

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE 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 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.)

The California Building Standards Commission (CBSC) proposes to repeal the the 2012 International Existing Building Code (IEBC), and the 2013 California Existing Building Code (CEBC). CBSC proposes to adopt specific provisions of the 2015 IEBC, which is the most recent edition of the model code, with necessary state amendments for codification and effectiveness into the 2016 edition of the CEBC. This action is to meet the requirements of Health and Safety Code (H&SC) Section 18928 assuring adoption of the most recent edition of model code within one year of its publication. In addition, H&SC Section 18934.5 assures that the commission shall adopt, approve, codify and publish building standards for those occupancies under CBSC's authority. These actions meet criteria (3), in the public interest, and (7), incorporation of model codes, of H&SC Section 18930(a).

The Building Standards Commission's Coordinating Council met June 25, 2014 and October 14, 2014 to discuss and coordinate how best to handle the International Code Council's removal of Chapter 34 Existing Structures from the International Building Code. In addition, the Coordinating Council discussed the adoption of the 2015 International Existing Building Code. The consensus was that most state agencies would propose adoption of certain Part 10 provisions and relocate its respective California Building Code, Part 2, Chapter 34 amendments to the California Existing Building Code, Part 10.

CBSC coordinated its existing building code proposed adoption and amendments with DSA-SS to the extent possible for its application to existing state-owned buildings, including buildings constructed by the Trustees of the California State University and the Regents of the University of California where no state agency has the authority. The Division of the State Architect – Structural Safety (DSA-SS) held three CEBC Task Group meetings November 2014 through January 2015 in which CBSC participated. The task group agreed the 2013 CBC Chapter 34 amendments should be renumbered and located at the end of Chapter 3 of the 2016 CEBC for application to the 2016 California Existing Building Code, Part 10.

Health and Safety Code Section 18934.7 requires the CBSC 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 to provide minimum standards for existing unreinforced masonry (URM) bearing wall buildings. CBSC proposes to adopt Appendix A1 of the 2015 IEBC for inclusion in the 2016 CEBC.

In 1986, California enacted legislation requiring 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. In their recent report cited below, the Seismic Safety Commission (SSC) recommended that the state adopt the International Existing Building Code (IEBC) as the base model code as one means of improving results.

The ISOR is updated to include responses to actions taken by the Code Advisory Committee (CAC) members at the the Structural Design/Lateral Forces CAC meeting August 12 and 13, 2015.

The following item numbers are used to coordinate with the items listed in the Express Terms. These items contain specific purpose, problem, rationale and benefits for each item as follow.

ITEM 1. CHAPTER 1 – SECTION 1.1 GENERAL - SECTIONS 1.1.1 - 1.1.7.3

Agency Statement: CBSC proposes to create Division I in Chapter 1 Scope and Administration which contains the specific California administrative language. The model code Scope and Administration regulations will be contained in Division II of Chapter 1. Division I, Section 1.1 General, outlines the purpose and scope for which this code is applied in California. Sections 1.1.1-1.1.7.3 provides the general California application of this code. Other parts of Title 24 contain similar administration and scoping regulations specific to California state agencies in Chapter 1, Division I. While this proposed language is new to the CEBC, Part 10, it is consistent with the other parts of Title 24.

Specific Purpose, problem, rational and benefit: The purpose of this proposed action is to include the scope and application regulations similar to those contained in the other Parts of Title 24. Previously CBSC adopted Appendix A1 of the International Existing Building Code, but as stated above, ICC relocated the Existing Structures provisions from the IBC to the IEBC. Therefore, Chapter 1 must be amended to include scoping provisions.

The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. Administration and scoping regulations specific to California state agencies reside in Chapter 1, Division I of the other Parts of Title 24 and therefore must be replicated in Part 10.

These proposed regulations are intended for code consistency and clarity for the code user.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 1.1.1 Title. The SD/LF CAC recommended Short Term Further Study (STFS) for Section 1.1.1 Title and the Note regarding the Preface below Section 1.1.3.2 State-regulated buildings, structures and applications. The comment suggested the section needs further clarification to aide users in understanding why the State is adopting and or publishing the entire code. CBSC will review the Preface during codification and make necessary edits. CBSC has included language in section 1.1.11 Format to aid the code user. See Item 3 for post Code Advisory Committee modifications.

