NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING APPENDIX CHAPTER A1
OF THE
2009 INTERNATIONAL EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

ADOPTION OF NEW MODEL CODE FOR USE IN CALIFORNIA AS TITLE 24, PART 10

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10, Title 24.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from October 2, 2009, until 5:00 PM on November 16, 2009. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Dave Walls, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, CBSC may adopt the building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

> NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) sections 18928, 18928.1, and 18934.6. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC sections 18916, 18928, 18928.1, 18934.6, 18934.7, and 18938. CBSC is proposing this regulatory action based on H&SC section 18928.

INFORMATIVE DIGEST

Summary of Existing Laws

HS&C section 18916. Model code
Defines model code, including but not limited to, Appendix Chapter 1 of the Uniform Code for Building Conservation

of the International Conference of Building Officials.

HS&C section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee
Authorizes the commission to adopt the most recent edition of Appendix Chapter A1 of the International Existing Building Code (IEBC) of the International Code Council (ICC).

HS&C section 18928.1. Building standards; incorporation of model codes, applicable national specifications or published standards; publication agreement
Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

HS&C section 18934.6. International Existing Building Code of the International Code Council; publication of standards; exception
Mandates the commission adopt by reference the building standards of Appendix Chapter 1 of the International Existing Building Code for Building Conservation for publication in the California Building Standards Code.

HS&C section 18934.7. International Existing Building Code of the International Code Council; publication of standards; exception
On or before January 1, 1993, the commission shall adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter 1 of the International Existing Building Code of the International Code Council to provide minimum standards for buildings specified in that appendix, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

HS&C section 18938. Filing and Codification; publication; effective date; emergency standards; application of section
Sets forth that the commission shall file building standards with the Secretary of State after approval and publish them only in Title 24. This section also provides that building standards contained in the model codes as referenced in the California Building Standards Code shall apply to all occupancies in the state and shall become effective 180 days after publication in the California Building Standards Code, or Title 24.

Summary of Existing Regulations

The existing 2007 Existing California Building Code (CEBC) is a part 10 of Title 24. It incorporates Appendix Chapter 1 of the 2006 International Existing Building Code (IEBC) of the International Code Council (ICC) without amendments for existing buildings, except for detached dwellings of less than five dwelling units, having at least one unreinforced masonry (URM) bearing wall, pursuant to 1986 URM Building Law.

Summary of Effect

This proposed action will make effective Appendix Chapter A1 of the 2009 IEBC of the ICC to occupancies identified pursuant to Health and Safety Code 18934.6 and 18934.7, 180 days after the publication of the next triennial edition of the CEBC. This proposed action by the California Building Standards Commission will also make the 2006 CEBC inoperative for future alterations to existing URM buildings in the highest Seismic Design Category, upon the effective date of the next triennial edition of the CEBC.

Comparable Federal Statute or Regulations

There are no comparable Federal statutes or regulations related to the proposed action by CBSC.

Policy Statement Overview

The broad objective of the adoption of the most current edition of the IEBC by reference is to provide an up to date reference document for existing URM buildings to be altered under the next triennial edition of the CCBC, thereby improving the results of seismic retroffiting programs initiated under the 1986 URM Building Law.

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

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

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CBSC has determined that the proposed regulatory action would impose a mandate on local agencies. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928.1 requires CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building conservation code to all occupancies throughout the State of California as prescribed.

ESTIMATE OF COST OR SAVINGS

A. Cost or Savings to any state agency: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
D. Other non-discretionary cost or savings imposed on local agencies: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**
E. Cost or savings in federal funding to the state: **HS&C section 18928.1 mandates the adoption of the most recent edition of the model code.**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

In its 2004 report to the Legislature titled “Status of the Unreinforced Masonry Building Law”, SSC 2005-02, the Seismic Safety Commission recommended that state and local governments provide economic incentives to URM building owners to defray costs associated with retrofitting, which may have a positive impact on business.

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

No report is required for this regulation.

COST IMPACT ON REPRESENTIVE PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

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

- **The creation or elimination of jobs within the State of California.**

  These regulations will not affect the creation of or elimination of jobs within the State of California.

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

These regulations will not affect the creation of or the elimination of existing business within the State of California.

- **The expansion of businesses currently doing business with the State of California.**

  These regulations will not affect the expansion of businesses currently doing business within the State of California

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

CBSC must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

http://www.bsc.ca.gov/

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

Tom Morrison, Deputy Executive Director
Tom.Morrsion@dgs.ca.gov
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959

PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Jane Taylor, Associate Architect
Jane.Taylor@dgs.ca.gov
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Telephone No: (916) 263-0916
Facsimile No: (916) 263-0959