

**45-DAY NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)**

**REGARDING PROPOSED REGULATIONS TO THE CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PARTS 2 & 9
CALIFORNIA BUILDING CODE (CBC) & CALIFORNIA FIRE CODE (CFC)
REGARDING WILDLAND-URBAN INTERFACE FIRE AREAS
BUILDING STANDARDS**

NOTICE IS HEREBY GIVEN that the California Building Standards Commission (CBSC) on behalf of the State Fire Marshal proposes to adopt, approve, codify, and publish building standards contained in the California Code of Regulations (CCR), Title 24, Part 2. The Office of the State Fire Marshal (SFM) is proposing to amend various Chapters, Articles and Sections of the 2001 California Building and Fire Codes regarding regulations relating to the fire and life safety requirements in Wildland-Urban Interface Fire Areas.

PUBLIC HEARING/WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted until 5:00 p.m. on Monday, March 21, 2006. Please address your comments to Russell Frank, California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833. Written comments may also be faxed to (916) 263-0959 or E-mailed to www.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.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code (H&SC) Section 18949.2 (a)

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 13143, 13108.5 (a) and 18949.2 (b) (c) and Government Code section 51189 relating to building materials and construction methods used in a Wildland-Urban Interface Fire Area.

The SFM is proposing this regulatory action pursuant to the following:

Authority:

- Health and Safety Code (H&SC) Sections 13143, 13108.5 (a) and 18949.2 (b) (c)

- Government Code (GC) Section 51189

Reference:

- Health and Safety Code (H&SC) Sections 13143, 13108.5 (a) and 18949.2 (b) (c)
- Government Code (GC) Sections 51176, 51177, 51178, 51179 and 51189, and Public Resource Code Section 4201 through 4204

INFORMATIVE DIGEST

Summary of Existing Laws

H&SC §13143 – Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children’s nursery, children’s home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

H&SC §13108.5 (a) – Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the Director of Forestry and Fire Protection.

(b) These building standards shall also apply to buildings located in very high fire hazard severity zones and other areas as designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this Section are necessary for effective fire protection within the area.

(c) These building standards shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.

H&SC § 18949.2(b) – This law provides that the State Fire Marshal shall remain the state agency responsible for the developing building standards to implement the state’s fire and life safety policy.

(c) This section of H&SC § 18949.2 provides that the state’s fire and life safety building standards, as developed by the State Fire Marshal and adopted by the Commission, shall be continued to be based on the state’s fire and life safety policy goals and mandates.

GC § 51176 – Existing law requires that public officials are to be able to identify measures to 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 in a very high fire hazard zone.

GC § 51177 – Existing law defines the terms used in various statutes regarding:

(a) "Director" means the Director of Forestry and Fire Protection.

(b) "Very high fire hazard severity zone" means an area designated by the director pursuant to Section 51178 that is not a state responsibility area.

(c) "Local agency" means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone.

(d) "Single specimen tree" means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the native growth to any occupied dwelling or structure.

(e) "State responsibility areas" means those areas identified pursuant to Section 4102 of the Public Resources Code.

GC § 51178 – Existing law requires the director to identify areas in the state as very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors.

GC § 51179 – Existing law permits a local agency to designate, by ordinance, very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to subdivisions (b) and (c) of Section 51178.

(b) A local agency may, at its discretion, exclude from the requirements of Section 51182 an area identified as a very high fire hazard severity zone by the director within the jurisdiction of

the local agency, following a finding supported by substantial evidence in the record that the requirements of Section 51182 are not necessary for effective fire protection within the area.

(c) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the director, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(d) Changes made by a local agency to the recommendations made by the director shall be final and shall not be rebuttable by the director.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this Section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this Section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the director pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this Section, the notice shall instead identify the location of the amended map.

GC § 51189 – Existing law declares that space and structure defensibility is essential to effective fire prevention. This defensibility extends beyond the vegetation management practices required by this chapter, and includes, but is not limited to, measures that increase the likelihood of a structure to withstand intrusion by fire, such as building design and construction requirements that use fire resistant building materials, and provide protection of structure projections, including, but not limited to, porches, decks, balconies and eaves, and structure openings, including, but not limited to, attic and eave vents and windows.

