

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-SS/CC)  
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10  
(DSA-SS/CC 06/21)**

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.

**Item 1**

**Chapter 1 SCOPE AND ADMINISTRATION**

Adopt selected sections of Chapter 1 of the 2021 IEBC as Chapter 1 of the 2022 CEBC. All existing California amendments that are not revised shall continue without change.

**Section 1.9.2.1.3** – Editorial revision: Text revised to remove numbering in coordination with the single exception and to prevent the impression that a second exception is missing.

**Section 1.9.2.1.4** – Added provision to redirect references for public schools to the applicable “A” chapters of the California Building Code (Part 2).

Purpose: Provide correct citation to applicable chapters in Part 2.

Problem: DSA-SS amendments constitute separate “A” chapters in some cases in Part 2. Model code citations to specific chapters or sections of Part 2 are therefore not aligned with these “A” chapters. For example, in Section 304.1, Section 1708 of the California Building Code is cited. For projects under DSA-SS jurisdiction, this should cite Section 1708A.

Rationale: Proposed language corresponds to that used in Part 2 for the same purpose and is the same as in Section 317.1.2.1. Locating the provision in Chapter 1 is necessary to capture those citations that occur outside of Sections 317 - 323.

Benefit: Improved clarity and reduced misunderstanding by stakeholders in understanding the applicable regulations being cited.

**Section 1.9.2.2.3** – Editorial revision: Text revised to remove numbering in coordination with the single exception and to prevent the impression that a second exception is missing.

**Section 1.9.2.2.4** – Added provision to redirect references for public schools to the applicable “A” chapters of the California Building Code (Part 2).

Purpose: Provide correct citation to applicable chapters in Part 2.

Problem: DSA-SS amendments constitute separate “A” chapters in some cases in Part 2. Model code citations to specific chapters or sections of Part 2 are therefore not aligned

with these “A” chapters. For example, in Section 304.1, Section 1708 of the California Building Code is cited. For projects under DSA-SS jurisdiction, this should cite Section 1708A.

Rationale: Proposed language corresponds to that used in Part 2 for the same purpose and is the same as in Section 317.1.3.1. Locating the provision in Chapter 1 is necessary to capture those citations that occur outside of Sections 317 - 323.

Benefit: Improved clarity and reduced misunderstanding by stakeholders in understanding the applicable regulations being cited.

**CAC Recommendation (if applicable):**

Approve.

**Agency Response:**

Accept.

**Item 2**

**Chapter 2 DEFINITIONS**

Adopt selected sections of Chapter 2 of the 2021 IEBC as Chapter 2 of the 2022 CEBC.

**Section 201.1** – Model code adopted without amendment.

**Section 201.2** – Model code adopted without amendment.

**Section 201.3** – DSA amendment is added to reference applicable sections of the California Administrative Code (Part 1), where the definitions contained therein govern.

**Section 201.4** – Model code adopted without amendment.

**BUILDING OFFICIAL** and **ENFORCEMENT AGENCY** – Definitions relocated from Section 318.1. These definitions are co-adopted with BSC.

Purpose: Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections. A consistent use of terms is necessary to consider future adoption of other chapters and sections of the IEBC, as has been requested by the AIA.

Problem: The location of definitions in Section 318.1 is not intuitive in the context of Chapter 2 being dedicated entirely to definitions. This makes the definitions difficult for users to find and, when found, creates confusion concerning the scope of their applicability.

Rationale: Definitions located in Chapter 2 provides consistency with the overall organization of the CEBC. It is also consistent with the organization of Part 2 as resulting from similar relocation of definitions in the last Triennial Code Adoption Cycle. Users of Part 10 are often also frequent users of Part 2.

Benefit: Improved clarity and reduced misunderstanding by stakeholders who may have missed definitions located in Section 318.1 for the reasons described.

