October 28, 2009

Superintendent Jonathon Raymond
Sacramento City Unified School District
5735 47th Ave.
Sacramento, CA 95824

RE: Request pursuant to California Public Records Act (Government Code Section 6250 et seq.)

Dear Mr. Raymond,

This letter is to request a copy of the recently completed full report describing the results of a structural evaluation of the Old Marshall School that was completed by a team of architects and structural engineers at the request of the Sacramento City Unified School District.

As you probably know, the following legal rules apply to this request.

Prompt Disclosure: Government Code Section 6253 (b), (d)
Records not exempt from disclosure are to be made "promptly available." No provision of the CPRA, including the response periods noted below, "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records."

Deadlines: Government Code Section 6253 (c)
You are required "promptly" and in no case more than 10 calendar days from the date of this request, to determine, and inform me in writing, whether you are going to decline all or part of the request, and the law(s) that you are relying on, unless within that period you notify me in writing that you intend to take up to an additional 14 days to make the determination because of your need:

* to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;
* to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
* for consultation, which shall be conducted with all practicable speed, with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein; or
* to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

Your notice must set forth "the reasons for the extension and the date on which a determination is expected to be dispatched." If you determine that any of the records I have requested are disclosable, your written notice must "state the estimated date and time when the records will be made available."

Constitutional Rule of Interpretation: Article I, Section 3 (b)
The California Constitution requires that the Public Records Act "shall be broadly construed if it furthers the people's right of access, and narrowly construed if it limits the right of access." This rule must be heeded in interpreting any exemptions from disclosure you believe to be applicable.

Fees: Government Code Section 6253 (b)
For copying you may charge only a fee "covering direct costs of duplication, or a statutory fee if applicable." "The direct cost of duplication is the cost of running the copy machine, and conceivably also the expense of the person operating it. 'Direct cost' does not include the ancillary tasks necessarily associated with the retrieval, inspection and handling of the file from which the copy is extracted. *North County Parents Organization v. Department of Education*, 23 Cal.App.4th 144, 148 (1994).

Thank you for your prompt attention to this request. Please contact me using the information below if you need further clarification.

Sincerely,

John Downs
Parent of two students at the California Montessori Project, Capitol Campus at the Old Marshall School
2634 28th street
Sacramento, CA 95818

State of California • Arnold Schwarzenegger, Governor
State and Consumer Services Agency

DEPARTMENT OF GENERAL SERVICES

Division of the State Architect – Sacramento Office

6/7/2005

CERTIFICATION & CLOSE OF FILE

RECEIVED
JUN 16 2005

DR. MAGDALENA MEJIA
SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
425 1ST AVENUE
SACRAMENTO CA 95818

Project: JEFFERSON ELEMENTARY (SACRAMENTO CITY USD)
Scope: ALTERATIONS TO (2) CLSSRM/RESTROOM BLDGS, MP BLDG & ADMIN/KG BLDG
Application #: 02-105490
File: 34-53

Dear DR. MEJIA:

The Department of General Services' records indicate that the construction of the referenced project has been completed in accordance with design documents approved by the Department, and that all the Verified Reports covering the construction have been received.

Therefore, the Department of General Services certifies as follows:

This project is in compliance with California State regulations as to the safety of design and construction of public schools, and for the accommodation of persons with disabilities.

As stated in our letter approving the plans and specifications for this project, the Department does not review design documents or construction for compliance with the electrical, mechanical, or plumbing regulations. It is the responsibility of the professional consultants named on the application to verify compliance with appropriate parts of the California Building Code, and to submit Verified Reports documenting compliance.

Sincerely,

for David F. Thorman, AIA
State Architect

DFT: cr

cc:
Co. Supt. of Schools
School Board
R. Don Spencer II
Reading
File

HMC
Architects

October 29, 2009

Jerome M. Behrens
Attorney at Law
7404 North Spalding Avenue
Fresno, CA 93720

Regarding: Old Marshall School
Sacramento City Unified School District

Subject: Facility Assessment

Dear Mr. Behrens:

This letter supersedes all previous correspondence and includes references to code sections as requested by the District. HMC Architects and Buehler and Buehler Structural Engineers performed a preliminary assessment of the Old Marshall School site on 2718 G Street as requested by the Sacramento City Unified School District. Based on our preliminary review of the observable systems in the facility, the building is in remarkably good condition, both in physical appearance and in not showing signs of structural distress. However, the facility does not meet current Division of the State Architect Field Act Standards (1933 Field Act (Ed Code Section 17280 et seq.), 1967 First Greene Act and 1968 Second Greene Act) or current Title 24 (2007 California Building Code section 109.2- DSA Structural Safety and Chapter 34 -Existing Structures) requirements for public school facilities.

