (HS. Code, § 18901 et seq.) and the Administrative Procedure Act (Gov. Code, § 11340 et seq.). Emergency building standards shall be acted on within 30 days and shall not be effective until approved by the Commission and filed with the Secretary of State.

(b) Rulemaking files for emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. Two (2) copies of the Finding of Emergency satisfying requirements of Government Code Section 11346.1.
3. Two (2) copies of the Express Terms illustrating the proposed emergency building standards.
4. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
5. Any supporting documentation on which the proposed emergency building standards are based.
6. One (1) electronic file copy of each of the above documents listed under subsection 1-419(b). The electronic documents shall be suitable for immediate placement on the Commission's website for public viewing.

(c) The Commission shall make a ruling on the state agency's Finding of Emergency as to its compliance with Government Code Section 11346.1. If the Finding of Emergency is approved, the Commission shall consider the proposed emergency building standard and make a ruling to approve, disapprove, further study required, or approve as amended, consistent with Section 1-417(a) of this article.

(d) The Commission shall file approved emergency building standards with the Secretary of State at the earliest possible date following approval. Following the filing with the Secretary of State for an adopted emergency building standard, the Commission shall notify the affected state agency in writing of the filing date of the emergency building standard.

(e) Following the initial adoption of emergency building standards and if determined appropriate, the state agency responsible for the emergency building standards shall proceed to complete the certifying rulemaking process to make the emergency building standards permanent within 180 days in accordance with Government Code Section 11346.1 and Health and Safety Code Section 18938. Rulemaking files submitted to the Commission for certifying rulemaking shall include all applicable documents required by Section 1-415 of this article.

(f) Readoption of an emergency building standard pursuant to Government Code Section 11346.1(h) requires sending a notice of proposed action pursuant to Government Code Section 11346.1(a)(2).

In addition to fulfilling the requirements for submission of building standard actions described in this section and Sections 1-407, 1-411, 1-415 and 1-420 of this article, as applicable, a state proposing or adopting agency requesting approval for readoption of an emergency building standard shall provide the following:

1. A written statement providing specific facts demonstrating by substantial evidence that the agency has made substantial progress and proceeded with diligence to comply with Government Code Section 11346.1(e); and either
2. A statement that the emergency circumstances are unchanged since the initial adoption or prior readoption; or
3. An updated finding of emergency required by Government Code Section 11346.1(b) to reflect circumstances that have changed since the initial adoption or readoption.

(g) Rulemaking files for readoption of emergency building standards submitted to the Commission for consideration shall include each of the following:

1. One (1) original Building Standards Notice/Submission Face Sheet (BSC-1), with the wet signature of the agency director or designee.
2. Two (2) copies of the Finding of Emergency previously approved by the Commission satisfying requirements of Government Code Section 11346.1 of this article.
3. Two (2) copies of the statement relative to substantial progress, and the statement that the emergency remains unchanged or an updated finding of emergency, as appropriate. The statements and updated finding shall incorporate the provisions of Section 1-419(f) of this article.
4. Two (2) copies of the Express Terms illustrating the approved/adopted emergency building standards.
5. Two (2) copies of the written Nine-Point Criteria Analysis substantiating compliance with Health and Safety Code Section 18930.
6. Any supporting documentation on which the approved/adopted emergency building standards are based.
7. One (1) electronic file copy of each of the above documents listed under subsection 1-419(g). The electronic

documents shall be suitable for immediate placement on the Commission's website for public viewing.

**Authority:** Government Code Sections 11346.1 and 11346.5 and Health and Safety Code Sections 18930, 18937 and 18949.6.

**Reference:** Government Code Sections 11346.1 and 11346.5 and Health and Safety Code Sections 18913, 18930, 18935, 18937, 18938 and 18949.6.

#### **1-420. State adopting agency submittals.**

(a) All building standards and emergency building standards adopted by a state adopting agency must be approved by the Commission prior to codification pursuant to Health and Safety Code Section 18930. The submitted rulemaking file for approval shall satisfy all applicable provisions of the Administrative Procedure Act (Gov. Code, § 11340 et seq.).

(b) In accordance with Health and Safety Code Section 18935, the notice of proposed action and the initial statement of reasons shall be submitted to the Commission for review. The notice and the initial statement of reasons shall be submitted a minimum of 45 days in advance of the state adopting agency beginning its initial 45-day public comment period. Along with the notice and initial statement of reasons, the adopting agency shall include its initial express terms for review by the Commission.

After review and determination that the notice of proposed action and initial statement of reasons are in compliance with Article 5 of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, the Commission shall approve the documents and notify the state adopting agency in writing within 5 calendar days of the approval. The Commission shall submit the notice of proposed action to the Office of Administrative Law (OAL) for publication in its California Regulatory Notice Register pursuant to OAL's procedures.

(c) The submitted rulemaking files for adopted building standards and emergency building standards shall contain and comply with the applicable related provisions in Sections 1-415 and 1-419 of this article, as appropriate.

After any hearings, the close of all public comment periods and the state adopting agency receiving approval from its commission, board or other approving body, a final rulemaking file shall be submitted to the Commission. The final rulemaking file shall consist of Items 1 through 17 of Section 1-415 of this article. Each final rulemaking file shall be organized and indexed to identify all items comprising the final rulemaking file.

(d) A representative of the submitting state adopting agency shall be present at the Commission's public meeting at which approval will be considered. The representative shall do the following:

1. Summarize the adopted building standards or emergency building standards.
2. Summarize the agency's activities to satisfy requirements for rulemaking.
3. Respond to any questions by the Commission.

**Authority:** Government Code Section 11346 et seq., and Health and Safety Code Sections 18930 and 18949.6.

**Reference:** Government Code Section 11346 et seq., and Health and Safety Code Sections 18930, 18935, 18937 and 18949.6.

#### **1-421. Change without regulatory effect.**

(a) Notwithstanding the rulemaking procedures specified in Article 4 of this chapter, a proposing or adopting agency may add to, revise or delete text published in Title 24 of the California Code of Regulations, with the approval of the Commission, when the change has no regulatory effect as provided in this section.

(b) A proposing or adopting agency acting pursuant to this section on provisions of Title 24 that are also adopted by other state agencies, shall obtain the written concurrence of the other agencies in regard to the change without regulatory effect.

(c) A change without regulatory effect is a change to the provisions of Title 24 that does not impose any new requirement for the design or construction of buildings and associated structures and equipment. A change without regulatory effect may include, but is not limited to:

1. Renumbering, reordering or relocating a regulatory provision;
2. Deleting a regulatory provision for which all statutory or constitutional authority has been repealed;
3. Deleting a regulatory provision held invalid in a judgment that has become final, entered by a California court of competent jurisdiction, a United States District Court located in the State of California, the United States Court of Appeals for the Ninth Circuit, or the United States Supreme Court; however, the Commission shall not approve any proposed change without regulatory effect if the change is based on a superior court decision which invalidated the regulatory provision solely on the grounds that the underlying statute was unconstitutional;
4. Revising structure, syntax, cross-reference, grammar or punctuation;
5. Changing an "authority" or "reference" citation for a regulation; and
6. Making a regulatory provision consistent with a changed California statute if both of the following conditions are met:
  - (A) The regulatory provision is inconsistent with and superseded by the changed statute, and
  - (B) The state adopting agency or state proposing agency has no discretion to adopt a change which differs in substance from the one chosen.

(d) The rulemaking file for a change without regulatory effect to be submitted to the Commission for adoption or approval, and publication in Title 24 shall include the following:

1. A completed Building Standards Face Sheet (BSC-1) as required by Section 1-415 of this chapter; and
2. Express Terms illustrating the change in the form required by Section 1-415 of this chapter; and
3. A written statement for each section explaining how the change meets the requirements of Subsection (c) above; and
4. Pursuant to Subsection (b) above, a written statement by each state Agency that has adopted the provision

being changed, concurring with the regulatory change. All such statements shall be signed by a duly authorized representative of the Agency.

(e) The Commission shall make a determination regarding a change submitted pursuant this section within thirty (30) days of its receipt. Within ten (10) days of making a determination, the Commission shall send written notification of the determination to the agency that submitted the change when:

1. The Commission determines that the submitted change meets the requirements of this section for a change without regulatory effect, the regulatory change shall be filed with the Secretary of State and the Commission shall publish the change in Title 24, California Code of Regulations.
2. The Commission determines that the submitted change does not meet the requirements of this section for a change without regulatory effect, or does not comply with the rulemaking requirements of this section, the written determination by the Commission shall provide sufficient itemization of the deficiencies. The agency may correct the rulemaking file for reconsideration by the Commission, or begin proceeding with a regulatory action pursuant to Article 4 of this chapter.

(f) An adoption or approval by the Commission of a change without regulatory effect shall be effective 30 days after filing with the Secretary of State. Health and Safety Code Section 18938(c) establishes the effective date as being 30 days after filing the amendment or repeal by the Commission with the Secretary of State.

**Authority:** Health and Safety Code Sections 18929.1, 18930, 18931(f) and 18946.6.

**Reference:** Health and Safety Code Sections 18929.1, 18930, 18931(f) and 18946.6.

## ARTICLE 5 CITY, COUNTY, AND CITY AND COUNTY BUILDING PERMIT FEES

**1-501. Purpose.** This article establishes regulations for implementation of Health and Safety Code Sections 18931.6 and 18931.7, to require a surcharge on building permits in order to provide funds, upon appropriation, for the California Building Standards Commission, Department of Housing and Community Development and Office of the State Fire Marshal to use in carrying out the provisions of California Building Standards Law and of State Housing Law relating to building standards, with emphasis placed on the adoption, publication and educational efforts associated with green building standards. The fees are to be collected by cities, counties, and cities and counties and transmitted to the California Building Standards Commission. The fees are based on building permit valuation.

**1-503. Definitions.** The following terms are defined in Section 1-103. Definitions of this Chapter:

**Building Standards Administration Special Revolving Fund (the Fund).**

**Department.**

**Fees, fractions thereof.**

**Office.**

### 1-505. Fee assessment.

(a) Fees shall be levied on building permits required for all disciplines covered by Title 24, including, but not limited to, building, electrical, mechanical and plumbing, and for which a valuation is made.

(b) Fees are assessed at a rate of \$4 per \$100,000, or fractions thereof, of each building permit valuation, but not less than \$1 per permit, as shown in Table 1-505:

**TABLE 1-505  
BUILDING PERMIT VALUATION FEE**

BUILDING PERMIT VALUATION	FEE
\$1 – \$25,000	\$1
\$25,000.01 – \$50,000	\$2
\$50,000.01 – \$75,000	\$3
\$75,000.01 – \$100,000	\$4
Every \$25,000 or fraction thereof above \$100,000	Add \$1

1. Cities, counties, and cities and counties may retain up to ten percent (10%) of the fees for related administrative costs, code enforcement, and education as permitted by Health and Safety Code Section 18931.6.
2. When a building permit is issued and no valuation is made, the city, county, or city and county may exempt that permit from fee assessment.

(c) The Commission may reduce the rate of the fee by regulation upon determination that a lesser fee is sufficient to carry out the programs of the Commission, the Department and the Office. The Commission may establish a termination date or duration for the fee reduction period.

**Authority:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

**Reference:** Government Code Section 11346 et seq. and Health and Safety Code Sections 18930.5, 18931(f), 18931.6, 18931.7 and 18949.6.

### 1-507. Fee collection.

(a) Cities, counties, and cities and counties shall submit fees each quarter, commencing with the quarter beginning January 1 and ending March 31, 2009, due on the 15th day of the following month.

1. Each quarter, a city, county, and city and county shall submit a completed Fee Report Form (BSC-2) and a check made payable to the California Building Standards Commission, with the fees collected for that quarter. The check shall accompany the completed Fee Report Form (BSC-2).
2. A Contact Information Form (BSC-3) shall accompany the Fee Report Form and check only when contact information changes. Such changes include the city, county, or city and county address, telephone number(s), office or department contact, and/or building official.
3. The certified quarterly Fee Report Form, Contact Information Form as appropriate, and check shall be mailed together to the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833.

**Note:** The forms and a detailed guidebook are available at the Commission's website's Building Permit Fee

Page - [dgs.ca.gov/BSC/BSASRF—The-Building-Permit-Fee](https://dgs.ca.gov/BSC/BSASRF—The-Building-Permit-Fee).

(b) The Commission shall deposit the moneys collected into the Building Standards Administration Special Revolving Fund for use, upon appropriation, by the Commission, the Department, and the Office as specified in Section 1-501.

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

#### **1-509. Request for refund of fees.**

(a) When a city, county or city and county determines that excess fees were paid in error due to a miscalculation, a written request for refund may be filed with the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833. The request for refund shall be submitted with all of the following:

1. A detailed summary describing the circumstances surrounding the miscalculation that occurred regarding the incorrect submission of fees;
2. Documentation that demonstrates how the amount error occurred, and showing the correct amount;
3. Written certification that the refund amount is accurate and true.

(b) Receipt of a request for refund of fees shall be acknowledged by the California Building Standards Commission in writing within 45 days of receipt. The acknowledgement shall include whether additional supporting documentation is required in order to verify the refund amount.

(c) Should a city, county, or city and county be delinquent in any past quarterly fee submissions, the past due quarterly fee reports and respective payments shall be made current prior to resolution regarding a refund.

**Authority:** Health and Safety Code Sections 18909(c), 18929, 18930.5, 18931.6, 18931.7 and 18949.6.

**Reference:** Health and Safety Code Sections 18930.5, 18931.6 and 18931.7.

## HISTORY NOTE APPENDIX FOR CHAPTER 1

### Administrative Regulations for the California Building Standards Commission (California Code of Regulations, Title 24, Part 1)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes have been relocated and summarized within this History Note page.

1. (BSC 1/89) Regular order by the California Building Standards Commission to amend Section 1-601, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State April 1990; effective April 17, 1990. Approved as a regular order by the California Building Standards Commission on April 16, 1990.
2. (BSC 2/92) Regular order by the California Building Standards Commission to adopt Section 1-901, Part 1, Title 24, California Code of Regulations. Filed with the Secretary of State February 10, 1994; effective March 12, 1994. Approved by the Office of Administrative Law on February 10, 1994.
3. (BSC 2/93) Regular order by the California Building Standards Commission to Amend Sections 1-402, 1-501, 1-603, 1-604, 1-801 and 1-802, 1-803, 1-804, 1-805, 1-806, 1-807, 1-808, 1-809, Part 1, Title 24, California Code of Regulations. Approved by Office of Administrative Law on January 27, 1995; filed at the Secretary of State on January 27, 1995; effective 30 days thereafter, which will be February 26, 1995. Publication date April 24, 1995.
4. (BSC 02/08) Article 1-9, Code Adoption Process. Amend Section 1-902 and add new Article 1-10, City, County, and City and County Building Permit Fees. Effective June 21, 2009.
5. (BSC 07/09) Supplement adding Section 1-1004 Development of Standards to Chapter 1. Effective on January 1, 2011.
6. (BSC 03/10) Repeal, amend and reformat Chapter 1 of the 2010 California Administrative Code, CCR Title 24, Part 1, effective on August 28, 2011.
7. (BSC 05/10) Add new Section 1-105 to Article 1 Use of Commission Indicia, effective on November 20, 2011.
8. (BSC 02/12) Amend Chapter 1, Article 1, Sections 1-101, 1-105, Article 2, Sections 1-201, 1-207, 1-209, 1-211, Article 4, Sections 4-411, 1-421, Article 5, Section 1-503. Approved by the California Building Standards Commission on January 23, 2013, filed with Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
9. Errata to correct editorial errors within the preface and Chapter 1 of this code. Effective January 1, 2014.
10. (BSC 01/13) 2013 Intervening Cycle Supplement. Amendments and corrections to Article 1, Sections 1-101, 1-105 add website reference; Article 2, Sections 1-203 correct title of Commission, 1-209, 1-211 correct website references; Article 3, Section 1-307 correct title of Commission and add website reference; Article 4, Sections 1-407 correct grammatical editorial errors and add website reference, 1-413, 1-415, 1-415(a)4 clarify actions taken following public comment periods and clarify the application of “Approve as Amended,” 1-419 clarify availability of rulemaking documents and add website reference, 1-421 clarify grammatical errors; Article 5, Sections 1-503, 1-505, 1-507 correct grammatical errors, clarify fee collection forms and add website reference. Approved by the California Building Standards Commission on July 22, 2014, filed with the Secretary of State on July 30, 2014, effective August 30, 2014.
11. (BSC 01/15) Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Sections 1-205, 1-207, 1-209, Article 4, 1-404, Article 5, Section 1-509. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within the preface as well as throughout various chapters in this code. Effective January 1, 2017.
13. (BSC 01/16) 2016 Intervening Cycle Supplement adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective 30 days after filing.
14. (BSC 01/18) 2018 Triennial Code Adoption Cycle Amend Chapter 1, Article 1, Sections 1-101, 1-103; Article 2, Section 1-211; Article 3, Sections 1-309, 1-311, 1-313, 1-317, 1-321; Article 4, Sections 1-407, 1-411, 1-415, 1-419, 1-420 and 1-421. Added to Chapter 1, Article 4, new Section 1-408. Approved by the California Building Standards Commission on December 5, 2018, filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to California Health and Safety Code, Section 18938.
15. (BSC 01/18) Amend Chapter 1, Art. 1, Section 1-103, Art. 2, Section 1-211, Art. 3, Section 1-309, 1-311, 1-313, 1-317, 1-321, Art. 4, Section 1-407, 1-408, 1-411, 1-415, 1-419, 1-420, 1-421. Editorial change of website link. Approved by the California Building Standards Commission on December 5, 2018, filed with the Secretary of State on December 7, 2018 and effective 30 days after filing with Secretary of State.
16. Erratum to correct editorial errors in Chapter 1, Article 2: effective January 1, 2020.
17. 2019 Intervening Cycle Update (BSC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.



