

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
STATE HISTORICAL BUILDING SAFETY BOARD
REGARDING THE CALIFORNIA HISTORICAL BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24,
PART 8 AND PART 2 (CHAPTER 34)**

Notice is hereby given that the State Historical Building Safety Board (SHBSB) proposes to adopt changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 8 and Part 2 (Chapter 34).

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from June 2, 2006 until 5:00 p.m. on July 21, 2006. Please address your comments to:

State Historical Building Safety Board
1102 Q Street, Suite 5100
Sacramento, CA 95814
Attention: Richard T. Conrad, FAIA, Executive Director

Written Comments may also be faxed to (916) 445-3521 or E-mailed to Richard.Conrad@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 COMMENT PERIOD MODIFICATIONS TO THE TEXT OF THE REGULATIONS

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

The State Historical Building Safety Board proposes to adopt these building standards under the authority granted by Health & Safety Code section 18959.5.

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code 18958 through 18961. The State Historical Building Safety Board is proposing this regulatory action based on Health and Safety Code 18958 and 18959.5.

INFORMATIVE DIGEST

Summary of Existing Laws

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants.

The CHBC provides means for the preservation of the historical value of qualified historical buildings or structures and, concurrently, to provide reasonable safety from fire, seismic forces or other hazards for occupants of these buildings or structures, and to provide reasonable availability to and usability by, the disabled.

The SHBSB is composed of qualified experts in their respective fields who represent various state and local public agencies, design professionals and building and preservation oriented organizations. The SHBSB acts as a consultant to the State Architect and to the other applicable state agencies for purposes of the CHBC. The SHBSB recommends to the State Architect and other applicable state agencies rules and regulations for adoption pursuant to the CHBC. The SHBSB also acts as a review body to state and local agencies with respect to interpretations of the CHBC as well as on matters of administration and enforcement of the CHBC.

The SHBSB is comprised of representatives of state agencies and public and professional building design, construction, and preservation organizations experienced in dealing with historic buildings. Each organization appoints its own representatives. Each of the following must have one member on the board who serves without pay, but shall receive actual and necessary expenses incurred while serving on the board: The Division of the State Architect, The State Fire Marshal, The State Historical Resources Commission, The California Occupational Safety and Health Standards Board, California Council-American Institute of Architects, Structural Engineers Association of California, a mechanical engineer; Consulting Engineers; and Land Surveyors of California, an electrical engineer, Consulting Engineers and Land Surveyors of California, California Council of Landscape Architects, The Department of Housing and Community Development, The Department of Parks and Recreation, The California State Association of Counties, League of California Cities, The Office of Statewide Health Planning and Development, The Department of Rehabilitation, The California Chapter of the American Planning Association, The Department of Transportation, The California Preservation Foundation, The Seismic Safety Commission, and The California Building Officials. The 20 members listed select a building contractor as a member of the board. The term of membership on the SHBSB is four years, with the State Architect's representative serving continually until replaced.

All state agencies that enforce and administer approvals, variances, or appeals procedures or decisions affecting the preservation or safety of the historical aspects of qualified historical buildings or structures shall use the alternative provisions CHBC and must consult with the SHBSB to obtain its review prior to undertaking action or making decisions on variances or appeals that affect qualified historical buildings or structures.

Summary of Existing Regulations

The existing CHBC is Part 8 of the official 2001 triennial compilation and publication of the adoptions, amendments, and repeal of building regulations to the California Code of Regulations (CCR), Title 24, also referred to as the California Building Standards Code. This part is known as the California Historical Building Code. These building standards are also reprinted in the CCR, Title 24, Part 2, Chapter 34.

The regulations published in Part 8 and Part 2 (Chapter 34) are known as the State Historical Building Code and are referred to herein as "the SHBC." The SHBC provides regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or structures designated as qualified historical buildings or properties. The SHBC is intended to provide alternative solutions for the preservation of qualified historical buildings or properties, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. These regulations require enforcing agencies to accept reasonably equivalent alternatives to the regular code when dealing qualified historical buildings or properties.

Summary of Effect

The effect of this proposed action would be to now refer to the Part 8 as the California Historical Building Code (CHBC) rather than the State Historical Building Code (SHBC). The intent of the CHBC is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for people with disabilities.

Comparable Federal Statute or Regulations

There are no Federal Statutes or alternative building regulations applicable to qualified historic buildings or structures.

Policy Statement Overview

The California Historical Building Code (CHBC) provides alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or change of occupancy so as to preserve their original or restored architectural elements and features; to encourage energy conservation and a cost-effective approach to preservation; and to provide for the safety of the building occupants

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

N/A

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The DSA has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The SHBC contains alternative building regulations that may be used by local agencies or school districts when dealing with qualified properties.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

A. Cost or Savings to any state agency: There may be a cost savings to a state agency by utilizing the alternative building regulations in the SHBC.

B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: There may be a cost savings to a local agency by utilizing the alternative building regulations in the SHBC.

C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: No

D. Other nondiscretionary cost or savings imposed on local agencies: NO

E. Cost or savings in federal funding to the state: NO

INITIAL DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

A. Identification of the types of businesses that would be affected.

No adverse economic impact. The alternative regulations in the SHBC may result in cost savings when rehabilitating or changing the use of qualified historic properties.

B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action. N/A

C. The SHBSB has made an initial determination that the adoptions, amendment, or repeals of this regulation will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete in other states. The DSA has not considered proposed alternatives that would lessen any adverse impact on business and invites you to submit proposals. Submissions may include the following considerations:

The establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses.

Consolidation or simplification of compliance and reporting requirements for businesses.

The use of performance standards rather than prescriptive standards.

Exemption or partial exemption from the regulatory requirements for businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

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

The SHBSB 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.

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

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

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

The SHBSB 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 as 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.

SHBSB CONTACT PERSON FOR ADMINISTRATIVE AND TECHNICAL QUESTIONS

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

**Richard T. Conrad, FAIA, Executive Director
State Historical Building Safety Board
1102 Q Street, Suite 5100
Sacramento, CA 95814
Telephone No.: (916) 324-7180
Facsimile No.: (916) 445-3521**