

**NINE-POINT CRITERIA ANALYSIS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL  
REGARDING THE 2007 CALIFORNIA BUILDING CODE (CBC)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2  
WILDLAND-URBAN INTERFACE FIRE AREA BUILDING STANDARDS**

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Health and Safety Code Subsection 18930(a) require building standards submitted to the California Building Standards Commission for approval to be accompanied by an analysis, which will, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

**1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.**

The OSFM has determined that the proposed amendments to the California Code of Regulations, Title 24 Part 2, 2007 California Building Code (CBC) do not conflict, overlap or duplicate other building standards.

**2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.**

The building standards as proposed by the OSFM are within the parameters established by the enabling legislation, and are not expressly within the exclusive jurisdiction of another agency. The enabling legislation for these proposed building standards are Government Code Section 51189 and Health and Safety Code Section 13108.5.

The Legislature gave very specific authority to the Office of the State Fire Marshal to promulgate building standards for buildings that are constructed in any Wildland-Urban Interface Fire Area to resist the intrusion of flame and burning embers projected during a conflagration or wildfire.

**3) The public interest requires the adoption of the building standards.**

The California Department of Forestry and Fire Protection (CAL FIRE) and the Office of the State Fire Marshal (OSFM) are proposing a revised mandatory effective date of July 1, 2008 for those areas where local government has responsibility for wildland fire protection (LRA) for the following reasons:

- CAL FIRE, is conducting a review and update of fire hazard severity zones pursuant to Public Resources Code Sections 4201 – 4204 and Government Code Sections 51175 – 51189. CAL FIRE has completed the initial public hearings for the adoption of Fire Hazard Severity Zones (FHSZ) for those areas of California where the state has fiscal responsibility for wildland fire protection, known as State Responsibility Areas (SRA). CAL FIRE's intent is to complete the SRA FHSZ adoption by December, 2007. CAL FIRE also intends to prepare recommendations for Very High Fire Hazard Severity Zones (VHFHSZ) in those areas where local government has responsibility for wildland fire protection (LRA) and transmit those recommendations to local agencies in early 2008.

During the SRA hearings, several local government officials asked for clarification of authorities and responsibilities associated with the adoption of these LRA VHFHSZ recommendations. Basic authorities and responsibilities for the LRA VHFHSZ are found in Government Code Sections 51175 – 51189. The purpose of this Government Code chapter is to classify lands in accordance with whether a very high fire hazard severity is present so that public officials are able to identify measures that will retard the rate of spread, and reduce the potential intensity, of uncontrolled fires that threaten to destroy resources, life, or property, and to require that those measures be taken.

The Government Code chapter defines responsibilities for CAL FIRE and for the local agency. In summary, Section 51178 and 51181 defines the CAL FIRE Director's responsibility to identify very high fire hazard severity zones, transmit this information to local agencies, and to periodically review the recommendations. In part, Section 51178.5 and 51179 defines the local agency's responsibility to make the recommendation available for public review and to designate, by ordinance, very high fire hazard severity zones in its jurisdiction.

CAL FIRE is taking additional steps to ensure that the recommended very high fire hazard severity zones are as accurate as possible. Draft copies of the proposed VHFHSZ have been under field review and validation since January, 2007. An updated draft LRA recommendation will be made available in early fall, 2007. This update will also reflect the comments received during the SRA FHSZ public hearings that may impact LRA zones. Unit level CAL FIRE staff have been instructed to assist local agencies in the review of the draft recommendations.

CAL FIRE staff have been directed to develop a CCR Title 14 regulation to clarify an update and maintenance process for the fire hazard maps, both in the SRA and in the LRA. It is anticipated that this regulation will include update triggers initiated by CAL FIRE or by local agencies. Such triggers may be based on improvements in hazard mapping data or associated fire science, changes in land ownership (specifically conversions of federal land to private ownership), changes in land use of significant size to influence fire hazard, changes in wildland fire protection responsibility, or other significant factors.

CAL FIRE staff have been directed to develop a model ordinance for the adoption of the very high fire hazard zones. This model ordinance will include optional sections for the adoption of other very high fire hazard zones, and/or wildland urban interface areas within the local jurisdiction and sample findings of substantial conformance.

The very high fire hazard severity zones trigger ignition resistant building standards, maintenance of defensible space, and natural hazard disclosure at the time of sale. Health and Safety Code 13108.5 (c) and GC 51179 (b) provide insight on flexibility local agencies may have to exclude these fire protection building standards and defensible space requirements once VHFHSZs are adopted. While these sections of law do not provide exemptions for adopting the maps, they may provide authority to exclude certain fire protection requirements otherwise triggered by the map designations.

- The FHSZ maps that determine the application of effective area are being widely vetted and adopted by both cities and counties. This additional time allows for a more widely accepted and understood maps in the LRA.
- During this delayed effectiveness period CAL FIRE and the OSFM will be providing training and education to the enforcing agencies, public, design professionals and building industry. These interested parties will also become educated on how to identify and work comfortably with performance based construction alternatives in their communities.

- These regulations contained in CBC Chapter 7A will not be mandatory in SRA FHSZ until January 1, 2008 and LRA FHSZ July 1, 2008, but voluntary and there will be a higher understanding that any new building constructed in a Wildland-Urban Interface Fire Area will be designed and constructed with the intent of lessening the vulnerability of a building to resist the intrusion of flames and burning embers projected during a conflagration or wildfire.

**4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.**

The OSFM has determined that the proposed building standards are not unreasonable, arbitrary, or capricious in whole or in part.

**5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.**

The OSFM has determined that the cost to the public is reasonable, based on the overall benefit to be derived from the building standards.

**6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.**

The OSFM has determined that the proposed amendment is neither ambiguous nor vague, either in whole or in part.

**7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.**

Health and Safety Code Section 18928 directs the SFM to adopt or reference the most recent edition of a model code. Where the SFM proposed amendments to the CBC it was done so to comply with the SFM's statutory authority regarding the protection of life and property against fire and panic.

During the 2006 annual code adoption cycle to adopt the 2006 International Building Code for the 2007 CBC, OSFM updated specific national standards contained in CBC Chapter 7A. This rulemaking has no affect on those referenced national standards.

**8) The format of the proposed building standards is consistent with that adopted by the Commission.**

The OSFM is using formats obtained from the California Building Standards Commission.

**9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.**

The State Fire Marshal has the statutory authority to propose rules and regulations regarding fire and life safety regulations for the State of California.