

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE CALIFORNIA BUILDING STANDARDS COMMISSION
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10
(BSC 03/22)**

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 Chapters 6 through 11 and 13 statement: The California Building Standards Commission (BSC), pursuant to its authority for building standards for state buildings, including California State University buildings and, to the extent permitted by law, University of California buildings, where no state agency has the authority to adopt building standards applicable to state buildings, continues to not adopt International Existing Building Code (IEBC) Chapters 6 through 11 and 13.

The California Building Standards Commission, pursuant to their authority to resolve conflict, duplication, and overlap in building standards in the code, proposes to amend IEBC Chapters 6 through 11 and 13 to remove references to building standards not adopted in the State of California.

Background: Before the 2016 edition of the California Existing Building Code (CEBC) was published and became effective January 1, 2017, only small portions of the IEBC were printed and adopted in the State of California. That included Appendix chapters A1 and A3 and Referenced standards only. All the other provisions and California amendments for existing structures were located in Chapters 34 and 34A of the California Building Code (CBC).

When Chapter 34 Existing Structures was removed from the 2015 International Building Code (IBC), the California Building Standards Commission's Coordinating Council met twice during the 2014 year to discuss and coordinate how best to handle where and how the state agencies should relocate their amendments for existing buildings.

The consensus was that most state agencies would propose the adoption of certain IEBC provisions only (same requirements that were adopted in IBC Chapter 34) and relocate their respective CBC Chapter 34 amendments to CEBC. All the agencies followed this recommendation in adopting the 2015, 2018 and 2021 IEBC.

The main reason those chapters were not adopted is that local jurisdictions were heavily involved in the discussion and their concern was that would be too onerous for them to try

and enforce those chapters as many of the smaller jurisdictions do not have enough staff or training to do that.

Chapters 6 through 11 and 13 of the IEBC have not been adopted to apply to buildings under state agencies jurisdictions and all the nonresidential buildings not covered by a state agency. These chapters are not currently printed in the 2022 CEBC either. However, these chapters are available to local jurisdictions for their adoption by local ordinances, provided such ordinance and related model code provisions do not conflict with existing Title 24 provisions. Such local ordinances are not subject to the Express Finding and document filing requirements of Health and Safety Code Sections 13869.7, 17958 and 18941.5.

Petition: In November 2019, California Building Standards Commission received a petition from the California American Institute of Architects (AIACA) requesting the adoption of chapters 6 through 11 and 13 of the IEBC. The petition requested to adopt all the IEBC alternative compliance paths to facilitate the retrofit, reuse, repair, and alteration of existing buildings in California with the focus on repurposing existing underused commercial buildings for multifamily housing. The petition was accepted and, as the subject matter is within the jurisdiction of multiple state agencies, referred to the Department of Housing and Community Development (HCD), the Office of the State Fire Marshal (SFM) and the Division of the State Architect (DSA).

It was too late to consider the petition for inclusion into 2019 Intervening Code Adoption Cycle rulemaking, so the petition was presented by Michael Malinowski and discussed at BSC's Coordinating Council meeting in September of 2020. However, due to the model code publication dates that year, the state agencies could not review the 2021 IEBC until January of 2021. After review, all the agencies presented their position on the adoption of the requested chapters in April of 2021 at BSC's Code Adoption Committee meeting where HCD voiced their intent to adopt Chapters 6 through 11 excluding sections that conflict with existing California laws and regulations and sections that are not within HCD authority. The latest mainly being sections about Fire and Life safety, which are within SFM authority. However, SFM presentation at the same meeting raised many concerns associated with Fire and Life safety provisions some of which conflict with existing California statutes and regulations. It was determined that additional research and stakeholder outreach should be conducted during the 2022 Intervening Code Adoption Cycle before Chapters 6 through 11 and 13 of IEBC may be proposed for adoption.

SFM CEBC workgroup: SFM established and conducted the CEBC Workgroup meetings as part of the pre-cycle activities for the 2022 Intervening Code Adoption Cycle where state agencies, including BSC, SFM, HCD and DSA, and a wide range of stakeholder groups discussed possible adoption of IEBC compliance paths for inclusion in the 2022 CEBC. The purpose of the meetings was to gather information, suggestions and support documentation for code changes that may be considered and proposed by various state agencies during this Code Adoption Cycle.

The workgroup divided into four subgroups (Scoping, Fire and Life Safety, Structural and Elevator) to better facilitate the detailed review of the subject material from the 2021 IEBC. SFM conducted five full workgroup meetings (February 23, March 23, May 17, July 6, August 3, 2022) and numerous meetings of each of the subgroups. All of the meetings were convened through the resources of the SFM office while California Building

Standards Commission also provided a reference to this workgroup on [BSC 2022 Pre-Cycle webpage](#).

