

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2013 CALIFORNIA EXISTING BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10

(HCD)**

The Administrative Procedure Act (APA) requires an Initial Statement of Reasons (ISOR) to 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 requires a statement of specific purpose of **EACH** adoption, amendment or repeal, 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, including the problem the agency intends to address, 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.)

1) The Public Problem, Administrative Requirement, or Other Circumstance Addressed.

Administrative Requirement: Health and Safety Code Sections 17922 and 19990 direct the Department of Housing and Community Development (HCD) to adopt the most recent edition of the model code, which in this case is the International Existing Building Code published by the International Code Council (ICC) as selected by the California Building Standards Commission (CBSC), into Part 10 of Title 24 of the California Code of Regulations.

2) Specific Purpose

The CBSC selected the 2012 International Existing Building Code as the model code to be referenced in Title 24, Part 10 for the 2012 Triennial Code Adoption Cycle.

The specific purpose of these regulations is to adopt by reference the 2012 edition of the International Existing Building Code (IEBC), Appendix A, Chapter A1 and Chapter A3, with California Amendments, into the 2013 California Existing Building Code (CEBC), Title 24, Part 10, of the California Code of Regulations (CCR) for the following programs:

- a) **State Housing Law:** relative to residential occupancies, buildings or structures accessory thereto and as provided in Health and Safety Code Section 17921.2.
- b) **Employee Housing Act:** relative to any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.
- c) **Mobilehome Parks or Special Occupancy Parks:** relative to the use of building systems in or on any permanent buildings, accessory buildings, and structures under the ownership and control of the park operator within the park in accordance with Health and Safety Code Section 18300 for mobilehome parks, and Section 18865 for special occupancy parks.
- d) **Factory-Built Housing Law:** relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

3) Rationale for Necessity

The 2012 IEBC is published by the ICC and will automatically become adopted in its entirety, pursuant to Health and Safety Code Section 17922 (b), one year from its date of publication if not amended and proposed by HCD to the CBSC for adoption.

If the 2012 IEBC becomes adopted in its entirety without being proposed for adoption with amendments by HCD, such automatic adoption would cause considerable confusion because California amendments are necessary modifications to the model code language to ensure that the 2013 CEBC is consistent with state law and unique California conditions.

The proposed building standards update the 2012 IEBC and are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. California amendments also include some “carryover” amendments developed and adopted into the 2010 CEBC.

Rationale for Adoption of IEBC, Appendix A, Chapter A1

In 1986, California passed a law that required local governments in Seismic Zone 4 to inventory their URM buildings. In addition, the law required that local governments establish loss reduction programs for URM buildings and report to the state the progress of their programs. The California Seismic Safety Commission (SSC) recommended that the state adopt the International Existing Building Code model code as one means of improving results.

Assembly Bill 204 (Ch. 173, Stats. of 1991) required the Department of Housing and Community Development (HCD) to adopt, approve, codify, and publish by reference in the California Building Standards Code the building standards in model code Appendix Chapter A1 of the Uniform Code for Building Conservation of the International Conference of Building Officials (ICBO) to provide minimum standards for existing unreinforced masonry (URM) bearing wall buildings. (The Uniform Code for Building Conservation was last published in 1997. ICBO merged with other code organizations and now publishes Appendix Chapter A1 in the International Existing Building Code.) Additionally, Health and Safety Code Section 17922 requires HCD to adopt the most recent edition of the uniform model codes.

HCD proposes to adopt the 2012 IEBC, Appendix A, Chapter A1 “Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings”, which are the latest standards as required by Health and Safety Code Section 17922 and as recommended by the SSC. The adoption of Chapter A1, including California amendments, would make the standards available to local governments for their loss reduction program and aid in improvement of their loss reduction programs and successful mitigation of the remaining at-risk URM buildings.

Rationale for Adoption of IEBC, Appendix A, Chapter A3

HCD’s incorporation of ICC approved changes to the 2012 IEBC, Appendix A, Chapter A3 “Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings” will provide the most up-to-date requirements into the 2013 CEBC. HCD conducted a focus group meeting in May 2010 where stakeholders provided additional editorial and corrective comments resulting in amendments to the 2010 CEBC. Many of these amendments have been either incorporated into the 2012 IEBC or will be carried forward into the 2013 CEBC. California amendments update the 2012 IEBC, provide clarity, specificity and direction to the code user and implement and make specific existing state laws.

Specific Proposed Regulatory Actions:

HCD proposes to adopt by reference the 2012 edition of the International Existing Building Code, Appendix A, Chapters A1 and A3, with amendments into the 2013 California Existing Building Code. The rationale for each amendment by chapter and section is listed below.

Appendix A: Guidelines for the Seismic Retrofit of Existing Buildings

1. CHAPTER A1 SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

SECTION A100 APPLICATION

Section: A100.1 Vesting authority.

Rationale: HCD proposes to continue adoption of the above referenced California amendment which clarifies the types of residential structures subject to the Department of Housing and Community Development’s “HCD 1” and “HCD 2” applications. This California amendment has been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

SECTION A103 DEFINITIONS

BUILDING CODE.