## GROUP 1

# SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

### ARTICLE 1 GENERAL PROVISIONS

**4-301. Purpose.** School buildings constructed pursuant to these regulations are expected to resist earthquake forces generated by major earthquakes of the intensity and severity of the strongest experienced in California without catastrophic collapse, but may experience some reparable architectural or structural damage.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

#### HISTORY:

1. Repealer of Group 1, Articles 1-6 (§§ 1-80) and new Group 1, Articles 1-5 (§§ 1-6, 8, 10, 10.5, 11-14, 16-26, 26.1, 26.2, 26.5-26.9, 27-40, 50, 51, 60, 61, 62, 80 and Appendix), filed 11-1-66; effective thirtieth day thereafter (Register 66, No. 38). For history of former sections see Registers 53, Nos. 15, 18; 54, No. 24; 55, No. 12; 56, No. 10; 59, No. 14; 60, Nos. 8, 16; 61, No. 19; 64, No. 13.
2. Amendment filed 6-29-76 as an emergency; designated effective 7-1-76 (Register 76, No. 27).
3. Certificate of Compliance filed 10-15-76 (Register 76, No. 42).
4. Amendment of NOTE filed 6-19-79; effective thirtieth day thereafter (Register 79, No. 25).
5. Repealer filed 9-24-82 by OAL pursuant to Government Code Section 11349.7 (j); effective thirtieth day thereafter (Register 82, No. 39).
6. Repealer of Group 1 (Articles 1-5, Sections 2-80, not consecutive) and new Group 1 (Articles 1-9, Sections 1-55, not consecutive and Appendix) filed 9-8-83; effective 9-15-83 pursuant to Government Code Section 11346.2 (d) (Register 83, No. 40). For prior history, see Registers 79, No. 25; 77, No. 40; 76, No. 42; 76, No. 27; and 74, No. 38.
7. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-301, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

#### 4-302. Scope.

(a) **General.** Part 2, Title 24, California Code of Regulations (C.C.R.), also known as the California Building Code, and Part 10, C.C.R., also known as the California Existing Building Code, designate the structural building regulations that shall apply to the design, construction, reconstruction, rehabilitation, alteration of or addition to any school building as defined in Sections 17283 and 81130.5 of the Education Code. The term “school building” shall include all buildings, structures, appurtenances and related systems or facilities as defined in Section 4-314.

These regulations establish reasonable standards and minimum requirements for the structural integrity of public school buildings to resist, insofar as practicable, the forces of gravity, wind and earthquake for the protection of life and property.

The design and construction of the mechanical and electrical systems in school buildings shall conform to the applicable building regulations in Title 24, C.C.R.

Further, the design and construction of school buildings shall comply with the regulations adopted by the Division of the State Architect/Access Compliance (DSA-AC) and the Office of the California State Fire Marshal for the particular occupancies concerned. (See Title 24, C.C.R.)

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

(b) **Emergency buildings.** Installation of relocatable school buildings, used or designed to be used for school purposes following disasters such as earthquakes, fires, floods or unanticipated emergency classroom needs require approval by DSA. DSA has determined that compliance with the strict letter of the regulations may be impractical in these circumstances. The modifications to the regulations granted by DSA are as indicated here and are recorded and entered in the files of DSA in accordance with Section 4-304.

Emergency relocatable buildings must meet all the requirements of regulations with the following modifications and limitations:

1. The building is a one-story relocatable building no greater than 2,160 square feet in area.
2. Documentation is provided indicating the construction of the building superstructure is DSA certified in accordance with Section 4-339.
3. A foundation system is provided that has been accepted by DSA.
4. Observation and inspection of construction shall be in compliance with Section 4-333.
5. Verified reports shall be prepared and provided in compliance with Section 4-336.
6. DSA must be notified immediately by the district of the emergency need and the intent to use this section.
7. Within 14 days following the installation of these emergency buildings, the school district will notify DSA of the extent of the damage to their permanent school buildings or extent of emergency need and the number of emergency buildings installed to house displaced students.
8. Within 60 days following installation of these emergency buildings, the design professional representing the school district shall provide DSA with a complete project submittal in compliance with Article 3 of these regulations.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17282 and 17298.

#### HISTORY:

1. Editorial correction of printing error (Register 83, No. 45).
2. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-302, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

\* The reorganization of Group 1 is printed as a repealer and adoption for clarity.

3. (DSA/SS 2/95) Regular order by the Division of the State Architect/Structural Safety Section to amend Section 4-302(b). Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**4-303. Delegation of authority.** All powers, duties, responsibilities pursuant to carrying out the provisions of the Field Act vested by law in the Department of General Services have been delegated by the Department to the State Architect.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Government Code Section 14607.

**4-304. Alternate materials and methods of construction and modifications.** The provisions of these regulations are not intended to prevent the use of any material or method of construction not specifically prescribed by these regulations, provided any alternate has been approved and its use authorized by DSA.

DSA may approve any such alternate, provided DSA finds that the proposed design is satisfactory and complies with the provisions of these regulations and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in these regulations in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

DSA shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting acceptance of an alternate shall be recorded and entered in the files of DSA.

When there are practical difficulties involved in carrying out the provisions of these regulations, DSA may grant modifications for individual cases. DSA shall first find that a special individual reason makes the strict letter of these regulations impractical and that the modification is in conformance with the intent and purpose of these regulations and that such modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of DSA.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-304, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-305. Application of building standards.** Building standards applicable to public school buildings are set forth in Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., and have been adopted as minimum design and construction standards upon which to base the approval of plans and specifications. These regulations shall not be construed to prevent the use of higher design standards nor to restrict the use of new or innovative design or construction techniques.

Where the designer desires to use innovative design or construction techniques not addressed in these regulations it shall be necessary to submit for review and approval information including computations, test data and recommendations covering the design in question. The designer shall confer

with DSA concerning the applicability of these innovative design or construction techniques to school building construction prior to the submittal of plans and specifications.

DSA must be satisfied that the degree of safety achieved by these innovative design and construction techniques is at least equivalent to that achieved by the regulations. This requirement shall apply to all buildings proposed for public school use for educational purposes as defined in these regulations. The proposed use of archaic building materials and structural systems such as those desired to be retained in buildings which have been designated as historically important shall be included in this provision. The determination of the equivalency of the degree of safety shall be the responsibility of DSA.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-305, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-306. Approval of new school buildings, rehabilitation of school buildings and additions to school buildings.** Plans and specifications for any new school building or the rehabilitation of or addition to any school building, regardless of cost, shall be submitted to DSA for approval in accordance with Section 4-315.

All new construction work which is part of an addition project shall comply with currently effective regulations. Existing school buildings for which an addition project is proposed shall be retrofitted when required by Section 4-309(c). <

Before the school board may award a contract or commence construction work for the rehabilitation of a structure already owned (including those pre-1933 buildings not retrofitted or subsequently abandoned for school use under the provisions of the Garrison Act), or an existing building which has been purchased or leased, into a school building, the school board shall submit application and plans of the building to DSA for approval. The plans shall provide for the retrofit necessary for full compliance with the requirements of currently effective regulations. Refer to Section 4-307 for rehabilitation of an existing nonconforming building for use as a school building.

When a structural rehabilitation of an existing school building is required by Section 4-309(c) and DSA, the school board shall submit to DSA, prior to submittal of project application, a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. If the school board voluntarily elects to rehabilitate an existing school building to full compliance with the code, then a pre-application may be required by DSA. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction, and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report shall establish the criteria for the evaluation and design to be used by the project design professionals and

the material testing and condition assessment requirements. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C.C.R.

The relocation or moving of an existing school building within the same school district or from one school district to another regardless of cost requires approval by DSA. (See Section 4-314 for definition of “relocation.”)

The provisions of this section shall not apply to a “temporary-use building community college.” (See Section 4-314 for definitions of “new school building” and “temporary-use building community college.”)

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-306, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-307. Rehabilitation of an existing nonconforming building for use as a school building.**

(a) An existing nonconforming building rehabilitated for use as a school building is considered, for the purpose of the application of Title 24, to be a new school building. Plans and specifications for rehabilitation of any existing nonconforming building, or portion thereof, for use as a school building shall provide for the retrofit necessary for compliance with the health and safety standards contained in Title 24, C. C. R., currently effective edition. Existing materials or systems not specifically prescribed in current safety standards are permitted to be evaluated for equivalency and approved in accordance with Section 4-304. The seismic evaluation and retrofit design shall comply with the provisions of Sections 317 through 323, Part 10, Title 24, C. C. R.

(b) A site, which is currently not an existing school site, on which one or more existing nonconforming buildings are rehabilitated for use as school building(s) is considered to be a new school site for the purpose of the application of Title 24. Any building on a new school site which is not rehabilitated and approved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

(c) Prior to submittal of a project application for the rehabilitation of an existing nonconforming building, the school board shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals, and the material testing and condition assessment requirements.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280 and 81130.

**4-308. Reconstruction or alteration projects not in excess of \$100,000 in cost.** Projects involving only reconstruction or alterations whose estimated costs do not exceed \$100,000 do not require approval by DSA, but such approval can be obtained at the request of the school board and by compliance with these regulations. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section. The regulations of the Division of the State Architect/Access Compliance and of the California State Fire Marshal may apply to any project, including maintenance, regardless of cost. See Section 4-302.

In authorizing and completing the design and construction of projects with an estimated cost below \$100,000 as described in this section, the school board assumes responsibility for employing an architect or a registered engineer to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the currently effective provisions of Title 24, C.C.R.

The dollar amount cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by the Division of the State Architect. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17295, 81130 and 81133.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-308, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 9/96) 1996 Annual Code Adoption Cycle will amend Section 4-308, of Part 1, Title 24, C.C.R. Filed with the Secretary of State on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

**4-309. Reconstruction or alteration projects in excess of \$100,000 in cost.**

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding \$100,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of work classified as maintenance as defined in Section 4-314 shall not be considered for purposes of this section.

The dollar amounts cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by DSA. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

All new construction work, which is part of a reconstruction or alteration project shall comply with currently effective

regulations for design and construction, where not otherwise regulated in this section.

**Exception:** Fire damage repair may be accomplished utilizing the approved plans and specifications for the original construction work. All regulations and standards in effect at the time of approval shall be complied with except that the testing and inspection requirements of current regulations shall apply to the reconstruction work. Minor modifications to the original approved plans may be made, subject to the approval of DSA, provided that they do not reduce the structural capacity of the building.

All modifications affecting the existing structural elements carrying gravity load shall comply with Section 503.3, Part 10, Title 24, C.C.R.

> Where any modifications to an existing school building  
| results in an increase to the seismic or wind forces in any lateral  
| force-resisting structural component by more than 10  
| percent, or decrease the capacity or stiffness of any lateral  
| force resisting structural component by more than 5 percent,  
| cumulative since the original construction, then those  
| affected components shall be made to comply with Section  
| 319.1 or 317.7, Part 10, Title 24, C.C.R and Section 1609A,  
| Part 2, Title 24, C.C.R. Only the affected components need be  
| strengthened unless a rehabilitation is required for the entire  
| building per Section 4-309(c). The capacity or stiffness of the  
| lateral force-resisting structural component may include past  
| strengthening that was approved and certified by DSA as the  
| basis for the percentage comparison.

Voluntary lateral force-resisting system modifications may be used where permitted in Section 4-309(d).

When the estimated cost of a reconstruction or alteration project exceeds \$100,000 but does not exceed \$225,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life-safety standards, and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.
3. Within 10 days of the completion of the project, a DSA certified project inspector shall sign and submit to DSA a verified report on a form prescribed by DSA, indicating that the project was completed in conformance with the plans and specifications.

(b) **Existing noncomplying, nonstructural elements.** Existing noncomplying, nonstructural elements discovered during the design or construction of a reconstruction, alteration or addition to an existing complying school building

and directly affected by the work of construction shall be corrected to comply with the bracing and anchorage requirements of currently effective regulations.

(c) **Required rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be evaluated and retrofitted as required to comply with currently effective regulations applicable to the rehabilitation of structural systems per Section 4-306, including wind and seismic force requirements, when any of the following conditions occur:

1. When the cost of the reconstruction, alteration, or addition project exceeds 50 percent of the replacement value of the existing building. Air-conditioning equipment and insulation materials costs, including installation, need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project need not include the cost of voluntary lateral force-resisting system modifications in accordance with Section 4-309(d), except the cost shall be included when the structure is located in a fault hazard zone and a geologic hazard report demonstrates that the structure is located within 50 feet of the trace of an active fault as defined in Section 4-317(e).
2. When the cost of the reconstruction, alterations or addition project does not exceed 50 percent of the replacement value of the existing building, and the proposed modifications result in any of the following:
  - A. An increase in the effective seismic weight, or wind force due to increase in surface area exposed to wind, in any story by more than 10 percent, cumulative since the original construction.
  - B. A reduction in the lateral-force-resisting capacity or stiffness of any story in any one direction by more than 10 percent, cumulative since the original construction. For the purposes of evaluating the strength or stiffness reduction, any new strengthening as part of the project shall not be included.

**Exception to A and B:** A rehabilitation of the structure will not be required if the elements of the existing lateral-force resisting system, without considering new strengthening as part of the project, comply with Section 319.1 or 317.7, Part 10, and Section 1609A, Part 2. The capacity of the lateral force resisting system may include past strengthening that was approved and certified by DSA as the basis for the percentage comparison.

- C. A structural irregularity that is prohibited in ASCE 7 Section 12.3.3.1 and Section 1617A.1.10, Part 2.

3. When a change of occupancy results in a structure being reclassified to a higher risk category.

(d) **Voluntary lateral force-resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309(c)2 for required rehabilitation and are initiated

**RECONSTRUCTION** is the repair of damage to an existing certified school building.

**REGISTERED ENGINEER** as used in these regulations shall mean a structural engineer or a professional engineer as defined in this section.

**REHABILITATION** is the evaluation and resulting retrofit of an existing nonconforming building or a school building conforming to earlier code requirements to bring the building, or portion thereof, into conformance with the safety standards of the currently effective regulations, Parts 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12, Title 24, C. C. R.

**RELOCATABLE BUILDING** is any building with an integral floor structure which is capable of being readily moved. (See Education Code Section 17350.) Relocatable buildings that are to be placed on substandard foundations not complying with the requirements of Part 2, Title 24, C.C.R., require a statement from the school district stating that the durability requirements for those foundations may be waived and acknowledging the temporary nature of the foundations.

**RELOCATION** shall mean the physical moving of any certified building either as a single unit or in parts from its original location to a new location on the same campus or on a different campus. Relocation of a building requires the approval of DSA.

**RETROFIT** is the construction of any new element or system, or the alteration of any existing element or system required for the rehabilitation of the building.

**SCHOOL BOARD** shall mean and include district Boards of Trustees, city or county Boards of Education and other appropriate authorities for which any school building used or designed to be used for elementary or secondary school or community college purposes is to be constructed, reconstructed, altered or added to by the state, or by any county, city, city and county, or other political subdivision, or by any school or community college district of any kind or character within the state, or by the United States government, or any agency thereof.

**SCHOOL BUILDING** as defined in Sections 17283 and 81130.5 of the Act is interpreted to include all structure and utility systems or facilities necessary to the complete functioning of the structures, used or designed to be used for instructional purposes, or intended to be entered by pupils or teachers for school purposes, or structures operated as school units, the failure of which would endanger pupils or teachers on school grounds or in school buildings. (See Section 4-310 for teacher residences.) “School Building” is also defined to include dwellings, including utility systems or facilities necessary to the complete functioning of the dwellings, used by pupils, teachers and school employees that are part of a campus where the primary use is for school purposes.

The following are not considered to be school buildings but may be submitted separately or may be included in the plans and specifications for a school building project and will be checked under the provisions of the Act if submitted by the school district: one-story buildings not over 250 square feet in area when used exclusively as accessory facilities to athletic fields (equipment storage, toilets, snack bars, ticket booths, etc.); greenhouses, barns and materials or equipment

storage sheds, used exclusively for plant or animal production or protection and not used for classroom instruction (small groups of pupils and teachers may enter these structures for short periods of time); lighting poles less than 35 feet above the grade, antenna towers less than 35 feet above the grade; retaining walls less than 4 feet above the top of foundations and not supporting a surcharge, concrete or masonry fences less than 6 feet above adjacent grade, ballwalls or yard walls less than 6 feet above adjacent grade; signs, scoreboards or solid-clad fences less than 8 feet above adjacent grade; bleachers and grandstands five rows of seats or less above grade; playground equipment; flagpoles less than 35 feet above grade; open-mesh fences and baseball backstops and temporary-use community college buildings as defined below. For work described in this paragraph that is not submitted to DSA for approval under the Act, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

Buildings and other structures constructed by students that upon completion of construction will not be used for school purposes and will not be entered by pupils or teachers are not considered school buildings and shall not be checked under the provisions of the Act. These student-constructed buildings shall not remain at the school site more than 90 days following completion, unless the building meets all the requirements of Section 4-310.

“School Building” in a complex operated by the state for correctional or forestry purposes shall include only those structures used or designed to be used for elementary or secondary school instruction or community college instruction. Living units, dining areas, administration buildings or structures used for support services in such correctional or forestry complexes shall not be considered school buildings for purposes of Field Act requirements.