Post SD/LF CAC meeting August 12 and 13, 2015:

1.1.3.2 Note: CBSC edited this note to correct where the code user can find language explaining how to distinguish model code vs. California amendments.

Post SD/LF CAC meeting August 12 and 13, 2015:

1.1.7.3.1. CBSC coordinated this amendment with HCD. The initial submittal included an Exception. Post CAC HCD revised the language and is proposing it as Section 1.1.7.3 vs. an exception.

ITEM 2. CHAPTER 1 – SECTION 1.1 GENERAL - SECTIONS 1.1.8 - 1.1.8.2

Specific Purpose, problem, rational and benefit: Sections 1.1.8 - 1.1.8.2 provides the regulations local jurisdictions must follow to amend the codes via the ordinance process similar to those contained in the other Parts of Title 24. The purpose of this proposed action is to include the local filing regulations in the CEBC. While this proposed language is new to the CEBC, Part 10, it is consistent with the other parts of Title 24.

The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. Local filing regulations reside in Chapter 1, Division I of the other Parts of Title 24 and therefore must be replicated in Part 10.

These proposed regulations are intended for code consistency and clarity for the code user.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 1.1.8.2. CBSC further coordinated the proposed language in Section 1.1.8.2 with the California Energy Commission (CEC). The language contained in the 45-day Express Terms was modified post SD/LF Code Advisory Committee (CAC) meeting to include CEC suggestions. The CAC members were made aware during the CAC meetings that there may be slight changes in the language per the Energy Commission's review.

ITEM 3. CHAPTER 1 – SECTION 1.1 GENERAL - SECTIONS 1.1.9 - 1.1.12

Specific Purpose, problem, rational and benefit: Sections 1.1.9 - 1.1.1.12 provides the regulations regarding the effective date and availability of the codes. The purpose of this proposed action is to include administrative regulations regarding effective date, code availability, format and validity.

The California Building Standards Commission is the state agency with the responsibility for maintaining the format of the published codes. Administrative regulations regarding effective date, code availability, format and validity regulations reside in Chapter 1, Division I of the other Parts of Title 24 and therefore must be replicated in Part 10.

These proposed regulations are intended for code consistency and clarity for the code user.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 1.1.11 Format. The SD/LF CAC recommended Short Term Further Study for Sections 1.1.9- 1.1.12. The CAC suggested BSC review the sections to better clarify the availability and adoption of chapters that will not be printed in the 2016 California Existing Building Code. A paragraph was added under Section 1.1.11 Format that informs the local jurisdiction that the chapters not printed in the code are available for local adoption and do not require express findings because the chapters are not adopted by the state. No further amendments were made to other sections.

ITEM 4. CHAPTER 1 – SECTION 1.2 BUILDING STANDARDS COMMISSION

Specific Purpose, problem, rational and benefit: Section 1.2 provides the specific scope for the application of this code to the occupancies for which CBSC has authority. This action includes the scope and application of the BSC banner and scope and application for a BSC-CG [Building Standards Commission–California Green Building Standards Code (CALGreen)] banner.

While this proposed language is new to the CEBC, Part 10, it is consistent with the other parts of Title 24.

- The Application provisions in Section 1.2.2 (4) are being updated to reflect the adoption of specific provision of the International Existing Building Code (IEBC).
- The acronym **BSC** in **Section 1.2.1** is included due to new scope and authority provisions for the Building Standards Commission regarding the development of green building standards in response to AB 341 (Chapter 585, Statutes of 2013). Another acronym is being proposed for BSC called **BSC-CG**. This acronym is intended to identify provisions in other parts of Title 24 that have related green building standards contained within the CALGreen code.

- Specificity of the two BSC banner provisions will aid the code user to disseminate whether a code provision applies to the general BSC occupancies or to the CALGreen occupancies. These proposed regulations are intended for code consistency and clarity for the code user.