**REPAIR.** (Withdrawn)

**SUBSTANTIAL STRUCTURAL DAMAGE.** (Withdrawn)

**CAC Recommendation:**

Approve CAM sub-items DSA-SS/CC 06/21-2-1 through DSA-SS/CC 06/21-2-4 (Sections 201.1, 201.2, 201.3, 201.4; definitions of BUILDING OFFICIAL and ENFORCEMENT AGENCY).

Disapprove CAM sub-item DSA-SS/CC 06/21-2-5 (definition of REPAIR).

Further Study CAM sub-item DSA-SS/CC 06/21-2-6 (definition of SUBSTANTIAL STRUCTURAL DAMAGE).

**Agency Response:**

Accept approval of CAM sub-items DSA-SS/CC 06/21-2-1 through DSA-SS/CC 06/21-2-4.

Withdraw CAM sub-items DSA-SS/CC 06/21-2-5 and DSA-SS/CC 06/21-2-6 (co-adoption of OSHPD definitions of REPAIR and SUBSTANTIAL STRUCTURAL DAMAGE).

**Item 3**

**Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS**

Adopt selected sections of Chapter 3 of the 2021 IEBC as Chapter 3 of the 2022 CEBC. All existing California amendments that are not revised shall continue without change.

**Section 301.2** (Withdrawn)

**Section 317.2** – Editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). Editorial change to remove the phrase “structurally connected”, which is unnecessary and contradicts the definition of “addition” in Section 4-314 of Part 1. This amendment is co-adopted with BSC.

**Section 317.5** – Editorial change of the word “Earthquake” to “Seismic” to provide consistent use of terms as used by the referenced standard, ASCE 41. This amendment is co-adopted with BSC.

**Table 317.5** – Footnote #2 revised and footnote #3 added to clarify the two alternate compliance paths in addition to the criteria presented in the table. This amendment is co-adopted with BSC.

Purpose: Clarify the alternate compliance path requirements.

Problem: 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.

Rationale: 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 DSA.

Benefit: Improved clarity and reduced misunderstanding by stakeholders, which may have resulted for the reasons explained above.

**Section 317.6** – Editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). This amendment is co-adopted with BSC.

**Section 317.7** – Editorial change of the word “modifications” to “alterations” to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). This amendment is co-adopted with BSC.

Language with respect to compliance with new building requirements revised 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.

**Section 317.8** – 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. This amendment is co-adopted with BSC.

**Section 318.1** – Definitions are relocated to section 202 for the reasons explained in Item 2 above. In conjunction with relocation, the definitions have been evaluated to remove extraneous and outdated items.

DSA amendment is added to reference applicable sections of the California Administrative Code (Part 1), where the definitions contained therein govern.

**ADDITION** – Definition removed from Part 10.

Purpose: Eliminate redundant and/or contradictory definitions of terms.

Problem: Definition contained herein is redundant and contradictory with the definition of the same term in Section 4-314 of Part 1. For example, the term is defined as “structurally attached” here and “either structurally attached or structurally detached” in Part 1. Furthermore, redundancy leaves the regulations vulnerable to future contradiction when a definition is revised in one but not all locations.

Rationale: As the charging regulations defining when these sections of the CEBC are applicable, the definition contained in the Part 1 must govern.

Benefit: Improved accuracy in the implementation and enforcement of regulations dependent on the definition of this term.

**ALTERATION** – Definition removed from Part 10.

Purpose: Eliminate redundant and/or contradictory definitions of terms.

Problem: Definition contained herein is redundant and contradictory with the definition of the same term in Section 4-314 of Part 1. For example, the term is defined as “any change” here while Part 1 excludes other categories of work including reconstruction, rehabilitation, and relocation. Furthermore, redundancy leaves the regulations vulnerable to future contradiction when a definition is revised in one but not all locations.

Rationale: As the charging regulations defining when these sections of the CEBC are applicable, the definition contained in the Part 1 must govern.

Benefit: Improved accuracy in the implementation and enforcement of regulations dependent on the definition of this term.

