

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2021 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

(BSC 09/21)

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.

General purpose, problem, rationale and benefits: The California Building Standards Commission (BSC) proposes to repeal the adoption of the 2019 California Existing Building Code (CEBC), which is based on the 2018 International Existing Building Code (IEBC).

BSC also proposes to adopt the 2021 IEBC, the most recent edition of the model code, for codification and effectiveness into the 2022 edition of the CEBC. This action is to meet the requirements of Health and Safety Code (HSC) Section 18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, HSC Section 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 HSC Section 18930(a).

In addition, BSC proposes to bring forward existing amendments from the 2019 California Existing Building Code for inclusion into the 2022 California Existing Building Code, unless specifically modified in the rulemaking items outlined below.

A statement of specific purpose, problem, rationale and benefit for each item is as follows (Item numbers used to coordinate with the items listed in the Express Terms):

**ITEM 1
CHAPTER 1 SCOPE AND ADMINISTRATION
DIVISION I – CALIFORNIA ADMINISTRATION**

BSC proposes to bring forward existing California amendments in Chapter 1, Division I, Sections 1.1 and 1.2 from the 2019 CEBC for adoption into the 2022 CEBC with the following modifications.

1.1.1 Title. BSC proposes to update this section reflecting adoption of the 2021 International Existing Building Code (IEBC), the most recent edition of the model code.

Updating the edition of the model code referenced is required to meet Building Standards Law regarding the adoption of the most recent edition of model code within one year of the model code publication. This update will clarify the codes available for use in construction and maintain the most current building standards for the protection of public health and welfare in the built environment.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

**CHAPTER 1 SCOPE AND ADMINISTRATION
DIVISION II – SCOPE AND ADMINISTRATION**

BSC proposes to adopt Sections 106.2.5 and 109.3.6 of the 2021 IEBC Chapter 1 and bring forward existing California amendments from the 2019 CEBC with the following modifications.

105.5.1 Expiration. BSC proposes this new subsection to address recent statutory requirements in Assembly Bill 2913 (AB 2913) (Chapter 655, Statutes of 2018), which became operative January 1, 2019 and amended Health and Safety Code (HSC) Section 18938.5(b)(2)(B) and added HSC Section 18938.6 to Building Standards Law.

BSC proposes regulations changing the exception relative to the permit expiration time period from 180 days to 12 months. The legislation also added HSC Section 18938.6 to provide that every permit shall remain valid if the work on the site authorized by the permit is commenced within 12 months after its issuance; the exception being where the permittee has abandoned the work authorized by the permit. Furthermore, this new law authorizes the permittee to request extension of the permit, and the building official may grant in writing one or more extensions in increments not exceeding 180 days.

According to the Assembly Bill 2913 fact sheet:

“ . . . many local jurisdictions have adopted administrative provisions allowing for one or more extensions, there is a lack of uniformity throughout the state regarding availability and length of time associated with local permit extensions. The inconsistency in this area contributes to a situation that is not helpful in addressing the housing shortages experienced throughout the state.

Additionally, California has been recently confronted with numerous natural disasters resulting in the complete destruction of over 8,000 structures. The push to rebuild these structures has placed significant, unplanned strain on local capabilities. Issues related to insurance payouts, infrastructure and utility repairs and access to needed materials and labor have created an added burden that is impacting areas far beyond those devastated disaster areas. The stage is set for an exceptionally long build-out process. Any one of

these issues can result in an unintended delay in the construction process which could easily take years to resolve, a period well beyond the 180 days currently allocated for a building permit. This is now an issue of statewide concern.”

HSC Section 18938.5, subdivision (B), states:

“A permit that is subsequently deemed expired because the building or work authorized by the permit is not commenced within 12 months from the date of the permit or the permittee has abandoned the work authorized by the permit.”

The amended law authorizes a permittee to request and the building official to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The amended law authorizes the permittee to request the extension in writing and to demonstrate justifiable cause for the extension.

HSC section 18938.6, subdivision (a) states:

“Every permit shall remain valid for purposes of this part if the work on the site authorized by that permit is commenced within 12 months after its issuance, unless the permittee has abandoned the work authorized by the permit.”