(b) No later than January 1, 2005, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, recommend building standards that provide for comprehensive space and structure defensibility to protect structures from fires spreading from adjacent structures or vegetation and vegetation from fires spreading from adjacent structures.

PRC §4201 - The classification of lands within state responsibility areas are to be in accordance with the severity of fire hazard present for the purpose of identifying measures to be taken to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

PRC § 4202. The director shall classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present.

PRC § 4203. (a) The director shall, by regulation, designate fire hazard severity zones and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone.

(b) No designation of a zone and assignment of a rating shall be adopted by the director until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days prior to the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period.

PRC § 4204. The director shall periodically review zones designated and rated pursuant to this article and, as necessary, shall revise zones or their ratings or repeal the designation of zones. Any revision of a zone or its rating or any repeal of a zone shall conform to the requirements of Section 4203. In addition, the revision or repeal of a zone may be petitioned pursuant to Sections 11340.6 and 11340.7 of the Government Code.

Summary of Existing Regulations in the 2001 CBC

- **Chapter 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** This existing section provides a listing of the SFM regulated occupancies with a reference to the enabling statutes.
- **Chapter 7 - Fire- Resistant Materials and Construction -** This existing Chapter applies to materials and systems used in the design and construction of a building to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
- **Chapter 15 – Roofing and Roof Structures, -** This existing Chapter addresses the roof covering, roofing assembly and roof structures.

Summary of Effect to the 2001 CBC

- **Chapter 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** The SFM is adding Wildland-Urban Interface Fire Area and the applicable statues to the listing of SFM regulated occupancies.
 - **Effect:** By this amendment a code user and the enforcing agency will be able to determine that the SFM has the statutory authority over building standards relating to regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area.

- **Chapter 7 - Fire- Resistant Materials and Construction** – The SFM is amending this existing Chapter by adding language at the beginning of the chapter to let the code user know that there is a special chapter, Chapter 7A that specifically addresses new construction in any Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will be directed to Chapter 7A. This Chapter notifies the code user that on or after December 1, 2005, regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced.

- **Chapter 7A – Materials and Construction for Exterior Wildfire Exposure, Section 701A.1 Scope.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses the minimum standards for building materials, systems and or assemblies used in the exterior design of new buildings located in a Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced.

- **Section 701A.2 Purpose.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses the minimum standards for the protection of life and property.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall resist the intrusion of flame or burning embers projected by a vegetation fire.

- **Section 701A.3 Application.** Within Chapter 7A, the SFM is proposing a new section that specifically addresses new roofs and attic ventilation constructed in any Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced on or after December 1, 2005.

- **Section 701A.3.1 Alternates for materials, design, tests, and methods of construction.** Within Chapter 7A, the SFM is proposing a new section that provides that the enforcing agency may modify the provisions of the Chapter for site-specific conditions. When the agency grants such modifications a fire protection plan shall be submitted.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that on or after December 1, 2005, there are minimum building standards regarding the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced.

- **Section 702A, Definitions.** Within Chapter 7A, the SFM is proposing a definitions section for commonly used terms relating to the Wildland-Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are common terms used to describe aspects of the Wildland-Urban Interface Fire Areas. These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.

- **Section 703A – Standards of Quality.** This section number is reserved for future use in Phase II of the regulatory development of requirements for Standards of Quality for Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the matters of Standards of Quality which will identify the adopted referenced standards for the exterior design, materials and construction methods of new buildings in Wildland-Urban Interface Fire Areas.

- **Section 704A.1 Roofing, Section 704A.1.1 General.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for new roofing in Wildland-Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of new roof coverings and roofing assemblies in any Wildland-Urban Interface Fire Area shall be in accordance with the manufacture's installation instructions and shall also comply with Chapters 7A and 15.

- **Section 704A.1.2 Roof Coverings.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for new roof coverings Wildland-Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods for new roof coverings require that the spaces between the roof and covering and the roof decking shall prevent the intrusion of flames and burning embers and shall be fire-stopped in Wildland-Urban Interface Fire Areas.

- **Section 704A.1.3 Roof Valleys.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for roof valleys on a new roof in Wildland-Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof valleys require flashings of not less than 0.016 inch; No. 28 gauge galvanized sheet metal installed over a minimum 36 inches wide underlayment of No. 72 cap sheet that runs the full length of the roof valley in Wildland-Urban Interface Fire Areas.

