# APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION JANUARY 18, 2022

# ADDENDUM to the FINAL EXPRESS TERMS and FINAL STATEMENT OF REASONSDIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-SS/CC)2022 CALIFORNIA EXISTING BUILDING CODE (CEBC)CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

# (DSA-SS/CC 06/21)

If using assistive technology, please adjust your settings to recognize underline, strikeout, highlight, italic and ellipsis.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright
* Existing California amendments appear in *italic*
* Amended model code or new California amendments appear *underlined & italic*
* Repealed model code language appears ~~upright and in strikeout~~
* Repealed California amendments appear in *~~italic and strikeout~~*
* Ellipsis ( …) indicate existing text remains unchanged
* Instructions:  Text which contains instructions only that are not amendments and will not be printed appears in upright text with highlight.

# Correction to Final Express Terms and Final Statement of Reasons dated November 10, 2021.

This addendum replaces the use of the word “local” jurisdiction with “governing” jurisdiction in order to maintain the intent to restore the original language for Part 10, Section 319.1 Exception 2.

## Background:

The intent of this proposal for Section 319.1 Exception #2 was to provide clarity to the applicability of this exception, to update the applicable code year, and to restore language inadvertantly dropped when DSA’s existing building provisions were transferred from Chapter 34 of the CBC to Chapter 3 of the CEBC in a previous rulemaking cycle. However, it was discovered during final internal review of this rulemaking package that DSA’s Initial Statement of Reasons, Initial Express Terms, 45-day Express Terms, and Final Express Terms utilized the words “local jurisdiction” whereas the original CBC language intended to be restored used the words “governing jurisdiction”. BSC’s Exception #1 to this Section utilizes the words “governing jurisdiction”.

This addendum corrects the erroneous use of the word “local” in Express Terms and Initial Statement of Reasons, replacing it with the word “governing” in order to provide the intended restoration of the original language and also provide alignment with BSC’s Exception #1 to this section.

DSA requests the Commission to “Approve as Amended” for this item, in order to satisfy

Health and Safety Code **18930(a)(1)** The proposed building standards do not conflict with, overlap, or duplicate other building standards.

## Addendum to FET:Item 3Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS

**Reflecting the proposed language for the Final Express Terms as corrected by this addendum. The addendum replaces the word “local” jurisdiction with “governing” jurisdiction.**

**…**

***319.1 Basis for evaluation and design.*** *This section…*

*One of…*

*When Method B…*

***Exceptions:***

1. …
2. ***[DSA-SS & DSA-SS/CC]*** *For ~~public schools and community colleges~~ the conversion of nonconforming buildings to conforming school buildings in accordance with Section 4-307 of the California Administrative Code, nonconforming buildings constructed to the requirements of California Building Code, ~~2013~~ 2016 or later edition, that code as it was adopted by the governing jurisdiction is permitted to be used in place of those specified in Section 319.1 provided the building complies with Seismic Design Category D or higher.*

**…**

## Addendum to FSORUPDATES TO THE INITIAL STATEMENT OF REASONS:Item 3Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS Section 319.1

**Reflecting the ISOR language as corrected by this addendum. The addendum replaces the word “local” jurisdiction with “governing” jurisdiction.**

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 governing jurisdiction”. This phrase 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 phase “as it was adopted by the governing jurisdiction” is restored.

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