# INITIAL STATEMENT OF REASONS FOR PROPOSED BUILDING STANDARDS OF THE DIVISION OF THE STATE ARCHITECT REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

# STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

## Chapter 1 SCOPE AND ADMINISTRATION, Section(s) 1.9.2.

**Section 1.9.2.1.3** – Editorial revisions.

**Section 1.9.2.1.4** – Provision to redirect references for public schools to the applicable “A” chapters of the California Building Code (Part 2) added to apply holistically to Part 10. This note is currently located in Section 317.1.2.1.

**Section 1.9.2.2.3** – Editorial revisions.

**Section 1.9.2.2.4** – Provision to redirect references for community colleges to the applicable “A” chapters of the California Building Code (Part 2) added to apply holistically to Part 10. This note is currently located in Section 317.1.3.1.

## Chapter 2 DEFINITIONS, Section(s) 202

**BUILDING OFFICIAL** – Definition relocated from Section 318.1 to consolidate definitions and facilitate holistic use of the term.

**ENFORCEMENT AGENCY** – Definition relocated from Section 318.1 to consolidate definitions and facilitate holistic use of the term.

**REPAIR** – Definition adopted in lieu of that previously given in Section 318.1 to consolidate definitions, facilitate holistic use of the term, and coordinate with the adoption of sections in Chapter 4.

**SUBSTANTIAL STRUCTURAL DAMAGE** – Definition adopted in coordination with the adoption of sections in Chapter 4.

## Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS, Section(s) 317, 318, 319, 321

**Section 317.2** – Word changed to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). The phrase “structurally connected” is unnecessary and contradicts the definition of “addition” in Section 4-314 of Part 1.

**Section 317.5** – Word changed to provide consistent use of terms as defined by the referenced standard, ASCE 41.

**Table 317.5** – Footnote #2 revised and footnote #3 to clarify that there are two alternate compliance paths in addition to the criteria presented in the table. While the intent is the same, the current language attempts to define both alternate paths in a single footnote, which has led to user confusion.

**Section 317.6** – Word changed to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1).

**Section 317.7** – Word changed to provide consistent and accurate use of terms as defined in the remainder of Part 10 and the California Administrative Code (Part 1). Wording revised to coordinate with the latest version of the California Building Code (Part 2) and its adopted standards, which contain seismic design requirements in locations other than Chapter 16.

**Section 317.8** – Wording revised to provide coordinate with the latest version of the referenced standard, ASCE 41, which has separated provisions for seismic isolation and passive energy systems into two chapters.

**Section 318.1** – Definitions are relocated to Section 202 to consolidate definitions and facilitate holistic use of the terms. In combination with the removal of unnecessary definitions and relocation of other information specific terms are no longer defined in this section. References added to the applicable sections of the California Administrative Code (Part 1), where the definitions contained therein govern.

**ADDITION** – Definition is removed because it contradicts the definition in the California Administrative Code (Part 1). These sections of Part 10 are invoked by Part 1, therefore, the definition must be consistent.

**ALTERATION** – Definition is removed to eliminate redundancy and prevent unintended contradiction with the definition in the California Administrative Code (Part 1).

**BUILDING** **OFFICIAL** – Definition relocated to Section 202 to consolidate definitions and facilitate holistic use of the term.

**DESIGN** – Definition is removed as it is deemed unnecessary and generally inconsistent with the usage of the term in Sections 317 through 323. Neither the California Building Code (Part 2) nor this code in Section 202 find it necessary to define this commonly understood term. Additionally, the definition of the term “design” uses the term itself twice. This circular reference does not provide a constructive definition.

**ENFORCEMENT** **AGENCY** – Definition relocated to Section 202 to consolidate definitions and facilitate holistic use of the term.

**METHOD** **A** and **METHOD** **B** – Definitions are removed because they do not define the terms but are instead reference pointers to other code sections. These reference pointers are deemed unnecessary because where these terms are used the code language already includes an explicit reference to the applicable sections.