- **Section 704A.1.4 Roof Gutters.** Within Chapter 7A, the SFM is proposing a section that identifies the requirements for roof gutters in Wildland-Urban Interface Fire Areas.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of construction and the placement of roof gutters shall prevent the accumulation of leaves and debris in the gutter in Wildland-Urban Interface Fire Areas.

- **Section 704A.2, Attic Ventilation, Section 704A.2.1 General.** Within Chapter 7A, the SFM is proposing a section that addresses the requirements for attic vents in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof and attic vents shall be constructed in a manner that resists the intrusion of flame and burning embers into the attic area, or shall be protected by corrosion resistant, non-combustible wire mesh with ¼ inch (6 mm) openings or an equivalent in Wildland-Urban Interface Fire Areas.
- **Section 704A.2.2 Eave and Cornice Vents.** Within Chapter 7A, the SFM is proposing a section that addresses the requirements for eave and cornice vents in Wildland-Urban Interface Fire Areas.
- **Effect:** By this amendment a code user and the enforcing agency will learn that when used, the design, materials and construction methods of eave and cornice vents are to resist the intrusion of flame and burning embers into the attic area of the structure in Wildland-Urban Interface Fire Areas
- **Section 704A.3 Exterior Walls [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development of requirements for exterior wall design and construction in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.
- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods of exterior walls in Wildland-Urban Interface Fire Areas.
- **Section 704A.4 Decking, Floors and Underfloor Protection [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development regarding the protection requirements for decking, floors and underfloor construction in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.
- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for protection of decking, floors and underfloor construction systems in Wildland-Urban Interface Fire Areas.
- **Section 705A Ancillary Buildings and Structures [RESERVED].** This section number is reserved for future use in Phase II of the regulatory development of requirements for the exterior design and construction of ancillary buildings and structures in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Chapter 7A.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for ancillary buildings and structures in Wildland-Urban Interface Fire Areas. Phase II will also provide clear definitions that describe the intent of what an ancillary building is.

➤ **Chapter 15 – Roofing and Roof Structures, Section 1503 – Roofing Requirements, Section 1503.4 Roofing Requirements in a Wildland-Urban Interface Fire Area.** Within Chapter 15, the SFM is proposing a section that refers the code user to Chapter 7A for requirements relating to the roofing requirements in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that there are additional regulations that must be enforced relating to the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area.

Summary of Existing Regulations in the 2001 CFC

➤ **Article 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** This existing section provides a listing of the SFM regulated occupancies with a reference to the enabling statutes.

➤ **Article 86 – FIRE PROTECTION PLAN WILDLAND-URBAN INTERFACE FIRE AREAS.** This existing Article addresses the requirements for a Fire Protection Plan (FPP) as shown below. However, the SFM does not currently adopt nor does the SFM intend to adopt this Article in this proposed rulemaking:

- The FPP must be approved by the Fire Chief
- The FPP shall include mitigation measures that are consistent with the problems presented due to location, topography and flammable vegetation, etc.
- The FPP shall address water supply, access, building ignition and fire protection, etc.

Summary of Effect to the 2001 CFC

➤ **Article 1 – Administrative, Section 101 Title, Purpose and Scope, Section 101.14.17 SFM.** The SFM is adding Wildland-Urban Interface Fire Area and the applicable statutes to the listing of SFM regulated occupancies.

- **Effect:** By this amendment a code user and the enforcing agency will be able to determine that the SFM has the statutory authority over building standards relating to regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area.

➤ **Article 86A – REQUIREMENTS FOR WILDLAND-URBAN INTERFACE AREAS, SECTION 8601A GENERAL, Section 8601A.1 Scope.** Within the new Article 86A, the SFM is proposing a section that addresses the mitigation of conditions resulting from a wildfire.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is mitigate the conditions of a wildfire burning in vegetative fuels that may cause buildings to catch fire and thus threaten to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland-Urban Interface Fire Area.

➤ **Section 8601A.2 Purpose.** Within the new Article 86A, the SFM is proposing a section that identifies the minimum standards to increase the ability of a building to resist the intrusion of flame and burning embers.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to identify the minimum standards to increase the ability of a building to resist the intrusion of flame and burning embers which contributes to the systematic reduction in conflagration losses in any Wildland-Urban Interface Fire Area.