**SCHOOL DISTRICT** as used in these regulations shall mean a Kindergarten through 12th grade school district of any kind or character within the state, a community college district of any kind or character within the state, a county office of education, elementary or secondary school operated by the United States government, or any agency thereof, and any elementary or secondary school administered directly by the State Department of Education.

**STRUCTURAL ENGINEER** as used in these regulations shall mean a professional engineer holding a valid certificate to use the title structural engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3 of the Business and Professions Code, relating to professional engineers.

**TEACHERS** as used in these regulations shall mean persons who are performing a required activity or entering a building by virtue of being teachers employed by an elementary or secondary school district or a community college district.

**TEMPORARY-USE BUILDING COMMUNITY COLLEGE** is any community college building for which the

intended use by the school district at the time of entering into a lease contract or agreement is not for more than three years from the date of first occupancy.

**TEMPORARY-USE BUILDING K-12** is any temporary school buildings, other than those for community colleges, used or designed to be used for school purposes following disasters such as earthquakes, fires and floods, unanticipated emergency classroom needs or during modernization projects, for which repairs are in progress. The use of such buildings is limited to a maximum of three years.

**WAIVER OF DURABILITY** refers to a waiver, as may be requested by the school district, of certain durability requirements of Part 2, Title 24 for foundations of relocatable buildings.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17283, 17405, 81130, 81130.5 and 81529.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-314, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

### ARTICLE 3

#### APPROVAL OF DRAWINGS AND SPECIFICATIONS

##### 4-315. Application for approval of drawings and specifications.

(a) **General.** Before awarding a contract or commencing with construction of a school building project, the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications for any of the following:

1. The construction of any new school building, or rehabilitation of or addition to any existing school building. School building is defined in Section 4-314.
2. The reconstruction or alteration of an existing school building if the estimated cost exceeds \$100,000. (See Sections 4-308 and 4-309.)
3. The lease or purchase of any relocatable building except where occupied as a temporary-use community college building.

**Exception:** The school board may award a contract and commence construction of a "relocatable building" for emergency housing in compliance with 4-302(b).

4. The rehabilitation of a nonschool building to use as a "school building." (See Sections 4-306 and 4-307.)

It is not necessary to secure approval for maintenance work on school buildings, in accordance with Sections 4-308 and 4-309. See Section 4-314 for the definition of "maintenance."

(b) **Filing.** A separate application shall be submitted to DSA for each school building or group of school buildings on each school site. The application shall be submitted on a form prescribed by DSA. The application shall contain a project name for the school building or group of buildings, the name of the architect or registered engineer in general responsible

charge of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-316), the estimated cost of the project and all such other information as is requested thereon.

(c) **Delayed filing.** In case the plans and specifications for the reconstruction or alteration of any school building have not been submitted to DSA under the assumption that the cost will not exceed \$100,000, the school board shall, if the bids which are received indicate that the cost will be in excess of \$100,000, delay letting a contract until such time as the plans and specifications have been submitted and the approval by DSA obtained. The contract or contracts, when made, shall be based on the duly approved plans and specifications.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17295, 17297, 17302, 81133 and 81138.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-315, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

##### 4-316. Designation of responsibilities.

(a) **General responsible charge.** For every project there shall be an architect or structural engineer in general responsible charge of the preparation of the plans, specifications and observation of the work of construction.

**Exception:** Where the plans, specifications or work of construction for alterations or repairs do not involve architectural or structural changes, the said plans, specifications and observation of the work of construction may be under the responsible charge of a professional engineer qualified to perform services and registered in that branch of engineering applicable to the work.

A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part.

(b) **Delegation of responsibility.** The architect or structural engineer in general responsible charge may delegate responsibility for any portion of the preparation of the plans, specifications and observation of the work of construction, or may employ or retain, other architects or registered engineers. No delegation to, or employment or retention of others shall be construed as relieving the architect or structural engineer in general responsible charge of his or her rights, duties and responsibilities under Sections 17302 and 81138 of the Education Code and Sections 4-336, 4-341 and 4-344 of these regulations.

Subject to the provisions of the immediately precedent sentence, the architect or structural engineer in general responsible charge may employ or retain, under his or her supervision, professional engineers registered in the applicable branches of engineering to design and observe the construction, including the making of verified reports (see Section 4-336).

(c) **Assumption of responsibility.** The architect or registered engineer who has been delegated responsibility becomes the “responsible design professional” for that delegated portion of the work. Any design professional delegated responsibility for any portion of the work shall perform the duties prescribed in Section 4-341(c). Any design professional delegated responsibility for any portion of the observation of construction shall perform the duties prescribed in Section 4-341(f).

When an architect or registered engineer accepts the responsibility for completion of a project or portion of a project started by another, that architect or registered engineer thereby assumes responsibility as follows:

1. If the change in responsibility occurs prior to the approval of the design documents, all responsibility shall be assumed. (See first paragraph of this subsection for procedure.)
2. If the change in responsibility occurs after the design drawings and specifications have been approved by DSA, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the previous architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that purpose.

(d) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be established by the following:

1. Acceptance as architect or registered engineer in general responsible charge for the preparation of the plans, specifications, and observation of the work of construction shall be reported using the form(s) prescribed by DSA.
2. Acceptance as the responsible design professional to whom portions of the preparation of the plans and specifications has been delegated shall be reported using form(s) prescribed by DSA.
3. Acceptance as the responsible design professional to whom portions of the observation of work of construction has been delegated shall be reported using form(s) prescribed by DSA. Any change in the assumption of the general responsible charge or of delegated responsibility shall be reported using the form(s) prescribed by DSA. If no form is available for a specific delegation or change, the delegation of responsibility shall be reported in letter form, which shall include an indication that the school board has been notified.

(e) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observation of the work of construction, provided such persons are architects or registered engineers who themselves are qualified under these rules and regulations to assume the responsibility assigned.

Alternates shall be named on a form prescribed by DSA, or if no form is available, reported in letter form. Letters or forms shall be submitted to DSA prior to performance of work by the alternate and shall include an indication that the school board has been notified.

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17302 and 81138.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-316, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.

**4-317. Plans, specifications, calculations and other data.**

(a) **General.** An application for approval of plans and specifications shall be filed with DSA, and the plans and specifications, design calculations, site data and a fee payment calculated on the estimated cost shall be submitted in accordance with procedures established by DSA. The plans and specifications shall include the construction documents required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

**Exception:** DSA may require than an application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 be accompanied by the filing fees per Sections 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

Plans and specifications which when submitted are determined, through initial plan check, by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before detailed plan checking commences.

(b) **Plans.** Plans shall designate the use or occupancy of all parts of the school buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The plans shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily interpreted. Where a project includes several school buildings, the plans for each shall be drawn independently except that details common to all need not be repeated.

The architect or engineer in general responsible charge or the professional engineer delegated responsibility for the design of the structural system of the project shall design and detail the anchorage and bracing of nonstructural elements. The details for the bracing and anchorage of nonstructural elements shall be shown and cross-referenced on the drawings.

(c) **Specifications.** Specifications shall completely set forth the requirements for the various types of materials that will enter into permanent construction and shall describe the

methods not covered in the technical regulations which are to be used to obtain the required quality of the work shown on the plans as described in the specifications.

Due to the difficulty of anticipating every unsatisfactory condition that might be found in existing construction where addition, alteration, rehabilitation or reconstruction work is proposed, the following clause or one of similar meaning shall be included in the specifications:

“Should any existing conditions such as deterioration or noncomplying construction be discovered which is not covered by the DSA approved documents wherein the finished work will not comply with Title 24, California Code of Regulations, a construction change document, or a separate set of plans and specifications, detailing and specifying the required repair work shall be submitted to and approved by DSA before proceeding with the repair work.”

(d) **Design calculations.** Calculations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that capacities for individual structural members and their connections can be verified without additional calculations. All assumptions used in the calculations and their bases shall be stated. The calculations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed school building will resist vertical loads and horizontal forces.

The calculations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, C.C.R. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in calculations and noted on plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all school sites shall include a geotechnical engineering report including subsurface site work, laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundations to be used and an allowable design value for the soil-bearing capacity.

A geologic and earthquake hazard report shall be submitted with the application for all new school sites, and for all construction on existing school sites located in a Seismic Hazard Zone, an Alquist-Priolo Earthquake Fault Zone, or in a seismic hazard zone designated in the Safety Element of a Local General Plan. DSA may require a geologic and earthquake hazard study for any construction on a school site outside of the boundaries of any geologic hazard zone where a potential geologic hazard has been previously identified.

Reports shall be prepared, and signed by a California-certified engineering geologist and a California-registered geotechnical engineer. Geologic hazard reports shall include an evaluation of the potential for damage due to flooding.

No school building shall be constructed, rehabilitated, reconstructed or relocated within 50 feet of the trace of an active fault, which has experienced surface displacement within Holocene time (approximately 11,000 years).

(f) **Estimates of cost.** Estimates of cost shall be based on the cost prevailing at the time the plans and specifications are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans or specifications as if each alternate building and portion were to be constructed separately and simultaneously.

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, the estimated cost of the project shall be based on the cost prevailing at the time that the application is submitted. Upon submittal of complete plans and specifications, DSA may require the applicant to revise the estimated cost based on prevailing costs at that time. If the estimated cost has increased, the applicant shall submit additional filing fees based on the revised estimated cost.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by more than 30 percent, the estimated cost may be revised. An additional fee, if required, based on the revised estimated cost of the revision shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost, a refund of overpaid fees may be claimed. (See Section 4-322 for actual cost and Section 4-325 for billing for further fees.)

(g) **Deferred submittals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected, provided the following conditions are met:

1. The project plans clearly indicate that DSA approval of the deferred submittal is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred submittal item. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred submittal item to DSA, with notation indicating that the deferred submittal documents have been found to be in general conformance with the design of the building.
4. Fabrication of deferred submittal items shall not begin without first obtaining the approval of deferred portions of the plans and specifications by DSA.

(h) **Signatures required.** The original signature sheet for the specifications and all plans, submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of the design of the project.

When responsibility for a portion of the work has been delegated, the plans and the original cover sheet for the specifications covering that portion of the design shall bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that



6. An approved project inspector may be replaced in accordance with the process outlined in Section 4-341(d). The school district shall ensure that a replacement inspector is provided prior to continuation of construction work. DSA may withhold approval of the replacement inspector until a verified report by the previous project inspector is submitted in accordance with Section 4-336(c)5.
7. DSA may withdraw the inspector's approval for the project due to failure of project inspector to comply with the requirements contained in Section 4-342(b). DSA shall communicate the withdrawal of the project inspector's approval in writing to the school district and the architect or registered engineer in general responsible charge. The school district shall ensure that a replacement inspector is provided prior to continuation of construction work.
8. The project inspector may perform special inspections if the project inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.
9. The detailed inspection of all work, as specified in Section 4-335(f), is the responsibility of the project inspector when a special inspector is not provided.

(c) **Special inspection.** Special inspection by qualified inspectors shall be in accordance with Title 24, Part 2, Chapter 17A.

DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A, Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.

(d) **Assistant inspectors.** Assistant inspectors are approved by DSA to assist the project inspector with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 or 2 certified project inspector.

1. On large projects DSA may require the employment of assistant inspectors when the project inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When assistant inspectors are required by DSA the project inspector shall remain on-site providing supervision of all assistants during all construction.
2. All assistant inspectors must be approved by DSA prior to performing any inspection work in accordance with Section 4-341(d). Prior to being approved by DSA as an assistant inspector the individual must satisfy all of the following requirements:
  - A. Be certified as a Class 1, Class 2, Class 3 or Class 4 inspector in accordance with Section 4-333.1.
  - B. Must possess adequate experience for the type of construction that the assistant will be assigned to inspect.

- C. Document at least three years of experience in the types of construction that the assistant will inspect. Experience must be obtained in construction or inspection of buildings similar to the buildings for which the individual is applying.
3. The assistant inspector shall establish, to the satisfaction of DSA that he or she meets all of the requirements established in Section 4-333(b)5.
4. Failure of the assistant inspector to perform any of the duties specified in these regulations may be cause for DSA to take action as outlined in Section 4-342(d).

**Authority:** Education Code Sections 17310 and 81142.

**Reference:** Education Code Sections 17280, 17309, 17311, 81130, 81138, 81141 and 81143.

**HISTORY:**

1. (OSA/SS 1/92) Regular order by the Office of the State Architect/Structural Safety Section to amend Section 4-333, Part 1, Title 24, C.C.R. Filed with the Secretary of State on December 15, 1992; effective July 1, 1993. Approved by the California Building Standards Commission on December 9, 1992.
2. (DSA/SS 2/95) Regular order by the Division of the State Architect/Structural Safety Section to amend Section 4-333. Filed with the Secretary of State on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**4-333.1. Project inspector certification.** To become a DSA certified project inspector, an applicant must qualify for and successfully complete a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction documents associated with performing inspections as well as the construction, inspection and testing requirements of the *California Building Standards Code*. Examinations are given in three classes.

1. A Class 1 certified inspector may be approved to inspect any project.
2. A Class 2 certified inspector may be approved to inspect any project, except a project containing one or more new structures or additions with a primary lateral force resisting system of steel, masonry or concrete.
3. A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings and construction of minor structures.
4. Though an examination is no longer offered for Class 4, a Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.

To qualify for an examination, an applicant shall possess a high school diploma or equivalent, and shall meet the following minimum qualifications for the classification. Alternative qualifications consistent with those noted herein may be considered by DSA. Possession of a valid California registration as a civil or structural engineer or a valid California license as an architect, and one year qualifying experience in construction observation of buildings or structures as a

civil or structural engineer or architect will qualify for any classification.

(a) For Class 1 inspector exam, one of the following:

1. Four years of experience as a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection, with a valid certification as a commercial combination building inspector by a state- or nationally-recognized organization, as accepted by DSA, on:
  - A. new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,
  - B. construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,
  - C. building projects of Type I or II construction.

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate's degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

2. Four years of qualifying experience as the lead project construction superintendent on:
  - A. new building public school construction projects subject to the requirements of Education Code Section 17280 or 81130 consistent with the DSA Class 1 or 2 project classification and these regulations; and/or,
  - B. construction of new hospital buildings as defined by Health and Safety Code Section 129725; or,
  - C. building projects of Type I or II construction.

**Exception:** Possession of a valid California registration as a mechanical or electrical engineer responsible for the design and/or construction of respective building systems may be substituted for two years of required experience. Possession of a baccalaureate or higher in architecture, engineering, building inspection and/or construction may be substituted for one year of required experience. Possession of an associate's degree in architecture, engineering, building inspection and/or construction may be substituted for six months of required experience.

3. Two years of qualifying experience as a DSA certified Class 2 project inspector,
4. Possession of certification as a DSA Class 2 project inspector with one year minimum qualifying experience as a DSA Class 2 project inspector and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:
  - A. an assistant project inspector; or
  - B. a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA). (Note: special inspector experience may be substituted on a month-for-month basis up to a maximum of one year); or
  - C. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or
  - D. a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades (note: journeyman or equivalent experience may be substituted on a month-for-month basis up to a maximum of one year); or,
5. Possession of certification as a DSA Class 3 project inspector with three years minimum qualifying experience as a DSA Class 3 project inspector and any combination of three years of qualifying experience on projects consistent with the DSA Class 1 or 2 project classification as:
  - A. an assistant project inspector; or
  - B. a special inspector (inspecting steel, concrete or masonry construction with a valid certification from a state or nationally-recognized organization, as accepted by DSA). (Note: special inspector experience may be substituted on a month-for-month basis up to a maximum of one year); or
  - C. a nonlicensed or nonregistered architect's, engineer's, owner's, or local building official's representative in building code-enforcement inspection (with a valid certification as a commercial combination building inspector by a state or nationally-recognized organization, as accepted by DSA); or
  - D. a lead project construction superintendent or construction experience as a journeyman or equivalent limited to working in the carpentry, steel, concrete or masonry trades. (Note: journeyman or equivalent experience may be substituted on a month-for-month basis up to a maximum of one year.)