**BUILDING OFFICIAL** – Definition relocated to Section 202. See Item 2 above for detailed explanation. Relocation of this amendment is co-adopted with BSC.

**DESIGN** – Definition is determined to be extraneous and therefore removed from Part 10. Repeal of this amendment is co-adopted with BSC.

Purpose: Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

Problem: Definitions in Section 318.1 are vulnerable to being missed or result in confusion concerning their scope of applicability because Chapter 2 is dedicated to definitions. 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.

Rationale: This term is commonly and frequently used in the 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 (2<sup>nd</sup> 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 (1<sup>st</sup> and 2<sup>nd</sup> use), 319.7.2, 319.12, 319.12.2 (2<sup>nd</sup> use), 320.1 (1<sup>st</sup> use), 321.1 (2<sup>nd</sup> use), 322.4 (3<sup>rd</sup> use), 322.7 (3<sup>rd</sup> use), 323.1 (7<sup>th</sup> 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 (3<sup>rd</sup> 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 (2<sup>nd</sup> 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 (3<sup>rd</sup> 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 (4<sup>th</sup> use), 322.5 (3<sup>rd</sup> use), 322.7 (2<sup>nd</sup> 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.

Benefit: Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

**ENFORCEMENT AGENCY** – Definition relocated to Section 202. See Item 2 above for detailed explanation. Relocation of this amendment is co-adopted with BSC.

**METHOD A, METHOD B, PEER REVIEW and SPECIFIC PROCEDURES** – Definitions determined to be extraneous and therefore removed from Part 10. Repeal of these amendments are co-adopted with BSC.

Purpose: Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

Problem: Definitions in Section 318.1 are vulnerable to being missed or result in confusion concerning their scope of applicability because Chapter 2 is dedicated to definitions.

Rationale: These definitions are extraneous 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”.

Benefit: Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

**MODIFICATIONS** – Definition determined to be extraneous and therefore removed from Part 10. Repeal of this amendment is co-adopted with BSC.

Purpose: Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

**Problem:** Definitions in Section 318.1 are vulnerable to being missed or result in confusion concerning their scope of applicability because Chapter 2 is dedicated to definitions.

**Rationale:** 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 California Administrative Code (Part 1) and 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 the concept is further covered by the definition of Reconstruction in Section 4-314 of Part 1. 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).

**Benefit:** Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

**N-A, N-B, N-C, N-D, N-E and S-1, S-2, S-3, S-4, S-5, S-6** – Definitions determined to be extraneous and therefore removed from Part 10. Repeal of these amendments are co-adopted with BSC.

**Purpose:** Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

**Problem:** Definitions in Section 318.1 are vulnerable to being missed or result in confusion concerning their scope of applicability because Chapter 2 is dedicated to definitions.

**Rationale:** These definitions are extraneous 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.

Benefit: Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

## **REPAIR** (Withdrawn)

**STRUCTURAL REPAIRS** – Definition determined to be extraneous and therefore removed from Part 10. Repeal of this amendment is co-adopted with BSC.

Purpose: Provide consistent use of terminology throughout Part 10 by eliminating definitions specific to isolated sections or groups of sections.

Problem: Definitions in Section 318.1 are vulnerable to being missed or result in confusion concerning their scope of applicability because Chapter 2 is dedicated to definitions.

Rationale: The term defined is extraneous because it is not used in Sections 317 through 323.

Benefit: Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

**Section 319.1** – Exception 2 revised to restore original intent and update for compatibility with current Code Adoption Cycle.

Purpose: Restore and maintain regulatory intent.

Problem: As originally authored, Exception #2 was intended to apply to the conversion of a nonconforming building to use as a school building in accordance with Section 4-307 of the California Administrative Code (Part 1). It was not intended to apply to the rehabilitation of an existing school building when required by Section 4-309(c) of Part 1. The language of this exception originated in Chapter 34 of the California Building Code where it included the phrase “as it was adopted by the local jurisdiction”. This phrase, which made clear the intent that the previous code is permitted to be used as originally applied rather than requiring compliance with its DSA-SS or DSA-SS/CC amendments (e.g., the “A” chapters), was unfortunately dropped when the regulation was migrated to the CEBC. The removal of this phrase has resulted in confusion for some users.

