

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(BSC 06/15)

[Note to agencies: Directions below, which, like this note, are not intended to be shown in your submittal, have been updated to reflect requirements of AB 1612 (Chapter 471, Statutes of 2012) effective January 1, 2013. New directions are shown in underline.]

Notice is hereby given that the California Building Standards Commission (CBSC) on proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 10. The CBSC is proposing building standards related to 2016 California Existing Building Code.

PUBLIC COMMENT PERIOD

(Government Code Section 11346.5(a)(17))

A public hearing has not been scheduled; however, written comments will be accepted from September 11, 2015, until 5:00 p.m. on October 26, 2015. Please address your comments to:

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

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

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.

The public will have an opportunity to provide both written and/or oral comments regarding the proposed action on building standards at a public meeting to be conducted by the California Building Standards Commission to be scheduled at a date near the end of the current adoption cycle. A meeting notice will be issued announcing the date, time and location of the public meeting.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

(Government Code Section 11346.5(a)(18)), (Government Code Section 11346.8(c))

Following the public comment period, the CBSC 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 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

(Government Code Section 11346.5(a)(2))

CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Sections 16600, 16601, 16603, 16604, 18916, 18928, 18928.1, 18934.5 and 18934.7. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Sections 18916,

18928, 18928.1, 18934.7, 18938 and 18941.6. CBSC is proposing this regulatory action based on H&SC section 18928.

INFORMATIVE DIGEST

(Government Code Section 11346.5(a)(3))

An informative digest drafted in plain English in a format similar to the Legislative Counsel's Digest shall include the following:

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 § 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.

H&SC § 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

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.

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 § 18932. Contents and format of code

Sets forth that the code shall indicate the agency having responsibility vested by law for the administration of each building standard and the occupancy or occupancies affected by each building standard. The code shall include an index and reference guide. Authorizes CBSC to establish the format for the code to conform it as nearly as it deems practicable with the model code.

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 § 18934.7. 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, except for buildings subject to building standards adopted pursuant to Part 1.5 (commencing with Section 17910).

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 § 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.

H&SC § 18941.6 Hazardous building ordinances and programs; building standards; local condition; exceptions; study.

Requires local jurisdiction to follow Appendix Chapter 1 of the IEBC with regular updates thereafter.

Summary of Existing Regulations

The current 2013 California Existing Building Code (CEBC) is Part 10 of Title 24. It incorporates Appendix Chapter 1 of the 2012 International Existing Building Code (IEBC) of the International Code Council (ICC) without amendments for existing buildings.

The purpose of the California Existing Building Code is to establish 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 building code, 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 model code. This proposed action by CBSC will make effective the 2015 IEBC for occupancies pursuant to H & SC §18934.5 and 18934.7, 180 days after publication of the next triennial edition of the California Existing Building Code. This proposed action will also:

- Repeal the 2012 IEBC and adopt specific portions of the 2015 IEBC;
- Relocate Chapter 34 amendments from the 2013 CBC to the 2016 CEBC.

A thorough description of the amendment effects may be found in the *Initial Statement of Reasons*.

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 2015 IEBC makes applicable to state-owned building projects and projects permitted by local agencies the most current edition of the IEBC by reference through CCR, Title 24, Part 10. It correlates model code references within the 2015 IEBC, which will eliminate conflict and provide consistency among model codes adopted by reference in CCR Title 24.

The proposed adoption of the 2015 IEBC will provide an up to date reference document for existing Unreinforced Masonry buildings, thereby improving the results of seismic retrofitting programs initiated under the 1986 URM Building Law (SB 547, Chapter 250, Statutes of 1986)

Evaluation of consistency

CBSC has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

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

(Government Code Section 11346.5(a)(4))

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

(Government Code Section 11346.5(a)(5))

The CBSC has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(Government Code Section 11346.5(a)(6)) 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: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- 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**

Estimate: Any additional expenditure resulting from this proposed action will be minimal and will be absorbed within the existing budget and resources.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

(Government Code Section 11346.5(a)(8)) If the agency makes an initial determination that the adoption/amendment/repeal of this regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, it shall make a declaration to that effect.

The CBSC has made an initial determination that the adoption/amendment/ repeal 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

(Government Code Section 11346.5(a)(8)) The declaration the agency shall provide in the record of facts, evidence, documents, testimony, or other evidence that the agency relies upon to support its initial determination of no effect.

The CBSC has determined that there are minimal facts, evidence, documents, testimony, or other evidence upon which the agency relied to support its initial determination of no effect pursuant to Government Code Section 11346.5(a)(8). The public is welcome to submit any information, facts, or documents either supporting CBSC's initial determination or finding to the contrary.

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

(Government Code Section 11346.3(d)). Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

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

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

(Government Code Section 11346.5(a)(9)) Describe all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. If no cost impact provide the following statement:

The 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

(Government Code Section 11346.5(a)(10), Government Code Section 11346.3(b)(1))

The 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 with the State of California.
- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment;**
These regulations will update and clarify minimum building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

(Government Code Section 11346.5(a)(12) requires that an action that would impact housing shall include the estimated cost of compliance and potential benefits of a building standard, if any, that were included in the initial statement of reasons. In addition, the agency officers shall make available to the public, upon request, the agency's evaluation, if any, of the effect of the proposed regulatory action on housing costs

The CBSC has determined this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

(Government Code Section 11346.5(a)(13))

CBSC has determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CBSC 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

AVAILABILITY OF RULEMAKING DOCUMENTS

(Government Code Section 11346.5(a)(20)), (Government Code Section 11346.5(a)(19))

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.

Government Code Section 11346.5(a)(21) states that the California Building Standards Commission shall provide, upon request, a description of proposed changes included in the proposed action, in the manner provided by Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law and that providing the description of proposed changes may require extending the period of public comment for the proposed action.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

(Government Code Section 11346.5(a)(14))

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

Michael Nearman, Deputy Executive Director
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

Back-up:

Mia Marvelli, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

Mia.Marvelli@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:

Mia Marvelli, Associate Architect
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

Mia.Marvelli@dgs.ca.gov

Back-up:

Enrique Rodriguez, Associate Construction Analyst
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Telephone No.: (916) 263-0916
Facsimile No.: (916) 263-0959

Enrique.Rodriguez@dgs.ca.gov