## HISTORY NOTE APPENDIX FOR CHAPTER 4

### Administrative Regulations for the Division of State Architect, Structural Safety (California Code of Regulations, Title 24, Part 1)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (DSA-SS 1/02) Chapter 4, Section 4-309. Reconstruction or Alternation Projects in Excess of \$25,000 in Cost. Approved by the Building Standards Commission on May 14, 2003 and effective 180 days after publication.
2. (DSA-SS EF 02/03) Emergency adoption/approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on May 14, 2003 and filed with Secretary of State on May 15, 2003. Effective May 15, 2003.
3. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved by the California Building Standards Commission on July 16, 2003 and filed with Secretary of State on September 10, 2003. Effective September 10, 2003.
4. (DSA-SS EF 04/03) Emergency re-adoption/re-approval of technical design and construction building standards for the adaptive reuse of existing building public school use; C.C.R., Title 24, Part 1. Approved as permanent by the California Building Standards Commission on January 7, 2004 and filed with the Secretary of State on January 8, 2004. Effective January 8, 2004.
5. (DSA-SS 03/06) Editorial amendments to administrative standards for public elementary and secondary schools and community colleges which correlate with DSA-SS adoption of the 2006 *California Building Code* into Part 2 of Title 24. Effective January 1, 2008.
6. (DSA-SS EF 01/09) Modification to project renewal timeframes. Approved by the commission January 22, 2009 and filed with the Secretary of State on January 26, 2009 with an effective date of January 26, 2009.
7. Erratum to correct editorial errors in preface and Chapter 4.
8. (DSA-SS EF 02/10) Emergency rulemaking to amend Articles 2 through 6, Part 1 Title 24, Chapter 4, effective on August 17, 2010, approved as permanent on January 19, 2011.
9. (DSA-SS 01/12) Amend Chapter 4, Article 1, Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2, Section 4-314, Article 3, Section 4-315, 4-316, 4-317, Article 4, Section 4-320, 4-323, 4-324, 4-325, 4-326, 4-327, Article 5, Section 4-330, 4-331, 4-332, 4-333, 4-335, 4-336, 4-337, 4-339, Article 6, Section 4-341, 4-342, 4-343, Article 7, Section 4-345, Article 8, Section 4-350, 4-352, Article 9, Section 4-355. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.
10. Rulemaking file number DSA-SS EF 03/15: Emergency rulemaking added Group 3, Articles 1 through 4, to Part 1 Title 24, Chapter 4. It was originally approved by the Commission July 21, 2015 and effective upon filing with Secretary of State on July 23, 2015. An emergency supplement was not issued for the initial emergency building standards but was provided in Building Standards Commission Information Bulletin 15-03, dated July 24, 2015, which is now superseded. The rulemaking was made permanent pursuant to Government Code Sections 11346.2 to 11347.3. The supplement provides emergency building standards which were adopted by the Building Standards Commission on January 20, 2016, and filed with Secretary of State on January 26, 2016.
11. (DSA-SS 01/15) Amend Chapter 4, Article 1: Section 4-205, 4-207, 4-208, 4-210, 4-211, 4-219, 4-220, 4-221; Article 2: Section 4-236; Group 1, Article 1: Section 4-302, 4-305, 4-306, 4-307, 4-309, 4-310, Article 2: Section 4-313, 4-314, Article 3: Section 4-315, 4-316, 4-317, 4-318, 4-319; Article 4: Section 4-320, 4-321, 4-323, 4-324, 4-325; Article 5: Section 4-333, 4-333.1, 4-334, 4-335, 4-335.1, 4-336, 4-338; Article 6: Section 4-341, 4-342, 4-343, 4-345; Article 8, Section 4-350; Group 2, Article 1: Section 4-401, 4-402; Article 2: Section 4-410, 4-411; Article 5: Section 4-430; Article 6: Section 4-435. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with Secretary of State.
12. Errata to correct editorial errors within Chapter 4 in this code. Effective January 1, 2017.
13. 2016 Intervening Cycle Supplement (DSA-SS/CC 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.
14. 2018 Triennial Code Adoption Cycle (DSA-SS/CC 01/18) Amend Chapter 4, Article 2, Sections 4-228, 4-238 and 4-239; Group 1, Article 1, Sections 4-30, 24-306, 4-309; Article 2, Section 4-314; Article 3, Section 4-315; Article 4, Sections 4-321, 4-324 and 4-328; Article 5, Section 4-333.1; Article 6, Section 4-341 and Article 8, Section 4-352. Approved by the California Building Standards Commission on December 4, 2018,

filed with the Secretary of State on December 7, 2018, and effective 30 days after filing with the Secretary of State pursuant to *California Health and Safety Code* Section 18938.

15. Erratum to correct editorial errors in Chapter 4, Section 4-333 and to correct History Note format: effective January 1, 2020.
16. 2019 Intervening Cycle Update (DSA-SS/CC 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on August 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.

owner to deal with compliance plan issues that cannot be fully met without the extension.

2.1.2. Extension for Replacement or Retrofit Plan where Construction has not Started. For an extension request based on a replacement plan or retrofit plan, final seismic compliance shall be achieved, a certificate of occupancy or construction final shall be obtained by July 1, 2022 and the following conditions shall apply:

1. Application submitted shall contain an extension schedule that identifies:
  - a. The maximum extension time requested, but no later than July 1, 2022.
  - b. Date when building permit will be obtained.
  - c. Date the hospital will begin construction.
2. A construction schedule shall be submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
3. Obtain a building permit.
4. Start construction.

Compliance with the requirements in (1 through 4) above shall be achieved no later than April 1, 2020.

2.1.3. Extension for Rebuild Plan where Construction has not Started. For an extension requested based on a rebuild plan, final seismic compliance shall be achieved, a certificate of occupancy shall be obtained by January 1, 2025 and the following shall apply:

1. Application submitted, shall contain an extension schedule that identifies:
  - a. The maximum time request for the extension, but no later than January 1, 2025.
  - b. Date of submission of the rebuild project deemed ready

for review to the Office, but no later than July 1, 2020

- c. Date when building permit will be obtained.
- d. Date the hospital will begin construction.
2. Submission of the rebuild project deemed ready for review to the Office shall occur no later than July 1, 2020.
3. A construction schedule submitted within 15 calendar days of obtaining a building permit. The construction schedule shall identify a minimum of two major milestones acceptable to the office that will be used as a basis for determining whether the hospital is making adequate progress. Major milestones identified in the construction schedule shall be chosen such that they are easily verifiable by the Office.
4. Obtain a building permit.
5. Start construction.

Compliance with the requirements in 3) through 5) above shall be achieved no later than January 1, 2022.

2.1.4. Extension where Construction has Started. For a hospital building that has previously submitted to the Office a retrofit, replace or rebuild project for which a retrofit, replace or rebuild project was previously submitted to the Office and is under construction, the application for an extension shall contain all the following:

1. The method of compliance with the requested extension which shall be no later than July 1, 2022 for retrofit or replace plan and January 1, 2025 for rebuild plan. The application shall include the facts necessitating the additional time.
2. The project number under which the construction has commenced and is continuing.
3. A revised construction schedule to reflect the extension being requested and at least two major milestones shall be identified. Major milestones shall be chosen such that they are easily verifiable by the Office.

**2.2 Quarterly Status Reports.** A hospital granted an extension pursuant to this section shall provide a quarterly status report in a form required by the Office, consistent with their extension/construction schedule. The first report is due on July 1, 2019, subsequent status reports shall be due every October 1, January 1, April 1, and July 1, until seismic compliance is achieved. Each quarterly report shall contain the cumulative progress made towards meeting the dates in the extension and the construction schedules, current to 15 calendar days before the report is due. The report may be submitted to the Office no more than 15 calendar days before the due date.

**2.3 Fines for Failure to Comply.** Failure to comply with the dates for plan submission, construction schedule submission, obtain a building permit, to begin construction identified and accepted by the Office in the extension schedule or the major milestone dates identified and accepted by the Office in the construction schedule shall result in the assessment of a fine of five thousand dollars (\$5,000) per calendar day until the requirements or milestones, respectively, are met. The Office shall not issue a construction final or certificate of occupancy for the building until all assessed penalties accrued pursuant to this section have been paid in full or, if an appeal is pending, have been posted subject to resolution of the appeal.

**2.4 Adjustments to Schedules.** The Office may grant an adjustment as necessary to deal with contractor, labor, material delays, with acts of God, or with governmental entitlements, experienced by the hospital. The hospital shall submit the reason for the delay along with substantiating documents, a revised construction schedule and identify at least two new major milestones consistent with the adjustment. Requests for adjustments shall be made with the Office as soon as the reasons for the delay are known but no less than 30 calendar days before any upcoming affected extension schedule or construction milestone date.

Failure to comply with the revised construction schedule or meet any of the major milestones shall result in penalties as specified in subsection 2.3. The adjustment shall not exceed the corresponding final seismic compliance date of July 1, 2022 for a replacement plan or retrofit plan and January 1, 2025 for a rebuild plan.

**1.6 Dispute resolution/appeals process.** Dispute resolution and appeals shall be in conformance with Article 5, Chapter 7, Part 1 of Title 24.

**1.7 Notification from OSHPD.**

1. The Office shall issue written notices of compliance to all hospital owners that have attained the minimum required SPC and NPC performance levels by the required seismic compliance dates or extension dates granted by the Office;
2. The Office shall issue written notices of violation to all hospital owners that are not in compliance with the minimum SPC and NPC performance levels by the required seismic compliance dates or extension dates granted by the Office; and

3. The Office shall notify the State Department of Health Services of the hospital owners which have received a written notice of violation for failure to comply with these regulations.

**1.8 Collapse Probability Assessment.** Hospital owners may request a collapse probability assessment to reclassify buildings with an SPC-1 rating to SPC-2 in accordance with Section 1.4.5.1.2, or be used to determine eligibility for an extension in accordance with Section 1.5.2 Item 8.

**1.8.1** The collapse probability assessment by the Office shall be determined using the following:

1. Multi-Hazard Loss Estimation Methodology, Earthquake Module (HAZUS-MH) developed by the Federal Emergency Management Agency (FEMA)/National Institute of Building Sciences (NIBS).
2. Building specific input parameters required by the Advanced Engineering Building Module (AEBM) of the HAZUS methodology shall be obtained from Appendix H to Chapter 6.
3. Modifications by the Office to the AEBM input parameters are hereby adopted as shown in Appendix H to Chapter 6, which are based on the following:
  - a) Building type
  - b) Building height and number of stories
  - c) Building age
  - d) Significant Structural Deficiencies listed in Section 1.8.2 Item 2.
4. Site seismicity parameters adjusted for soil type, as determined by the Office, shall be the lesser of:
  - a) Deterministic ground motion due to the maximum magnitude earthquake event on the controlling fault system.
  - b) Probabilistic ground motion having 10 percent probability of being exceeded in 50 years.

**1.8.2** The collapse probability assessment for SPC-1 buildings shall be based on the following building information, parameters and documents:

1. A complete seismic evaluation of the building pursuant to Section 1.3.3.

**Exception:** Hospital owners who had submitted a complete structural evaluation report in compliance with Section 1.3.3, that is deemed to be complete by the Office, need not resubmit.

2. A supplemental evaluation report prepared by a California registered structural engineer that identifies the existence or absence of the building structural Lateral Force Resisting System (LFRS) properties and Significant Structural Deficiencies listed below:

- a. Age: Year of the *California Building Code* (CBC) used for the original building design.

**Exception:** For pre-1933 buildings, the design year shall be reported.

## HISTORY NOTE APPENDIX FOR CHAPTER 6

### Administrative Regulations for the Office of Statewide Health Planning and Development (California Code of Regulations, Title 24, Part 1)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (OSHDP 1/96) Adoption of Chapter 6, Seismic Evaluation Procedures for Hospital Buildings, Part 1, Title 24, C.C.R. Filed with the secretary of state on April 8, 1997, effective April 8, 1997. Approved by the California Building Standards Commission on February 6, 1997.

2. (OSHDP 1/97) New Article 1-Definitions and Requirements based on SB 1953. Approved by the California Building Standards Commission on March 18, 1998. Filed with the Secretary of State on March 25, 1998, effective March 25, 1998.

3. (BSC 2/99) Article 1-7, Conflict of Interest Code. Amend Section 1-701. Approved by the Fair Political Practices Committee on October 29, 1999. Filed with the Secretary of State on December 31, 1999, effective January 30, 2000.

4. (OSHDP EF 1/00) Part 1, Chapter 6, Articles 1, 10, 11 and Appendix. Approved as submitted by the California Building Standards Commission on February 28, 2000. Filed with the Secretary of State on March 3, 2000, effective March 3, 2000. Permanent approval by California Building Standards Commission on May 24, 2000. Certification of Compliance filed with Secretary of State May 26, 2000.

5. (OSHDP EF 2/00) Part 1, Amend Chapter 6, Articles 1, 2, 10 and 11. Emergency approval by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on May 26, 2000, effective May 26, 2000. Permanent approval by California Building Standards Commission September 20, 2000. Certification of Compliance filed with Secretary of State November 15, 2000.

6. (OSHDP EF 5/01) Emergency adoption of amendments to hospital seismic safety evaluation regulations contained in Title 24, C.C.R., Part 1, Chapter 6. Approved by the California Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective December 4, 2001.

7. (OSHDP EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.

8. (OSHDP EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.

9. (OSHDP EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Approved as emergency by the California

Building Standards Commission on December 13, 2005. Filed with the Secretary of State on December 14, 2005 with an effective date of December 14, 2005.

10. (OSHDP EF 01/05) Amend Part 1, Chapter 6, Article 11 and Table 11.1. Re-adopted/approved as emergency by the California Building Standards Commission on March 22, 2006. Filed with the Secretary of State on March 30, 2006 with an effective date of March 30, 2006.

11. (OSHDP 01/04) Amend Article 1 for nonconforming hospital buildings. Filed with Secretary of State on May 23, 2006, and effective on the 30th day after filing with the Secretary of State.

12. (OSHDP EF 01/05) Amend Title 24, Part 1, Chapter 6, Article 11 and Table 11.1. The language for the permanent rule will remain effective and unchanged from the readoption/approval of Emergency Finding (OSHDP EF 01/05) Supplement dated May 30, 2006. Approved as permanent by the California Building Standards Commission on July 27, 2006 and filed with the Secretary of State on July 28, 2006.

13. (OSHDP EF 01/07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11, Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State July 20, 2007, effective January 1, 2008.

14. (OSHDP EF 01-07) Amend Title 24, Part 1, Chapter 6, Article 1, Article 2, Article 4, Article 6, Article 11 and Table 11.1. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective January 1, 2008. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.

15. (OSHDP EF 02/07) Amend Title 24, Part 1, Chapter 6, definitions added and Chapter amended throughout with a new Appendix H to Chapter 6. Approved as an emergency regulation by the California Building Standards Commission on November 14, 2007, filed with the Secretary of State on November 29, 2007. Effective November 29, 2007. It was approved as permanent by the California Building Standards Commission on May 21, 2008 and filed with the Secretary of State on May 23, 2008.

16. (OSHDP 08/09) Amend Title 24, Part 1, Chapter 6 with amendments throughout. Effective on February 13, 2010.

17. (OSHDP EF 01/10) Amend Title 24, Part 1, Chapter 6 with updates to HAZUS standards pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.

18. (OSHDP 02/10) Amend Article 1, Title 24, Chapter 6, effective on August 28, 2011.

19. (OSHPD 01/12 and OSHPD 03/12) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

20. (OSHPD 04/15) Amend Chapter 6, Seismic Evaluation Procedures for Hospital Buildings. Article 1: Section 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.2, 1.4.5.1.3, 1.4.5.1.4, 1.4.5.1.5, 1.5.1, 2.1.2, 2.1.2.1, 2.1.2.2, 2.7, Table 2.5.3, 11.2.2. Approved by the California Building Standards Commission on December 16, 2015, filed with the Secretary of State on December 21, 2015, and effective 30 days after filing with the Secretary of State.

21. 2018 Triennial Code Adoption Cycle (OSHPD 01/18) Amend Chapter 6, Article 1, Sections 1.2, 1.3, 1.4.5.1, 1.4.5.1.1, 1.4.5.1.3, 1.4.5.1.5, 1.5.1 and 1.5.2; Article 2, Sections 2.1.2.1, 2.1.2.2, Table 2.5.3 and 2.7; Article 11, Table 11.1, Sections 11.2.2, 11.2.3 and 11.2.4. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after filing with the Secretary of State pursuant to *California Health and Safety Code*, Section 18938.

22. 2019 Intervening Cycle Update (OSHPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.



**CIVIL ENGINEER** means a person licensed as a civil engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**CONFORMING BUILDING** means a building originally constructed in compliance with the requirements of the 1973 or subsequent edition of the *California Building Code* or classified as SPC-4D, as defined in Chapter 6 of this code.

**CONSTRUCTION** means any construction, reconstruction or alteration of, or addition or repair to any health facility.

**DEFERRED SUBMITTALS** see Section 7-126.

**DIRECTOR** means the Director of the Office of Statewide Health Planning and Development or the Director's designee authorized to act in his or her behalf.

**ELECTRICAL ENGINEER** means a person licensed as an electrical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**EMERGENCY REPAIR [OSHPD 1, 2, 3 & 5]** Repair to, or replacement of, an element of a building, structure, utility system, or equipment that is essential to the continued safe occupation and operation of a facility. May include repairs needed after a disaster.

**ENGINEERING GEOLOGIST** means a person certified as an engineering geologist under Chapter 12.5 (commencing with Section 7800), Division 3, the California Business and Professions Code, in that branch of engineering which is applicable.

**ESTIMATED CONSTRUCTION COST** means the cost estimate of actual construction cost proposed by an applicant for a construction project within the Office's jurisdiction.

**FEE** means the fees authorized in the *California Health and Safety Code*, and the *California Building Standards Code*.

**FIRM** includes any qualified corporation, legal entity, architect or engineer.

**FREESTANDING** as applied to structures that are adjacent to a licensed hospital building means a structure that meets the following criteria:

1. Structural separation shall comply with the applicable provisions of the *California Building Code*.
2. Fire-resistance-rated construction separations shall comply with the applicable provisions of the *California Building Code*.
3. Buildings on the same lot shall comply with the height and area limitations of the *California Building Code*.

**HEALTH FACILITY** as used in this part and all applicable parts of the *California Building Standards Code* means any health facility licensed pursuant to Section 1250 of the Health and Safety Code under the jurisdiction of the Office.

(a) Hospital building includes:

1. **HOSPITAL BUILDING** as used in this part and other applicable parts of the *California Building Standards Code* means any building used for a health facility of a type required to be licensed pursuant to Section 1250 of the Health and Safety Code.
2. Except as provided in paragraph (7) of subdivision (b), hospital building includes a correctional treatment center, as defined in subdivision (j) of Section 1250, the construction of which was completed on or after March 7, 1973.

struction of which was completed on or after March 7, 1973.

