

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
CALIFORNIA BUILDING STANDARDS COMMISSION  
REGARDING THE 2019 CALIFORNIA BUILDING CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2  
  
(BSC 02/18)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:**

(Government Code Section 11346.2(b)(1)) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem the agency intends to address for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.)

**General purpose, problem, rationale and benefits:** The California Building Standards Commission (BSC) proposes to repeal the adoption of the 2016 California Building Code (CBC), which is based on the 2015 International Building Code (IBC). BSC proposes to adopt the 2018 IBC, most recent edition of the model code, for codification and effectiveness into the 2019 edition of the CBC. This action is to meet the requirements of Health and Safety Code (H&SC) §18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, H&SC § 18934.5 assures that the commission shall adopt, approve, codify and publish building standards for those occupancies under BSC's authority. These actions meet criteria (3), in the public interest, and (7), incorporation of model codes, of H&SC §18930(a).

BSC proposes to carry forward existing amendments from the 2016 California Building Code for inclusion in the 2019 California Building Code, unless specifically modified below.

**A statement of specific purpose, problem, rationale and benefit for each item is as follows:**

**ITEM 1. CHAPTER 1 – DIVISION I, SECTION 1.1 GENERAL**

**Specific Purpose, problem, rationale and benefit:** BSC proposes to amend *Chapter 1, Division I, Section 1.1.1 Title* of the code to update the year edition of the model code edition.

BSC proposes to update the year of the model code being adopted in this cycle to meet statutory obligation to adopt latest edition of model code within one year of publication, and to correctly identify the year of the model code incorporated into the 2019 California Building Code. This proposed action will clarify the model code edition of the building standards code intended for publication as the 2019 California Building Code, Part 2, Title 24. Additionally an editorial change is being proposed for Section 1.1.3.2 to add an “s” to the singular word “Section” to create the word “Sections”. Lastly, another editorial change within Section 1.1.8.2 is being proposing to change the singular word for “city” to “cities” to be grammatically correct.

## **ITEM 2. CHAPTER 1 – DIVISION I, SECTION 1.2, BUILDING STANDARDS COMMISSION**

**Specific Purpose, problem, rationale and benefit:** BSC proposes to amend *Chapter 1, Division I, Section 1.2, sub-section 1.2.2, item #1 Title, and to add a new item #2 to identify BSC authority for Graywater systems for nonresidential occupancies*. These code changes were originally added to Part 5 of Title 24, California Plumbing Code, and Part 11 of Title 24, California Green Building Standards Code during the 2016 Intervening Code Cycle, and are intended to update the applicability of BSC authority to align with the other parts of Title 24 that already contain this language. BSC graywater systems that were not included within the administrative portion of BSC’s authority and reference portion of the 2016 California Building Code and are to be included within the 2019 edition of the California Building Code. This proposed action will clarify the application of the building standards that BSC administers related to graywater systems within Title 24 and to align with the other parts of Title 24 that already contain this information.

...

(The remaining sections within *Chapter 1, Division I*, and are to remain the same and are being moved forward without modification)

## **ITEM 3. CHAPTER 1 – DIVISION II, SCOPE AND ADMINISTRATION**

**Specific Purpose, problem, rationale and benefit:** BSC proposes to amend Chapter 1, *Division II, Scope and Administration* as a result of workshops held following the emergency and certifying rulemaking processes for the Exterior Elevated Elements (EEE) that occurred in 2017 and early 2018. The emergency regulations that were originally proposed and approved were a result of a tragic event that occurred in the summer of 2015 in Berkeley, California at an apartment complex with exterior balconies. During a gathering a balcony collapsed and 6 young adults were killed.

These new amendments were not included within the initial emergency and subsequent certifying rulemaking adopted in 2017 and early 2018. These changes are needed to further clarify the requirements for EEE's throughout the state of California.