Each subgroup reviewed each of the 6 through 11 and 13 Chapters in detail and developed recommendations for adoption of the IEBC language without change, deletion of the IEBC language and addition of the new California amendments. The intent of the recommendations is to ensure that if adopted, the entire suite of CEBC chapters would be functional, clear, concise and compliant with existing California laws and regulations.

These recommendations and subsequent coordination resulted in the draft regulations in Items 1 and 3 through 9. Specific rationale for each change is noted below in the item numbers.

ITEM 1

Chapter 1 SCOPE AND ADMINISTRATION, Section 1.1.11 Format

BSC proposes to amend Section 1.1.11 Format.

The second paragraph under Section 1.1.11 that BSC proposes for deletion was added during 2015 Triennial Code Adoption Cycle to clarify the availability and adoption of Chapters 6 through 11 and 13 of the 2015 International Existing Building Code (IEBC) that were not printed in the 2016 California Existing Building Code (CEBC). As these chapters are proposed to be printed and/or adopted by various agencies this cycle, there is no need for this clarification anymore and the language is proposed to be deleted.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 2

Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS, Sections 317.2

Section 317.2 Scope.

For scopes within BSC's authority and listed in Section 1.2 of the CEBC, BSC proposes to revise this amendment to correct an unintended mistake in the 2021 Triennial Code Adoption Cycle. In the triennial rulemaking package, while changing the word "modifications" to "alterations" to align with the definition of terms in the regulation, BSC also mistakenly removed the qualifying descriptor "structurally connected" to the second item of the series: "additions". The qualifier "structurally connected" is important to retaining the original meaning of the provision because additions that are not structurally connected are designed in accordance with the provisions for new buildings in the California Building Code (CBC) which is Part 2 of Title 24. This change has been coordinated with DSA.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 3

Chapter 6 CLASSIFICATION OF WORK, Sections 601.1, 601.1.1, 607.1 and 607.2

BSC continues to not adopt Chapter 6 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the state of California throughout Chapter 6.

Section 601.1 Scope.

BSC proposes to remove references to historic structures and Chapter 12 of 2021 IEBC to eliminate conflict with existing California regulations. Chapter 12, which addresses historic buildings in 2021 IEBC, is reserved from 2022 CEBC as the California Historical Building Code (Part 8 of Title 24) regulates historic buildings in California.

BSC proposes to add new exception clarifying the use of Chapters 6 through 11 is not permitted in occupancies, buildings and applications regulated by BSC and listed in Section 1.2. Addition of this amendment in Chapter 6 will allow the code users who may not routinely check the Matrix Adoption Tables located at the beginning of each chapter to be aware of the limitations on the use of the Work Area Compliance Method and avoid potential misuse of these chapters. There are no changes proposed to the Prescriptive Compliance Method, so for those projects that cannot access the Work Area Method, there is no regulatory impact from this new amendment.

Section 607 Historic buildings.

BSC proposes to remove references to historic building provisions in Chapter 12 of IEBC to eliminate conflict with existing California regulations and provide reference to the California Historical Building Code (CHBC), California Code of Regulations (CCR), Title 24, Part 8. Chapter 12, which addresses historic buildings in 2021 IEBC, is reserved from 2022 CEBC as the CHBC regulates historic buildings in California.

CAC Recommendation:

Approve.

Agency Response:

Disagree with the recommendation for Section 601.1 Scope. Accept the recommendation for Sections 601.1.1, 607.1 and 607.2.

Even though BFO/SDLF CAC recommended BSC proposal for approval, the committee members had some concerns about absence of references to the California Historical Building Code (CHBC) in the scope section of Chapter 6, so BSC, upon coordination with SFM, added pointer to Part 8 in Section 601.1.

ITEM 4

Chapter 7 ALTERATIONS—LEVEL 1, Sections 701.1 and 708

BSC continues to not adopt Chapter 7 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the State of California throughout Chapter 7.

Section 701.1 Scope.

BSC proposes to remove reference to Chapter 12 and provide reference to Section 607 of CEBC to eliminate conflict with existing California regulations. Chapter 12 is reserved from 2022 CEBC as CHBC regulates historic buildings in California.

Section 708 Energy conservation.

BSC proposes to remove Section 708 to eliminate conflict with existing energy conservation regulations in the California Energy Code, which is Part 6 of Title 24. BSC intends to work with the California Energy Commission, who promulgates requirements in the California Energy Code, during the next code adoption cycle, so they can amend this section and provide a reference to the California Energy Code.

CAC Recommendation:

Approve.

Agency Response:

Disagree with the recommendation for Section 701.1 Scope. Accept the recommendation for Section 708.