Rationale: To restore the original intent, a specific reference to Section 4-307 of Part 1 is added to define the applicability of the exception. The phrase “as it was adopted by the local jurisdiction” is restored to make clear that the previous code is permitted to be used as originally applied rather than requiring compliance with its DSA-SS or DSA-SS/CC amendments (e.g., the “A” chapters).

Benefit: Improved clarity and reduced misunderstanding by stakeholders, which has been found to occur as explained above.

**Section 319.2** – Items 2 and 3 revised to clarify the knowledge factor value.

Purpose: Clarify the knowledge factor for use in compliance with ASCE 41.

Problem: Some users have misunderstood the ASCE 41 knowledge factor permitted to be used in combination with the stated data collection requirements.

Rationale: Permitting the use of a knowledge factor of 1.0 when the stated data collection requirements are met has been the intent of this regulation. This is now explicitly stated for clarity.

Benefit: Improved clarity and reduced misunderstanding by stakeholders.



**Section 319.4** – Editorial change to align the regulation with the current California Building Code (Part 2) and the adopted standard ASCE 7. This amendment is co-adopted with BSC.

Purpose: Remove the association of the Risk Category designation solely design for earthquake forces.

Problem: 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, when they may be applicable by virtual of the Rehabilitation requirements of the California Administrative Code (Part 1).

Rationale: Because this regulation is located in Section 319, which it titled “Seismic Criteria Selection for Existing Buildings”, the clause is extraneous and can be removed without substantive effect to the regulation.

Benefit: Potential reduced misunderstanding by stakeholders.

**Section 319.7.2** – Regulation revised 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 so designated.

Purpose: Clarify the conditions whereby the Method B approach is required due to building irregularities.

Problem: 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.

Rationale: 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.

Benefit: Improved clarity and reduced misunderstanding by stakeholders.

The Code Advisory Committee (CAC) recommended further study of this code change proposal 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”). Comments were made during the BSC presentation of this co-adopted code change proposal, but the CAC took the same action on the DSA proposal with reference to the prior discussion.

During the BSC presentation of this co-adopted code change proposal, 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. Mr. Maloney did not repeat his public comment during the DSA portion of the meeting. As noted in our presentation, DSA performed pre-cycle outreach to multiple professional societies, including SEAOC, in February and March. The content of Mr. Maloney’s public comment was not raised at that time; however, the CAC concluded that it was intended to apply to both BSC and DSA jurisdictions.

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 California Existing

Building Code, 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. 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.
- (5) 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. 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.

**Section 319.10** – Editorial revisions and removed text to coordinate with Chapters 17A of the California Building Code (Part 2). This amendment is co-adopted with BSC.

**Purpose:** Coordinate with associated regulations in Part 2 and remove redundant and/or contradictory regulations.

**Problem:** Quality assurance regulations, including those for projects in existing buildings, are located in Chapters 17A of Part 2. The model code (2021 IEBC) does contain 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.

**Rationale:** The terms “geotechnical observation” and “construction observation” are not used nor defined by the Part 2 regulations. Part 2 defines the geotechnical engineer’s role in quality assurance as special inspection. On these bases, those terms are removed.

The second is deleted 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 17A of Part 2 whose minimum requirements most commonly include a combination of testing, inspection, and structural observation.

The final sentence is removed because it is redundant with Part 2 Section 1704A.3.

**Benefit:** Improved clarity by removal of potentially misunderstood language and extraneous content.

**Sections 319.10.1 and 319.10.2** – Redundant regulation removed. These amendments are co-adopted with BSC.

**Purpose:** Remove redundant regulations.

**Problem:** Quality assurance regulations contained here are redundant and vulnerable to being missed for the reasons described above in Section 319.10.