ITEM 5. CHAPTER 2 – DEFINITIONS

Specific Purpose, problem, rational and benefit: CBSC proposes to adopt Chapter 2 Definitions and amend Section 201.3

Defined terms are used in Chapter 4 of the CEBC. CBSC must adopt these definitions for clarity. Section 201.3 is amended to reflect the correct reference to California Codes vs. International Codes.

These proposed regulations are intended for code consistency and clarity for the code user.

ITEM 6. CHAPTER 3 - PROVISIONS FOR ALL COMPLIANCE METHODS- SECTION 301 – ADMINISTRATION

Specific Purpose, problem, rational and benefit: CBSC proposes to amend **Section 301.1**, by adding **Exception 2**. The charging language in Section 301.1 General, is inconsistent with the former 2013 CBC Section 3401 Scoping language.

As written, the model code language leads the code user to believe they may select a method of compliance other than prescribed in Sections 317-322 (formerly CBC Sections 3417-3422). CBSC proposes adding Exception 2 to direct the code user to the existing building code amendments being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC, Chapter 3. The regulations for structural updates to state owned buildings do not offer choices of compliance methods, as 317-322 set the minimum standards for seismic evaluation and strengthening.

- In addition, language is being carried forward from Section 3401.1.1 allowing the local jurisdictions to adopt the earthquake evaluation and design criteria in Sections 317-322 (formerly 3417-3422).
- Sections 303-316 are placeholders for other agencies and/or future amendments. In addition this will allow for other changes to occur in front of DSA-SS and CBSC amendments and alleviate renumbering.

H&SC Section 18934.5 assures that the commission shall adopt, approve, codify and publish building standards for those occupancies under CBSC's authority.

This proposed action will relocate the existing structure regulations, formerly published in Part 2, Chapter 34, into the California Existing Building Code providing the regulations needed for modifications to existing structures within CBSC authority.

ITEM 7. CHAPTER 3, SECTION 317 - EARTHQUAKE EVALUATION AND DESIGN FOR RETROFIT OF EXISTING BUILDINGS (Formerly Section 3417 in Chapter 34, Part 2 California Building Code)

The following general rationale applies to Sections 317-322. Chapter 34 Existing Structures of the 2015 International Building Code (IBC) was deleted in its entirety and the Existing Structures provisions are located in the 2015 International Existing Building Code (IEBC). CBSC proposes to adopt and amend specific provisions of the IEBC for inclusion in the 2016 California Existing Building Code (CEBC), Part 10. The California amendments contained in Chapter 34, Sections 3417-3422 of the 2013 CBC, require new section numbers and locations for incorporation into the 2016 CEBC.

The CBSC conducted an Administrative Code, Building Code, and Existing Building Code Workshop November 6, 2014 to present draft language pertaining to the adoption of the 2015 International Existing Building Code. During that meeting CBSC proposed amending Chapter 4 of the IEBC for inclusion in the 2016 CEBC. After coordinating with DSA-SS, CBSC is proposing its amendments to Chapter 3 of the IEBC for inclusion in the 2016 CEBC.

Relocated provisions from the 2013 California Building Code, Chapter 34 Sections 3417-3422 are renumbered to 317-322 herein. Renumbering the sections in such a manner will keep the last two section digits of the relocated sections consistent with the previous code section for ease of the code user. The italicized text represents existing California amendments to be carried forward from the previously adopted 2013 California Building Code, Chapter 34.

The Division of the State Architect – Structural Safety (DSA-SS) held three CEBC Task Group meetings November 2014 through January 2015. The task group agreed the 2013 CBC Chapter 34 amendments should be renumbered and located at the end of Chapter 3 of the 2016 CEBC for application to the 2016 California Existing Building Code, Part 10. The bulk of the proposed language is existing amendments in Chapter 34 of the 2013 California Building Code. CBSC proposes to carry forward those existing amendments and locate them in Chapter 3 of the 2016 California Existing Building Code.

Post SD/LF CAC meeting August 12 and 13, 2015:

The SD/LF CAC recommended Short Term Further Study for Section 317 in its entirety but specifically recommended CBSC using the ASCE41-13 BSE-1E and 2E values, and restore previous BSE-R and BSE-C values for [BSC] application only. The STFS on the entire section would allow CBSC the flexibility for CBSC to verify if restoring the BSE values would affect other sub-sections within Section 317 of the regulations applicable to [BSC] occupancies.