➤ **Section 8602A, Definitions.** Within Article 86A, the SFM is proposing a definitions section for commonly used terms relating to the Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are common terms used to describe aspects of the Wildland-Urban Interface Fire Areas. These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.

➤ **Section 8603A, Plans [RESERVED].** This section number is reserved for future use in Phase II for the regulatory development regarding the submittal of plans to the enforcing agency relating to the design, materials and construction methods in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the submittal of plans to the enforcing

agency that address the design, materials and construction methods for projects in Wildland-Urban Interface Fire Areas.

- **Section 8604A, Fire Hazard Severity Zones.** . Within Article 86A, the SFM is proposing a section that identifies that lands are classified by the Director of the Department of Forestry and Fire Protection based on the severity of the wildfire hazard.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the classification of lands is made in accordance with the severity of the wildfire hazard. Once this classification is established, standards practices can be identified and appropriate measures can be taken to reduce the potential for losses to life and property and natural resources in Wildland-Urban Interface Fire Areas.

- **Section 8604A.2, Classifications.** Within Article 86A, the SFM is proposing a section that identifies that lands are classified by the Director of the Department of Forestry and Fire Protection based on the severity of the wildfire hazard.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the classification of lands is made in accordance with the severity of the wildfire hazard for both State responsibility Lands and local agency responsible areas. Once this classification is established, standards practices can be identified and appropriate measures can be taken to reduce the potential for losses to life and property and natural resources in Wildland-Urban Interface Fire Areas.

- **Section 8605A. Wildland-Urban Interface Fire Area, Section 8605A.1 General.** Within Article 86A, the SFM is proposing a section that identifies the construction methods and requirements to mitigate wildfire exposure within a geographical area that threatens to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to mitigate wildfire exposure within a geographical area that threatens to destroy life, overwhelm fire fighting and suppression capabilities that can result in large property losses in any Wildland-Urban Interface Fire Area.

- **Section 8605A.2 Construction Methods and Requirements within Established Limits.** Within Article 86A, the SFM is proposing a section that identifies that the construction methods and requirements that are intended to mitigate wildfire exposure within a geographical area is to be within the limits established by law.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to ensure that the construction methods and requirements designed to mitigate the wildfire exposure within any Wildland-Urban Interface Fire

Areas are within the limits of established law and in compliance with Articles 86A, 86B and the California Building Code, Chapter 7A.

- **Section 8605A.3 Establishment of Limits.** Within Article 86A, the SFM is proposing a section that identifies that the construction methods and requirements to mitigate wildfire exposure within any Wildland-Urban Interface Fire Areas are to be within the limits established by law.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the intent of Article 86A is to ensure that the construction methods and requirements for any Wildland-Urban Interface Fire Areas shall be designated pursuant to the California Public Resources Code for State responsibility areas or by local agency following a finding supported by substantial evidence in the record that the requirements of this Article are necessary for effective fire protection.

 - **Section 8606A. Vegetation Management [RESERVED]** . This section number is reserved for future use in Phase II of the regulatory development of requirements for the vegetation management in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address vegetation management in Wildland-Urban Interface Fire Areas. This section will identify the measures required for controlling the vegetation growth of trees, ornamental plants and ground cover, etc. to mitigate the risk to life and property from wildfire exposure in Wildland-Urban Interface Fire Areas.

 - **Section 8607A. Defensible Space [RESERVED]**. This section number is reserved for future use in Phase II of the regulatory development of requirements for defensible space in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86A.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address defensible space requirements for Wildland-Urban Interface Fire Areas. This section will identify requirements to mitigate the risk to life and property from wildfire exposure through responsible application of fuel modifications within the specific space between a structure and the Wildland-Urban Interface Fire Area.
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Summary of Effect to the 2001 CFC:

ARTICLE 86B- MATERIALS AND CONSTRUCTION METHODS FOR WILDFIRE EXPOSURE

- **Article 86B – Materials and Construction Methods for Exterior Wildfire Exposure, Section 8601B.1 Scope.** Within Article 86B the SFM is proposing a new section that specifically addresses the minimum standards for building materials, systems and or assemblies used in the exterior design of new buildings located in a Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced.