(b) **HOSPITAL BUILDING** does not include any of the following:

1. Any building in which outpatient clinical services of a health facility licensed pursuant to Section 1250 are provided that is freestanding from a building in which hospital services are provided. If any one or more outpatient clinical services in the building provide services to inpatients, the building shall not be included as a "hospital building" if those services provided to inpatients represent no more than 25 percent of the total outpatient visits provided at the building. Hospitals shall maintain on an ongoing basis, data on the patients receiving services in these buildings, including the number of patients seen, categorized by their inpatient or outpatient status. Hospitals shall submit this data annually to the Department of Public Health.
2. Any building used, or designed to be used, for a skilled nursing facility or intermediate care facility, if the building is of single-story, wood-frame or light steel frame construction.
3. Any building of single-story, wood-frame or light steel frame construction in which only skilled nursing or intermediate care services are provided if the building is separated from a building housing other patients of the health facility receiving higher levels of care.
4. Any freestanding structures of a chemical dependency recovery hospital exempted under the provisions of subdivision (c) of Section 1275.2.
5. Any building licensed to be used as an intermediate care facility/developmentally disabled habilitative with six beds or less and any intermediate care facility/developmentally disabled habilitative of 7 to 15 beds that is a single-story, wood-frame or light-steel frame building.
6. Any building subject to licensure as a correctional treatment center, as defined in subdivision (j) of Section 1250, the construction which was completed prior to March 7, 1973.
7.
  - A. Any building that meets the definition of a correctional treatment center pursuant to subdivision (j) of Section 1250, for which the final design documents were completed or the construction of which was begun prior to January 1, 1994, operated by or to be operated by the Department of Corrections, the Department of the Youth Authority, or by a law enforcement agency of a city, county, or a city and county.
  - B. In the case of reconstruction, alteration, or addition to, the facilities identified in this paragraph, and paragraph (6) or any other building subject to licensure as a general acute care hospital, acute psychiatric hospital, correctional treatment center, or nursing facility, as defined in subdivisions (a), (b), (j) and (k) of Section 1250, operated or to be operated by the Department of Corrections, the Department of the Youth Authority, or by a law enforcement agency of city, a county, or city and county, only the reconstruction, alteration, or addition, itself, and not the building as a whole, nor any

other aspect thereof, shall be required to comply with this chapter or the regulations adopted pursuant thereto.

**HOSPITAL BUILDING SAFETY BOARD** means the Board which shall advise the Director and, notwithstanding Health and Safety Code Section 13142.6 and except as provided in Section 18945, shall act as a board of appeals in all matters relating to the administration and enforcement of building standards relating to the design, construction, alteration and seismic safety of hospital building projects submitted to the Office pursuant to this chapter.

Further, notwithstanding Section 13142.6, the Board shall act as the board of appeals in matters relating to all fire and panic safety regulations and alternate means of protection determinations for hospital building projects submitted to the Office pursuant to this chapter.

The Board shall consist of 16 members appointed by the Director of the Office. Of the appointive members, two shall be structural engineers, two shall be architects, one shall be an engineering geologist, one shall be a geotechnical engineer, one shall be a mechanical engineer, one shall be an electrical engineer, one shall be a hospital facilities manager, one shall be a local building official, one shall be a general contractor, one shall be a fire and panic safety representative, one shall be a hospital inspector of record and three shall be members of the general public.

There shall be six ex officio members of the Board, who shall be the Director of the Office, the State Fire Marshal, the State Geologist, the Executive Director of the California Building Standards Commission, the State Director of Health Services, and the Deputy Director of the Facilities Development Division in the Office, or their officially designated representatives.

**HOSPITAL INSPECTOR** means an individual who has passed the OSHPD certification examination and possesses a valid Hospital Inspector Certificate (or Construction Inspector for Health Facilities Certificate) issued by the Office.

**HOSPITAL INSPECTOR OF RECORD (IOR)** means an individual who is:

(a) An OSHPD certified Hospital Inspector, pursuant to the provisions of these regulations and

(b) Employed by the hospital governing board or authority and

(c) Approved by the architect and/or engineer in responsible charge and the Office as being satisfactory to inspect a specified construction project.

**LICENSE** means the basic document issued by the Department of Health Services permitting the operation of a health facility under the provisions of Title 22, California Code of Regulations, Division 5.

**LOCAL GOVERNMENT ENTITY** means a building department of a city, city and county, or county.

**MAINTENANCE [OSHPD 1, 2, 3 & 5]** The routinely recurring work required to keep a facility (plant, building, structure, utility system, etc.) in such condition that it may be continuously utilized, at its original or designed capacity and efficiency, for its intended purpose. Actions necessary for retaining or restoring an existing element or component of a building, piece of equipment, machine, or system to the specified operable con-

dition to achieve its maximum useful life, including corrective maintenance and preventative maintenance.

**MANAGED PROJECT** means a project where schedules and deadlines relating to plan review and construction are negotiated between the Office and the governing board or authority of the health facility or their designated representative. Managed projects include, but are not limited to, projects approved by the Office for phased plan review, as described in Section 7-130, or incremental review, as described in Section 7-131.

**MATERIALLY ALTER** as applied to construction projects or approved construction documents means any change, alteration or modification, as determined by the Office, that alters the scope of a project, could cause the project to be in non-compliance with the *California Building Standards Code*, or causes an unreasonable risk to the health and safety of patients, staff or the public.

**MECHANICAL ENGINEER** means a person licensed as a mechanical engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**MINORITY, WOMEN AND DISABLED VETERAN BUSINESS ENTERPRISE** shall have the respective meanings set forth in Section 10115.1 of the Public Contract Code.

**NONCONFORMING BUILDING** means any building that is not a conforming building.

**NONSTRUCTURAL ALTERATION** means any alteration which neither affects existing structural elements nor requires new structural elements for vertical or lateral support and which does not increase the lateral force in any story by more than five percent.

**OFFICE** means the Facilities Development Division within the Office of Statewide Health Planning and Development.

**PHASED PLAN REVIEW** is the process that, at its sole discretion, engages the Office early in the project design and continues through the development and submission of documents during the conceptualization, criteria design, detailed design, implementation documents, Office review, construction and closeout phases. Within each phase, milestones are established for specific, agreed upon points where segments/elements of the design/building system are completely designed and/or defined in their entirety. The Office provides an agreed upon level of review that allows for written conditional acceptance of these elements and/or systems.

**PRIMARY GRAVITY LOAD RESISTING SYSTEM (PGLRS)** means assembly of structural elements in the building that resists gravity loads, including floor and roof beams/girders supporting gravity loads or any other members designed to support significant gravity loads. Foundations supporting loads from the PGLRS shall be considered part of the PGLRS.

**PROGRAM FLEXIBILITY** means the approved use of an alternate space utilization, new concepts of design, treatment techniques or alternate finish materials. Program flexibility requests must be reviewed by the Department of Public Health and the Office, or other authority having jurisdiction.

**RECONSTRUCTION** means the rebuilding of any "existing building" to bring it into full compliance with these regu-

lations and all applicable parts of the *California Building Standards Code*.

**SEISMIC FORCE RESISTING SYSTEM (SFRS)** means assembly of structural elements in the building that resists seismic loads, including struts, collectors, chords, diaphragms and trusses. Foundations supporting loads from the SFRS shall be considered part of the SFRS.

**SIGN, SIGNED, SIGNATURE, SIGNATURES** means to affix an individual's signature by manual, electronic or mechanical methods. Manual method includes, but is not limited to, a pen and ink signature. Electronic method includes, but is not limited to, scanned signature images embedded in construction documents, faxes or other electronic document files. Mechanical method includes, but is not limited to, rubber stamp signature.

**SITE DATA** means reports of investigation into geology, earthquake ground motion and geotechnical aspects of the site of a health facility construction project.

**SMALL BUSINESS** means a firm that complies with the provisions of Government Code Section 14837.

**STRUCTURAL ELEMENTS** means floor or roof diaphragms, decking, joists, slabs, beams or girders; columns; bearing walls; retaining walls; masonry or concrete nonbearing walls exceeding one story in height; foundations; shear walls or other lateral force resisting members; and any other elements necessary to the vertical and lateral strength or stability of either the building as a whole or any of its parts including connections between such elements.

**STRUCTURAL ENGINEER** means a person licensed as a structural engineer under Chapter 7 (commencing with Section 6700), Division 3, the California Business and Professions Code.

**STRUCTURAL REPAIRS** means any change affecting existing or requiring new structural elements primarily intended to correct the effects of deterioration or impending or actual failure, regardless of cause.

**SUBSTANTIAL COMPLIANCE** means a stage of a construction or building project, or a designated portion of the project, that is sufficiently complete in accordance with the approved construction plans and the California Building Standards Code such that the owner may use or occupy the building project, or designated portion thereof, for the intended purpose.

**VOLUNTARY STRUCTURAL ALTERATION** means any alteration of existing structural elements or provision of new structural elements which is not necessary for vertical or lateral support of other work and is initiated by the applicant primarily for the purpose of increasing the vertical or lateral load carrying strength or stiffness of an existing building.

#### HISTORY:

1. (OSHDP 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-111. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHDP 1/96) 1996 Annual Code Adoption Cycle will amend Section 7-111, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

3. (OSHDP/EF 1/92) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 1, 1992; effective September 1, 1992. Approved as an emergency by the California Building Standards Commission on August 27, 1992.
4. (OSHDP/EF 1/92, permanent) Emergency order by the Office of Statewide Health Planning and Development to amend Sections 7-111 and 7-191, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state on March 9, 1993; effective March 9, 1993. Approved as a permanent order by the California Building Standards Commission on March 5, 1993.

## ARTICLE 3

### APPROVAL OF CONSTRUCTION DOCUMENTS

#### 7-113. Application for plan, report or seismic compliance extension review.

(a) Except as otherwise provided in this part, before commencing construction or alteration of any health facility, the governing board or authority thereof shall submit an application for plan review to the Office, and shall obtain the written approval thereof by the Office describing the scope of work included and any special conditions under which approval is given.

1. The application shall contain a definite identifying name for the health facility, the name of the architect or engineer who is in responsible charge of the work, pursuant to Section 7-115 (a), the names of the delegated architects or engineers responsible for the preparation of portions of the work pursuant to Section 7-115(a)3, the estimated cost of the project and all such other information required for completion of the application. The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as an alternate(s), provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.
2. Submission of documents to the Office may be in three consecutive stages:

Geotechnical Review: One application for plan review and, when applicable, three copies of the site data must be attached. Plans may be submitted electronically in a format acceptable to the Office.

Preliminary Review: Two copies of reports or preliminary plans and outline specifications. Plans/drawings size shall not exceed 36 × 48 inches, and bundled sets of plans/drawings shall not exceed 40 lbs in weight. Plans may be submitted electronically in a format acceptable to the Office.

Final Review: Two copies of final construction documents and reports. Plans/drawings size shall not exceed 36 × 48 inches, and bundled sets of plans/drawings shall not exceed 40 lbs in weight. Plans may be submitted electronically in a format acceptable to the Office.

(b) Application for seismic compliance extension requires submission of OSHDP Application Form #OSH-FD-384, "Application for 2008 Extension/Delay in Compliance." The submittal must comply with the applicable requirements of Chapter 6, Article 1, Section 1.5.2 "Delay in Compliance."

(c) For every project there shall be an architect or engineer in responsible charge of reviewing and coordinating all submittals, except as set forth in Section 7-115(c).

1. A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of the delegated architects or engineers pursuant to Section 7-115(a)3 may be made for the parts. Incremental projects pursuant to Section 7-131 shall consist of only one building.

(d) The assignment of the delegated architect or engineer pursuant to Section 7-115 (a) 3 and the responsibility for the preparation of construction documents and the administration of the work of construction for portions of the work shall be clearly designated on the application for approval of reports or construction documents.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-113. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-115. Preparation of construction documents and reports.**

(a) All construction documents or reports, except as provided in (c) below shall be prepared under an architect or engineer in responsible charge. Prior to submittal to the office, the architect or engineer in responsible charge for a project shall sign every sheet of the drawings, and the title sheet, cover sheet or signature sheet of specifications and reports. A notation may be provided on the drawings indicating the architect's or engineer's role in preparing and reviewing the documents. Plans/drawings submitted to the office shall not exceed the size and weight described in Section 7-113(a)(2).

1. Except as provided in paragraph 2 below, the architect or engineer in responsible charge of the work shall be an architect or structural engineer.
2. For the purposes of this section, a mechanical, electrical or civil engineer may be the engineer in responsible charge of alteration or repair projects that do not affect architectural or structural conditions, and where the work is predominately of the kind normally performed by mechanical, electrical or civil engineers.
3. The architect or engineer in responsible charge may delegate the preparation of construction documents and administration of the work of construction for designated portions of the work to other architects and/or engineers as provided in (b) below. Preparation of portions of the work by others shall not be construed as relieving the architect or engineer in responsible charge of his rights, duties and responsibilities under Section 129805 of the Health and Safety Code.

(b) Architects or engineers licensed in the appropriate branch of engineering, may be responsible for the preparation of construction documents and administration of the work of construction as permitted by their license, and as provided below.

Architects and engineers shall sign and affix their professional stamp to all construction documents or reports that are prepared under their charge. All construction documents shall be signed and stamped prior to issuance of a building permit.

1. The structural construction documents or reports shall be prepared by a structural engineer.
2. A mechanical or electrical engineer may prepare construction documents or reports for projects where the work is predominately of the kind normally prepared by mechanical or electrical engineers.
3. A civil engineer may prepare construction documents or reports for the anchorage and bracing of nonstructural equipment.

(c) A licensed specialty contractor may prepare construction documents and may administer the work of construction for health facility construction projects, subject to the following conditions:

1. The work is performed and supervised by the licensed specialty contractor who prepares the construction documents,
2. The work is not ordinarily within the standard practice of architecture and engineering,
3. The project is not a component of a project prepared pursuant to 7-115(a) and (b),
4. The contractor responsible for the design and installation shall also be the person responsible for the filing of reports, pursuant to Section 7-151,
5. The contractor shall provide with the application for plan review to the Office a written and signed statement stating that he or she is licensed, the number of the license, and that the license is in full force and effect, and
6. The work is limited to one of the following types of projects:
  - A. Fire protection systems where none of the fire sprinkler system piping exceeds 2½ inches (63.5 mm) in diameter.
  - B. Low voltage systems not in excess of 91 volts. These systems include, but are not limited to, telephone, sound, cable television, closed circuit video, nurse call systems and power limited fire alarm systems.
  - C. Roofing contractor performing reroofing where minimum ¼ inch (6.4 mm) on 12 inch (305 mm) roof slopes are existing and any roof mounted equipment needing remounting does not exceed 400 pounds.
  - D. Insulation and acoustic media not involving the removal or penetration of fire-rated walls, or ceiling and roof assemblies.

(d) The specification and use of preapprovals does not preempt the plan approval and building permit process. Construction documents using preapprovals shall be submitted to the Office for review and approval and issuance of a building permit prior to the start of construction.

1. The registered design professional, in conjunction with the registered design professional in responsible

charge, listed on the plan review application or the building permit application, shall review all qualities, features, and/or properties to ensure code compliance, appropriate integration with other building systems, and proper design for the project-specific conditions and installation. Stamping and signing of construction documents as required in subsection (a) and (b) shall be for this purpose only.

2. When preapprovals are used, they shall be incorporated into the construction documents. Incorporation by reference only is not permitted. Preapprovals must be incorporated without any modification. This subsection shall not apply if modifications are made to the preapproved details.
3. Preapprovals submitted after the construction documents have been approved and a building permit has been issued shall be incorporated into the construction documents in accordance with Section 7-153.
4. The use of preapproved details must strictly comply with all manufacturer's instructions, conditions, special requirements, etc., which are a part of the preapproval.
5. Conditions not covered by a preapproval shall be substantiated with calculations, drawings, specifications, etc., stamped and signed by the registered design professional and signed by the registered design professional in responsible charge listed on the plan review application or building permit application and must be submitted to the OSHPD for review and approval prior to construction.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-115. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-117. Site data.**

(a) The site data reports shall be required for all proposed construction except:

1. As provided in Part 2, Title 24.
2. One-story, wood-frame or light steel frame buildings of Type II or V construction and 4,000 square feet or less in floor area not located within Earthquake Fault Zones or Seismic Hazard Zones as shown in the most recently published maps from the California Geological Survey (CGS) or in seismic hazard zones as defined in the Safety Element of the local General Plan.
3. Nonstructural alterations.
4. Structural repairs for other than earthquake damage.
5. Incidental structural additions or alterations.

(b) Three copies of site data reports shall be furnished to the Office for review and evaluation prior to the submittal of the project documents for final plan review. Site data reports shall comply with the requirements of these regulations and Part 2, Title 24. Upon the determination that the investigation of the site and the reporting of the findings was adequate for the design of the project, the Office will issue a letter stating the site data reports are acceptable.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7.117. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

**7-118. Building Energy Efficiency Program.** Healthcare facility projects that consist of a newly constructed building or an addition that increases floor area and conditioned volume requires compliance with Title 24, Part 6, *California Energy Code*.

**7-119. Functional Program.**

**(a) General.**

1. **Functional program requirement.** The owner or legal entity responsible for the outcome of the proposed health care facility design and construction project shall be responsible for providing a functional program to the project's architect/engineer and to the Office. The requirement applies to all scopes and disciplines of the project that affect patient care directly or indirectly, by means of new construction, additions, or modifications to specific hospital departmental functions which form an integral part of the facility. Projects that only involve equipment replacement, fire safety upgrades, or renovations that will not change the occupancy, function, or use of existing space shall not require a functional program.