Rationale: HCD proposes to continue adoption of the above referenced California amendment clarifying that references to “building code” mean the current edition of the California Building Code. An editorial correction changing “and” to “&” is proposed for consistency with the building standards codes. This California amendment has been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

2. CHAPTER A3 PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT, WOOD-FRAME RESIDENTIAL BUILDINGS

Section A301.1	Purpose. (General)
Section A301.2	Scope.
Section A301.3	Alternative design procedures.
Section A302	Definitions. (Adhesive Anchor, Enforcing Agency, Expansion Anchor, Wood Structural Panel)
Section A303	Structural Weaknesses.
Section A304.1.1	Scope. (Strengthening requirements)
Section A304.1.3	Floor joists not parallel to foundations.
Section A304.1.4	Floor joists parallel to foundations.
Section A304.2.2	Evaluation of existing foundations.
Section A304.2.3	Details for new perimeter foundations.
Section A304.2.4	New concrete foundations.
Section A304.2.5	New hollow-unit masonry foundations.
Section A304.2.6	New sill plates.
Section A304.3.1	Existing perimeter foundations.
Section A304.3.2	Placement of anchors.
Section A304.3.3	New perimeter foundations.
Section A304.4.1	General. (Cripple wall bracing)
Section A304.4.1.1	Sheathing installation requirements.
Section A304.5	Inspections.
Section A304.5.1	Nails.
Section A304.6	Phasing of the strengthening work.
Table A3-A	Sill Plate Anchorage And Cripple Wall Bracing
Table A3-B	Sill Plate Anchorage For Various Lengths Of Sill Plate
Figures A3-1	New Reinforced Concrete Foundation System
Figure A3-2	New Hollow-Unit Masonry Foundation
Figure A3-3	Sill Plate Bolting To Existing Foundation
Figure A3-4A	Sill Plate Bolting In Existing Foundation – Alternate
Figure A3-4B	Alternate Sill Plate Anchor To Existing Foundation Without Cripple Wall And Floor Framing Parallel to Foundations
Figure A3-4C	Sill Plate Anchoring To Existing Foundation—Alternate Connection For Battered Footing
Figure A3-5	Cripple Wall Bracing With New Wood Structural Panel On Exterior Face Of Cripple Studs
Figure A3-6	Cripple Wall Bracing With Wood Structural Panel On Interior Face Of Cripple Studs
Figure A3-7	Partial Cripple Stud Wall Elevation
Figure A3-8A	Typical Floor To Cripple Wall Connection (Floor Joists Not Parallel To Foundations)
Figure A3-8B	Typical Floor To Cripple Wall Connection (Floor Joists Parallel To Foundations)
Figure A3-8C	Typical Floor To Mudsill Connections
Figure A3-9	Alternate Floor Framing To Cripple Wall Connection
Figure A3-10	Floor Plan-Cripple Wall Bracing Layout

Rationale: HCD proposes to repeal the above referenced California amendments in the 2010 CEBC, Appendix A3. Many of the adopted California amendments were based on code change proposals for the 2012 IEBC, Appendix A3, therefore are now included in the published version of the 2012 code. For this reason, carryover of many of the 2010 California amendments is no longer necessary and many new provisions in the model code correspondingly do not result in change in regulatory effect from the 2010 CEBC. In addition, repealing the 2010 California amendments and

using the text of the model code, Chapter A3, as a base document provides for simplified display of the proposed changes to the model code.

SECTION A302 DEFINITIONS

CODE OFFICIAL.
ENFORCING AGENCY.

Rationale: HCD proposes to adopt the above referenced new California amendments defining “Code Official” to clarify that the term as used within this chapter has the same meaning as “Enforcing Agency”, which is the term used consistently in other California building standards. HCD proposes to adopt the term “Enforcing Agency”, previously adopted into the 2010 CEBC, which is used within this chapter and elsewhere in the building standards codes. There is no intended change in regulatory effect.

SECTION A304 STRENGTHENING REQUIREMENTS

Section: **A304.5 Quality Control.**

Rationale: HCD proposes to adopt the above referenced model code section with amendment. This proposal is in response to stakeholder comments received at an HCD focus group meeting for the initial adoption of Chapter A3 and allows for special inspections. HCD proposes to retitle the section to “INSPECTIONS”. It is not the inspector’s duty to check quality control, but to check for compliance through inspections. HCD also proposes to provide for special inspections. These amendments have been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

Section A304.6 Phasing of the strengthening work.

Rationale: HCD proposes to adopt the above referenced California amendment. This proposed amendment was included in the 2009 IEBC model code and allowed the seismic strengthening work to be completed in phases. This provision is not included in the 2012 IEBC. This amendment has been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

TABLE A3-A. SILL PLATE ANCHORAGE AND CRIPPLE WALL BRACING

TABLE A3-B. SILL PLATE ANCHORAGE FOR VARIOUS LENGTHS OF SILL PLATE

Rationale: HCD proposes to adopt the above referenced model code tables with amendments. Editorial changes in terminology are for consistency within this chapter. The required plate washer size in Table A3-A is amended to be consistent with the California Building Code and California Residential Code, and Figure A3-3 is amended to reflect the modified plate washer size. This proposal is in response to stakeholder comments received at an HCD focus group meeting for initial adoption of Chapter A3 to provide consistency. These amendments have been brought forward from the 2010 CEBC. There is no intended changes in regulatory effect.