The following report includes a preliminary cost estimate for construction to bring the Facility to Field Act Compliance. Should the School District elect to pursue this option, additional analysis will be required to determine the exact scope of work. The assumptions made in this report were based on a one day visual site assessment, review of limited available plans, meetings with District representatives, and a meeting with Jim Hackett, Supervising Structural Engineer of the Division of the State Architect's Sacramento Office.

DSA Field Act Compliance: Field Act compliance represents a significant increase in the level of structural safety provided by a structure, particularly seismic safety. This increase in safety is provided through amendments to the California Building Code (CBC) as prepared and enforced by DSA Structural Safety Section. The following is a brief synopsis of the items included in the estimate:

1. ***Roof framing*** upgrades including stripping roofing, developing chords and connectors, fully developing a vertical load path, brick flue demolition and infill, and developing shear transfer.

300 Capitol Mall, Suite 1230 • Sacramento, California 95814-4339 • Phone 916-325-1100 • Fax 916-325-1118

2. ***Floor Framing*** upgrades including stripping flooring and installing new sheathing over existing sheathing, developing chords and connectors, stripping finishes and installing new shear walls at perimeter and interior locations.
3. ***Foundation*** upgrades include installing new bracing, shear walls, and footing modifications creating a shear transfer from Unreinforced Masonry (URM) to new shear walls.
4. ***Interiors:*** All interior walls and finishes and all HVAC and electrical systems will need to be replaced
5. ***Accessibility*** upgrades will need to be provided to all levels – requiring an elevator.

Option #1 - Estimate of Probable Costs: $12,234,891

DSA "Dangerous Building" Review: Our team had originally reviewed an option with DSA which assumed the project site was once a field act structure. Modifications to the facility would have been required for specific "Dangerous Building" components. However, Jim Hackett of DSA was unable to confirm that the facility was ever documented to Field Act Standards, therefore, triggering all the requirements from Option #1 above.

City of Sacramento Title 24 Compliance: The Old Marshall School does not meet current California Building Code Standards for Public School facilities. As an Independent Charter School in a District owned facility, it is unclear if the project can even be reviewed by the City of Sacramento. The District's legal counsel should be consulted to determine who has jurisdiction over any project improvements.

Should you have any questions as to the contents of this report, do not hesitate to give us a call.

Sincerely,

HMC ARCHITECTS

Brian Meyers, Associate
Senior Project Manager

Attached DSA Field Act- Option #1, Rough Order of Magnitude (ROM) Costs
Education Code 17280
2007 California Building Code, Section 109.2
2007 Building Code, Chapter 34 "Existing Structures," Sections 3417- 3421

cc: Mellissa Truitt, SCUSD
Jim Dobson, SCUSD
Mark Zarzeka, HMC
Eric Fuller, B&B Structural Engineers