**MODIFICATIONS** – Definition is removed as it is deemed unnecessary and generally inconsistent with the usage of the term in both Sections 317 through 323 and Chapter 3 in general. Most uses of this term in Section 317 through 323 more accurately intend the meaning of “alterations”, and the language in these cases is proposed to be corrected herein for accuracy. The definition of this term “to include repairs” is unnecessary, as this code has an existing definition of “repair” and duplicity of meaning is not constructive.

**N-A, N-B, N-C, N-D, N-E** – Definition is removed because it does not define the terms but is instead a reference pointer to definitions contained in ASCE 41. This reference is already provided in the first sentence of Section 317.5, which along with Table 317.5 are the only locations where these designations are used.

**PEER REVIEW** – Definition is removed because it does not define the term but is instead a reference pointer to another code section. This reference pointer is deemed unnecessary because where this term is used the code language already includes either an explicit reference to the applicable section or a reference to Method B, which in turn references the applicable section.

**REPAIR** – Definition is removed in coordination with the adoption of the definition for the same term contained in Section 202 to consolidate definitions, facilitate holistic use of the term, and coordinate with the adoption of sections in Chapter 4. The definition adopted in Section 202 retains the meaning previously defined here.

**S-1, S-2, S-3, S-4, S-5, S-6** – Definition is removed because it does not define the terms but is instead a reference pointer to definitions contained in ASCE 41. This reference is already provided in the first sentence of Section 317.5, which along with Table 317.5 are the only locations where these designations are used.

**SPECIFIC PROCEDURES** – Definition is removed because it does not define the term but is instead a reference pointer to another code section. This reference pointer is deemed unnecessary because where this term is used the code language already includes either an explicit reference to the applicable section or is in said section.

**STRUCTURAL REPAIRS** – Definition is removed because it is not used in Sections 317 through 323.

**Section 319.1** – Referenced code in Exceptions #1 and #2 is updated to cite the California Building Code two triennial adoption cycles previous to the current version. Wording in Exception #2 revised to clarify the original intended application of the provision and reduce misunderstanding. Exception #2 as originally authored was intended to apply to the conversion of a nonconforming buildings to use as a school building in accordance with California Administrative Code (Part 1) Section 4-307. Exception #2 was not intended to apply to the rehabilitation of existing school buildings required by Part 1 Section 4-309(c). Additionally, the original language contained the phrase “as it was adopted by the local jurisdiction”, which made clear the intent that the previous code can be used as originally applied to the building rather than requiring compliance with the DSA-SS or DSA-SS/CC amendments (e.g., the “A” chapters) of the prior code. This phrase was remains in Exception #1 was unintentionally dropped from Exceptions #2 in a past code adoption cycle. The phrase is restored here for the clarity it provides.

**Section 319.2** – Wording added for clarity. The knowledge factor value when the required level of data collection is met has been found to be misunderstood by some users.

**Section 319.4** – Wording deleted as it is unnecessary (the entirety of Section 319 pertains to seismic design) and coordination with the current California Building Code (Part 2), in which the Risk Category designation pertains to more than seismic design.

**Section 319.7.2** – Regulation revised to simplify triggering condition to irregularities defined by ASCE 41 and eliminating the previous requirement to consider irregularities defined by ASCE 7. The latter does not require nonlinear analysis for buildings with irregularities defined therein, as those irregular conditions have not been developed for that purpose. Since the original writing of this regulation, ASCE 41 provisions have developed further detail and clarity concerning conditions warranting nonlinear analysis. The proposed revision is better coordinated with the latest versions of the respective adopted standards and current enforcement practice.

**Section 319.10** – Wording concerning “geotechnical and construction observation” is deleted because Chapters 17 (17A) of the California Building Code (Part 2) as referenced does not address such matters. Structural observation is addressed in Part 2 Section 1704.6 (1704A.6) and therefore retained. Further, the geotechnical engineer’s quality assurance role is categorized as special inspection in Chapter 17 (17A) of Part 2, which is distinct from “observation”.