FIGURE A3-2. NEW HOLLOW-UNIT MASONRY FOUNDATION

Rationale: HCD proposes to adopt the above referenced model code figure with amendment. The proposed California amendment identifies the foundation as a “New Hollow–Unit Masonry Foundation”, which is the former title of this figure and consistent with the terminology used in this chapter. This amendment has been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

FIGURE A3-3. SILL PLATE BOLTING TO EXISTING FOUNDATION

Rationale: HCD proposes to adopt the above referenced model code figure with amendment. The proposed California amendment corrects the required plate washer size to correspond to the requirement in Table A3-A. This provides consistency with the California Building Code and the California Residential Code. This amendment has been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

FIGURE A3-4A. SILL PLATE BOLTING IN EXISTING FOUNDATION—ALTERNATE

Rationale: HCD proposes to adopt the above referenced model code figure with amendment. The proposed California amendment corrects a reference from Section A304.1.4 (addressing floor joists parallel to the foundation) to Section A304.1.3 (addressing floor joists not parallel to the foundation). HCD also proposes to use the term “naturally durable” wood in lieu of the specific “foundation grade redwood.” This provides consistency with the California Building Code and the California Residential Code. These amendments have been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

FIGURE A3-8A. TYPICAL FLOOR TO CRIPPLE WALL CONNECTION (FLOOR JOISTS NOT PARALLEL TO FOUNDATIONS)

FIGURE A3-8B. TYPICAL FLOOR TO CRIPPLE WALL CONNECTION (FLOOR JOISTS PARALLEL TO FOUNDATIONS)

FIGURE A3-9. ALTERNATE FLOOR FRAMING TO CRIPPLE WALL CONNECTION

Rationale: HCD proposes to adopt the above referenced model code figures with amendments. A proposed California amendment for Figure A3-8A corrects an incorrect reference in spacing of solid blocking for 1-story buildings to be consistent with other figures referencing similar provisions. HCD also proposes to provide references to both Figure A3-5 (showing an exterior structural panel) and Figure A3-6 (showing an interior structural panel) since both conditions are shown separately in the figures. These amendments have been brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

FIGURE A3-10. FLOOR PLAN-CRIPPLE WALL BRACING LAYOUT

Rationale: HCD proposes to adopt the above referenced model code figure with amendment. The proposed amendment corrects bracing dimensions for the “1-Story Building” to be consistent with the requirements in the chapter and for purposes of illustration. This correction is in response to stakeholder comments received at an HCD focus group meeting for initial adoption of Chapter A3 to provide consistency. An editorial correction moves the text referencing the minimum panel length for 1-story building under “Bracing determination” to increase comprehension. These amendments were brought forward from the 2010 CEBC. There is no intended change in regulatory effect.

BENEFITS ANTICIPATED FROM THE PROPOSED REGULATORY ACTION

(Government Code Section 11346.2(b)(1) requires an enumeration of the benefits anticipated from the proposed regulatory action, including the benefits or goals provided in the authorizing statute.)

- Updated and improved building standards for seismic strengthening of existing unreinforced masonry bearing wall buildings, and for seismic strengthening of cripple walls and sill plate anchorage of existing light, wood-frame residential buildings.
- Provides building standards to be used for implementing the California Earthquake Authority’s residential seismic retrofit program and related funding for voluntary seismic retrofit of residential structures.
- Provide standards to implement and increase participation in the state’s Unreinforced Masonry Law and earthquake loss reduction efforts.
- Protection of public health and safety, worker safety and the environment.
- General welfare of California residents.

ECONOMIC IMPACT ASSESSMENT REPORT RELIED UPON

(Government Code Section 11346.3(b) requires preparation of an Economic Impact Assessment upon which the agency relies in proposing the regulation (s).)

- Economic Impact Assessment for the Adoption by Reference of the 2012 edition of the International Existing Building Code with Proposed Amendments into the 2013 California Existing Building Code.

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).)

Status of the Unreinforced Masonry Building Law, 2006 Progress Report to the Legislature, SSC 2006-04, 2006, California Seismic Safety Commission.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

(Government Code Section 11346.2(b)(4) requires a statement of reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.)

HCD is statutorily required to adopt by reference model building codes, which contain prescriptive standards. Prescriptive standards provide the following: explicit guidance for certain mandated requirements; consistent application and enforcement of building standards while also establishing clear design parameters; and ensure compliance with minimum health, safety and welfare standards for owners, occupants and guests.

Performance standards are permitted by state law; however, they must be demonstrated to the satisfaction of the proper enforcing agency.

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(5)(A) requires a description of reasonable alternatives to the regulation and the agency's reason 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 an alternative. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

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

(Government Code Section 11346.2(b)(5)(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. Include facts, evidence, documents or testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt this model code by reference.

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

(Government Code Section 11346.2(b)(6) 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.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(7) 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 nor conflict with federal regulations.