CBSC worked with interested stakeholders to modify the Express Terms language and listed the specific amendments below.

Specific Purpose, problem, rationale, and benefit:

Section 317.1 – 317.4 (formerly 3417.1 – 3417.4) are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references.

Section 317.5 (formerly 3417.5) Minimum seismic design performance levels for structural and nonstructural components. Added provisions to clarify that when a mandatory seismic rehabilitation is required, the Tier 3 Systematic Evaluation and Retrofit method in ASCE 41-13 are required. It is necessary to clarify this with the adoption of ASCE 41-13 since this standard now contains the evaluation and deficiency only methods that were contained in ASCE 31-03.

The basic safety earthquake hazard provisions are repealed since ASCE 41-13 contains those provisions and the seismic hazards for new building equivalent performance are now in alignment with those in ASCE 7-10.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 317.5 (formerly 3417.5) CBSC edited this section post the CAC meeting to remove the strikethrough of BSE-R and BSE-C, in addition, CBSC removed the proposed new BSE-1E and BSE-2E. These edits will restore the BSE-R and BSE-C seismic design performance levels as requested by the SD/LF CAC. See Item 8 for further explanation.

Table 317.5 (formerly Table 3417.5) is an existing table being carried forward from the 2013 CBC, Chapter 34. The proposed amendments are editorial changes to the acronyms in the Level 1 and 2 Performance Criteria. Nonstructural performance criteria is revised to align with new nonstructural performance levels and minimum nonstructural performance objectives in ASCE 41-13. Footnotes are revised to align with ASCE 41-13.

Post SD/LF CAC meeting August 12 and 13, 2015:

Table 317.5 (formerly Table 3417.5) CBSC restored the BSE-R and BSE-C terms for State-Owned Buildings [BSC] in this table to coordinate with the edits required in Section 317.5 and 317.5.1. See Item 8 for further explanation.

Section 317.5.1 For the rare occurrences where the BSE-1E and BSE-2E probabilistic ground motions are larger than the BSE-1N and BSE-2N ground motions, respectively, it is a result of the deterministic cap applied to the BSE-1N and BSE-2N ground motions. The provisions in ASCE 41 that permit the BSE-1E and BSE-2E ground motions to be capped by the BSE-1N and BSE-2N ground motions, respectively, effectively results in the BSE-1E and BSE-2E ground motion probabilities to be reduced to unacceptable levels and poses a higher safety risk in such areas. The proposed change does not permit such cap.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 317.5.1 (formerly Section 3417.5) CBSC deleted the proposed Section 317.5.1 as it is no longer required as the BSE-R and BSE-C terms and definitions were restored in Section 318. The definitions are modified and explained in Item 8 below.

Sections 317.6-317.11 (formerly 3417.6 – 3417.11) are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references.

ITEM 8. CHAPTER 3, SECTION 318 - DEFINITIONS (Formerly Section 3418 in Chapter 34, Part 2 California Building Code)

See Item 7 for general ISOR language which applies to Sections 317, 318, 319, 320, 321, and 322.

Section 318.1 (formerly 3418.1) is an existing amendment being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references. Section numbers are amended as a described in Item 7, as a result of relocating the CBC Chapter 34, Section 3418 amendments to the 2016 CEBC Chapter 3, Section 318.

Definitions in Chapter 3418 are relocated to Chapter 318. Specific amendments are as follows:

Post SD/LF CAC meeting August 12 and 13, 2015:

Due to the SD/LF STFS recommendation, CBSC is no longer striking the definitions BSE-C and BSE-R.

BSE-C and BSE-R response acceleration parameters are restored and not suggested for repeal as they were in the Initial express terms. Only the last sentence of the definition is proposed for repeal as it removes the conservative capping of the BSE-C and BSE-R ground motions by the BSE-1N and 2N, respectively.

