

**Assembly Bill No. 125**

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Passed the Assembly    September 11, 1997

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*Chief Clerk of the Assembly*

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Passed the Senate    September 4, 1997

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1997, at \_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add and repeal Section 18941.8 of the Health and Safety Code, relating to building standards.

## LEGISLATIVE COUNSEL'S DIGEST

AB 125, Pacheco. Building standards: closed military bases: County of Riverside.

Existing law authorizes the governing body of a city, county, or city and county to adopt an ordinance that allows a building or other structure located on a military base selected for closure by action of the federal Defense Base Closure and Realignment Commission to comply with specified provisions of state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 3 years from the earlier of either the date the property has been transferred by, or the date a lease of the building or other structure is entered into with, the federal government, provided that specified conditions are met.

This bill would authorize the governing body of the County of Riverside or a city or joint powers authority within that county with jurisdiction over March Air Force Base, March Air Reserve Base, or the March Joint Powers Authority to adopt an ordinance that allows a building or other structure, as specified, located on the former March Air Force Base to comply with specified provisions establishing state building standards and state standards of fire safety, or to any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date the property has been transferred by federal government, provided that specified conditions are met. This provision would be applicable only to a building or other structure for which a local agency adopts a graduated compliance plan, as specified prior to January 1, 2000. The bill would require the local agency, prior to adopting a graduated compliance plan, to form a



Compliance Plan Review Committee, as specified, to comment on, and make recommendations to, the governing board of the local agency, concerning the compliance plan.

This bill would become operative only if AB 1071 is also enacted and becomes operative on or before January 1, 1998, and would repeal its provisions on January 1, 2007.

The California Constitution provides that a local or special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to the unique problems within the County of Riverside, that this bill is intended to remedy, a general statute within the meaning of specified provisions of the California Constitution cannot be made applicable and a special statute is necessary.

*The people of the State of California do enact as follows:*

SECTION 1. Section 18941.8 is added to the Health and Safety Code, to read:

18941.8. (a) The governing body of a local agency may adopt an ordinance that allows a building or other structure designated in subdivision (b) to comply with this part and Division 12 (commencing with Section 13000), or to any regulations or standards promulgated pursuant to this part, in a graduated manner over a period of no more than seven years.

(b) This section shall apply only to those buildings and other structures located on the former March Air Force Base, commonly known as:

(1) The Ben Clark Training Center, formerly known as the Non-Commissioned Officers' Training Academy, including all buildings and structures on the approximately 360 acres.

(2) The buildings comprising the medical facility.

(3) The March Joint Powers Authority, Economic Development Conveyance area comprising buildings 659, 660, 755, 760, 768, 940, 941, 942, 962, 976, 977, 1054,



1055, 2594, 2595, 2620, 2622, 2706, 2991, 2992, 2993, 2994, and 2995.

(c) The period for graduated compliance shall begin with the date the title to the property was transferred by the federal government to a local agency.

(d) The authority for a local agency to adopt an ordinance pursuant to this section is an alternative to the authority provided by Section 18941.7, and shall not be used consecutively with Section 18941.7.

(e) An ordinance adopted by a local agency pursuant to subdivision (a) shall not apply to a building or other structure that will be used as a permanent residence.

(f) Prior to the adoption of the ordinance pursuant to subdivision (a), each of the following conditions shall be met:

(1) The use of the building or other structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the application of state and local building and fire codes and standards by the local building official and fire marshal.

(2) The building or other structure has been transferred by the federal government to a local agency.

(3) The governing body of the local agency adopts a graduated compliance plan which includes all of the following:

(A) Requirements for buildings and structures with:

(i) No change in occupancy or use with no anticipated alterations.

(ii) No change in occupancy or use with planned alterations.

(iii) Change in occupancy or use with no anticipated alterations.

(iv) Change in occupancy or use with planned alterations.

(B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to issuing a certificate of occupancy.

(C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the



certificate of occupancy or provided to the occupants of the building or other structure.

(D) Requirements for the terms and period of time for compliance to be specified in the certificate of occupancy.

(E) Requirements that the alterations conform to the standards that were in effect at the time of the alteration.

(g) (1) Prior to the adoption of a graduated compliance plan, the local agency shall form a Compliance Plan Review Committee, hereafter referred to as the “committee,” to comment on, and make recommendations to, the governing board of the local agency concerning the compliance plan.

(2) The committee shall be appointed by the governing board of the local agency and the membership of the committee shall contain at least one member from each of the following disciplines:

(A) Engineer, licensed by the State of California.

(B) Architect, licensed by the State of California.

(C) Building Inspector, certified by the International Conference of Building Officials or another similar recognized state, national, or international association.

(3) The committee may contain additional members at the discretion of the governing body of the local agency, whose unique background and knowledge may be of assistance to the committee.

(4) In no case shall the membership of the committee contain less than one member from the disciplines set forth in subparagraphs (A) to (C), inclusive, of paragraph (2).

(5) No member appointed to the committee shall be an employee of the local agency.

(6) The committee shall review the draft plan for its consistency with the requirements of this section, and report its written findings and recommendations to the governing board of the local agency. If the committee finds that the draft plan is not consistent with the requirements of this section, the committee shall recommend changes to the draft plan to achieve consistency.



(7) The local agency shall consider the findings and recommendations of the committee. If the committee finds that the draft plan is not consistent with the requirements of this section, the local agency shall take one of the following actions:

(A) Change the draft plan to be consistent with the requirements of this section, as recommended by the committee.

(B) Adopt the draft plan with some of the recommended changes or without changes, provided that the local agency makes written findings that explain the reasons why the local agency believes that the draft plan, as adopted, is consistent with the requirements of this section despite the findings and recommendations of the committee which were not adopted by the local agency.

(8) The local agency shall file a copy of the approved graduated compliance plan with the California Building Standards Commission.

(h) (1) Five years after the commencement of the period for graduated compliance specified in subdivision (b), the local agency shall arrange for the committee to determine whether the buildings or other structures adhere to the graduated compliance plan.

(2) The committee membership shall be governed by subparagraphs (2) to (5) inclusive, of subdivision (g).

(3) If the committee determines that the buildings or other structures do not adhere to the graduated compliance plan, the committee shall recommend to the governing board of the local agency that the local building official should initiate appropriate proceedings to withdraw the certificate of occupancy for that building or structure.

(i) Nothing in this section affects the requirements of state consent to retrocession pursuant to Section 113 of the Government Code.

(j) As used in this section, “local agency” means the County of Riverside, a city within the County of Riverside with jurisdiction over the March Air Force Base or the



March Air Reserve Base, or the March Joint Powers Authority.

(k) This section shall be applicable to a building or other structure for which a local agency adopts a graduated compliance plan before January 1, 2000.

(l) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

(m) Nothing in this section shall affect local, state, or federal laws as they relate to access to the disabled.

SEC. 2. This act shall only become operative if AB 1071 of the 1997–98 Regular Session is enacted, and becomes operative on or before January 1, 1998.

SEC. 3. The Legislature finds and declares that a general statute, within the meaning of Section 16 of Article IV of the California Constitution, cannot be made applicable to the unique problems within the County of Riverside, as set forth in Section 1 of this act, and that, therefore this act is necessary.



Approved \_\_\_\_\_, 1997

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*Governor*