These sections are being proposed for minor changes and deletions, as well as to identify the term "Exterior Elevated Element", in following sections: **107.2.5 and 110.3.6**. Additionally, **~~107.2.7 and 110.3.8.1~~** are being proposed for deletion because the 2018 IBC picked up this language making the state amendment no longer necessary. This change is also being made to Part 10, 2019 California Existing Building Code and will create a consistency between the two codes. This proposed action will benefit the code user in understanding what constitutes an EEE with clearer, more accurate terms to describe the building standards being used in the built environment, particularly regarding buildings with exterior elevated elements included in their design.

#### ***SECTION 107.2.5 ~~107.2.7~~, 110.3.6 and ~~110.3.8.1~~ [BSC]***

### **ITEM 4. CHAPTER 2 – DEFINITIONS**

**Specific Purpose, problem, rationale and benefit:** BSC proposes to add a new definition to Chapter 2, Definitions for the Exterior Elevated Elements (EEE) provisions within the 2019 California Building Code to further clarify what defines an EEE. This proposed addition is intended to make this definition consistent with the other parts of Title 24 that also contain provisions related to EEE's. This action helps to clarify what constitutes an exterior elevated element and coordinates similar changes being proposed for Part 10, 2019 California Existing Building Code.

### **ITEM 5. CHAPTER 3, 4, 5, 6, and 7 of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt these chapters as part of the model code adoption for inclusion into the 2019 California Building Code without amendment. This action will ensure the adoption of the most recent edition of these chapters making them available for Californian's use throughout the state.

### **ITEM 6. CHAPTER 8 - INTERIOR FINISHES of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt Chapter 8 as part of the model code adoption for inclusion into the 2019 California Building Code and to carry forward an existing amendment to Section 801.1. This action ensures that the most recent edition of Chapter 8, as part of the model code adoption, is included to improve the health and safety for Californian's use throughout the state.

### **ITEM 7. CHAPTER 9 and 10 of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt these chapters as part of the model code adoption for inclusion into the 2019 California Building Code without amendment. By adopting these model code chapters BSC is providing the most recent edition of these model code chapters for publication into the 2019 California Building Code, Part 2, Title 24. This action will ensure the adoption of the most recent edition of these chapters making them available for Californian's use throughout the state.

## **ITEM 8. CHAPTER 11 – ACCESSIBILITY of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to NOT adopt this chapter as part of the model code adoption. Accessibility provisions are already promulgated by the agencies that have statutory authority to write the accessibility regulations within Title 24. The Department of Housing and Community Development promulgates the access provisions for housing and places them into Chapter 11A within the CBC, and The Division of the State Architect – Access Compliance promulgates the Chapter 11B access provisions within the CBC. By NOT adopting this model code chapter, BSC is avoiding a conflict that would be created between the model code Chapter 11 and state generated Chapters 11A and 11B.

## **ITEM 9. CHAPTER 12 – INTERIOR ENVIRONMENT of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code and to carry forward existing amendments without change. This proposed action will clarify the model code chapter of the building standards code intended for publication as the 2019 California Building Code, Part 2, Title 24 and to renumber the existing amendments to align with the new model code format. By adopting the most recent edition of this model code chapter BSC is making available the latest update for the interior environment to improve the health and safety for Californian's use throughout the state.

### **1204.6 [BSC-CG] and 1204.7 [BSC]**

## **ITEM 10. CHAPTER 13 – ENERGY EFFICIENCY of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to NOT adopt this chapter as part of the model code adoption. Energy efficiency provisions are already promulgated by the agency that has statutory authority to write the energy efficiency regulations within Title 24. The California Energy Commission promulgates the energy provisions for all occupancies and places them into Part 6 of Title 24, California Energy Code. By NOT adopting this model code chapter BSC will avoid a conflict between the model code chapter for energy efficiency provisions, and those proposed, and adopted

by the California Energy Commission which has statutory authority to promulgate the energy efficiency provisions in the State of California within Part 6 of Title 24.