ASCE 41 is referenced as the seismic standard for existing state-owned buildings. ASCE 41 provides a standard for the evaluation and retrofit of existing building to meet various seismic performance levels in given earthquake condition. Its application depends on the authority having jurisdiction selecting the performance levels and earthquake conditions that meet its performance objectives. ASCE makes recommendations of levels to meet various possible performance objectives. The California Building Code (CBC) levels for seismic performance were set in response to specific legislative direction, and have been set historically in a consistent manner to maintain these levels of expected seismic performance. The recent edition of ASCE 41 (2013) has allowed the use of ASCE 7 (2010) earthquake ground motions for new buildings to be used as a cap for ground motions used in the evaluation and design of existing buildings. The ASCE 7 ground motions that are applied to new buildings have very specific restrictions on the structural systems and materials that are not restricted in ASCE 41 for use on existing buildings. In some cases, particularly where there are numerous faults that threaten a building in the near field, the ASCE 7 ground motions for new buildings will cap the design ground motions for existing state owned buildings to be lowered below those previously allowed by Title 24 since its adoption in the 1997 edition of the CBC, and in some cases significantly. Upon analysis, it was the recommendation of the California State University and University of California, as well as other

state agency representatives, that the reduction of the California Building Code BSE-R and BSE-C ground motions did not meet the Legislative intent under which the existing buildings requirements of the older CBC Chapter 34 were developed. This cap was originally introduced into the 2013 CBC and is recommended for removal. Since the CBC defines the performance ground motions for application as BSE-R and BSE-C, there is no conflict with the recommendations of ASCE 41, since ASCE 41 states clearly that any jurisdiction adopting the standard for application must set the performance levels and ground motions for evaluations and design.

Definition **N-A, N-B, N-C, N-D, N-E** Nonstructural performance level definitions are revised to align with new nonstructural performance levels and minimum nonstructural performance objectives in ASCE 41-13.

ITEM 9. CHAPTER 3, SECTION 319 - SEISMIC CRITERIA SELECTION FOR EXISTING BUILDINGS (Formerly Section 3419 in Chapter 34, Part 2 California Building Code)

Sections 319.1 Exception 1 (formerly 3419.1) DSA Suggests that BSC increase the code reference from 1998 to 2007 as the 1998 code was based on the 97 UBC, and this permits those designs to be compliant. There have been major improvements since the 97 UBC, such as Ordinary Concentrically Braced Frame R factors, Seismic Design Categories, improved ductility in material standards requirements. The R factor to calculate the design lateral forces was changed from 5.6 to 3.25 for these systems (70% increase in design forces on OCBF's) from the 1998/2001 CBC to the 2007 CBC, respectively. There are other changes that occurred in that code cycle change that also had significant implications to seismic design of certain systems.

Sections 319.1.1 – 319.7.6 (formerly 3419.1.1 – 3419.7.6) are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references. See Item 7 for general ISOR language which applies to Sections 317, 318, 319, 320, 321, and 322.

Section 319.7.7 is a new section to clarify that Method B shall be used where ASCE 41 requires a nonlinear procedure to be consistent with other classifications that require Method B and peer review.

Sections 319.8 – 319.11 (formerly 3419.8 – 3419.11) are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references.

Section 319.12 (formerly 3419.12) requires that when voluntary modifications to the lateral-force resisting system are proposed, that the seismic performance criteria shall be approved. With ASCE 41-13 now containing the deficiency only retrofit procedure from ASCE 31-03, clarification has been made that it is always approved to use the deficiency only retrofit procedure provided it is a voluntary strengthening project and not a mandatory strengthening as a result of the triggers in Section 317.3 that require a full systematic rehabilitation of the structure.

ITEM 10. CHAPTER 3, SECTION 320 – METHOD A (Formerly Section 3420 in Chapter 34, Part 2 California Building Code)

Section 320.1 (formerly 3420.1) is an existing amendment being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references. See Item 7 for general ISOR language which applies to Sections 317, 318, 319, 320, 321, and 322.

Section 320.1 (formerly 3420.1) Exception: The exception permitted a deficiency only retrofit procedure for lower performance objectives meeting certain building type and height limitations. The exception is being repealed since the deficiency only retrofit procedure restrictions in ASCE 41 have been relaxed with substantial increase in height limitations for various building types.