- **Section 8601B.2 Purpose.** Within Article 86B, the SFM is proposing a new section that specifically addresses the minimum standards for the protection of life and property.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall resist the intrusion of flame or burning embers projected by a vegetation fire.

- **Section 8601B.3 Application.** Within Article 86B, the SFM is proposing a new section that specifically addresses new roofs and attic ventilation constructed in any Wildland-Urban Interface Fire Area.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that the regulations for the exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced on or after December 1, 2005.

- **Section 8601B.3 Alternates for materials, design, tests, and methods of construction.** Within Article 86B, the SFM is proposing a new section that provides that the enforcing agency may modify the provisions of the Chapter for site-specific conditions. When the agency grants such modifications a fire protection plan shall be submitted.
 - **Effect:** By this amendment a code user and the enforcing agency will learn that on or after December 1, 2005, there are minimum building standards regarding the

exterior design and construction of new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area shall be enforced.

➤ **Section 8602B Definitions, section 8602B.1.** Within Article 86B, the SFM is proposing a definitions section for commonly used terms relating to the Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the proposed definitions are located in Article 86A. These definitions are common terms used to describe aspects of the Wildland-Urban Interface Fire Areas.
- These definitions provide cross references to other code provisions and the enabling statutes from which they may have been derived from. These proposed definitions will help the code user to understand the intent of the regulations.

➤ **SECTION 8603B – STANDARDS OF QUALITY [RESERVED]** Section number 8603B is reserved for future use in Phase II for the test standards. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the standards of quality for the design, materials and construction methods for new structures in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B Materials, Systems and Methods of Construction, Section 8604B.1 Roofing, Section 8604B.1.1 General.** Within Article 86B, the SFM is proposing a section that identifies the requirements for new roofing in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of new roof coverings and roofing assemblies in any Wildland-Urban Interface Fire Area shall be in accordance with the manufacture's installation instructions and shall also comply with the California Building Code, Chapter 15 and Article 86B.

➤ **Section 8604B.2 Roof Coverings.** Within Article 86B, the SFM is proposing a section that identifies the requirements for new roof coverings Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods for new roof coverings require that the spaces between the roof and covering and the roof decking shall prevent the

intrusion of flames and burning embers and shall be fire-stopped in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B.3 Roof Valleys.** Within Article 86B, the SFM is proposing a section that identifies the requirements for roof valleys on a new roof in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof valleys require flashings of not less than 0.016 inch; No. 28 gauge galvanized sheet metal installed over a minimum 36 inches wide underlayment of No. 72 cap sheet that runs the full length of the roof valley in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B.1.4 Roof Gutters.** Within Article 86B, the SFM is proposing a section that identifies the requirements for roof gutters in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of construction and the placement of roof gutters shall prevent the accumulation of leaves and debris in the gutter in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B.2 Attic Ventilation, Section 8604B.2.1 General.** Within Article 86B, the SFM is proposing a section that addresses the requirements for attic vents in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that the design, materials and construction methods of roof and attic vents shall be constructed in a manner that resists the intrusion of flame and burning embers into the attic area, or shall be protected by corrosion resistant, non-combustible wire mesh with ¼ inch (6 mm) openings or an equivalent in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B.2.2 Eave and Cornice Vents.** Within Article 86B, the SFM is proposing a section that addresses the requirements for eave and cornice vents in Wildland-Urban Interface Fire Areas.

- **Effect:** By this amendment a code user and the enforcing agency will learn that when used, the design, materials and construction methods of eave and cornice vents are to resist the intrusion of flame and burning embers into the attic area of the structure in Wildland-Urban Interface Fire Areas

➤ **Section 8604B.3 Exterior Walls.** This section number is reserved for future use in Phase II for the regulatory development of requirements for exterior wall design and construction in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods of exterior walls in Wildland-Urban Interface Fire Areas.

➤ **Section 8604B.4 Decking, Floors and Underfloor Protection.** This section number is reserved for future use in Phase II for the regulatory development regarding the protection requirements for decking, floors and underfloor construction in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for protection of decking, floors and underfloor construction systems in Wildland-Urban Interface Fire Areas.

