

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS  
AND DSA-SS/CC)  
REGARDING THE 2019 CALIFORNIA EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10  
(DSA-SS/CC 05/18)**

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 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.

**Chapter 1 – Scope and Administration**

Section 1.9.2.1.1 - In Section 1.9.2.1.1, sub-section 2.2, reference sections 101.8.1, 106.2.6 and 109.3.7.1 of Part 10 were inappropriately referenced in the 2016 CEBC for Part 2. A new section 3 is being created for Part 10, and the reference sections are being relocated into sub-section 3.2. Additionally, reference sections 104.9, 104.10 and 104.11 of Part 2 are being repealed since these provisions are contained in Part 1, California Administrative Code for public schools.

In Section 1.9.2.1.1, sub-section 1.1, reference Sections 4-401 through 4-435 were previously adopted in 2013 CAC, but not added into Section 1.9.2.1.1 at initial adoption. This amendment updates the applicable administrative standards to include the adopted regulations.

Section 1.9.2.1.2 - In 2019 IEBC, Chapter 4 has been relocated into Chapter 5. The reference to Chapter 4 is being revised accordingly.

Section 1.9.2.2.1 - In Section 1.9.2.2.1, sub-section 2.2, reference sections 101.8.1, 106.2.6 and 109.3.7.1 of Part 10 were inappropriately referenced in the 2016 CEBC for Part 2. A new section 3 is being created for Part 10, and the reference sections are being relocated into sub-section 3.2. Additionally, reference sections 104.9, 104.10 and 104.11 of Part 2 are being repealed since these provisions are contained in Part 1, California Administrative Code for community colleges.

In Section 1.9.2.2.1, sub-section 1.1, reference Sections 4-401 through 4-435 were previously adopted in 2013 CAC, but not added into Section 1.9.2.2.1 at initial adoption. This amendment updates the applicable administrative standards to include the adopted regulations.

Section 1.9.2.2.2 - In 2019 IEBC, Chapter 4 has been relocated into Chapter 5. The reference to Chapter 4 is being revised accordingly.

Section 106.2.5 and 106.2.6 - DSA amendment that was adopted as emergency regulations in 2016 CBEC have been adopted in the 2018 IEBC. Therefore the amended emergency section 106.2.6 is being repealed and model code language is being adopted in section 106.2.5 without further amendment.

Per CAC comments, the following additional clarity has been provided.

DSA agreed with the SD/LF CAC recommendation of short-term further study for Section 106.2.5 in collaboration with other co-adopting agencies. After further study, DSA, along with the other co-adopting agencies, is proposing to withdraw all previous amendments to these sections. The model code section will be adopted as it appears in the 2018 IBC.

The SDLF CAC also recommended further study, aligning with this BFO recommendation, at DSA's request, to address whether the use of the term "water" is appropriate. BFO CAC suggestions included looking at the inclusion of "vapor" and "moisture".

The three co-adopting agencies met, regarding the term "water". The agencies concluded that the use of "water" is fundamental to all other further-compartmenting terms. "Water," whether in a solid or gaseous state, will be at some point a liquid, which is the culprit in penetration of assemblies, and the target of these provisions. Additionally, since this is model language, the thinking is that concept of using only the term "water" has been thoroughly vetted. The conclusion of the agencies is to leave the proposed language regarding "water" as it currently appears in the ET, reflecting model text.

Section 109.3.6 and 109.3.7.1 - DSA amendment that was adopted as emergency regulations in 2016 CBEC have been adopted in the 2018 IEBC. Therefore the amended emergency section 109.3.7.1 is being repealed and model code language is being adopted in section 109.3.6 without further amendment.

Per CAC comments, the following additional clarity has been provided.

DSA agreed with the SD/LF CAC recommendation of short-term further study for Section 109.3.6 in collaboration with other co-adopting agencies. After further study, DSA, along with the other co-adopting agencies, is proposing to withdraw all previous amendments to these sections. The model code section will be adopted as it appears in the 2018 IBC.

The SDLF CAC also recommended further study, aligning with this BFO recommendation, at DSA's request, to address whether the use of the term "water" is appropriate. BFO CAC suggestions included looking at the inclusion of "vapor" and "moisture".

The three co-adopting agencies met, regarding the term "water". The agencies concluded that the use of "water" is fundamental to all other further-compartmenting terms. "Water," whether in a solid or gaseous state, will be at some point a liquid, which is the culprit in penetration of assemblies, and the target of these provisions. Additionally, since this is model language, the thinking is that concept of using only the term "water" has been thoroughly vetted. The conclusion of the agencies is to leave the proposed language regarding "water" as it currently appears in the ET, reflecting model text.