ITEM 11. CHAPTER 3, SECTION 321 – METHOD B (Formerly Section 3421 in Chapter 34, Part 2 California Building Code)

Sections 321.1 – 321.2.4 (formerly 3421.1 – 3421.2.4) are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references. See Item 7 for general ISOR language which applies to Sections 317, 318, 319, 320, 321, and 322.

ITEM 12. CHAPTER 3, SECTION 322 – PEER REVIEW REQUIREMENTS (Formerly Section 3422 in Chapter 34, Part 2 California Building Code)

Sections 322.1 – 322.7 are existing amendments being carried forward from the 2013 CBC, Chapter 34. The proposed amendments contain editorial revisions to correct section numbers and code references. See Item 7 for general ISOR language which applies to Sections 317, 318, 319, 320, 321, and 322.

ITEM 13. CHAPTER 4 - SECTION 401 - GENERAL

The following general rationale applies to Sections 401 – 410. Chapter 34 Existing Structures of the 2015 International Building Code (IBC) was deleted in its entirety. Similar provisions are now located in Chapter 4 of the 2015 International Existing Building Code (IEBC). CBSC proposes to adopt and amend specific provisions of the IEBC for inclusion in the 2016 California Existing Building Code, Part 10.

CBSC proposes to adopt specific sections and carry forward existing amendments from the CBC, Chapter 34 to Sections **401.1, 401.1.1, and 401.4**. Sections **401.2.3 and 401.3** are not adopted by CBSC but contain editorial amendments that correct section numbers and replace references to the International Building Code with references to the California Building Code.

Section 401.1 Scope. (formerly 3401.1) CBSC proposes to adopt and amend this section to maintain applicability to state-regulated structures. Existing amendments are carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC. Other proposed amendments contain editorial revisions to correct section numbers and code references.

Section 401.1.1 (formerly 3401.1.1) is a new Section number, but is an existing amendment being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC.

Section 401.4 Dangerous conditions. (formerly 3401.9) is a new Section number, but is an existing amendment being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC.

ITEM 14. CHAPTER 4, SECTION 402 – ADDITIONS

CBSC proposes to adopt specific sections and carry forward existing amends from the CBC, Chapter 34 to **Sections 402.1, 402.2, 402.3, and 402.3.1**. Section **402.4** is not adopted by CBSC but contains editorial amendments that correct section numbers and replace references to the International Building Code with references to the California Building Code.

Section 402.1 General. (formerly 3403.1) CBSC proposes to adopt and amend this section to maintain an exception for state-owned buildings. This exception amendment is being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC. This section also contains editorial revisions to correct section numbers and code references.

Section 402.2 Flood hazard areas. (formerly 3403.2) CBSC proposes to adopt this section and provide editorial revisions to correct section numbers and code references. This section was previously adopted in the 2013 CBC, Chapter 34.

Sections 402.3 & 402.3.1 Existing structural elements carrying gravity load. CBSC proposes to adopt these sections from the 2015 IEBC. CBSC did not adopt these sections in the 2013 CBC. DSA-SS recommended that CBSC adopt these sections since existing structural elements carrying gravity load provisions are not addressed in the California amended Sections 317-322. The proposed amendments also contain corrected code references.

ITEM 15. CHAPTER 4 – SECTION 403 - ALTERATIONS

CBSC proposes to adopt specific sections and carry forward existing amendments from the CBC, Chapter 34 to **Sections 403.1, 403.2, 403.3, and 403.3.1**. Sections **403.4, 403.4.1, 403.5, 403.6, 403.7, 403.8, 403.9, 403.10, 403.11 and their exceptions** are not adopted by CBSC but contain editorial amendments that correct section numbers and replace references to the International Building Code with references to the California Building Code.

Section 403.1 General. (formerly 3404.1) CBSC proposes to adopt and amend this section to include an exception for state-owned buildings. This exception amendment is being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC. The proposed amendments also contain corrected code references.

Section 403.2 Flood hazard areas. (formerly 3404.2) CBSC proposes to adopt this section and provide editorial revisions to correct section numbers and code references. This section was previously adopted in the 2013 CBC, Chapter 34.