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 3

CHAPTER 2 DEFINITIONS

BSC proposes to adopt 2021 IEBC Chapter 2 with the following amendments.

BUILDING OFFICIAL and **ENFORCEMENT AGENCY**. BSC proposes to relocate these existing definitions from Section 318.1 to provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections. BSC also proposes minor editorial revisions and addition of the BSC banner. The definitions are co-adopted with DSA.

CAC Recommendation:

Approve.

Agency Response:

Accept.

REPAIR. BSC proposes to adopt the definition amended by OSHPD. Definition adopted in lieu of that previously given in Section 318.1 to consolidate definitions. The definition adopted in Section 202 retains the meaning previously defined in Section 318.1. The definition is co-adopted with OSHPD and DSA.

CAC Recommendation:

Disapprove.

Agency Response:

Withdraw.

ITEM 4

CHAPTER 3 PROVISIONS FOR ALL COMPLIANCE METHODS

BSC proposes to adopt 2021 IEBC Sections 301.1.1, 302.5 (formerly 302.6), 304.1 (formerly 303.1), 304.2 (formerly 303.2), and 305.1 (formerly 304.1) and bring forward existing California amendments from the 2019 CEBC with the following modifications.

301.1.1 Bleachers, grandstands and folding and telescopic seating. BSC is proposing to adopt this new model code section to address specific structural applications for bleacher safety to require compliance with ICC 300.

The 2018 IEBC addresses alterations, additions, and change of occupancy to bleachers, grandstands, and folding and telescopic seating only by Exception 1 to Section 501.1 and does not cover this scope in other chapters. Since ICC 300 includes provisions for new construction as well as maintenance, repair, alterations, and relocation of bleachers, ICC has determined the ICC 300 standard should apply to all compliance methods. Therefore, the new section was added to Chapter 3 of the 2021 IEBC and the exception in Section 501.1 was repealed. ICC has also determined that the change to Chapter 3 only affects the location of the pointer for greater clarity, there is no cost impact to the proposed change.

BSC adopted Section 501.1 including the exception about bleachers in the 2019 CEBC and since the model code relocated its provision to a more general chapter covering all methods, BSC followed and adopted this section. This Item directly relates to Section 401.1.1 in Item 5 below.

302.1.1 Dangerous conditions. BSC proposes to carry forward and renumber this existing CA amendment due to renumbering at the model code level.

302.5 Occupancy and use. BSC proposes to adopt Section 302.5 (formerly 302.6) of the 2021 IEBC as the occupancy and use of a building determination is only addressed in Chapter 3 of the CBC.

317.2 Scope. BSC proposes an editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10. The phrase “structurally connected” is proposed to be repealed as it is unnecessary and included in the definition of the term “Addition”. The change has been coordinated with DSA.

317.5 Minimum seismic design performance levels for structural and nonstructural components. BSC proposes editorial change of the word “Earthquake” to “Seismic” to provide consistent use of terms as defined by the referenced standard, ASCE 41. The change has been coordinated with DSA.

Table 317.5 Seismic performance requirements by building regulatory authority and risk category. BSC proposes to revise footnote #2 and add footnote #3 to clarify that there are two alternate compliance paths in addition to the criteria presented in the table. The combined description of alternate compliance methods in a single footnote has led to confusion concerning these alternates. The language of the footnote with respect to compliance with new building requirements was originally constructed when this provision was located within Chapter 34 of the California Building Code (Part 2). As such, reference was made to a different chapter of the same code. With these regulations now located in the California Existing Building Code, the reference to a single chapter can be misunderstood to mean compliance with requirements of other chapters of Part 2 are not required.

Footnote 3 is added to present the two alternate compliance methods into separate footnotes and thereby distinguish their difference. The specific reference to Chapter 16 is removed in favor of the more general description of the structural and nonstructural requirements of new buildings in the CBC as adopted by BSC. The change has been coordinated with DSA.

317.6 Retrofit required. BSC proposes editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10. The change has been coordinated with DSA.

