

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
STATE HISTORICAL BUILDING SAFETY BOARD (SHBSB)**

**REGARDING PROPOSED CHANGES TO
THE CALIFORNIA HISTORICAL BUILDING CODE (CHBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 8**

**2016 CALIFORNIA HISTORICAL BUILDING CODE
TRIENNIAL CODE CYCLE**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of the State Historical Building Safety Board (SHBSB) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 8.

PUBLIC COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from September 11, 2015, until 5:00 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

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

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18928.

The SHBSB is proposing this regulatory action based on Health and Safety Code Sections 18958 and 18959.5. The purpose of these building standards is to implement, interpret and make specific the provisions of Health and Safety Code Section 18950 through 18961.

INFORMATIVE DIGEST

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

Health and Safety Code Sections 18950 through 18961 authorize the SHBSB to develop 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 cost-effective approach to preservation, and to provide for the safety of the building occupants.

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 other applicable state agencies for purposes of the California Historical Building Code. The SHBSB also acts as a review body to state and local agencies with respect to interpretations of the California Historical Building Code, as well as, on matters of administration and enforcement of the California Historical Building Code.

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 of the California Historical Building Code. These state agencies 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

Existing regulations promulgated by the SHBSB are contained in the California Historical Building Code (Title 24, Part 8). These regulations provide 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 provide reasonable availability to and usability by, persons with disabilities. These regulations require enforcing agencies to accept reasonably equivalent alternatives to the regular code when dealing with qualified historical buildings or structures. A qualified historical building or structure is any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction.

Summary of Effect

The proposed action would update the California Code of Regulations, Title 24, Part 8, California Historical Building Code by:

- Adopting existing California provisions carried forward from the 2013 California Historical Building Code (CHBC) and incorporated into the 2016 CHBC.
- Amending existing California provisions from the 2013 CHBC and incorporating into the 2016 CHBC.

Comparable Federal Statute or Regulations

There are no comparable federal statutes or alternative building regulations applicable to qualified historical buildings or structures.

Policy Statement Overview

The California Historical Building Code contains 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 cost-effective approach to preservation, and to provide for the safety of the building occupants.

Evaluation of consistency

There are no inconsistent or incompatible regulations proposed.

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

There are no other matters prescribed by statute applicable to the SHBSB, or to any specific regulation or class of regulations.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SHBSB has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The California Historical Building Code contains alternative building regulations that may be used by local agencies or school districts when work is being done at qualified historical buildings or structures.

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **YES** There may be a cost savings to a state agency 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: **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**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The SHBSB has made an initial determination that the proposed regulatory action 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

The alternative regulations of the California Historical Building Code may be applied by private property and business owners when work is being done at qualified historical buildings or structures. Applying the alternative regulations may result in a cost savings.

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

The proposed action does not require a report by any business or agency, so the SHBSB has not made a finding of necessity for the public's health, safety or welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The SHBSB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The alternative regulations of the California Historical Building Code may be applied by private property and business owners when work is

being done at qualified historical buildings or structures. Applying the alternative regulations may result in a cost savings.

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 SHBSB has determined that the proposed action has no effect.

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

The SHBSB has determined that the proposed action has no effect.

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

The SHBSB has determined that the proposed action has no effect.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

The SHBSB has determined that the proposal establishes minimum requirements to safeguard the public health, safety and general welfare through access to persons with disabilities.

ESTIMATED COST OF COMPLIANCE OF STANDARDS THAT WOULD IMPACT HOUSING

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

CONSIDERATION OF ALTERNATIVES

The SHBSB has determined that no reasonable alternative considered by SHBSB or that has otherwise been identified and brought to the attention of SHBSB would be more effective in carrying out the purpose for which the action is proposed. The California Historical Building Code itself is an alternative to the regular code applicable for use in the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties.

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.

Government Code Section 11346.5(a)(21) states that the SHBSB 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.

CBCS CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

**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:

Derek Shaw, Executive Director Ph. (916) 324-7178 Derek.Shaw@dgs.ca.gov

State Historical Building Safety Board
Division of the State Architect – Headquarters
1102 Q Street, Suite 5100
Sacramento, CA 95811
Facsimile No: (916) 445-7658

Back-up:
Dennis J. Corelis, Deputy State Architect Ph. (916) 445-4167 Dennis.Corelis@dgs.ca.gov