Sections 403.3 & 403.3.1 Existing structural elements carrying gravity load. (formerly 3404.3 & 3404.3.1) CBSC proposes to adopt these sections from the 2015 IEBC. CBSC did not adopt these in the 2013 CBC. DSA-SS recommended that CBSC adopt these sections since existing structural elements carrying gravity load provisions are not addressed in the California amended Sections 317-322. The proposed amendments also contain corrected code references.

ITEM 16. CHAPTER 4 – SECTION 404 - REPAIRS

CBSC proposes to adopt specific sections and carry forward existing amendments from the CBC, Chapter 34 to Sections **404.1** and **404.5**. Sections **404.2, 404.2.1, 404.2.2, 404.2.3, 404.3, 404.3.1, and 404.4** are not adopted by CBSC but contain editorial amendments that correct section numbers and replace references to the International Building Code with references to the California Building Code.

Section 404.1 General. (formerly 3405.1) CBSC proposes to adopt and amend this section to include an exception for state-owned buildings. This exception amendment is being carried forward from the 2013 CBC, Chapter 34 for inclusion in the 2016 CEBC. The proposed amendments also contain corrected code references.

Section 404.5 Flood hazard areas. (formerly 3405.5) CBSC proposes to adopt this section and provide editorial revisions to correct section numbers and code references. This section was previously adopted in the 2013 CBC, Chapter 34.

ITEM 17. CHAPTER 4 – SECTIONS 405 FIRE ESCAPES & 406 GLASS REPLACEMENT AND REPLACEMENT WINDOWS

CBSC does not adopt **Sections 405 and 406**. (Formerly CBC 3406 and 3407) These Sections contain editorial amendments that correct section numbers and replace references to the International Building Code with references to the California Building Code.

ITEM 18. CHAPTER 4 – SECTION 407 – CHANGE OF OCCUPANCY

CBSC proposes to adopt this section and provide editorial revisions to correct section numbers and code references. This section was previously adopted in the 2013 CBC, Chapter 34.

Post SD/LF CAC meeting August 12 and 13, 2015:

Section 407.4 Public comment was received pointing out that Table 301.1.4.1 referenced is not adopted by BSC. CAC suggests adding a pointer for seismic back to Section 317. This was an oversight on CBSC's part. As a result CBSC has added an exception to Section 407.4 similar to other existing exceptions which point the code use to the appropriate California amendment in Section 317.5.

ITEM 19. CHAPTER 4 – SECTIONS 408 - 410.

CBSC does not adopt **Sections 408, 409, and 410.** (*Formerly 3409, 3410, 3411*) These sections contain editorial amendments that correct section numbers and replace references to International Building and Residential Codes with references to the California Building and Residential Codes, respectively.

ITEM 20. CHAPTERS 5 – 15

CBSC does not adopt Chapters 5-15. These chapters contain work area compliance methods for the repair, alteration, additions and changes of occupancy. CBSC proposes to carry forward existing amendments from the 2013 CBC Chapter 34 to the 2016 CEBC in Chapter 3 which contain the existing structure regulations required for modifications to existing structures within CBSC authority.

This proposed addendum is intended to provide clarity and consistency for the code user.

Post SD/LF CAC meeting August 12 and 13, 2015:

Chapters 5-14 CBSC proposes to include the language “*Not adopted by the State of California*” (*May be available for adoption by local ordinance. See Section 1.1.11*)” to align with the proposed language in Section 1.1.11 Format as described in Item 3. The Department of Housing and Community Development is adopting Chapter 15, therefore the note will not be included under the Chapter 15 title.

ITEM 21. CHAPTER 16 - REFERENCE STANDARDS

CBSC proposes to adopt Chapter 16 from the 2015 International Existing Building Code into the 2016 California Existing Building Code. CBSC proposes to amend referencing provisions related to standards in Division I, California Administration Division.