➤ **Section 8605B Ancillary Buildings and Structures.** This section number is reserved for future use in Phase II of the regulatory development of requirements for the exterior design and construction of ancillary buildings and structures in Wildland-Urban Interface Fire Areas. This section number is being shown for clarity purposes to show the reader the future intent of Article 86B.

- **Effect:** By this amendment a code user and the enforcing agency will learn that in the future, Phase II regulations will address the design, materials and construction methods for ancillary buildings and structures in Wildland-Urban Interface Fire Areas. Phase II will also provide clear definitions that describe the intent of what an ancillary building is.

Comparable Federal Statute or Regulation

The SFM has determined that there are comparable federal regulations or statutes addressing the building material's ignitability, construction methods and vegetation management for such matters Federal lands in Wildland-Urban Interface Fire Areas. Some of those Federal agencies are listed below:

➤ **Bureau of Land Management, Department of the Interior**

Department of the Interior and Related Agencies Appropriations Act of 2001, Title IV, Public Law 106-291. National Fire Plan (See Attachment No. 1)

United States Department of Agriculture, Forest Service

The USDA Forest Service, Southern Center for Wildland-Urban Interface Research and Information was established in 2002 in Gainesville, FL to address issues related to human influences on forest ecosystems in the Southern United States.

One Hundred and Eighth Congress of the United States, Healthy Forest Restoration Act

Policy Statement Overview

The broad objective of these proposed emergency regulations are to establish minimum standards for the design, materials and construction methods for new roofs, roof coverings, roof assemblies, attic, eave and cornice vents in any Wildland-Urban Interface Fire Area to resist the intrusion of flame or burning embers projected by a vegetation fire.

The specific objective of these regulations is to establish a systematic approach to reducing the losses in a conflagration and for the protection of life and property in any Wildland-Urban Interface Fire Area.

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

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

FISCAL IMPACT STATEMENT

- 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 non-discretionary 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 SFM has made an initial determination that this proposed regulatory action would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

DECLARATION OF EVIDENCE

The SFM affirms that this rulemaking action complies specifically with the mandates of Health and Safety Code sections 13143, 13108.5 (a) and 18949.2 (b) (c) and Government Code (GC) Section 51189.

Therefore, the SFM's initial determination of no significant, statewide adverse economic impact directly affecting business in California and their ability to compete with businesses in other states does not require any additional evidence, documents or other evidence to support this action.

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

The SFM has made an assessment of the proposed code changes and has determined that these changes do not require a report.

COST IMPACT ON PRIVATE PERSON OR BUSINESS

The SFM is aware that there may be 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 SFM has assessed that adoption of these regulations will not:

- Create or eliminate jobs within California;
- Create new businesses or eliminate existing businesses within California; or
- Affect the expansion of businesses currently doing business within California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The SFM has made an initial determination that these proposed regulations to the 2001 CBC and CFC will not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code §11346.5 subdivision (a) (13), the SFM has determined that no reasonable alternative considered by it or that has been otherwise identified and brought to the attention of the SFM 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.

The SFM, through a public process prior to submitting the Finding of Emergency for Wildland-Urban Interface Fire Areas, investigated the following alternatives during the development of the emergency regulations:

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.

AVAILABILITY OF FINAL STATEMENT OF REASONS

At the conclusion of this rulemaking, a Final Statement of Reasons will be prepared as required by Government Code section 11346.9. This document will be available from the contact persons named above.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

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

Russell Frank or

Tom Morrison (Back-up person)

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

SFM CONTACT PERSONS FOR SUBSTANTIVE QUESTIONS ON THE PROPOSED BUILDING STANDARDS

Specific questions regarding the substantive aspects of the proposed building standards may be addressed to:

CONTACT PERSON

- Kate Dargan
(916) 445-8200
Fax: (916) 445-8459

BACK-UP CONTACT PERSON

- Daniel Najera
(916) 324-9592
Fax: (916) 445-8459

POST- HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed regulations substantially as proposed in this notice or under mutual agreement with the SFM, modifications may be made that are sufficiently related to the original proposed text and notice of proposed regulatory action. If modifications are made, the full text of the proposed action with the changes clearly indicated would 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). The CBSC will accept written comments on the modified regulations during the 15-day period at the above-mentioned contacts.