**2. Functional program purpose.**

- A. An owner-approved functional program shall be made available for use by the design professional(s) in the development of project design and construction documents, and shall be submitted to the Office, at the time of application for plan review, to serve as a reference for the review of the application documents.
- B. Revisions to the functional program shall be documented and a final updated version shall be submitted to the Office prior to approval of the construction documents.
- C. The facility is encouraged to retain the functional program with other design data to facilitate future alterations, additions, and program changes.

### 3. Nomenclature in the functional program.

- A. The names for spaces and departments used in the functional program shall be consistent with those used in the *California Building Code*. If acronyms are used, they should be defined clearly.
- B. The names and spaces indicated in the functional program shall also be consistent with those used on submitted floor plans.

(b) **Functional program executive summary.** An executive summary of the key elements of the functional program shall be provided and, at a minimum, shall include the following narrative:

#### 1. Purpose of the project.

- A. The narrative shall describe the services to be provided, expanded, or eliminated by the proposed project.
- B. The narrative shall describe the intent of the project and how the proposed modifications will address the intent.

#### 2. Project type and size.

- A. The type of health care facility(ies) proposed for the project shall be identified as defined by the *California Building Code*.
- B. Project size in square footage (new construction and renovation) and number of stories shall be provided.

#### 3. Construction type/occupancy and building systems.

A. **New construction.** If the proposed project is new construction that is not dependent on or attached to an existing structure, the following shall be included:

- (1) A description of construction type(s) for the proposed project.
- (2) A description of proposed occupancy(ies) and, if applicable, existing occupancy(ies).
- (3) A description of proposed engineering systems.
- (4) A description of proposed fire protection systems.

B. **Renovation.** For a project that is a renovation of, or addition to, an existing building, the following shall be included in the project narrative:

- (1) A description of the existing construction type and the construction type for any proposed renovations or additions shall be described.
- (2) A general description of existing engineering systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.

- (3) A general description of existing fire protection systems serving the area of the building affected by the proposed project and how these systems will be modified, extended, augmented, or replaced by the proposed project.

(c) **Functional program content.** The functional program for the project shall include the following:

1. **Purpose of the project.** The physical, environmental, or operational factors, or combination thereof, driving the need for the project and how the completed project will address these issues shall be described.

#### 2. Project components and scope.

- A. The department(s) affected by the project shall be identified.
- B. The services and project components required for the completed project to function as intended shall be described.

3. **Indirect support functions.** The increased (or decreased) demands throughout, workloads, staffing requirements, etc., imposed on support functions affected by the project shall be described. (These functions may or may not reside adjacent to or in the same building or facility with the project.)

4. **Operational requirements.** The operational requirements, which include but are not limited to the following, shall be described:

- A. Projected operational use and demand loading for affected departments and/or project components.
- B. Relevant operational circulation patterns, including staff, family/visitor, and materials movement.
- C. Departmental operational relationships and required adjacencies

5. **Environment of care requirements.** The functional program shall describe the functional requirements and relationships between the following environment of care components and key elements of the physical environment:

A. **Delivery of care model (concepts).** This shall include:

- (1) A description of the delivery of care model, including any unique features.
- (2) A description of the physical elements and key functional relationships necessary to support the intended delivery of care model.

B. **Patients, visitors, physicians, and staff accommodation and flow.** Design criteria for the following shall be described:

- (1) The physical environment necessary to accommodate facility users and administration of the delivery of care model.

3. Initial draft of the Memorandum of Understanding (MOU) proposed, defining roles and accountability of the participants.

**Authority:** Health and Safety Code Section 18929 and 129675–130070

**Reference:** Health and Safety Code Section 129850

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-121. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

### 7-123. Preliminary plans and outline specifications.

(a) The governing board or authority or their designated representative may submit preliminary plans and outline specifications to the Office for review prior to submittal of the final construction documents.

(b) The Office's review of the preliminary plans and outline specifications shall be limited to the content of the preliminary plans and outline specifications submitted. A copy of the marked-up preliminary plans and outline specifications or of the approved preliminary plans and outline specifications shall accompany the submittal of the final construction documents.

**Authority:** Health and Safety Code Section 18929 and 129675–130070

**Reference:** Health and Safety Code Section 129850

### 7-125. Final review of construction documents.

(a) Final construction documents shall be submitted in accordance with Section 107, Part 2, Title 24. Final construction documents that are incomplete shall be returned to the applicant for completion prior to acceptance by the Office for plan review.

(b) Local government entity zoning approvals or clearances shall be furnished to the Office, when applicable, prior to approval of the final construction documents by the Office.

(c) When the Office finds items on the final construction documents that do not comply with these regulations and/or applicable sections of the *California Building Standards Code*, the noncomplying items shall be noted in writing with a proper code citation. The marked-up set of construction documents will be returned to the architect or engineer in responsible charge. A set of prints from corrected construction documents shall be filed for backcheck when the original check or subsequent backchecks(s) indicates that extensive changes are necessary. Where necessary corrections are of a minor nature, corrected original construction documents may be filed for backcheck. The architect or engineer in responsible charge must provide a written response to all comments made by the Office. The written response must include a description and a location of the corrections made to the construction documents. The written response may be provided as a letter, or may be provided as responses written directly on the marked-up set of drawings. Changes in construction documents, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of the Office in writing or by submission of revised construction documents identifying those changes. Failure to give such notice voids any subsequent approval given to the construction documents.

(d) The Office's approval of the final construction documents shall be in accordance with Section 107.3.1, Part 2, Title 24.

(e) **Changes in scope.** Changes to the scope of the original project shall be required to be submitted as a separate project.

**Exception:** At the discretion of the Office, changes in scope may be allowed in the original project. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-125. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHPD 7/96) 1996 Annual Code Adoption Cycle will amend Section 7-125, of Part 1, Title 24, C.C.R. Filed with the secretary of state on March 4, 1997; effective April 3, 1997. Approved by the California Building Standards Commission on February 6, 1997.

### 7-126. Deferred submittals.

(a) **Conditions.** Where a portion of the design cannot be fully detailed on the approved construction document because of variations in product design and manufacture, the approval of the construction documents for such portion may be deferred until the material suppliers are selected under the following conditions:

1. The construction documents clearly describe the deferred submittals that shall be approved by the Office prior to fabrication and installation for the indicated portions of the work.
2. The construction documents fully describe the performance and loading criteria for such work.
3. After the construction documents are approved and within 30 calendar days after commencement of construction, the architect or engineer in responsible charge shall submit a schedule to the Office indicating when the deferred submittals will be submitted to the Office for review.

**Exception:** Seismic Force Resisting System (SFRS), Primary Gravity Load Resisting System (PGLRS) and stairs shall not be deferred.

(b) **Submittal process and notation.** Submittal documents for deferred submittal items shall be submitted to the architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, for review prior to submittal to the Office. The architect or engineer to whom responsibility has been delegated for preparation of construction documents, as listed on the application, shall review and forward submittal documents for deferred submittal items to the Office with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the project.

(c) **Stamping and signing.** Stamping and signing of deferred submittals shall comply with Section 7-115(a) and (b).

(d) **Fabrication and installation.** The deferred submittal items shall not be fabricated or installed until their design and submittal documents have been approved by the Office.

(e) **Limitations.** The Office shall have sole discretion as to the portions of the design that may be deferred.

#### 7-127. Projects exempt from plan review process.

(a) The Office may exempt from the plan review process construction or alteration projects for hospitals, skilled nursing facilities and intermediate care facilities, if the project meets the following criteria:

1. The estimated construction cost is \$50,000 or less. For the purpose of determining eligibility for exemption from the plan review process, the estimated construction cost excludes imaging equipment costs; design fees; inspection fees; off-site work; and fixed equipment costs, including but not limited to sterilizers, chillers and boilers.
2. The construction documents are stamped and signed pursuant to Section 7-115(a) and (b).
3. The entire project or an element of the project shall not pose a clear and significant risk to the health and safety of the patients, staff or public.

(b) Projects subdivided into smaller projects for the purpose of evading the cost limitation requirement shall not be exempt from the plan review process. (c) All requirements of Article 4, Construction must be met, except Section 7-135(a)1.

#### 7-128. Work performed without a permit.

(a) **Compliance examination.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office when review, permitting and/or observation is required, and without the exemption by the Office provided for in Section 7-127, shall be subject to examination by the Office to assess relevant code compliance.

1. Whenever it is necessary to make an inspection to enforce any applicable provision of the *California Building Standards Code* or the Alfred E. Alquist Hospital Facilities Seismic Safety Act, or the Office, or its authorized representative, has reasonable cause to believe that there exists in any building or upon any premises any condition or violation of any applicable building standards that makes the building or premises unsafe, dangerous, or hazardous, the Office or its authorized representatives may enter the building or premises at any reasonable time for the purpose of inspection and examination authorized by this chapter.
2. Examination by the Office may include, but is not limited to:
  - A. Review of existing plans;
  - B. Site visit(s) as necessary to assess the extent of unpermitted work;
  - C. Inspection of work for the purpose of determining compliance including destructive demolition as necessary in accordance with *California Building Code* Section 110.1 including the removal and/or replacement of any material required to allow inspection, and potentially destructive testing needed to demon-

strate compliance with the *California Existing Building Code*; and

D. Participation in a predesign conference with architects/engineers to resolve code issues relevant to the corrective or remedial work necessary.

(b) **Plan review.** Construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting and/or observation by the Office, and construction or alteration found in violation of any applicable section of the *California Building Standards Code* during examination, shall be brought into compliance with the current enforceable edition of the *California Building Standards Code*. Application for Office review of construction documents and reports for the construction or alteration and corrective work necessary to remedy any violations, unsafe, dangerous, or hazardous conditions, shall be made in accordance with Sections 7-113 through 7-126. The construction documents and reports shall be prepared under an architect or engineer in responsible charge pursuant to Section 7-115 and shall clearly and separately delineate the following:

1. Portions of the building or structure that existed prior to the unpermitted construction or alteration;
2. The unpermitted construction or alteration work that is proposed to remain, including all associated dimensions, assemblies, specifications and details; and
3. New corrective or remedial work necessary to bring the unpermitted construction or alteration work into compliance with all applicable parts of the current *California Building Standards Code*.

(c) **Construction observation.** The construction, inspection and observation of any construction or alteration of any health facility, governed under these regulations, previously performed without the benefit of review, permitting, and/or observation, and of any new corrective or remedial work deemed necessary by the Office, shall be in accordance with Article 4 of this Chapter. The Office shall make such observation as in its judgment is necessary or proper for the enforcement of these regulations and all applicable parts of the *California Building Standards Code*. Any violations found in existing, previously constructed or altered, or new corrective or remedial work shall be corrected as required under *California Building Code* Section 110.6.

(d) **Fees.** Fees associated with compliance examination, plan review and field observation shall be in accordance with the following:

1. The fee for examination shall be the Office's actual costs associated with:
  - A. Field investigation and Office support as described in Section 7-128(a)2; and
  - B. Legal and administrative costs associated with documentation and reporting of violations of licensing statutes and/or pursuing claims of misconduct with the relative Departments and Boards, including but not limited to:
    - 1) The California Department of Public Health;
    - 2) The California Architects Board;



ment in full is received by the Office for the invoiced fee amount.

6. The Office may, but is not required to, provide plan review, field observation and other services for projects or processes with incomplete applications. The Office may, at its discretion, cease work on any project or process until the relevant application is deemed complete. The Office may, at its discretion, prioritize projects or processes with complete applications before projects or processes with incomplete applications, and may allocate resources for the plan review or process based upon the date that each respective application is deemed complete.

If the Office, as a courtesy, provides plan review, field observation or other services for a project or process with an incomplete application, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes with incomplete applications until the applications in question are deemed complete; and/or (c) pursue any and all legal remedies for collection of monies owed.

7. Upon completion of all work in accordance with the approved construction documents and receipt of all required verified compliance reports and testing and inspection reports, the Office will grant final approval of the work when all remaining fees based on the actual construction cost, if any, have been paid to the Office. The actual construction cost for a project shall be determined as follows:

- A. The hospital governing board or authority shall submit the actual construction cost for a project as part of the final approval of the work.
- B. In the event that the Office believes that a project's actual construction cost may be understated, the Office may request that the hospital governing board or authority provide supplemental documentation to substantiate the actual construction cost. This supplemental information may include, but is not limited to, executed construction contracts, paid invoices, approved change orders, cancelled checks, etc.
- C. If, upon review of the supplemental information, the Office determines that reasonable grounds exist to find that the actual construction cost is understated, the Office may provide the hospital governing board or authority in question an opportunity to participate in a formal conference and/or present additional evidence before a final determination as to the validity of the actual construction cost is made.
- D. The Office will make a final determination as to the validity of the actual construction cost after considering all of the evidence on record, including the formal conference and/or any supplemental information provided by the hospital governing board or authority.

- E. In the event that the Office makes a final determination that the actual construction cost is understated, the Office may deem the project as noncompliant with the Alfred E. Alquist Hospital Facilities Seismic Safety Act until the hospital governing board or authority either: (a) revises the actual construction cost to the Office's reasonable satisfaction, or (b) produces further supplemental information to substantiate the actual construction cost to the Office's reasonable satisfaction. A notice of denial will be provided to the hospital governing board or authority in writing and may be appealed to a Hearing Officer consistent with Article 5.5.

The Office may, but is not required to, provide a final construction inspection, field observation, issue a certificate of occupancy or other services for projects or processes for which all fees have not been paid. The Office may, at its discretion, cease work on any project or process until all remaining fees have been paid to the Office's satisfaction in accordance with Section 7-155. The Office may, at its discretion, prioritize projects or processes for which all remaining fees have been paid, before projects or processes for which outstanding fees are owed the Office and may allocate resources for its services based upon the date that all outstanding fees for each respective project or process has been paid to the Office's satisfaction.

If the Office, as a courtesy, provides a final construction inspection, field observation, certificate of occupancy, or other services for a project or process for which remaining fees have not been paid, it shall not be deemed a waiver of the Office's right to: (a) cease or postpone work on the project or process in question at a future date; (b) cease or postpone work on other projects or processes in noncompliance until the remaining fees have been paid to the Office's satisfaction; and/or (c) pursue any and all legal remedies for collection of monies owed.

(b) The fee for submitting an amended seismic evaluation report or compliance plan is \$250. The fee for review and approval of the amended report or compliance plan shall be subject to Section 7-133(a)1A above.

(c) The fee for submitting an application for extension to seismic compliance is \$250. The fee for review and approval or granting of a seismic extension shall be subject to Section 7-133(a)1A above.

(d) **Preliminary review.** The fee for review of preliminary plans and outline specifications pursuant to Section 7-121 is 10 percent of the fee indicated in Section 7-133(a) and shall be due upon the submission of preliminary plans and outline specifications. The preliminary review fee is nonrefundable and shall be deducted from the application fee specified in Section 7-133(a).

(e) **Incremental projects.** The fee for incremental projects pursuant to Section 7-131 is based upon the estimated construction cost of each increment, as calculated in accordance with Section 7-133(a), and shall be due upon the submission of the construction documents of each construction

increment. The final fee shall be based upon the determination of the final actual construction cost of all increments in accordance with Section 7-133(a).

(f) **Annual permit for hospital projects.** A hospital may choose to apply for an annual permit for one or more small projects of \$50,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$500.00 is due upon submittal of the annual permit and is in lieu of an application filing fee specified in (a) of this Section.

(g) **Annual permit for skilled nursing facility projects.** A skilled nursing facility may choose to apply for an annual permit for one or more small projects of \$25,000 or less in cumulative total estimated construction cost. The annual permit is applicable to only the project(s) submitted within the state's fiscal year in which the Office issues the annual permit. An application filing fee of \$250.00 is due upon submittal of the annual permit and is in lieu of an application filing fee, as specified in (a) of this Section.

(h) **Phased submittal review and collaborative review.**

1. The fee for phased submittal, review and approval pursuant to Section 7-130 shall be in accordance with Section 7-133(a) 1 through 7. A nonrefundable fee of 10 percent of the fee indicated in Section 7-133(a) shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or fees pursuant to Section 7-133(e) for incremental phased reviews.
2. The fee for collaborative review shall be 1.95 percent of the estimated construction cost as calculated in accordance with Section 7-133(a) 4 through 7. A nonrefundable fee of 10 percent of the fee indicated in Section 7-133(a) shall be due upon approval of the written agreement and shall be deducted from the application fee specified in Section 7-133(a) or for incremental collaborate reviews Section 7-133(e).

(i) **Geotechnical/Geohazard reports.** The fee for review of a geotechnical/geohazard report shall be \$5,000.00.

(j) **Deferral of fee payment for disaster-related projects.**

1. A health facility may request to defer payment of the filing fee, as described in this section, for up to one year, for a construction or alteration project to repair damage resulting from an event which the governor has declared as a disaster. The request for payment deferral must be submitted to the Office, in writing, and accompany the application for plan review. The request may be on a form, as provided by the Office, or other written format and shall identify the facility name, project number, estimated construction cost and shall certify to the following:
  - A. The repair project is necessary due to damage sustained by the [name of the specified event] which was declared to be a disaster by the governor on [date of the declaration].
  - B. The facility cannot presently afford to pay the filing fee.

C. On [date of application], the health facility applied for federal disaster relief from the Federal Emergency Agency (FEMA) with respect to the disaster identified in this request.

D. The facility expects to receive financial assistance within one year of the date of the application for disaster relief.

Payment deferral requests shall be signed by the health facility's chief executive officer or chief financial officer.