#### **ITEM 11. CHAPTER 14 – EXTERIOR WALLS of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code and carry forward existing amendment without change. This proposed action will clarify the model code chapter of the building standards code intended for publication as the 2019 California Building Code, Part 2, Title 24 and move forward without change the CALGreen reference to Division 5.4 for additional compliance requirements for exterior wall construction. This action will ensure the adoption of the most recent edition of these chapters making them available for Californian's use throughout the state and maintaining accurate references to other pertinent standards within the CALGreen code.

##### ***1403.2.1 [BSC-CG]***

#### **ITEM 12. CHAPTER 15 – ROOF ASSEMBLIES of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code. Also, due to model code renumbering of Section **1510.7.1** to **1510.7.2** the exception has been relocated to the new model code Section **1510.7.2**. By adopting this model code chapter BSC is providing the most recent edition of this model code chapter for publication into the 2019 California Building Code, Part 2, Title 24.

#### **ITEM 13. CHAPTER 16 – STRUCTURAL DESIGN of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code and carry forward existing amendment with a minor change to the title and first sentence. BSC identified a conflict between the title of Section **1613.1.1** and what is identified in law regarding the occupancy types that BSC regulates. BSC is proposing to remove the term “-owned” within the title ***State-owned structures***. Additionally, the same term is located in the first sentence of the section and also needs to be removed to prevent conflict with BSC law. By adopting this model code chapter BSC is including this chapter as part of the 2019 California Building Code, Part 2, Title 24 and by proposing this amendment it will remove a conflict in terms between BSC law and the building code regulations.

## **ITEM 14. CHAPTER 17 – SPECIAL INSPECTIONS AND TESTS of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24, carry forward existing amendments with editorial change to correct the reference section within Section 1707.1 identifying BSC's authority in law.

### **SECTION 1704.2.3 and 1707.1 [BSC]**

## **ITEM 15. CHAPTER 18 – SOILS AND FOUNDATIONS of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24 without new amendment, carry forward existing amendment related to Seismic reinforcement without change.

### **1810.10.3.4 Seismic reinforcement.**

## **ITEM 16. CHAPTER 19 – CONCRETE of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24. BSC proposes to adopt this chapter without new amendment, carry forward existing amendments to Sections **1905.1.2, 1905.1.3, and 1905.1.9~~8~~**. Renumber **1905.1.9** to **1905.1.8** as the model code deleted **1905.1.9** and included that text within **1905.1.8**.

## **ITEM 17. CHAPTERS 20, 21, 22, 23, 24, 25, and 26 of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt these chapters as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24, carry forward existing amendments. Similar to the reasons for the Item 4 and Item 18, Chapter 23 only, is also a result of post emergency/certifying rulemaking workshop activity that resulted from the Berkeley tragedy, it was also identified that a new language was needed to address exterior elevated elements topic within the ventilation portion of the existing amendment, and to repeal the existing amendment added by BSC in a prior rulemaking cycle. Additionally, BSC is coordinating new

amendments to model code Chapter 23, Section 2304.12.2.6 to include the new title information related to EEE's.

#### **ITEM 18. CHAPTERS 27, 28, and 29 of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to NOT adopt these chapters as part of the model code adoption. The state of California adopts the electrical, mechanical and plumbing provisions from other model codes published. The electrical provisions are published by the National Fire Protection Association, which publishes the National Electrical Code, and the International Plumbing and Mechanical Association (IAPMO), which publishes the Uniform Mechanical and Plumbing codes, which are adopted as Part 3, Part 4 and Part 5 respectively as parts of Title 24. By NOT adopting this model code chapter, BSC is avoiding potential conflicts with other model codes that contain these required provisions.

#### **ITEM 19. CHAPTER 30 - ELEVATORS AND CONVEYING SYSTEMS of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24 without amendment. BSC is providing the most recent edition of this model code chapter for publication into the 2019 California Building Code, Part 2, Title 24.