ITEM 22. APPENDIX A, CHAPTER A1 - SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS

CBSC proposes to repeal Appendix Chapter 1 of the 2012 International Existing Building Code and adopt the 2015 IEBC Appendix Chapter A1 – Seismic Strengthening Provisions for Unreinforced Masonry Buildings (URM) published by the International Code Council. The purpose of this action is to adopt the latest standards as required by H&SC Section 18928 and as recommended by the Seismic Safety Commission, making the standards available to local governments for their loss reduction programs. The rationale for the adoption is the improvement of these programs and the successful mitigation of the remaining at-risk URM buildings.

Appendix A1. Carry forward amendments to clarify the California Code vs. the International Code references.

Section A100 – APPLICATION. Carry forward existing language which provides the specific scope for the application of this appendix to the occupancies for which CBSC has authority.

Section A103 – DEFINITIONS – BUILDING CODE. Carry forward existing definition.

Include reprint of Uniform Building Code Standards 21-4, 21-6, 21-8, 21-13

ITEM 23a. APPENDIX A, CHAPTERS A2 – A5

CBSC does not adopt Appendix Chapters A2-A5 from the 2015 International Existing Building Code..

ITEM 23b. APPENDIX A, CHAPTER A6 REFERENCED STANDARDS

Post SD/LF CAC meeting August 12 and 13, 2015:

CBSC proposes to adopt Chapter A6 from the 2015 International Existing Building Code into the 2016 California Existing Building Code. CBSC proposes to amend referencing provisions related to standards in Division I, California Administration Division.

ITEM 24. APPENDIX B - SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS FOR EXISTING BUILDINGS AND FACILITIES

CBSC does not adopt Appendix B from the 2015 International Existing Building Code.

ITEM 25. APPENDIX C - GUIDELINES FOR THE WIND RETROFIT OF EXISTING BUILDINGS

CBSC does not adopt Appendix C from the 2015 International Existing Building Code.

ITEM 26. RESOURCE A - GUIDELINES ON FIRE RATINGS OF ARCHAIC MATERIALS AND ASSEMBLIES

CBSC does not adopt Resource A from the 2015 International 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).

- The Structural Engineer Association of California (SEAOC) 2012 Convention Proceedings, *ASCE 41-13: Seismic Evaluation and Retrofit Rehabilitation of Existing Building*, Robert Pekenicky, SE, Degenkolb Engineers, San Francisco, CA; Chris Poland, SE NAE Degenkolb Engineers, Oakland CA
- 15th World Conference on Earthquake Engineers, *Proposed Update to Masonry Provisions of ASCE/SEI 41: Seismic Evaluation and Retrofit of Existing Buildings*, B. Tremayne, Holmes Culley, San Francisco, USA; F. Turner, Alfred E. Alquist Seismic Safety Commission, Sacramento, USA; A. Russell, Ausenco Sandwell, Vancouver, Canada; S. Oliver, Holmes Consulting Group, Christchurch, New Zealand; H. Derkshnan, Aurecon, Christchurch, New Zealand
- California Seismic Safety Commission's 2006 Progress Report to the California Legislature titled "Status of the Unreinforced Masonry Building Law" (Seismic Safety Commission SSC 2006-04, published November 9, 2006)

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

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

The adoption of the Appendix Chapter A1 of IEBC is mandated by H&SC Section 18934.7.

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 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.)

No alternatives to adopting the IEBC were identified. However, the adoption of the most recent edition of this model code is mandated by H&SC Sections 18928 and 18934.7.

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.)

No alternatives were identified to lessen the adverse impact on small business, because the adoption of the most recent edition of this model code is mandated by H&SC Sections 18928 and 18934.7.

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

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

In Seismic Safety Commission's 2006-04 Progress Report, in addition to recommending the state's adoption of the latest edition of the IEBC, the SSC recommended that state and local governments provide economic incentives to URM building owners to defray costs associated with retrofitting, which may offset any costs associated with adoption of the latest edition of model code mandated by state law.

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 CBSC 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 with in 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 with in 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 the public health and safety, worker safety and the environment.

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

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

- No increased cost of compliance for those regulations that make only technical and non-substantive changes.

- The potential benefits provide recognition and appropriate use of new technologies and material, clarify for the code users and local enforcement agencies, and my increase business due to the adoption of building standards.
- Protection of public health and safety, worker safety and the environment.

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.