**Rationale:** Remove regulation based on redundancy with Part 2 Section 1704A.6.

**Benefit:** Removal of extraneous content allows the regulations to become more succinct and easier to implement and enforce accurately.

**Sections 319.10.1 and 319.10.2** (formerly **Sections 319.10.2.1 and Section 319.10.2.2**) – Renumber to coordinate with deletion of parent section.

The Code Advisory Committee (CAC) recommended further study of this code change proposal with comment that the provisions should remain in Part 10. DSA 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.

**Section 319.11** – Editorial change of the word “Exception” to “Item” to coordinate with the referenced Section 319.12, which contains a list of items but not exceptions. This amendment is co-adopted with BSC.

**Section 321.1** – Editorial change of the word “modifications” to “retrofit and/or repair” to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). This amendment is co-adopted with BSC.

**Section 321.2.3** – Amendment added to align with the current practice of review and approval by the California Geological Survey (CGS).

Purpose: Update regulations to reflect the current requirements for seismic ground motion records used in time history analysis.

Problem: Some but not all approval requirements for seismic ground motion representation are included in the regulations.

Rationale: Requirement of review and approval by CGS added for completeness.

Benefit: Improved efficiency in processing and approval of seismic ground motion records.

**CAC Recommendation:**

Approve CAM sub-items DSA-SS/CC 06/21-3-1 through DSA-SS/CC 06/21-3-18 (Sections 301.2, 317.2, 317.5, 317.6, 317.7, 317.8, 318.1; Table 317.5; definitions of ADDITION, ALTERATION, BUILDING OFFICIAL, DESIGN, ENFORCEMENT AGENCY, METHOD A, METHOD B, N-A, N-B, N-C, N-D, N-E, PEER REVIEW); DSA-SS/CC 06/21-3-20 through DSA-SS/CC 06/21-3-25 (Sections 319.1, 319.2, 319.4; definitions of S-1, S-2, S-3, S-4, S-5, SPECIFIC PROCEDURES, STRUCTURAL REPAIRS); DSA-SS/CC 06/21-3-27 (Section 319.10), DSA-SS/CC 06/21-3-28 (Sections 319.10.1, 319.10.2), and DSA-SS/CC 06/21-3-30 through DSA-SS/CC 06/21-3-32 (Sections 319.11, 321.1, 321.2.3).

Disapprove CAM sub-item DSA-SS/CC 06/21-3-19 (definition of REPAIR).

Further study CAM sub-item DSA-SS/CC 06/21-3-26 (Section 319.7.2) and DSA-SS/CC 06/21-3-29 (Sections 319.10.2.1, 319.10.2.2).

**Agency Response:**

Accept approval of CAM sub-items DSA-SS/CC 06/21-3-2 through DSA-SS/CC 06/21-3-18, DSA-SS/CC 06/21-3-20 through DSA-SS/CC 06/21-3-25, DSA-SS/CC 06/21-3-27, DSA-SS/CC 06/21-3-28, and DSA-SS/CC 06/21-3-30 through DSA-SS/CC 06/21-3-32.

Withdraw CAM sub-items DSA-SS/CC 06/21-3-1 (Section 301) and 06/21-3-19 (definition of REPAIR).

Accept further study of CAM sub-items DSA-SS/CC 06/21-3-26 (Section 319.7.2) and DSA-SS/CC 06/21-3-29 (Sections 319.10.2.1, 319.10.2.2). See the applicable sections above for detailed explanation of findings and revised proposal resulting from further study.

**Item 4**  
**Chapter 4 REPAIRS**

DSA continues to not adopt Chapter 4, consistent with past Code Adoption Cycles. Prior to the SD/LF Code Advisory Committee DSA had proposed adoption of selected sections of Chapter 4; however, in response to the recommendations of the Code Advisory Committee these proposals have been withdrawn. The Code Advisory Committee recommendations reported below refer to these prior proposals now withdrawn and removed from the Express Terms.

