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

REGARDING THE ADOPTION OF THE 2009 INTERNATIONAL BUILDING CODE (IBC) FOR USE AS THE 2010 CALIFORNIA BUILDING CODE (CBC), TITLE 24, PART 2, CALIFORNIA CODE OF REGULATIONS (CCR)

Notice is hereby given that the California Building Standards Commission (CBSC) proposes to repeal the 2006 International Building Code published by the International Code Council and adopt as the new model building code the 2009 International Building Code (IBC) published by the International Code Council as the California Building Code, Part 2 of the California Code of Regulations (CCR), Title 24.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from [DATE], until [TIME] on [DATE]. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: David 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-PUBLIC COMMENT PERIOD MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are non-substantive or sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, CBSC will explain the modifications in its Final Statement of Reasons to be considered by the commission during the meeting at which the commission adopts, amends, or repeals the regulation(s). CBSC will accept public comments at the meeting.

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

The California Building Standards Commission proposes to adopt these building standards under the authority of Health and Safety Code (H & SC) §§18934.5 and 18942(b) and Government Code (GC) §14617. The purpose of these building standards is to implement, interpret, and make specific the provisions of H & SC §§18928, 18928.1, 18934.5 and 18938.

INFORMATIVE DIGEST

Summary of Existing Laws

H & SC §16600. Building seismic retrofit guidelines for state buildings; seismic retrofit building standards
Authorizes CBSC and the Division of the State Architect to develop building seismic retrofit guidelines for existing state buildings.

H & SC §16601. Approval of guidelines and standards; administrative actions

Provides that CBSC shall approve the standards and take administrative actions to make them applicable to all state buildings, including those owned by the University of California or the California State University.

H & SC §16603. Applicability of chapter to University of California
Allows that provisions of this chapter only apply to the University of California if so resolved by the Regents of the university.

H & SC §16604. Legislative intent
Provides funding to carry out the provisions of this chapter.

H & SC §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 the International Building Code, and requires that state agencies propose the adoption within one year of publication of a model code.

H & SC §18928.1. Building Standards; incorporation of model codes, applicable national specifications or published standards; publication agreement
Sets forth that the commission shall incorporate text of the model code only by reference, unless otherwise established in a publication agreement between the commission and the model code organization.

H & SC §18934.5. Standards for state buildings; adoption, approval, codification and publication
Authorizes CBSC to adopt and publish building standards applicable to state buildings, including state university buildings and, to the extent permitted by law, University of California buildings.

H & SC §18938. Filing and codification; publication; effective date; emergency standards; application of section
Sets forth that model codes as referenced in the California Building Standards Code shall apply to occupancies throughout the state and shall become effective 180 days after publication.

H & SC 18942 (b). Publication, supplements; emergency standards; availability and possession of code
Mandates that CBSC publish statutory safety requirements for the construction of private swimming pools.

GC 14617. Lighting for college campus parking lots and walkways; standards; adoption of regulations
Mandates that CBSC adopt and publish regulations for lighting for parking lots and primary campus walkways at the University of California, California State University, and California Community Colleges.

Summary of Existing Regulations
The existing 2007 California Building Code is Part 2 of CCR, Title 24 and incorporates, by adoption by CBSC, the 2006 International Building Code of the International Code Council. This code provides minimum building standards to safeguard public welfare for local jurisdictions within the state of California and for state owned buildings and buildings constructed by the University of California and California State Universities. It contains references to other codes, such as the fire code, mechanical code, and plumbing code that are adopted for use in California.

Summary of Effect
CBSC is mandated to adopt the most current editions of the model codes. This proposed action by CBSC will make effective the 2009 IBC for occupancies pursuant to H & SC §18934.5, 180 days after publication of the next triennial edition of the California Building Code. This proposed action will also:

- Repeal the 2006 IBC and adopt the 2009 IBC;
- Relocate from the 2007 CBC, and proposed administrative and scoping provisions for occupancies under the authority of state agencies in California;
- Relocate from the 2007 CBC provisions for campus lighting and private swimming pools which are not addressed by the IBC;
- Correlate references to model codes that California does not adopt with those that California proposes for adoption.
- Amend structural provisions for state buildings for earthquake faulting and liquefaction potential which are not yet incorporated into the IBC or referenced standards but which provide particularly high safety improvement.

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

Policy Statement Overview
The proposed adoption of the 2009 IBC makes applicable to state-owned building projects and projects permitted by local agencies the most current edition of the IBC by reference through CCR, Title 24, Part 2. It defines administrative regulations for state agencies, and makes available by adoption by local jurisdictions the administrative provisions. It carries forward CBSC campus lighting and private swimming pool provisions which are not addressed in the IBC. It correlates model code references within the 2009 IBC, which will eliminate conflict and provide internal consistency among model codes adopted by reference in CCR Title 24. It amends structural provisions for state buildings for earthquake faulting and liquefaction potential which are not yet incorporated into the IBC or referenced standards but which provide particularly high safety improvement.

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 or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with §17500) of Division 4, Government Code. H & SC §18928 requires CBSC to adopt the most current edition of the model codes.

ESTIMATE OF COST OR SAVINGS

A. Cost or Savings to any state agency: **None**
B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **None**
C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **None**
D. Other nondiscretionary cost or savings imposed on local agencies: **None**
E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

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

CBSC has determined there was no record of facts, evidence, documents, testimony, or other evidence that the agency relied upon to support its initial determination of no effect.

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

CBSC has determined that no report is required for this regulation.

COST IMPACT ON REPRESENTATIVE 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.

  This regulation will not affect the creation 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.

  This regulation will not affect the creation or elimination of existing businesses within the State of California.

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

  This regulation 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:

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

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959
Tom.Morrison@dgs.ca.gov

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

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

Jane G. Taylor, Senior Architect
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959
Jane.Taylor@dgs.ca.gov