317.7 BSC proposes editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10. BSC also proposes to revise the wording with respect to compliance with new building requirements to match proposed revisions to footnote #2 of Table 317.5. Refer to problem, rationale, and benefit described above under the statement of reasons for Table 317.5. The change has been coordinated with DSA.

317.8 BSC proposes editorial changes to coordinate with the latest version of the referenced standard, ASCE 41. The adopted version of the referenced standard now separates provisions for seismic isolation and passive energy systems into two chapters, as is reflected in the proposed change.

318.1 BSC proposes following modifications to defined terms as indicated below.

ADDITION BSC proposes to add the BSC banner as DSA is no longer co-adopting the definition.

ALTERATION BSC proposes to add the BSC banner as DSA is no longer co-adopting the definition.

BUILDING OFFICIAL BSC proposes to relocate the definition to Section 202 for the reasons explained in Item 3 above. The change has been coordinated with DSA.

DESIGN BSC proposes to repeal the definition as it is deemed unnecessary and generally inconsistent with the usage of the term in Sections 317 through 323. In addition, the definition as stated, uses the term being defined (“design”) twice in the body of the definition. The circular reference thus created is not constructive and prone to create

confusion among users.

This term is commonly and frequently used in the Architectural Engineering Construction (AEC) industry (i.e., many stakeholders and regular users of the Title 24, C.C.R.). Neither the California Building Code (Part 2) nor this code in Section 202 find it necessary to define the term.

The intent of the definition appears to be to assure that “evaluation” is included where the term “design” is used in the context of existing components, elements, or systems. The code sections to which this definition applies, already provide this assurance by explicitly including the word “evaluation” alongside “design”. The use of “design” in sections 317 through 323 is as follows:

Section 317 (title), 317.1.1, 317.1.2, 317.1.3, 317.10, 319.1, 322.5 – The term is used in conjunction with the word “evaluation” thus: “evaluation and design”. The separation of these terms implies they are exclusive of one another, which differs from the definition as stated.

Section 317.2 – The term used in this section is accompanied by a specific explanation of the evaluation component.

Sections 317.4, 317.9, 319.1, 319.1.2, 319.2, 319.6, 319.7, 319.10, 319.10.1, 319.10.2.2, 319.11, 319.12.2, 321.1, 321.2.3, 322.3, 322.3.4, 322.4, 322.5, 322.6, 322.7, 323.1 – The term used in these sections is in the context of “design professional”, “design project”, “design method”, “design documents”, “design team”, “design criteria”, “design development”, “Seismic Design Category”, or “engineering design peer review”, which constitute different meanings than given in the definition.

Section 317.5 – The term used in this section is accompanied by “and assessment”, which is consistent with the inclusion of an evaluation component.

Sections 317.9, 319.10.1 (2nd use) – The term used in this section relates to structural observation, which is not applicable to the evaluation component such that removal of the definition has no effective change to the regulation.

Sections 319.2 (1st and 2nd use), 319.7.2, 319.12, 319.12.2 (2nd use), 320.1 (1st use), 321.1 (2nd use), 322.4 (3rd use), 322.7 (3rd use), 323.1 (7th use) – The term used in these sections implies design separate from evaluation, which differs from the definition as stated. Where the term “retrofit design” is used in the body of the regulation, it should be specifically noted that the definition differentiates “evaluation and retrofit design”.

Section 319.2 (3rd use) – The term used in this context relates to the completion of the design and appears to be consistent with the definition. The regulation specifies “existing vertical and lateral structural systems” directly, which directly captures the evaluation component of the definition. The definition is not necessary to the understanding, implementation, and enforcement of this regulation.

Section 320.1 (2nd use) – The term used in this context relates to the use of the adopted standard, ASCE 41: Seismic Evaluation and Retrofit of Existing Buildings. As is explicit in

its title, the requirements of the adopted standard include the evaluation component of the definition. The definition is not necessary to the understanding, implementation, and enforcement of this regulation.

Section 321.1 (3rd use) – The term used in this context follows a sentence that specifically refers to “evaluation...retrofit and/or repair design”, which captures the evaluation component of the definition. The definition is not necessary to the understanding, implementation, and enforcement of this regulation.