**401.1 (Withdrawn)**

**401.1.1 (Withdrawn)**

**401.2, 401.3, 405.1, 405.2 (Withdrawn)**

**405.2.1 (Withdrawn)**

**405.2.1.1, 405.2.2, 405.2.3 (Withdrawn)**

**405.2.3.1 (Withdrawn)**

**405.2.3.2 (Withdrawn)**

**405.2.3.3 (Withdrawn)**

**405.2.4, 405.2.4.1, 405.2.5, 405.2.6 (Withdrawn)**

**CAC Recommendation:**

Approve CAM sub-items DSA-SS/CC 06/21-4-2 and DSA-SS/CC 06/21-4-3 (Sections 401.1.1, 401.2, 401.3, 405.1, 405.2).

Further study CAM sub-item DSA-SS/CC 06/21-4-1 (Section 401.1) and DSA-SS/CC 06/21-4-4 through DSA-SS/CC 06/21-4-9 (Sections 405.2.1, 405.2.1.1, 405.2.2, 405.2.3, 405.2.3.1, 405.2.3.2, 405.2.3.3, 405.2.4, 405.2.4.1, 405.2.5, 405.2.6).

**Agency Response:**

Withdraw CAM sub-item DSA-SS/CC 06/21-4-1 through DSA-SS/CC 06/21-4-9.

**Item 5**

**Chapter 5 PRESCRIPTIVE COMPLIANCE METHOD, Section(s) Not Applicable**

Adopt selected sections of Chapter 5 of the 2021 IEBC as Chapter 5 of the 2022 CEBC same as the previous Code Adoption Cycle. All existing California amendments shall continue without change.

**CAC Recommendation:**

Approve.

**Agency Response:**

Accept.

**Item 6**

**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**

**Chapter 12 HISTORIC BUILDINGS**

**Chapter 13 PERFORMANCE COMPLIANCE METHODS**

**Chapter 14 RELOCATED OR MOVED BUILDINGS**

**Chapter 15 CONSTRUCTION SAFEGUARDS**

DSA does not adopt Chapters 6 through 11 nor the Work Area Method in this code cycle. DSA-SS and DSA-SS/CC regulations governing additions, alterations, reconstruction, and change in occupancy for buildings under DSA jurisdiction are contained in Chapter 4 of the California Administrative Code (Part 1). Adoption of the Work Area Method of this code will result in competing and sometimes contradictory regulations with those already contained

in Part 1 (see below for further explanation). Experience indicates the current regulations contained in Part 1 generally serve their intended purpose and are known and implemented by stakeholders. Replacement or large-scale revision to these regulations is not deemed constructive at this time.

DSA does not adopt Chapter 12, as C.C.R. Title 24, Part 8, California Historical Building Code, governs regulations applicable to historic buildings.

DSA does not adopt Chapter 13 in this code cycle. DSA-SS and DSA-SS/CC regulations governing additions, alterations, reconstruction, and change in occupancy for buildings under DSA jurisdiction are contained in Chapter 4 of the California Administrative Code (Part 1). These regulations in combination with current and continuing amendment Sections 317 through 323 of this code provide stakeholders the option of performance based seismic design (see below for further explanation). The regulations contained in Chapter 13 are largely not pertinent to structural safety and DSA-SS and DSA-SS/CC authority. Therefore, adoption of Chapter 13 is not deemed constructive at this time.

DSA continues to not adopt Chapters 14 and 15, consistent with past Code Adoption Cycles.

The current regulations in Chapter 4 of Part 1 are appropriate for DSA authority which differs from that of the typical building code official in local jurisdictions. For example, the Education Code does not grant DSA the authority to require the elimination of dangerous conditions as is given local jurisdictions (refer to IEBC Section 302.1). For differences such as this, retention and preservation of the regulations contained in Part 1 is critical to DSA function.