HMC
ARCHITECTS

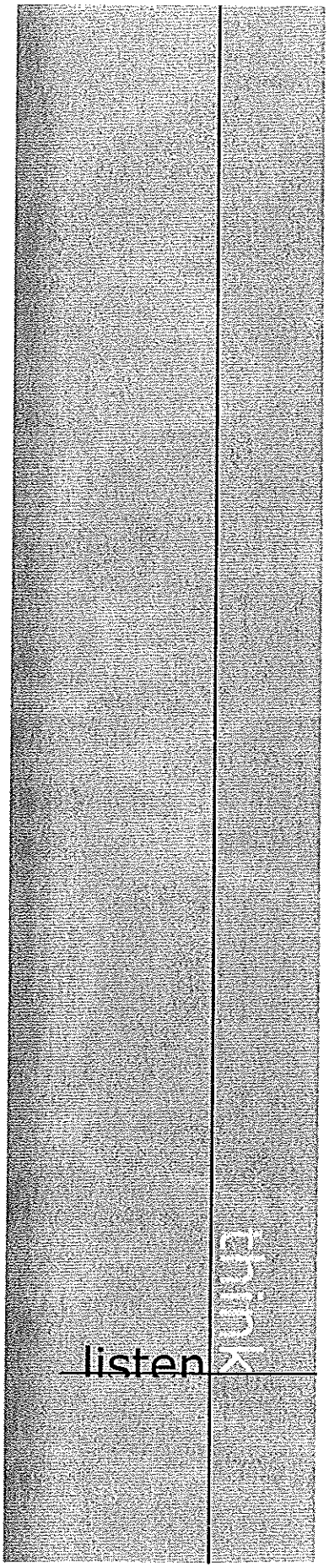
Full DSA Field Act Compliance, Option 1

Building Areas, Summary, and Detail

Rough Order of Magnitude

SCUSD Old Marshall School Facility Assessment
Sacramento City Unified School District
Sacramento, California

October 13, 2009
HMC Job No. 3186010.000



Full DSA Field Act Compliance, Option 1

Areas and Control Quantities

Areas	Enclosed	Covered	Gross*	
Basement	10,869	0	10,869	SF
First Floor	9,717	0	9,717	SF
Second Floor	9,772	414	9,979	SF
Total Building Area	**30,358**	**414**	**30,565**	**SF**

Control Quantities	Quantity	Unit	Ratio to Gross
Gross Floor Area	30,565	SF	1.000
Enclosed Area	30,358	SF	0.993
Covered Area	414	SF	0.014

* Gross floor area is calculated as the full enclosed area plus one-half of the covered area.

Rough Order of Magnitude

SCUSD Old Marshall School Facility Assessment — **October 13, 2009**
Sacramento City Unified School District — **HMC Job No. 3186010.000**
Sacramento, California

Full DSA Field Act Compliance, Option 1

Component Summary		*$/SF*	*Total $*
A10 Foundations		11.52	352,170
A20 Basement Construction		0.00	0
B10 Superstructure		39.88	1,218,945
B20 Enclosure		3.61	110,435
B30 Roofing		3.38	103,283
C10 Interior Construction		68.86	2,104,569
C20 Stairs		5.40	165,000
C30 Interior Finishes		26.02	795,229
D10 Conveying		13.50	412,500
D20 Plumbing		13.66	417,423
D30 HVAC		39.63	1,211,284
D40 Fire Protection		5.46	166,969
D50 Electrical		36.90	1,127,800
E10 Equipment		3.43	104,735
E20 Furnishings		13.66	417,423
F10 Special Construction		14.67	448,305
F20 Selective Building Demolition		6.85	209,470
G10 Site Preparation		0.00	0
G20 Site Improvement		0.00	0
G30 Site Mechanical Utilities		0.00	0
G40 Site Electrical Utilities		8.19	250,454
G90 Other Site Construction		0.00	0
Direct Construction Cost		**314.61**	**9,615,994**
Bonds and Insurance	2.0%	6.29	192,320
Gen Conditions	8.0%	25.67	784,665
Gen Contractor OH&P	5.0%	17.33	529,649
Design Contingency	10.0%	36.39	1,112,263
Cost Escalation to Midpoint of Construction*	0.0%	0.00	0
Total Construction Cost		**400.29**	**12,234,891**

* Cost escalation to midpoint of construction in Tbd - 0 months at 2% per annum.

Component Detail	Quantity	Unit	Rate	Subtotal $	Total $
A10 Foundations					**352,170**
Special foundations					352,170
Install new bracing / shearwall and footing	1	lot	204,750.00	204,750	
Shear transition from unreinforce masonry to shearwall	1	lot	109,200.00	109,200	
Review / upgrade footings	1	lot	24,570.00	24,570	
Dryrot repair	1	lot	13,650.00	13,650	
A20 Basement Construction					**0**
B10 Superstructure					**1,218,945**
Floor construction					914,550
Review stair connection to building	1	lot	27,300.00	27,300	
Develop collector	1	lot	75,075.00	75,075	
Develop chord	1	lot	75,075.00	75,075	
Review landing framing, upgrade	1	lot	40,950.00	40,950	
Strip flooring, install sheathing over existing sheathing, probable removal of interior walls	1	lot	245,700.00	245,700	
Extensive dryrot repair at 1-story roof	1	lot	40,950.00	40,950	
Strip finishes, install (N) shear walls at perimeter and interior locations	1	lot	409,500.00	409,500	
*				0	
Roof framing upgrades					304,395
Develop chord	1	lot	40,950.00	40,950	
Develop collector	1	lot	40,950.00	40,950	
Strip roofing, review sheathing, nailing, upgrade	1	lot	38,220.00	38,220	
Fully develop vertical load path	1	lot	61,425.00	61,425	
Flue demo to foundation and infill	1	lot	13,650.00	13,650	
Develop shear transfer	1	lot	109,200.00	109,200	
*				0	