Sections 321.2.1, 321.2.4, 322.1, 322.2, 322.4 (4th use), 322.5 (3rd use), 322.7 (2nd use) – The term used in these sections relates to the peer review scope and appears to be consistent with the definition. Relative to the peer review, Section 322.4 provides a detailed explanation of the scope, which captures the evaluation component of the definition. The definition is not necessary to the understanding, implementation, and enforcement of these regulations.

As summarized in detail above, the term “design” is used in various contexts throughout Sections 317 through 323, some of which are consistent with the definition and others that are not. Where the definition is consistent with the definition, the full context of the code language is found sufficient to effectively communicate the requirements without need for the definition. Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately. The change has been coordinated with DSA.

ENFORCEMENT AGENCY BSC proposes to relocate the definition to Section 202 for the reasons explained in Item 3 above. The change has been coordinated with DSA.

METHOD A, METHOD B, PEER REVIEW, and SPECIFIC PROCEDURES BSC proposes to repeal the definitions because they do not define the terms but are instead reference pointers to other code sections. Wherever these terms are used in the body of the regulations they are accompanied by an explicit reference to the same code section stated in the “definition”. Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately. The change has been coordinated with DSA.

MODIFICATIONS BSC proposes to repeal the definition as it is deemed extraneous and to provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

In the vernacular the term “modification” can be easily misunderstood to mean “alteration”. The sum of code changes being proposed endeavor to use “alteration” consistently for this meaning in coordination with the remainder of Part 10. The term as defined in this section, includes the work of repairs. Repair is already defined in Part 10 and a third term used to describe the same concept creates unnecessary opportunity for confusion. Elsewhere in Sections 317 through 323, the term is used to mean voluntary modifications to the lateral-force resisting system as specified in Section 319.12. In this context, the usage is inconsistent with the definition contained here. This represents an additional source of potential confusion.

The use of “modification” in sections 317 through 323 is as follows:

Sections 317.2, 317.6, 317.7 – For consistency, the term used in these regulations is proposed to be changed to “alteration” (see explanation above). The term “repair” is already listed specifically such that removal of the definition has no effective change to the regulation.

Sections 317.8, 317.11, 319.12 – The term used in these sections is intended to mean voluntary modifications to the lateral force resisting per Section 319.12. Where appropriate changes are proposed to clarify this distinction (see explanation herein as applicable). Where intended, the term “repair” is already listed specifically such that removal of the definition has no effective change to the regulation.

Section 319.7.5 – The term “repair” is already listed specifically such that removal of the definition has no effective change to the regulation.

Sections 319.8, 319.9 – The term used in these sections represents the general meaning that does not include repair scope of work. Therefore, removal of the definition has no regulatory change.

Section 321.1 – For consistency with the remainder of the section, the term used in this regulation is proposed to be changed to “retrofit and/or repair” (see explanation below).

Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately. The change has been coordinated with DSA.

N-A, N-B, N-C, N-D, N-E and S-1, S-2, S-3, S-4, S-5, S-6 BSC proposes to repeal the definitions because they do not define the terms but are instead reference pointers to the definitions in the adopted standard, ASCE 41. The reference to ASCE 41 for these terms is already given in Section 317.5 and footnote #1 of Table 317.5, which are the only locations where these designations are used. Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately. The change has been coordinated with DSA.

REPAIR BSC proposes to repeal the definition in coordination with the adoption of the definition for the same term contained in Section 202. The definition adopted in Section 202 retains the meaning previously defined here. See Item 3 for additional explanation. The change has been coordinated with DSA.

CAC Recommendation:

Disapprove the proposal to repeal the definition of REPAIR.

Agency Response:

Withdraw.

STRUCTURAL REPAIRS BSC proposes to repeal the definitions as it is not used in Sections 317 through 323. The change has been coordinated with DSA.

319.1 Basis for evaluation and design. BSC proposes to update the referenced code in

exception #1 from CBC version 2013 to 2016 to reference the code version two triennial adoption cycles previous to the current version.