Even though BFO/SDLF CAC recommended BSC proposal for approval, the committee members had some concerns about misinterpreting Section 701.1 as amended, so BSC, upon coordination with SFM, revised proposed amendment in Section 701.1 to clarify that alterations to historic buildings and structures shall comply with CHBC. ITEM 5

Chapter 8 ALTERATIONS—LEVEL 2, Section 809

BSC continues to not adopt Chapter 8 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the state of California throughout Chapter 8.

Section 809 Energy conservation.

BSC proposes to remove Section 809 to eliminate conflict with existing energy conservation regulations in the California Energy Code, which is Part 6 of Title 24. BSC intends to work with the California Energy Commission, who promulgates requirements in the California Energy Code, during the next code adoption cycle, so they can amend this section and provide a reference to the California Energy Code.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 6

Chapter 9 ALTERATIONS—LEVEL 3, Section 907

BSC continues to not adopt Chapter 9 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the state of California throughout Chapter 9.

Section 907 Energy conservation.

BSC proposes to remove Section 907 to eliminate conflict with existing energy conservation regulations in the California Energy Code, which is Part 6 of Title 24. BSC intends to work with the California Energy Commission, who promulgates requirements in the California Energy Code, during the next code adoption cycle, so they can amend this section and provide a reference to the California Energy Code.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 7

Chapter 1010 CHANGE OF OCCUPANCY, Sections 1001.2.1 and 1006.3

BSC continues to not adopt Chapter 10 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the State of California throughout Chapter 10.

Section 1001.2.1 Change of use.

BSC proposes to delete Exception to Section 1001.2.1 to eliminate conflict with existing CHBC regulations for historic buildings. Chapter 12 is reserved from 2022 CEBC, as the qualified historical buildings are able to use the provisions of the CHBC and they are not included in the CEBC scope.

Section 1006.3 Seismic loads.

BSC proposes to delete model code Exception 3 of Section 1006.3 to eliminate conflict with existing CEBC Section A102.2 that prohibits the use of Appendix Chapter A1 for the strengthening of buildings in Risk Category III or IV.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 8

Chapter 11 ADDITIONS, Section 1104

BSC continues to not adopt Chapter 11 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

BSC proposes to replace references to building standards not adopted in the state of California with the building standards adopted in the state of California throughout Chapter 11.

Section 1104 Energy conservation.

BSC proposes to remove Section 1104 to eliminate conflict with existing energy conservation regulations in the California Energy Code, which is Part 6 of Title 24. BSC intends to work with the California Energy Commission, who promulgates requirements in the California Energy Code, during the next code adoption cycle, so they can amend this section and provide a reference to the California Energy Code.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 9

Chapter 13 PERFORMANCE COMPLIANCE METHODS, Sections 1301.1 and 1301.2

BSC continues to not adopt Chapter 13 of the 2021 IEBC for scopes within BSC's authority listed in Section 1.2 of the 2022 CEBC.

Chapter 13 of the 2021 IEBC is proposed to be printed, not adopted by California, in the 2022 CEBC for the Intervening Code Adoption Cycle. BSC proposes to amend a note under the chapter title clarifying that the Chapter 13 continues to not be adopted by the state of California and may be available for adoption by local ordinance and adding a reference to Section 104.11 for consideration of alternate means of compliance. In the current printing of the 2022 CEBC the similar note already exists above the Matrix Adoption Table for the Chapter 13, but the text of the chapter is not currently printed, so the proposed note under the title of the proposed to be printed chapter, is intended to add awareness to the code user in appropriate use of the chapter.

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).

- 2022 California Building Code.
- 2021 International Existing Building Code.
- Petition P-04-19 from the California American Institute of Architects (AIACA) with attachments:
 1. Renovate, Retrofit, Reuse: Uncovering the Hidden Value in America's Existing Building Stock. (Washington D.C.: The American Institute of Architects, 2019).
 2. Disruption, Evolution, and Change (Washington D.C.: The American Institute of Architects, 2019).

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.

The proposed amendments do not contain any mandates for specific technologies or equipment or prescriptive standards. The amendments are editorial to provide clarifications and eliminate conflicts with existing building standards.

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 as the proposed changes are editorial in nature and consistent with interested party input. BSC participated in the SFM CEBC workgroup to discuss possible adoption of IEBC compliance paths for inclusion in the 2022 CEBC. The proposed amendments are a result of the findings from the workgroup meetings.

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. Small businesses will not experience an adverse impact due to these amendments.

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 making minor amendments with no intended change in regulatory effect since these amendments are equivalent to current requirements in the Code.

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 of new businesses 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 within 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 clarify minimum building standards and eliminate conflicts with existing building standards, which will provide clarity and regulatory consistency for the code user and allow more flexibility in the regulations encouraging the reuse of existing buildings, thereby benefitting the state's 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 since they are equivalent to current requirements. The amendments are editorial to 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.

The proposed regulations do not duplicate or conflict with federal regulations.