

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL**

**REGARDING THE 2016 CALIFORNIA EXISTING BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10**

TRIENNIAL CODE ADOPTION CYCLE

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:

Section Health and Safety Code section 18928:

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal is to act accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2015 International Existing Building Code and be published as the 2016 California Existing Building Code.

The general purpose of this proposed action is principally intended to adopt and codify a new edition of the California Existing Building Code (California Code of Regulations, Title 24, Part 10) based upon a model code. In the 2013 Triennial Code Adoption Cycle Part 10 was not adopted. Previously Existing Building Requirements were contained within Chapter 34 of the 2013 California Building Code. Existing Amendments contained within Chapter 34 of the CBC will be relocated to the California Existing Building Code. This proposed action:

- Adopt by reference the 2015 International Existing Building Code for application and effectiveness in the 2016 California Existing Building Code.
- Adopt new building standards or necessary amendments to the 2015 International Existing Building Code that address inadequacies of the 2015 International Existing Building Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Building Code.

STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:

[1. The SFM proposes to adopt Sections 1.1 Through 1.1.12 and Sections 1.11 through 1.11.10.]

CHAPTER 1

SCOPE AND ADMINISTRATION

DIVISION I

CALIFORNIA ADMINISTRATION

The SFM propose to create two Divisions within Chapter 1 for new administrative provisions being brought forward and administrative provisions contained in the 2015 IEBC. The creation of two divisions is a result of and direction made by the California Building Standards Commissions, Code Coordinating Council and Stakeholder discussions regarding relocating the base model code administrative provisions from an appendix to Chapter 1 of the code. The SFM proposes to distinguish the California Chapter 1 administrative provisions from those of the base model code Chapter 1 administrative provisions by renumbering the California administrative sections.

Section 1.1 through 1.1.12

Section 1.1 provides the general California application of this code. Other Parts of Title 24 contain similar scoping regulations. These proposed regulations are intended for constancy and clarity.

Sections 1.11 through 1.11.10

Section 1.11 provides the specific scope for the application of this code to the occupancies for which SFM has authority. Other Parts of Title 24 contain similar scoping regulations. These proposed regulations are intended for constancy and clarity.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Existing Building Code and published as the 2016 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[1.1]

CHAPTER 1 DIVISION II

The SFM proposes the Division II designation for the IEBC Chapter 1 Administrative provisions - Sections 101 through 117.

The SFM proposes to only adopt Sections 105.1, 105.2.1 – 105.2.2, 105.3 – 105.3.1, 105.4, 105.6 – 105.7, 106.1 – 106.3, 106.4, 106.5, 107.1 – 107.4, 109.1 – 109.3, 109.3.4 – 109.3.6, 109.3.7 – 109.3.9, 109.4 – 109.6, 110, 111, 113.1 – 113.2, 114 and 115 contained in Chapter 1, Division II pursuant to Health and Safety Code Sections 13108, 13113, 13114, 13131.5, 13143, 13143.6, 17921 and 18949.2.

101.2, 101.4.1, 101.4.2, 104.2.1, 106.2.2, 109.3.3, 109.3.8, 110.2

Rational: SFM proposes to amended sections to reference the proper California Code instead of the International Code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Existing Building Code and published as the 2016 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[2.]

Chapter 2 DEFINITIONS

The SFM proposes to only adopt only the definitions listed below of Chapter 2 without amendment.

Section 202 Definitions

ADDITION.
ALTERATION.
APPROVED.
CHANGE OF OCCUPANCY.
CODE OFFICIAL.
**DANGEROUS
EQUIPMENT OR FIXTURE.**
EXISTING BUILDING.
FACILITY.
NONCOMBUSTIBLE MATERIAL.
PRIMARY FUNCTION.
REGISTERED DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE.
REHABILITATION.
REPAIR.
REROOFING.
ROOF RECOVER.
ROOF REPAIR.
ROOF REPLACEMENT.
UNSAFE.
WORK AREA.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Existing Building Code and published as the 2016 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[3.]

Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS

The SFM proposes to only adopt Sections 301.1, 301.1.1, 302-302.5, Section 313, Section 314, Section 315, and Section 316 of the 2015 International Existing Building Code (IEBC) for inclusion in the 2016 California Existing Building Code.

Relocated provisions from the 2013 California Building Code, Chapter 34 Sections 3414-3426 are renumbered to 314-326 herein. Renumbering the sections in such a manner will keep the last two section digits of relocated sections consistent with the previous code section for ease of the code user. The text is existing California amendments to be carried forward from the previously adopted 2013 California Building Code, Chapter 34, without modification other than editorial that does not effect regulation..

301.1, 302.2

Rational: SFM proposes to amended sections to reference the proper California Code instead of the International Code or NFPA 70.

Sections 313, 314, 315, 316

Rational: SMF is relocating provisions from the 2013 California Building Code, Chapter 34. 2013 CBC Sections 3414-3426 are renumbered to 314-326 herein. Renumbering the sections in such a manner will keep the last two section digits of relocated sections consistent with the previous code section for ease of the code user. The text is existing California amendments to be carried forward from the previously adopted 2013 California Building Code, Chapter 34, without modification other than editorial changes that do not affect regulation.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Existing Building Code and published as the 2016 California Existing Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[4.]

**Chapter 4
PRESCRIPTIVE COMPLIANCE METHOD**

The SFM proposes to only adopt Sections 401.2, 401.2.1, 401.2.2, 402.5, 405, and 407 of the 2015 International Existing Building Code (IEBC) for inclusion in the 2016 California Existing Building Code (CEBC); remaining sections shown for clarity and discussion purposes but not adopted by CBSC.

401.4, 402.5, 410.8.2

Rational: SMF is relocating provisions from the 2013 California Building Code, Chapter 34. The text is existing California amendments to be carried forward from the previously adopted 2013 California Building Code, Chapter 34, without modification other than editorial changes that do not affect regulation.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Building Code and published as the 2016 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[4.]

**CHAPTER 5
CLASSIFICATION OF WORK**

**CHAPTER 6
REPAIRS**

**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**

**RELOCATED OR MOVED
BUILDINGS**

**CHAPTER 14
PERFORMANCE COMPLIANCE METHODS**

**CHAPTER 15
CONSTRUCTION SAFEGUARDS**

**CHAPTER 16
REFERENCED STANDARDS**

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

**CHAPTER A1
SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS**

**CHAPTER A2
EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED CONCRETE AND REINFORCED MASONRY
WALL BUILDINGS WITH FLEXIBLE DIAPHRAGMS**

**CHAPTER A3
PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE
ANCHORAGE OF LIGHT, WOODFRAME RESIDENTIAL BUILDINGS**

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

**CHAPTER A5
EARTHQUAKE HAZARD REDUCTION IN EXISTING CONCRETE BUILDINGS**

**CHAPTER A6
REFERENCED STANDARDS**

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

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

**CHAPTER C1
GABLE END RETROFIT FOR HIGH-WIND AREAS**

**CHAPTER C2
ROOF DECK FASTENING FOR HIGH-WIND AREAS**

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

The SFM proposes to not adopt Chapter 5 through Resource A.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Building Code and published as the 2016 California Building Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

The SFM believes that the amendments to the model code any additional building standards proposed are offered in typically both a prescriptive and performance base. The nature and format of the model code adopted by reference afford for both methods, the following is an general overview of the model codes proposed to be adopted by reference as well as state modifications:

This comprehensive fire code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broadbased principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The International Building, Residential and Fire Code provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

CONSIDERATION OF REASONABLE ALTERNATIVES

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

The SFM has made a determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

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))

The Office of the State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of life and property against fire and panic.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.