319.4 Risk categories. BSC proposes an editorial change to align the regulation with the current California Building Code (Part 2) and the adopted standard ASCE 7. The current version of Part 2 and its adopted standard, ASCE 7, apply the Risk Category designation to regulations pertaining to other load types in addition to earthquake loads. The unnecessary clause citing “earthquake resistant design”, may imply to users that other Risk Category requirements do not apply. Because this regulation is located in Section 319, which is titled “Seismic Criteria Selection for Existing Buildings”, the clause is extraneous and can be removed without substantive effect to the regulation. The change has been coordinated with DSA.

319.7.2 BSC proposes to revise this section to clarify the condition triggering a Method B approach based on building irregularities. An editorial revision is also incorporated to move an exception in the body of the provision into a list with the other exception.

Some users have been confused as to whether this regulation requires the irregular building classification to be determined by one or both standards cited, and if only one standard is required for the determination what is the basis of this determination. The proposed revision clarifies that only one standard need be used to determine the building classification and aligns the standard to be used with the overall seismic design criteria for the project. The change has been coordinated with DSA.

CAC Recommendation:

Further Study recommended for the proposal to revise section 319.7.2. with comments expressing concern over ambiguity in interpretation of the word “negligible” and requesting additional punctuation (i.e., comma between the words “building” and “Method”).

During the CAC meeting, a public comment was received from Peter Maloney who identified himself as representing the Existing Building Committee of the Structural Engineers Association of California (SEAOC). The comment requested the addition of a third exception to the provision based on conditions ASCE 41 allows irregular buildings to use linear analysis methods.

Agency Response:

Accept.

The CAC concern over ambiguity in interpretation of the word “negligible” has been addressed by removal of the word from the Express Terms. The revised proposal now retains the text verbatim as it appears in the current version of the CEBC while still reconfiguring both exceptions into a common list.

The CAC request for additional punctuation is no longer applicable. The proposed reconfiguration has been revised to place the concluding phrase at the beginning of the Exception to cover both conditions that follow. The moved phrase eliminates the location where the CAC requested a comma be added. Note also that the concluding phrase has been revised from “Method A may be used” to “Section 319.7.2 does not apply”. Both occur in the current amendment language; however, the former is not

accurate in the case where one of the conditions described in Sections 319.7.1 or 319.7.3 through 319.7.7 apply.

The public comment request to add a third exception has not been included in the Express Terms at this time for the following reasons:

- (1) Despite proactive efforts by DSA to engage stakeholders early in the code adoption process, this comment is received at a juncture with insufficient time for internal assessment and external vetting necessary for consensus and responsible adoption of the proposal. BSC in coordination with DSA intends to continue evaluation of the proposal in conjunction with effected stakeholders during the 2022 Intervening Code Adoption Cycle.
- (2) The first stated rationale for the proposed introduction of a third exception was clarification of the term “negligible”. The term “negligible” was previously proposed in the second exception. Because the exceptions are independent of each other, any content added to a third exception would not provide clarification of the second exception as was the stated intention of the comment.
- (3) The first stated rationale for the proposed introduction of a third exception was clarification of the term “negligible”. In response to CAC comment, the term “negligible” has been removed from the second exception. Because the term has been removed from the proposed amendment, it no longer requires clarification.
- (4) The second stated rationale for the proposed introduction of a third exception was to tie the provision back to ASCE 41 requirements when that standard is used as the basis of design. Code changes within the main body of this code section (not the exceptions) are already proposed to connect the irregular building assessment to the irregularity provisions ASCE 41 when that standard is used as the basis of design. The ASCE 41 provisions cited in the comment pertain specifically to the use of linear analysis procedures. While this response does not intend to presume the commentor’s understanding, the proposal as stated seems to equate linear analysis procedures with Method A and nonlinear analysis procedures with Method B. As such, it should be noted that in accordance with Section 321.2.1 linear procedures can sometimes be used in Method B. Additionally, Section 319.7.7 requires the use of Method B whenever nonlinear analysis procedures are used, which makes clear that the subject section (319.7.2) is concerned with irregularities rather the analysis procedure as implied by the proposal of the comment. No rationale has been given to justify why the conditions defined in ASCE 41 permitting linear analysis of certain types of irregular buildings should also exempt those same types of irregular buildings from Method B requirements.