### **Chapter 3 – Provisions for all Compliance Methods**

Section 301.1 - Re-number DSA amendment 3 in 2016 CEBC to DSA amendment 2 in 2019 CEBC since exception 1 has been relocated into new IEBC section 301.3.

Re-number DSA amendment 4 in 2016 CEBC to DSA amendment 3 in 2019 CEBC since exception 1 has been relocated into new IEBC section 301.3.

Section 303.1 – DSA proposing adoption of IEBC provisions regarding live loads on an addition or alteration.

Section 303.2 – DSA proposing adoption of IEBC provisions regarding snow loads on an addition or alteration.

Section 304.1 - DSA proposing adoption of IEBC provisions regarding in-situ load tests of existing members prior to addition to or alteration of members.

Section 317.5 - A new non-structural performance level N-D Hazards Reduced has been adopted into ASCE 41-17, and this editorial change coordinates the 2019 CEBC with ASCE 41-17. CAC recommended short-term further study. DSA's response is indicated below, within the item for Table 317.5.

Table 317.5 - This proposal introduces the new N-D Hazards Reduced performance level and redefines the Not Considered level from N-D to N-E from ASCE 41-17 into the 2019 CEBC. The new category was established in ASCE 41-17 to add a nonstructural performance level for items that pose a significant life-safety hazard or loss-of-life risk.

In response to CAC comment, DSA is adding a footnote to clarify that when evaluating for the Hazards Reduced Nonstructural Performance Level, the requirements need not be greater than what would be required by ASCE 7 nonstructural provisions for new construction.

Section 318.1 - This proposal adds the new N-D Hazards Reduced performance level into the Definitions sections of the 2019 CEBC.

Section 319.1 - Exception 2 of Section 319.1 updates the CBC version from 2007 to 2013 CBC so that a building constructed under the 2013 CBC need only be rehabilitated to the 2013 CBC rather than ASCE 41-17 to stay within two code cycles of the 2019 CEBC.

Section 319.9 - This proposal revises the required non-structural performance level from N-C to N-D to match the new definition in Section 318.1

#### **Chapter 4 – Prescriptive Compliance Method**

The 2019 IEBC moved the Prescriptive Compliance Method from Chapter 4 to Chapter 5 and created a new Chapter 4 Repairs. The adopted 2016 CEBC Chapter 4 provisions have been relocated into Chapter 5.

#### **Chapter 5 – Prescriptive Compliance Method**

The 2019 IEBC shifted the Prescriptive Compliance Method from Chapter 4 to Chapter 5 and created a new Chapter 4 Repairs. The adopted 2016 CEBC Chapter 4 provisions have been relocated into Chapter 5.

Section 503.3 - Exception 2 to Section 503.3 will not be permitted so as to comply with Part 1, CAC Section 4-309(a) in assessing the impact on the gravity system.

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

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

2018 IBC: International Building Code.

2018 IEBC: International Existing Building Code.

ASCE 7-16: Minimum Design Loads for Buildings and Other Structures

ASCE 41-17: Seismic Evaluation and Retrofit of Existing Buildings

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

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

Health and Safety Code (H&SC) Section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

## **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The Division of the State Architect considered the performance standards in the International Existing Building Code requiring evaluation and retrofit of existing buildings for lateral forces; however determined that those standards were not equivalent to the performance objectives mandated in the Field Act to ensure public safety and protection of property. The Division of the State Architect did not identify nor determine any reasonable alternatives to the other proposed administrative regulations.

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

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

There will be no adverse impact on small business.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The regulations proposed will have no overall cost impact on business, since they are equivalent to current requirements in the Code. Technical updates to the national standards for structural design are incorporated, mostly by reference.

## **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 Division of the State Architect (DSA) has assessed whether or not and to what extent this proposal will affect the following:

**A.** The creation or elimination of jobs within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the creation or elimination of jobs.

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

The Division of the State Architect did not identify any amended regulation that would lead to elimination of existing businesses.

**C.** The expansion of businesses currently doing business within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the expansion of businesses currently doing business with the State of California.

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

The Division of the State Architect did not identify any amended regulation that would have a significant positive or adverse impact. These regulations will promote safer existing building retrofits by the adoption of current national model codes, so that they may be strengthened to remain safe following major earthquake as required by statute.

## **ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The proposed changes to the regulations are editorial to provide clarity, and do not result in an increase to the cost of compliance in the application and implementation of the

California Existing Building Code, since they are equivalent to current requirements. Technical updates to the national standards for structural design are incorporated, mostly by reference.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

These regulations do not duplicate or conflict with federal regulations.