#### **ITEM 20. CHAPTER 31 – SPECIAL CONSTRUCTION of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to only adopt specific sections of this chapter as part of the model code adoption. BSC is proposing to amend the existing law provisions for existing Swimming Pool Safety Act. Prior legislation directed the California Building Standards Commission to reprint the law provisions of The Swimming Pool Safety Act into Part 2, Chapter 31 regarding safety features and entrapment devices for privately owned swimming pools, typically found in a residential setting. Recent legislation, SB 442 (Chapter 670, Statutes of 2017) updated the swimming pools safety act. Therefore, BSC is proposed to delete the current swimming pool safety act requirements within Section 3109.4.4 through 3109.6, and adopt the new swimming pool safety act provisions, as adopted into law by SB 442 and updated by BSC by way of a Change Without Regulatory Effect (CWoRE). This action makes the provisions within Chapter 31 for swimming pool safety current for the maximum safety standards required in law today. This is also reflected within an appendix chapter of the 2019 California Residential Code.

#### **ITEM 21. CHAPTER 32 - ENCROACHMENT INTO THE PUBLIC RIGHT-OF-WAY of**

## **the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code without amendment. BSC is providing the most recent edition of this model code chapter for publication into the 2019 California Building Code, Part 2, Title 24.

### **ITEM 22. CHAPTER 33 – SAFEGUARDS DURING CONSTRUCTION of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24 without new amendment, carry forward existing amendments. BSC is providing the most recent edition of this model code chapter for publication into the 2019 California Building Code, Part 2, Title 24.

### **ITEM 23. CHAPTER 35 – REFERENCED STANDARDS of the 2018 International Building Code without amendment.**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to adopt this chapter as part of the model code adoption for inclusion into the 2019 California Building Code, Part 2, Title 24 without amendment. BSC is providing the most recent edition of this model code chapter for publication into the 2019 California Building Code, Part 2, Title 24.

### **ITEM 24. APPENDIX CHAPTERS A, B, C, D, F, G, H, I, J, K, L, M, and N of the 2018 International Building Code**

**Specific Purpose, problem, rationale and benefit:** BSC is proposing to NOT adopt these appendix chapters as part of the model code adoption. However, these appendices will be published into the 2019 CBC. Additionally, BSC will not reprint Appendix Chapter E from the 2018 IBC as that would cause a conflict with the accessibility provisions already included in Chapters 11A and 11B. By NOT adopting these appendix model code chapters, and NOT printing Appendix Chapter E, BSC is avoiding potential conflicts with other model code chapters adopted for use in Title 24 that contain similar provisions. Additionally, by printing these appendix chapters, the local jurisdictions throughout the state can incorporate these appendices by ordinance as needed.

## **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

(Government Code Section 11346.2(b)(3))



There was no technical, theoretical or empirical study, report, or similar documents used as the basis for the proposed amendments to the 2019 California Building Code.

### **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:**

(Government Code Section 11346.2(b)(1))

BSC is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

(Government Code Section 11346.2(b)(4)(A))

There were no reasonable alternatives available to BSC. BSC is required by statute to adopt model codes as reference in the California Building Standards Law (Health and Safety Code, § 18901 et seq.).

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

(Government Code Section 11346.2(b)(4)(B))

No alternatives were identified that would lessen any adverse impact on small business. Adoption of the latest edition of the model code is mandated by H&SC §18928.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.**

(Government Code Section 11346.2(b)(5)(A))

The California Building Standards Commission (BSC) did not identify any facts, evidence, documents, testimony, or other substantiation to make an initial determination of significant adverse economic impact on businesses. BSC has determined that this regulatory action would not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

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

(Government Code Sections 11346.3(b)(1) and 11346.5(a)(10))

The California Building Standards Commission 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, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

(Government Code Section 11346.2(b)(5)(B)(i))

BSC did not identify any costs to comply with the proposed amendments. The amendments provide clarity and regulatory consistency for the code user.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

(Government Code Section 11346.2(b)(6))

There are no federal regulations concerning state agency adoption and amendment of model codes. Those provisions are found in H& SC §§18928 and 18929.1.