319.10 Structural observation, testing and inspection. BSC proposes editorial revisions and removed text to coordinate with associated regulations in Chapter 17 of the CBC and remove redundant and/or contradictory regulations.

Quality assurance regulations, including those for projects in existing buildings, are located in Chapter 17 of the CBC. The 2021 IEBC also contains quality assurance requirements specific to existing buildings. Section 319 of this code is titled, “Seismic Selection Criteria for Existing Buildings”, which is not an intuitive place for users to find quality assurance requirements. Quality assurance regulations in this section are therefore vulnerable to

being missed resulting in inconsistent implementation and enforcement.

BSC proposes to repeal the term “geotechnical and construction observation” as it is not used nor defined by CBC regulations. CBC defines the geotechnical engineer’s role in quality assurance as special inspection.

BSC proposes to repeal the second sentence to avoid the following misunderstanding. Under the heading “Structural observation, testing and inspection” the regulation indicates “a minimum” requirement of structural observation, which could be interpreted as contradictory to Chapter 17 of the CBC whose minimum requirements most commonly include a combination of testing, inspection, and structural observation.

BSC proposes to repeal the final sentence because it is redundant with CBC Section 1704.3.

The changes have been coordinated with DSA.

319.10.1 and **319.10.2** BSC proposes to repeal these sections because they are redundant with CBC Section 1704.6. The change has been coordinated with DSA.

319.10.1 and **319.10.2** (former 319.10.2.1 and 319.10.2.2) **Preconstruction meeting.** BSC proposes to renumber these sections to coordinate with the deletion of the parent section. The change has been coordinated with DSA.

CAC Recommendation:

Further Study recommended for the proposal to relocate sections 319.10.2.1 and 319.10.2.2 to Part 2 with the comment that the provisions should remain in Part 10.

Agency Response:

Accept.

BSC has accepted the recommendation and removed the proposed relocation from the Express Terms, which has been revised to reflect renumbering of these sections as required to coordinate with the proposed deletion of the parent section, which was approved by the CAC.

319.11 Temporary actions. BSC proposes an editorial change to replace the word “Exception” with “Item” to properly coordinate the reference to Section 319.12, which contains a list of items but no exceptions. The change has been coordinated with DSA.

Section 321.1 BSC proposes an editorial change to replace the word “modifications” with “retrofit and/or repair” to provide consistent and accurate use of terms as defined in the remainder of Part 10. The change has been coordinated with DSA.

CAC Recommendation:

Approve all BSC proposals for Chapter 3 except for sections 319.7.2, 319.10.2.1 and 319.10.2.2 which were recommended for Further Study and definition of REPAIR which was recommended for Disapproval.

Agency Response:

Accept all CAC recommendations including Disapproval of definition of REPAIR which was withdrawn. See the applicable sections above for detailed explanation of findings and revised proposal resulting from the Further Study.

**ITEM 5
CHAPTER 4 REPAIRS**

BSC proposes to adopt 2021 IEBC Section 401.1.1, 401.3, and 405.2.6 (formerly 405.2.5) and bring forward existing California amendments from the 2019 CEBC with the following modifications.

401.1.1 Bleachers, grandstands and folding and telescopic seating. BSC is proposing to adopt this new model code subsection to Chapter 4 to address specific structural applications for bleacher safety to require compliance with ICC 300.

The 2018 IEBC addresses alterations to bleachers, grandstands, and folding and telescopic seating only by Exception 1 to Section 501.1 and does not cover this scope in other chapters. Since ICC 300 includes provisions for new construction as well as maintenance, repair, alterations, and relocation of bleachers, ICC has determined the ICC 300 standard should apply to repairs. Therefore, the new section was added to Chapter 4 of the 2021 IEBC and the exception in Section 501.1 was repealed. ICC has also determined that the change to Chapter 4 only affects the location of the pointer for greater clarity, there is no cost impact to the proposed change.

BSC adopted Section 501.1 including the exception about bleachers in the 2019 CEBC and since ICC determined to apply the ICC 300 standard to repairs, BSC followed and adopted this section. This Item directly relates to Section 301.1.1 in Item 4 above.