Component Detail	Quantity	Unit	Rate	Subtotal $	Total $
B20 Enclosure					**110,435**
Exterior walls					83,485
Painting	30,358	sf	2.75	83,485	
*				0	
Exterior doors					26,950
Hollow metal doors and frames, single	10	ea	1,925.00	19,250	
Hollow metal doors and frames, double	2	ea	3,850.00	7,700	
*				0	
B30 Roofing					**103,283**
Roof coverings					103,283
Replace roof - allowance for asphalt shingles	9,979	sf	10.35	103,283	
*				0	
C10 Interior Construction					**2,104,569**
Interior partitions					1,628,707
Interior partitions and finishes	30,358	sf	53.65	1,628,707	
*				0	
Interior doors					58,439
Frame, door, hardware	30	ea	1,925.00	58,439	
*				0	
Fittings					417,423
Markerboard, tackboard, toilet partitions, signage	30,358	sf	13.75	417,423	
*				0	
C20 Stairs					**165,000**
Stair construction					165,000
Reconstruct stairs w/ handrail	6	flt	27,500.00	165,000	
*				0	

Component Detail	Quantity	Unit	Rate	Subtotal $	Total $
C30 Interior Finishes					**795,229**
Wall finishes					0
Included in C10 Interior Construction			0.00	0	
*				0	
Floor finishes					168,336
Flooring, resilient (VCT/Carpet)	30,358	sf	5.20	157,862	
Top set base	3,036	lf	3.45	10,474	
*				0	
Ceiling finishes					626,893
Interior ceiling/insulation	30,358	sf	20.65	626,893	
*				0	
D10 Conveying					**412,500**
Elevators and lifts					412,500
Elevator tower, inclusive	1	ls	275,000.00	275,000	
Ramping - allowance	1	ls	137,500.00	137,500	
*				0	
D20 Plumbing					**417,423**
Plumbing systems					417,423
Plumbing and infrastructure site and building - allowance	30,358	sf	13.75	417,423	
*				0	
D30 HVAC					**1,211,284**
HVAC systems and equipment					1,211,284
HVAC - allowance	30,358	sf	34.40	1,044,315	
Energy management system	30,358	sf	5.50	166,969	
*				0	

Component Detail	Quantity	Unit	Rate	Subtotal $	Total $
D40 Fire Protection					**166,969**
Sprinklers					166,969
Remove and replace firesprinklers - allowance	30,358	sf	5.50	166,969	
*				0	
D50 Electrical					**1,127,800**
Communications and security					417,423
Signal/PA system - allowance	30,358	sf	13.75	417,423	
*				0	
Electrical systems					710,377
Electrical system building - allowance	30,358	sf	16.50	500,907	
Fire alarm systems - allowance	30,358	sf	6.90	209,470	
*				0	
E10 Equipment					**104,735**
Institutional equipment					104,735
Miscellaneous equipment	30,358	sf	3.45	104,735	
*				0	
E20 Furnishings					**417,423**
Fixed furnishings					417,423
Casework - allowance	30,358	sf	13.75	417,423	
*				0	
F10 Special Construction					**448,305**
Special facilities					448,305
Restroom ADA upgrades	988	sf	453.75	448,305	
*				0	

Component Detail	Quantity	Unit	Rate	Subtotal $	Total $
F20 Selective Building Demolition					**209,470**
Building elements demolition					209,470
Miscellaneous building demo - allowance	30,358	sf	6.90	209,470	
*				0	
Hazardous components abatement					0
EXCLUDED				0	
*				0	
G10 Site Preparation					**0**
G20 Site Improvement					**0**
G30 Site Mechanical Utilities					**0**
G40 Site Electrical Utilities					**250,454**
Electrical distribution					250,454
Electrical distribution site	30,358	sf	8.25	250,454	
*				0	
G90 Other Site Construction					**0**

EDUCATION CODE
SECTION 17280-17317

17280. (a) (1) The Department of General Services under the police power of the state shall supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted under Section 17295, to ensure that plans and specifications comply with the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Nothing in this section shall be construed to allow a school district to perform work with its own forces in excess of the limitations set forth in Sections 17595 and 17599. In calculating the cost of any project of reconstruction or alteration of, or addition to, any school building for the purpose of determining the applicability of the rules and regulations adopted pursuant to this article and building standards published in Title 24 of the California Code of Regulations, the Department of General Services shall not include, as an element of that cost, any expenses of air-conditioning equipment or insulation materials for that building, or of installing the equipment or materials.