2. Within ten business days of receipt of a facility's payment deferral request, the facility will be given written notice by the deputy director either approving or denying the deferral of the project plan review fee. Incomplete requests will be returned to the facility by facsimile within five business days, accompanied by a statement describing what is needed for the request to be complete.
3. If the deferral request is denied by the deputy director, the health facility may appeal this decision to the director of the Office. The appellant must submit a written appeal to the Office within ten business days of receipt of the denial. If an appeal is not received by the Office within the ten business days, the project will be returned to the health facility as incomplete.
4. The plan review fees deferred under this section shall be due and paid in full by the applicant facility within one year from the date of the Office's approval of the project plans. Failure to submit the deferred fee payment will result in an offset against any amount owed by the state to the health facility.

(k) **Seismic examination.** The Office shall charge actual costs for the seismic examination of the condition of a hospital building upon written request to the Office by the governing board or authority of any hospital, pursuant to Section 129835 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each application pursuant to Health and Safety Code Section 129785(a). The total cost paid for these services shall be nonrefundable.

(l) **OSHPD Special Seismic Certification preapproval (OSP).** The Office shall charge for actual review time of new and renewal OSPs at prevailing hourly rates applicable for the review personnel. In addition, the minimum filing fee of \$250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(m) **OSHPD Preapproval of Manufacturer's Certification (OPM).** The Office shall charge for actual review time of the OPM at prevailing hourly rates applicable for the review personnel, pursuant to Section 129895 of the Health and Safety Code. In addition, the minimum filing fee of \$250.00 shall apply to each new and renewal application, pursuant to Section 129785(a) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(n) **Work performed without a permit.** Fees associated with examination, plan review, and construction observation for construction or alteration of any health facility, governed under these regulations, performed without the benefit of review, permitting, and/or observation by the Office, and with-

out the exemption by the Office provided for in Section 7-127, shall be determined in accordance with Section 7-128(d).

(o) **SPC-1 hospital building seismic compliance extensions.** The Office shall charge actual costs to cover the review and verification of the extension documents submitted, pursuant to Section 130060(g) of the Health and Safety Code. The total cost paid for these services shall be nonrefundable.

(p) **Alternate Method of Compliance.** The fee for an Alternate Method of Compliance/Protection (AMC) application is \$250.00. In addition, the Office shall charge actual costs for review of AMCs involving examination on the condition of any hospital building, including but not limited to review for equivalency to the California Building Standards Code. The total cost paid for these services shall be nonrefundable.

(q) **Amended Construction Documents.** The fee for submittal and review of Amended Construction Documents shall be as follows:

1. **Additional Costs.** The minimum filing fee for Amended Construction Documents which result in additional construction costs shall be \$250.00.
2. **Cost Reductions.** The minimum filing fee for Amended Construction Documents with cost reductions or no cost shall be \$500.00.

**Exception:** Projects that have been submitted and approved using the Collaborative Review Process shall have a minimum filing fee of \$250.00.

3. **Review by Examination.** The filing fee for Amended Construction Documents with a change in scope, as defined in Section 7-153(d) exception, shall be \$250.00. In addition, the Office shall charge actual costs associated with the examination and review of such documents.

The filing fees established in this subsection are nonrefundable.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129785 and 129850.

#### **HISTORY:**

1. (OSHDP 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-133. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.
2. (OSHDP/EF 1/91) Emergency order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as an emergency order with the secretary of state September 25, 1991; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on September 20, 1991.
3. (OSHDP/EF 1/91) Permanent order by the Office of Statewide Health Planning and Development to amend Section 7-133, Part 1, Title 24, California Code of Regulations. Filed as a permanent order with the secretary of state February 25, 1992; effective September 25, 1991. Approved as an emergency by the California Building Standards Commission on February 24, 1992.

#### **7-134. Fee refund**

(a) Upon written request from the applicant, a fee refund may be issued pursuant to this section.

1. The written refund request must be submitted to the Office within:

a. One year from the date that a Certificate of Occupancy or a Certificate of Substantial Compliance is issued by the office,

b. One year from the date the project is withdrawn by the applicant, or

c. One year from the date when an application may become void, based on the requirements of Section 7-129, Time Limitations for Approval.

2. No refund shall be issued before the date the project is closed or withdrawn or the application is voided.

3. If delinquent fees are owed to the Office for any health facility construction project at the subject facility, no refund shall be issued until the delinquent fees are paid.

4. Refunds, pursuant to Section 7-134, shall be exclusive of the \$250 filing fee.

5. Refunds shall be calculated pursuant to Sections 7-134 (b) or (c).

(b) Refunds for projects that are completed. If the estimated construction cost of a project exceeds the actual construction cost by more than five percent (5%), the excess portion of the fees paid pursuant to Section 7-133(a)(1) or (2) shall be refunded to the applicant health facility. The refund amount shall be computed based on the amount by which the estimated cost exceeds the actual construction cost.

**Exception:** The Office will not issue a refund if the applicant did not complete construction of at least 75% of the square footage included in the original approved construction documents for the project, or if the applicant reduces the scope of the project shown on the original approved plans by more than 25%.

(c) Refunds for projects that are withdrawn or cancelled. A portion of the fees paid to the Office, pursuant to Section 7-133, may be refunded to the applicant under the following specified circumstances:

1. If the applicant withdraws a project prior to commencement of plan review, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.

2. If the applicant withdraws a project after commencement of plan review and prior to commencement of construction, 30% of the fee submitted for that project shall be refunded to the applicant.

3. If the applicant cancels a project after commencement of construction, the Office shall not issue a refund.

4. If a project submitted under an annual permit is withdrawn by the applicant, the \$250 filing fee shall not be refunded by the Office.

5. If fees are paid for a project that is determined by the Office to be exempt from the plan review process or otherwise not reviewable under the Office's jurisdiction, the total fee, exclusive of the \$250 filing fee, shall be refunded to the applicant.

(d) If the applicant is able to demonstrate extraordinary circumstances, the Director of the Office may authorize refunds in addition to those specified above.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129785.

## ARTICLE 4 CONSTRUCTION

### 7-135. Time of beginning construction.

(a) Construction shall not commence until the health facility has applied for and obtained from the Office:

1. Written approval of the construction documents.
2. A building permit.
3. Written approval of the testing, inspection and observation program.
4. Written approval of the inspector of record for the project pursuant to Section 7-212(a).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-135. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

### 7-137. Notice of start of construction.

(a) As soon as a contract has been awarded, the governing board or authority of the health facility shall provide to the Office, on a form provided by the Office, the following:

1. Name and address of the contractor.
2. Contract price.
3. Date on which contract was awarded.
4. Date of construction start.

**Authority:** Health and Safety Code Sections 127015, 129785 and 129850; and Government Code, Section 11152.

**Reference:** Health and Safety Code Section 129785.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-137. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

### 7-139. Notice of suspension of construction.

(a) When construction is suspended for more than two weeks, the governing board or authority of the hospital shall notify the Office in writing.

(b) If the work of construction is suspended or abandoned for any reason for a period of one year following its commencement, the Office's approval shall become void. The Office may reinstate the approval as described in Section 7-129(c).

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

**HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-139. Filed with the secretary of state on August 14, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

### 7-141. Administration of construction.

(a) The administration of the work of construction, including the testing, inspection and observation program, shall be

under the responsible charge of an architect and structural engineer. When a structural engineer is not substantially involved, the architect shall be solely responsible. Where neither structural nor architectural elements are substantially involved, a mechanical or electrical engineer registered in the branch of engineering most applicable to the project may be in responsible charge.

(b) All architects and engineers to whom responsibility has been delegated for preparation of construction documents as listed on the application shall observe the work of construction for their portion of the project. They shall consult with the architect or engineer in responsible charge in the interpretation of the approved construction documents, the preparation of changes to the approved construction documents and deferred submittals and the selection of approved agencies.

(c) The architect or engineer in responsible charge or having delegated responsibility may name one or more persons to act as alternate(s) for observation of the work of construction provided such persons are architects or engineers qualified under these regulations to assume the responsibility assigned.

(d) The architect and/or engineer in responsible charge of the work shall prepare and administer a testing, inspection and observation program which shall be submitted to the Office for approval prior to the issuance of the building permit.

(e) The testing program shall identify materials and tests to be performed on the project. The approved agency and/or individual(s) to perform each of the required tests shall also be identified. The testing program shall include, at a minimum, those tests required by applicable sections of the *California Building Standards Code*.

(f) The inspection program shall include a completed application for inspector(s) of record for the project. If a project has more than one inspector of record, the distribution of responsibilities for the work shall be clearly identified for each inspector of record.

(g) The inspection program shall also identify all special inspections to be performed on the project along with approved agency and the individual(s) to perform the inspections. The special inspections shall include, at a minimum, those special inspections required by applicable sections of the *California Building Standards Code*.

(h) The observation program shall identify each design professional that must, through personal knowledge as defined in Section 7-151, verify that the work is in compliance with the approved construction documents.

(i) The design professionals, contractor or owner/builder, approved agency, and the inspector(s) of record shall verify that the work is in compliance with the approved construction documents in accordance with the requirements for personal knowledge as it applies to each participant. The program shall give specific intervals or project milestones at which such reporting is to occur for each affected participant. Each required observation report shall be documented by a Verified Compliance Report form prepared by each participant and submitted to the Office.

materials used and installed are in accordance with the construction documents.

2. Set forth detailed statements of fact as are required by the Office.

(b) Personal knowledge as applied to the licensed architect or engineer or both, shall be in accordance with Health and Safety Code (H&SC) Section 129830. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(c) Personal knowledge as applied to the IOR, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the inspector. Knowledge that is obtained from the reporting of others as referred to in this H&SC section applies to individuals who have personal knowledge for the specific project.

(d) Personal knowledge as applied to the contractor, shall be in accordance with Health and Safety Code (H&SC) Section 129830 as applied to the contractor.

(e) Personal knowledge, as applied to the approved agency, means the knowledge that is obtained from testing, special inspections and reports prepared in accordance with the CBC Section 1704.2.4 or 1704A.2.4 and these regulations.

(f) Verified compliance reports shall be submitted to the Office at the intervals or stages of the work as stated in the approved testing, inspection and observation program. In no case shall the submittal of verified compliance reports be less than:

1. One copy prepared and signed by each required participant or discipline at the completion of the work.
2. One copy prepared and signed by any participant or discipline at any time a special verified compliance report is required by the Office.

(g) The architect or engineer in responsible charge of the work shall be responsible for ensuring all required verified compliance reports are submitted to the Office.

**Authority:** Health and Safety Code Sections 127015 and 129850.

**Reference:** Health and Safety Code Sections 129675–129998.

#### **HISTORY:**

1. (OSHPD 2/95) Regular order by the Office of Statewide Health Planning and Development to amend Section 7-151. Filed with the secretary of state on August 4, 1996, becomes effective September 13, 1996. Approved by the California Building Standards Commission on March 19, 1996.

#### **7-152. Replacement of an architect, engineer, inspector of record, Approved Agency, special inspector or contractor.**

(a) When replacing any of the listed individuals and/or approved agency the following shall be submitted to the Office:

1. Prior to plan approval
  - A. Revised application(s) listing the new responsible individual(s) and/or approved agency.

2. Following construction document approval

- A. Revised application(s) listing the new responsible individual(s) and/or approved agency.
- B. An initial report, prepared by the new responsible individual(s) and/or approved agency, based on field observation(s) that the work performed and materials used and installed to date are in accordance with the project's construction documents. Any observed issues of nonconformance shall be listed in the report. The new individual(s) and/or approved agency shall be responsible for verification of project compliance, pursuant to Section 7-151, for the remainder of the project.
- C. A final verified report from the individual(s) and/or approved agency being replaced.

**Exception to (C):** In the event that the individual(s) and/or approved agency being replaced refuse to, or cannot provide a final verified report, the owner shall submit a letter to the Office verifying that the work performed and materials used and installed are in accordance with the project's construction documents. The letter shall also list the reason the verified report could not be obtained.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-153. Changes to the approved work.**

(a) **Changes in the work.** Work shall be executed in substantial conformance with the construction documents approved by the Office. Changes in the work shall be made by amended construction documents approved by the Office. Changes in the work include, but are not limited to, the following: Correction of errors in design and/or construction to bring the construction documents and/or construction into compliance with applicable codes; change(s) in the scope of the work; and additional work required because of discovered conditions. Only changes that materially alter the work shall be submitted to the Office for review and approval as amended construction documents.

1. **Amended construction documents.** Changes or alterations of the approved construction documents shall be made by means of amended construction documents. Amended construction documents shall be submitted with a form provided by the Office and shall state the reason for the change, and show the estimated or actual addition to or deduction from the current, estimated or actual, contract amount. The form shall be signed by the architect or engineer, or delegated architect or engineer as allowed by Section 7-115, and shall be accompanied by supplementary construction documents, when necessary. The construction documents shall be stamped and signed pursuant to Section 7-115. All changes shall be clearly described. Two copies of the form and construction documents shall be submitted for review and approval by the Office. All amended construction documents shall be approved by the Office prior to installation of the work.

2. **Emergencies.** Emergency changes in the work relating to the safety of persons at the construction site may be made immediately. Such emergency changes shall be documented by subsequent amended construction documents and may require modification to comply with these regulations.

(b) **Changes that do not materially alter the work.** The following types of changes in the work do not materially alter the work and do not require the submission of amended construction documents to the Office:

1. Clarification and interpretation of plans and specifications by the responsible design professional.

**Note:** If calculations by the structural engineer in responsible charge, or by the delegated structural engineer, are necessary to determine structural or nonstructural adequacy, an amended construction document submittal must be made to the Office for review.

2. Construction means and methods, such as construction sequencing, coordination of the work, and methods of assembly/construction. Construction means and methods do not include work that would require Alternate Method of Compliance or an Alternate Means of Protection.

**Note:** Temporary construction, such as temporary exiting, temporary air handlers, temporary bulk oxygen tanks, or temporary shoring supporting an occupied building under Office jurisdiction are not considered means and methods and thus would require a separate permit or the submittal of an amended construction document to the Office for review.

3. Substitution of equipment, products, or materials. The equipment, product or material substituted must be code compliant; perform the same function as the equipment, product, or material that it is replacing; must not increase the mechanical or electrical loads to the building systems; must not increase loads to lateral or gravity load-bearing structural frame members; and must meet the design requirements for the project.

**Note:** Changing from one kind of equipment, product or material to another, such as changing from drilled-in concrete anchors to concrete screw anchors or changing the top-of-wall fire-resistive material/design are not considered substitutions and require the submittal of an amended construction document to the Office for review. If calculations by a structural engineer are necessary to determine structural or nonstructural adequacy, an amended construction document must be submitted to the Office for review.

4. New details that are based on other approved details, in whole or in part, including referenced standards or pre-

approved details. Reference to the approved details must be shown.

5. Final routing configurations of ducts, conduits, pipes, etc., where these are shown diagrammatically on the approved plans.

**Note:** Submittal of an amended construction document will be required when additional fire/smoke dampers, non pre-approved seismic fittings, or specially engineered braces or hangers are necessary to accommodate the final configuration or routing.

6. Dimensional changes to rooms that do not affect code required minimum dimensions, fixed dimensions, minimum room or space requirements and required clearances.

**Note:** Applicable code sections and minimum dimension and space requirements must be shown on plans for confirmation by Office field staff.

7. Relocation of doors, windows, electrical switches and outlets, plumbing fixtures, etc., that do not require additional changes to the work to make the relocation code compliant.

8. Relocation or reconfiguration of cabinetry that does not affect code required minimum dimensions and clearances, minimum room or space requirements, or minimum storage requirements. Such cabinetry reconfiguration shall not increase loads to supporting members, such as wall studs and ceiling framing.

**Note:** Applicable code sections and minimum dimensions and space requirements must be shown on plans for confirmation by Office field staff.

If the architect or engineer in responsible charge of a project determines that changes to the approved construction documents are necessary that do not materially alter the work, all such changes shall be stamped and signed by the appropriate design professional(s) pursuant to Section 7-115. All changes in the work are subject to concurrence of the Office field staff as to whether or not the change materially alters the work.

(c) **Code compliance.** Changes in the work that do not require amended construction documents shall not be deemed to grant authorization for any work to be done in violation of the provisions of any applicable code.

(d) **Changes in scope.** Amended construction documents that change the scope of the original project shall be required to be submitted as a separate project. ||

**Exception:** At the discretion of the Office, changes in scope may be submitted as amended construction documents. The Office may require the documents to be reviewed as an examination subject to fees required by Section 7-133(q)(3). |||<

(e) **Documentation of changes.** The architect or engineer in responsible charge shall maintain a log of all changes to the work of construction. The log shall indicate whether the Office has made a determination as to whether each change

3. Possess a valid California registration/license as a structural, mechanical or electrical engineer, or a valid California license as an architect; or
4. High school graduation or the equivalent, two years' experience involving building projects of Type I or II construction as an architect's, engineer's, owner's, local building official's or general contractor's representative in technical inspection of major structural and nonstructural systems and components of buildings, and possession of valid certification in all of the following four categories:
  - International Code Council (ICC) certification as a California Commercial Building Inspector (I1),
  - International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2),
  - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector,
  - International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector.

**(c) Minimum qualifications for Class "C" Hospital Inspector Exam:**

1. High school graduation or the equivalent and four years experience involving commercial or institutional building projects as the representative in testing, inspection or observation of construction for an architect, engineer, owner, local building official, local fire authority, testing lab, specialty contractor or general contractor and must possess valid certification issued by an organization specified in 4 below.