401.1.2 Scope. BSC proposes to carry forward existing 2019 CEBC amendment 401.1.1 and renumber it to 401.1.2. as Section 401.1.1 was added to the model code.

CAC Recommendation:

Approve.

Agency Response:

Accept.

**ITEM 6
CHAPTER 5 PRESCRIPTIVE COMPLIANCE METHOD**

BSC proposes to adopt 2021 IEBC Chapter 5 sections 501.1, 502.1, 502.3, 502.4, 503.1, 503.2, 503.3, 506.1, 506.1.1, 506.2, 506.3 and bring forward existing California amendments from the 2019 CEBC with the following modifications.

501.1 Scope. BSC proposes to amend this section providing reference to Part 8 of Title 24 since historic buildings and structures in California are covered under Part 8. This amendment is necessary as the model code has revised this section by including historic

buildings and structures in the scope.

502.1 General. BSC proposes to modify the existing amendment to repeal that the requirements of Sections 502.4 be replaced by the requirements of Sections 317 through 322. Section 502.4 has been adopted by BSC since 2016 CEBC per DSA-SS recommendation as existing structural elements carrying gravity load provisions are not addressed in the California amended Sections 317-322.

503.1 General. BSC proposes to modify the existing amendment to repeal that the requirements of Sections 503.3 be replaced by the requirements of Sections 317 through 322. Section 503.3 has been adopted by BSC since 2016 CEBC per DSA-SS recommendation as existing structural elements carrying gravity load provisions are not addressed in the California amended Sections 317-322.

506.5 [Formerly 506.4] Structural. Exception. BSC proposes to carry forward existing 2019 CEBC amendment and correct references to the renumbered section.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 7

CHAPTER 6 CLASSIFICATION OF WORK

CHAPTER 7 ALTERATIONS - LEVEL 1

CHAPTER 8 ALTERATIONS - LEVEL 2

CHAPTER 9 ALTERATIONS - LEVEL 3

CHAPTER 10 CHANGE OF OCCUPANCY

CHAPTER 11 ADDITIONS

BSC does not adopt Chapters 6, 7, 8, 9, 10, and 11 of the 2021 IEBC for scopes within BSC's authority. Regulations governing additions, alterations, reconstruction, and change in occupancy for buildings under BSC jurisdiction are contained in Chapters 3, 4 and 5 of this code. Much of the remaining regulations contained in Chapters 6 through 11 are not within BSC authority or regulated in other parts of the California Building Standards Code; therefore, adoption of these chapters is not deemed constructive at this time.

Having little or no need for transitioning to regulations contained in IEBC Chapters 6 through 11 within the scope of the BSC application, BSC adoption of IEBC Chapters 6 through 11 provides no discernable advantages or benefits for state-owned buildings or BSC applications.

CHAPTER 6 BSC continues not to adopt Chapter 6. BSC has proposed to adopt certain sections of Chapter 5 Prescriptive Compliance Method, as the only acceptable method for compliance, for scopes within BSC's authority. In addition to that, structural regulations of the work area method (Chapters 6 – 11) are the same as those of the prescriptive method (Chapter 5).

CHAPTERS 7, 8 and 9 BSC continues not to adopt Chapters 7, 8 and 9. These chapters are related to the “Work Area Method”, described in Chapter 6 Classification of Work. Since Chapter 6 is not adopted, Chapters 7, 8, and 9 are not adopted.

CHAPTER 10 BSC continues not to adopt Chapter 10. Provisions for occupancy change are covered in Section 506, within Chapter 5 Prescriptive Compliance Method. The “Work Area Method” described in Chapter 6 refers to this chapter; Chapter 6 is not adopted by BSC.

CHAPTER 11 BSC continues not to adopt Chapter 11. Provisions for additions are covered in Section 502, within Chapter 5 Prescriptive Compliance Method. The “Work Area Method” described in Chapter 6 refers to this chapter; Chapter 6 is not adopted by BSC.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 8

CHAPTER 12 HISTORIC BUILDINGS

BSC does not adopt Chapter 12 of 2021 IEBC.