Structural safety requirements for existing buildings, particularly with respect to the lateral (seismic) force resisting system, differ between Part 1 and the 2021 IEBC model code in both methodology and specifics. For example, while certain alterations will require an existing building to comply with selected sections of the California Building Code (Part 2), the broader concept of a rehabilitation as defined in Part 1 is not employed by the IEBC. Additionally, the IEBC allows the evaluation and compliance of existing buildings for reduced seismic forces, which are not permitted by Part 1 regulations. These examples illustrate how the IEBC regulations do not provide equivalency to the current requirements contained in Part 1.

Example differences between structural safety requirements of the IEBC and Part 1 as described above are not specific to the consideration of the previously unprinted chapters. The structural regulations of the work area method (Chapters 6 – 11) are the same as those of the prescriptive method (Chapter 5), which has been and is currently printed in the CEBC. With the exception of the section noted below, DSA-SS and DSA-SS/CC have not previously adopted Chapter 5 of the CEBC in deference to the regulations contained in Part 1. Declining to adopt Chapters 6 through 11 is a continuation of this approach and consistent with the reasons explained above.

Section 503.3 of the CEBC as adopted by DSA-SS and DSA-SS/CC addresses requirements for existing structural elements carrying gravity loads effected by an alteration. Corresponding structural requirements for the work area method found in IEBC Sections 706.2, 805.2, and 901.2 are identical to those of Section 503.3. Therefore, adoption of these additional sections provides no benefit to stakeholders. In general, it is the understanding of DSA that the ICC code development committee has endeavored to align the structural regulations across all compliance methods.

IEBC Chapter 13 addresses performance compliance methods but does not contain structural requirements for performance-based design. IEBC Section 1301.4.1 requires existing buildings be evaluated for and demonstrate compliance with loads prescribed for new buildings. This is effectively a prescriptive, not performance-based, methodology. As noted above, DSA-SS and DSA-SS/CC regulations governing new work in existing buildings are contained in Chapter 4 of Part 1. These regulations in combination with current and continuing amendment Sections 317 through 323 of the CEBC provide stakeholders the option and parameters by which to implement performance-based seismic design through the application of ASCE 41. Therefore, because it does not provide a structural performance-based approach as the current adopted regulations do, the adoption of Chapter 13 is not deemed beneficial to stakeholders.

**CAC Recommendation:**

Approve.

**Agency Response:**

Accept.

**Item 7**

**Chapter 16 REFERENCE STANDARDS**

DSA adopts Chapter 16 for reference documents applicable to the sections of the code adopted herein.

**ASCE/SEI 7—2016** – For coordination and consistency with amendments to Part 2 (California Building Code), DSA proposes to adopt Supplement 3 of *ASCE 7: Design Loads and Associated Criteria for Buildings and Other Structures* in addition to Supplement 1, which is already adopted by the model code. Adoption of this supplement provides the benefit of consistency across both Parts 2 and 10 of the California Code of Regulations. Please refer to Part 2 code adoption documents for additional information.

**CAC Recommendation:**

Approve.

**Agency Response:**

Accept.

**Item 8**

**Appendix A GUIDELINES FOR THE SEISMIC RETROFIT OF EXISTING BUILDINGS**

**Appendix B SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES**

**Appendix C GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS**

**Appendix D BOARD OF APPEALS**

**Resource A GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES**

DSA continues to not adopt Appendices A through D and Resource A, consistent with past Code Adoption Cycles.

**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).

2021 IBC: International Building Code.

2021 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 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.

DSA considered the performance standards in Chapter 13 of the International Existing Building Code requiring evaluation and retrofit of existing buildings for lateral forces; however, DSA determined that those standards were not equivalent to the performance objectives mandated in the Field Act to ensure public safety and protection of property. DSA 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)

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 the creation of new businesses nor 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.