[Note: Experience in subsection (c)(1) may be substituted with college education with major work in architecture, engineering, building inspection and/or construction on a year-for-year basis for a maximum of two years.]; or

2. Possess a valid California registration/license as an engineer and two years experience involving building projects as an architect's, engineer's, owner's, local building official's, local fire authority's, specialty contractor's or general contractor's representative in testing inspection or observation of construction and must possess at least one valid certificate issued by an organization that is listed or described in (c)(4); or
3. Possess a valid California registration/license as a civil, mechanical or electrical engineer, or a valid California license as an architect and must possess at least one valid certificate issued by an organization specified in (4).
4. In addition to the experience requirements described in (c)1, 2 or 3 above, the applicant must have certification corresponding to the Class C certification sought as follows:
  - Accessibility – Division of the State Architect Certification as a Certified Access Specialist (CASp)
  - Anchorage/Bracing of Nonstructural Components – Certification to be administered by the Office

Electrical – International Code Council (ICC) certification as a California Commercial Electrical Inspector (I2)

Fire Alarm – National Institute for the Certification of Engineering Technologies (NICET) certification in "Fire Alarm Systems, Level III" or International Code Council (ICC) certification as a Commercial Fire Alarm Inspector (I2)

Fire Resistive Construction – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

Framing and Drywall – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

Inspection and Testing of Water Based Systems – National Institute for the Certification of Engineering Technologies (NICET) certification in "Inspection and Testing of Water Based Systems, Level III"

Mechanical – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Mechanical Inspector

Medical Gas Systems – National Inspection Testing Certification (NITC) Certification as Medical Gas Inspector 6020

Plumbing – International Association of Plumbing and Mechanical Officials (IAPMO) certification as a California Plumbing Inspector

Roofing – International Code Council (ICC) certification as a California Commercial Building Inspector (I1)

In addition to the certifications listed, the Office, at its sole discretion, may accept equivalent certification by other state- or nationally-recognized organizations.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

**7-206. Fees.**

(a) Fees required pursuant to subsection (b), shall be transmitted by credit card, money order, cashier check, certified check or personal check, and payable to the Office of Statewide Health Planning and Development.

(b) The prescribed fees relative to the Hospital Inspector Certification Program shall be specifically charged to the applicant to recover reasonable costs of administering the certification program. Fees shall be charged as follows:

Application review	\$100.00 (nonrefundable)
Exam for Class "A" Inspector Certification	\$300.00
Exam for Class "B" Inspector Certification	300.00
Exam for Class "C" Inspector Certification	100.00 (for each specialty certificate)
Recertification exam	100.00
Delinquency fee	100.00
Duplicate certificate	25.00

(c) An application review fee must accompany an application for a certification examination. This fee is nonrefundable.

(d) An exam fee shall be submitted by an applicant for a specified examination prior to participation in the examination.

(e) An applicant shall forfeit the exam fee if the applicant fails to appear for any portion of the exam for which the applicant is scheduled.

(f) If the Office has a need to reschedule an exam, a qualified applicant who has submitted the exam fee prior to the reschedule will be either reimbursed or credited for the exam fee amount.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

#### **7-207. Examination for certification.**

(a) Prior to receiving certification, the candidate shall take and pass an examination administered by the Office.

(b) The scope of the written certification examinations is as follows:

1. The examinations for Class “A” and “B” Hospital Inspectors will measure the applicant’s ability to read and understand construction documents; ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The test will be divided into sections covering the following code enforcement areas of construction inspection, where applicable: structural, architectural, mechanical, electrical, fire and life safety, and administrative.
2. The examination for Class “C” Hospital Inspectors will measure the applicant’s ability to identify and understand the application of various *California Building Standards Code* requirements; knowledge of appropriate inspector duties and ability to communicate in writing. The candidate’s inspection certification, pursuant to Section 7-204(c)(1) above, may be substituted for the technical aspect of the written certification examination for Class “C” Hospital Inspector.

(c) In order to be successful in the Class “A,” “B” or “C” certification exam, a candidate must obtain a passing score in each section of the written exam.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-208. Conduct relative to the examination.**

(a) An applicant or candidate who participates in any of the following acts before, during or after the administration of the examination, shall be disqualified by the Office and not be eligible for certification. The applicant shall not:

1. Violate any rules of the examination.
2. Bring unauthorized reference material or electronic device(s) into the examination room.
3. Copy any portion of the exam.
4. Participate in collusion regarding the exam.
5. Disclose the contents of the examination questions to anyone other than a person authorized by the Office.
6. Solicit, accept or compile information regarding the contents of the examination.

7. Falsify documents required for exam entrance.

(b) If an applicant is disqualified from the exam, it shall result in denial of the application and forfeiture of fees submitted to the Office as specified in Section 7-206.

(c) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period of time as determined by the Office, but not less than one year from the date of disqualification.

(d) An applicant, candidate or certified hospital inspector who is determined to have violated any of the provisions of Section 7-208(a) may be subject to suspension or revocation of certification in accordance with Section 7-214.

**Authority:** Health and Safety Code Sections 1275, 127010, 127015, 129680 and 129825.

**Reference:** Health and Safety Code Sections 129680 and 129825.

#### **7-209. Reexamination.**

(a) A candidate who has failed an examination may participate in a reexamination no sooner than six months from the exam previously taken by the candidate. In order to participate in a reexamination, the candidate must submit an application for a reexamination accompanied by the examination fee pursuant to Section 7-206.

(b) An applicant or candidate who is disqualified from an examination may not participate in an examination or reexamination for a period as determined by the Office, but not less than a period of one year from the date of disqualification.

(c) The applicant may refile for an examination by submitting an application, documents and fees pursuant to Sections 7-203 and 7-206.

(d) A candidate who passes all sections of the Class “A” or “B” exam except one, may retest in only that section. Failure to achieve a passing score on the retested section will be considered failure of the entire exam. The candidate may apply to retake the complete exam pursuant to subsections (a) and (b).

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129850.

#### **7-210. Issuance of certification.**

(a) If a candidate is successful in the certification or recertification examination, a certificate will be issued to the Hospital Inspector by the Office. Certificates will expire three years from the date of issuance with the following exception:

1. Certification may be revoked or suspended pursuant to Section 7-214.

(b) A duplicate certificate will be granted to a Hospital Inspector for replacement of an original certificate that is lost, destroyed or mutilated upon written request and payment of the duplication fee, as required in Section 7-206.

**Authority:** Health and Safety Code Sections 18929 and 129675–130070.

**Reference:** Health and Safety Code Section 129825.

#### **7-211. Renewal of a hospital inspector certificate.**

(a) A Hospital Inspector shall participate in a written recertification exam prior to the expiration of the certification in order to renew and maintain valid certification.

(b) To be eligible for the recertification exam, a Hospital Inspector shall maintain all certifications and prerequisites



## HISTORY NOTE APPENDIX FOR CHAPTER 7

### Administrative Regulations for the Office of Statewide Health Planning and Development (California Code of Regulations, Title 24, Part 1)

The format of the history notes has been changed to be consistent with the other parts of the *California Building Standards Code*. The history notes for prior changes remain within the text of this code.

1. (OSHDP 1/97) Regular order by the Office of Statewide Health and Planning and Development to amend Chapters 6 and 7 as a result of SB 1953. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.

2. (OSHDP-EF 1/98) Emergency order by the Office of Statewide Health Planning and Development to adopt administrative regulations specific to Hospital Inspector Citizenship/Alien Certification. Filed at the secretary of state on March 25, 1998; effective March 25, 1998. Approved by the California Building Standards Commission on March 18, 1998.

3. BSC 1997 Triennial Code Adoption Cycle (OSHDP 1/97, OSHDP 2/97, OSHDP 3/97). Approved by the California Building Standards Commission on May 6, 1998. Filed at the secretary of state's office on September 29, 1998, effective October 29, 1998.

4. Erratum to correct printing errors. Correction to Section 7-101 to change the date of the Alfred E. Alquist Act to 1983. Correction of grammatical error in Section 7-111. Publication date February 15, 2001.

5. (OSHDP 9/99) Testing, Inspection, and Observation Program. Various sections in Chapter 7. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.

6. (OSHDP 10/99) Filing Fee/Personal Knowledge Verified Reports. Amend Sections 7-103, 7-111, 7-113, 7-133, 7-151. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.

7. (OSHDP 3/99) Class C Hospital Inspector. Amend Sections 7-200, 7-204, 7-206. Approved as submitted by the California Building Standards Commission on May 24, 2000. Filed with the Secretary of State on June 8, 2000, effective July 7, 2000.

8. (OSHDP 01/01) 7-115 Preparation of Plans and Specifications. 7-152 Supplantation of an Architect, Engineer or Inspector of Record, Special Inspector or Contractor. Approved as submitted by the California Building Standards Commission on September 25, 2001. Filed with the Secretary of State on November 6, 2001, effective December 6, 2001.

9. October 1, 2002 Errata adding Number 8 above.

10. (OSHDP EF 01/02) Amend Chapter 6 and 7 of Part 1. Approved as emergency by the California Building Standards Commission on January 15, 2003, and filed with the Secretary of State on January 16, 2003. Effective January 16, 2003.

11. (OSHDP 4/02) Chapter 7, amend various sections. Safety Standards for Health Facilities. Article 3, Section 7-125, Final Review of Plans and Specification. Article 3, Section 7-129, Time Limitations for Approval. Article 4, Section 7-135, Time of Beginning Construction. Article 4, Section 7-141, Administration of Construction. Article 4, Section 7-155, Final Approval of the Work. Article 19, Section 7-203, Applying for the Certification Examination. Article 21, Section 7-2100 through 7-2106, Scope of Responsibilities. Approved by the Building Standards Commission on May 14, 2003 and effective June 13, 2003.

12. (OSHDP EF 01/02) Amend Chapters 6 and 7 of Part 1. Approved as permanent emergency by the California Building Standards Commission. Permanent approval on May 14, 2003. Certification of Compliance filed with the Secretary of State on May 15, 2003. Effective January 16, 2003.

13. (OSHDP 01/04) Amend Chapter 6, Article 1 for change in Seismic Performance Category nonconforming building. Amend Chapter 7, Article 3 for plan review, Article 4 for construction inspection, Article 5 for appeals to the Hospital Building Safety Board, Article 6 for contract services, Article 19 for certification of hospital inspectors, and Article 21 for fees for review of specified clinics. Filed with Secretary of State on May 23, 2006, and effective on the 30th day of filing with the Secretary of State.

14. (OSHDP 01/06) Amendments to administrative standards for the review and construction of health facilities: preparation of plans and specifications, Hospital Inspector certification, and plan review and inspection of outpatient clinics. Filed with the Secretary of State on February 15, 2007, and effective 30 days thereafter.

15. (OSHDP EF 01/07) Amend Title 24, Part 1, Chapter 7, Article 1, Article 2, Article 3, Article 20. Approved by the California Building Standards Commission on July 19, 2007. Filed with the Secretary of State on July 20, 2007, effective on January 1, 2008.

16. (OSHDP 01/07) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on July 17, 2008. Filed with the Secretary of State on July 18, 2008, and effective 30 days thereafter.

17. (OSHDP 04/09) Amend Chapter 7, Safety Standards for Health Facilities. Effective on February 13, 2010.

18. (OSHDP EF 01/10) Amend Chapter 7 with HAZUS updates pursuant to SB 499 (Chapter 601, Statutes of 2009). Effective on February 13, 2010.

19. (OSHDP 01/10) Amend Article 1, Title 24, Chapter 7, Article 7-111, effective on August 28, 2011.

20. (OSHDP 02/12 and OSHDP 03/12) Amend Chapter 7, Safety Standards for Health Facilities. Approved by the California Building Standards Commission on January 23, 2013, filed with the Secretary of State on January 28, 2013, and effective 30 days after filing with Secretary of State.

21. (OSHPD 01/15) Amend Chapter 7, Safety Standards for Health Facilities: Article 2: Section 7-111; Article 3: Section 7-131, 7-133; Article 4: Section 7-141, 7-144, 7-149, 7-153; Article 5: Section 7-159, 7-161, 7-165, 7-167, 7-169, 7-171; Article 5.5: Section 7-173, 7-175, 7-177, 7-181, Article 19: Section 7-214, 7-215. Approved by the California Building Standards Commission on December 16, 2015, and effective 30 days after filing with Secretary of State.

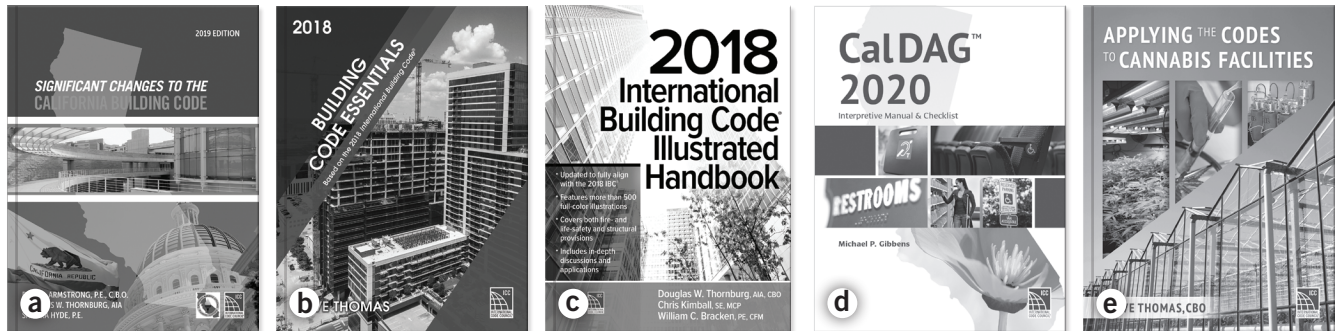
22. Errata to correct editorial errors within Chapter 7 in this code. Effective January 1, 2017.

23. 2016 Intervening Cycle Supplement (OSHPD 01/16) adopted by the California Building Standards Commission on June 20, 2017, filed with the Secretary of State on August 17, 2017, effective thirty days after filing.

24. 2018 Triennial Code Adoption Cycle (OSHPD 01/18) Amend Chapter 7, Article 1, Section 7-103; Article 2, Section 7-111; Article 3, Sections 7-115 and 7-128; Article 4, Sections 7-141, 7-144, 7-145, 7-149, 7-151, 7-152, 7-153 and 7-155; Article 5, Sections 7-165 and 7-171; Article 19, Sections 7-204, 7-207, 7-208, 7-209 and 7-211; Added to Chapter 7, Article 3, new Section 7-118. Approved by the California Building Standards Commission on December 4, 2018, filed with the Secretary of State on December 7, 2018, and effective 180 days after publication pursuant to *California Health and Safety Code*, Section 18938.

25. Erratum to correct editorial errors in Chapter 7, Section 7-144(a): effective January 1, 2020.

26. 2019 Intervening Cycle Update (OSHPD 01/19) Adoption of amendments to the 2019 California Administrative Code (CAC). Approved by the California Building Standards Commission on July 13, 2020, published on January 1, 2021, effective 30 days after filing with Secretary of State.



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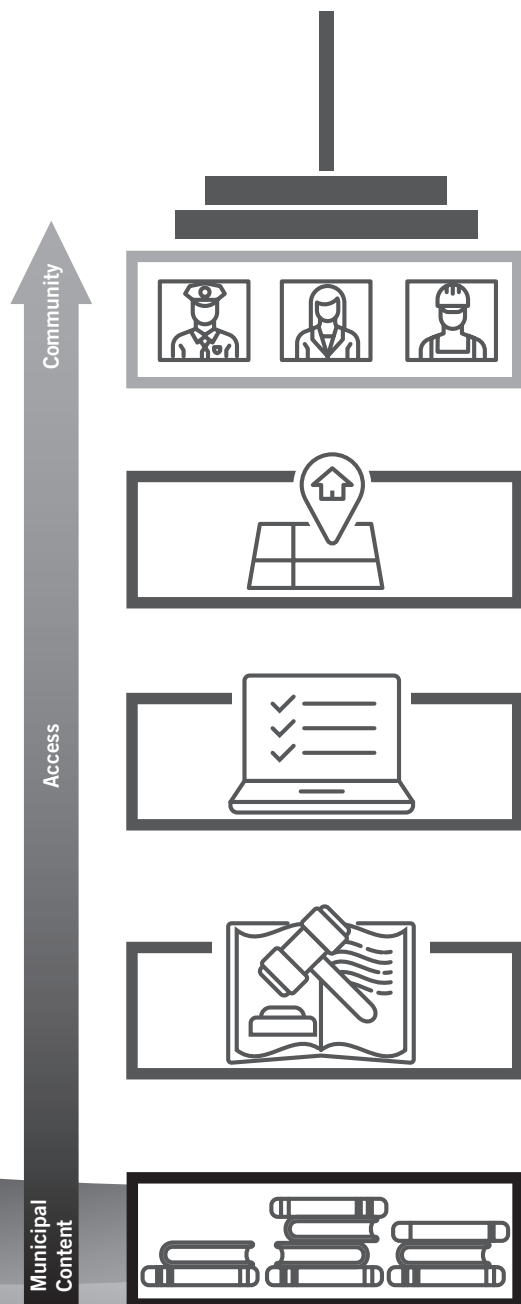
With the legalization of recreational cannabis sales in many states, building departments can struggle to address the influx of business and amount of permit requests for grow facilities, extraction facilities, dispensaries and other related uses. ICC and author Steve Thomas, CBO, developed this insightful guide to help code officials understand how codes are applied to these facilities. The full-color guide discusses: types of facilities; code requirements for building, fire, mechanical, plumbing, energy and electrical systems; and facilities in single-family dwellings.

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