Chapter 12 of 2021 IEBC is proposed to be reserved from 2022 CEBC as Part 8 of Title 24 regulates historic buildings.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 9

**CHAPTER 13 PERFORMANCE COMPLIANCE METHODS
CHAPTER 14 RELOCATED OR MOVED BUILDINGS**

BSC does not adopt Chapters 13 and 14 of the 2021 IEBC.

BSC continues not to adopt Chapter 13 for scopes within BSC authority. Regulations governing additions, alterations, reconstruction, and change in occupancy for buildings under BSC jurisdiction are contained in Chapters 3, 4 and 5 of this code and already provide stakeholders the option of performance based seismic design through the application of ASCE 41. Much of the remaining regulations contained in Chapters 13 are not within BSC authority or regulated in other parts of the California Building Standards Code; therefore, adoption of these chapters is not deemed constructive at this time.

BSC continues not to adopt Chapter 14 as relocations are covered in Section 317.6, as

“alterations,” for scopes within BSC authority.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 10
CHAPTER 15 CONSTRUCTION SAFEGUARDS
CHAPTER 16 REFERENCED STANDARDS

BSC proposes to adopt Chapters 15 and 16 of the 2021 IEBC into the 2022 CEBC, without amendment.

BSC proposes continued adoption of Chapter 15. Adoption provides consistency with Chapter 33 of Part 2 CBC, which BSC also adopts.

BSC proposes continued adoption of Chapter 16. Adoption provides consistency with Chapter 35 of Part 2 CBC, and identifies appropriate references contained within the text of Part 10 for BSC authority.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 11
APPENDIX A
CHAPTER A1 SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS
CHAPTER A2 EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE AND REINFORCED MASONRY WALL BUILDINGS WITH FLEXIBLE DIAPHRAGMS

BSC proposes to adopt Appendix A Chapters A1 and A2 of the 2021 IEBC, and to bring forward existing 2019 CEBC amendments.

BSC proposes to continue adoption of Chapters A1 and A2 with existing amendments. The purpose of this action is to adopt the latest standards as required by HSC Section 18928 and as recommended by the Seismic Safety Commission, making the standards available to local governments for their loss reduction programs. The rationale for the adoption is the improvement of these programs and the successful mitigation of the remaining at-risk URM and flex diaphragm buildings.

Health and Safety Code Section 18934.7 requires BSC to adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in Appendix Chapter A1 of the IEBC to provide minimum standards for existing unreinforced

masonry (URM) bearing wall buildings.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 12

APPENDIX A

CHAPTER A3 PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT, WOOD-FRAME RESIDENTIAL BUILDINGS

CHAPTER A4 EARTHQUAKE RISK REDUCTION IN WOOD-FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK OR OPEN FRONT WALLS

BSC does not adopt Appendix A Chapters A3 and A4 of the 2021 IEBC.

BSC continues not to adopt Chapters A3 and A4. These are residential appendices, not within BSC authority.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 13

APPENDIX A

CHAPTER A5 REFERENCED STANDARDS

BSC proposes to adopt Appendix A Chapter A5 of the 2021 IEBC, without amendment.

BSC continues to adopt Chapter A5 as the adopted chapters of Appendix A rely on these referenced standards to carry out the intent of the provisions.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 14

APPENDIX B SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES

APPENDIX C CHAPTER C1 GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS AND CHAPTER C2 ROOF DECK FASTENING FOR HIGH WIND AREAS

APPENDIX D BOARD OF APPEALS

RESOURCE A GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES

BSC proposes not to adopt Appendix B, C, D and RESOURCE A of the 2021 IEBC.

CAC Recommendation:

Approve.

Agency Response:

Accept.

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).

There was no technical, theoretical or empirical study, report, or similar documents used as the basis for the proposed amendments to the 2022 California Existing Building Code.

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.

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) 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.

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

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 HSC Section 18928.

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.

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. BSC is adopting the latest edition of the model code pursuant to HSC Section 18928, making only minor amendments with no intended change in regulatory effect.

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)

BSC has assessed whether and to what extent this proposal will affect the following:

- A.** 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.
- B.** 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.
- C.** The expansion of businesses currently doing business within the State of California.
This regulation will not affect 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.
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) 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.

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) 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.

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