The second sentence is deleted to reduce misunderstanding. Under the heading “Structural observation, testing and inspection” the wording indicates “a minimum” requirement of structural observation, which can be interpreted as contradictory to Chapter 17 (17A) of Part 2 whose minimum requirements most commonly include a combination of testing, inspection, and structural observation.

The final sentence is deleted because it is redundant with Part 2 Section 1704.3 (1704A.3).

**Section 319.10.1** – Section deleted because it is redundant with California Building Code (Part 2) Section 1704.6 (1704A.6).

**Section 319.10.2** – Section deleted because it is redundant with California Building Code (Part 2) Section 1704.6 (1704A.6).

**Section 319.10.2.1** – Regulation moved to California Building Code (Part 2) Section 1704A.6.1 for consistency with the location of other structural observation requirements. This move is expected to facilitate more consistent implementation and enforcement of the regulation.

**Section 319.10.2.2** – Regulation moved to California Building Code (Part 2) Section 1704A.6.2 for consistency with the location of other structural observation requirements. This move is expected to facilitate more consistent implementation and enforcement of the regulation.

**Section 319.11** – Word revised to coordinate the reference to Section 319.12, which contains a list of items but no exceptions.

**Section 321.2.3** – Amendment added to align regulations with current practice of CGS providing review and approval of the site specific ground motion records used in nonlinear time history analysis.

## Chapter 4 REPAIRS, Section(s) 401, 402, 405

**Section 401.1** – Amendment added to reference the California Historical Building Code (Part 8), which governs historic buildings in lieu of Chapter 12 of this code as cited by the model code.

**Section 402.1** – Amendment added to exclude adoption of the exception allowing glass block walls to be repaired in kind. Glass block walls that have experienced damage during a seismic event often constitute a falling hazard and corresponding life safety concern. The repair of such walls should be performed according to current design and detailing regulations.

**Section 405.2.1** – Amendment added to coordinate repair requirements with the current and continuing amendment of Section 319.12, which requires new components to meet modern detailing requirements.

**Section *405.2.3.1.1*** – Amendment added to coordinate repair requirements with the current and continuing amendment in Section 4-309(e) of the California Administrative Code (Part 1). Additionally, this amendment aligns with the current and continuing amendments in Sections 317 through 323 of this code.

**Section *405.2.3.3.1*** – Amendment added to coordinate repair requirements with the current and continuing amendment in Section 4-309(e) of the California Administrative Code (Part 1). Additionally, this amendment aligns with the current and continuing amendments in Sections 317 through 323 of this code

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

DSA makes no changes to adopted sections in Chapter 5 in this code cycle.

## Chapter 6 CLASSIFICATION OF WORK, Section(s) Not Applicable

**Chapter 7 ALTERATIONS – LEVEL 1, Section(s) Not Applicable**

**Chapter 8 ALTERATIONS – LEVEL 2, Section(s) Not Applicable**

**Chapter 9 ALTERATIONS – LEVEL 3, Section(s) Not Applicable**

**Chapter 10 CHANGE OF OCCUPANCY, Section(s) Not Applicable**

**Chapter 11 ADDITIONS**

DSA does not adopt Chapters 6 through 11 nor the Work Area Method in this code cycle. 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. 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.

## Chapter 13 PERFORMANCE COMPLIANCE METHODS, Section(s) Not Applicable

DSA does not adopt Chapter 13 in this code cycle. 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 already provide stakeholders the option of performance based seismic design through the application of ASCE 41. Much of the remaining regulations contained in Chapter 13 are not pertinent to structural safety (i.e., DSA-SS and DSA-SS/CC authority). Therefore, adoption of Chapter 13 is not deemed constructive at this time.

## Chapter 16 REFERECE STANDARDS, Section(s) As Applicable

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