(2) In the alternative, for a leased or purchased building, a school district may comply with this section by complying with Section 17280.5.

(b) Whenever repairs due to fire damage, not including any damage caused by wind or earthquake, must be made to any school building previously approved by the Department of General Services, the approved plans and specifications used in the original work under then existing rules, regulations, and building standards may be used without modification, providing all other provisions of this article are carried out.

(c) Notwithstanding any other provision of law, no school district shall be authorized to construct or reconstruct any school building, regardless of the source of funding, unless and until the governing board of the district, by resolution, has indicated the agreement of the district that any school building construction or reconstruction that exceeds those construction costs and allowable area standards or any allowable building area computed for an attendance area pursuant to Section 17041 shall, in the event of the district's subsequent application for state funding for school facility construction, be deducted from the allowable building area for which the district would otherwise have been eligible, which restriction shall not be subject to waiver or exception as otherwise may be provided by law.

(d) If it is determined that, for any reason, a school district failed to comply with the requirement of this section, the district shall not be eligible for any additional building area pursuant to Section 17049 and may be denied any time priority established for the particular project pursuant to Section 17016.

17280.1. Written rules and regulations adopted pursuant to this article to clarify the application of the California Building Standards Code shall be made available to the public by the State

Architect upon request.

17280.5. (a) The Seismic Safety Commission shall convene an advisory committee that shall include, but not be limited to, the State Architect, the State Fire Marshall, representatives from the major professional associations representing architects, engineers, and school facilities designers, and other interested parties.

(b) The advisory committee shall convene by August 19, 2002, and shall study and report on whether a regulatory process may be developed that will allow the State Architect to determine whether a building not originally constructed in compliance with the Field Act, as defined in Section 17281, and its implementing regulations either meets, or can be retrofitted to meet, the equivalent pupil safety performance standard as a building constructed according to the Field Act and its implementing regulations. If the advisory committee finds that the regulatory process may be developed, the advisory committee, shall include within its report the facts and rationale supporting the finding and the essential steps required in that regulatory process. The advisory committee shall report its findings to the Seismic Safety Commission by December 31, 2002.

(c) By January 8, 2003, and after reviewing the advisory committee's findings, the Seismic Safety Commission shall make a determination as to whether the regulatory process described in subdivision (b) may be developed, and shall report that determination to the Governor and the Legislature.

(d) If the Seismic Safety Commission determines that the regulatory process may be developed, the State Architect shall draft regulations to establish that regulatory process and to delineate the required retrofitting, deconstructive testing, continuous inspection procedures, and other necessary certifications and requirements that must be completed for a building to ensure it meets the equivalent pupil safety performance standard as a building constructed according to the Field Act and its implementing regulations. The State Architect shall promulgate the regulations on or before April 1, 2003, as emergency regulations in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(e) Notwithstanding any law, a leased or purchased building that is determined to have the equivalent pupil safety performance standard as a building constructed according to the Field Act and implementing regulations is hereby deemed to be in full compliance with the safety requirements of a school building as set forth in Section 17280, and is hereby deemed to be in full compliance with the Field Act.

17281. This article, together with Article 6 (commencing with Section 17365), and Article 7 (commencing with Section 81130) of Chapter 1 of Part 49, shall be known and may be cited as the "Field Act."

17282. (a) It is the intent of the Legislature to expedite the repair, alteration, and reconstruction of school facilities that have been damaged or destroyed by fire, earthquake, flood, or other manmade or natural disasters, to return those school facilities to a condition that makes them useful to school districts in the least amount of time and at the lowest appropriate cost while maintaining

109.1.4.3 The building department of every city, county or city and county within the territorial area of its city, county or city and county, where private funds are utilized. "Building department" means the department, bureau or officer charged with the enforcement of laws or ordinances regulating the erection or construction, or both the erection and construction, of buildings.

***109.1.5 Special conditions for persons with disabilities requiring appeals action ratification.** Whenever reference is made in these regulations to this section, the findings and determinations required to be rendered by the local enforcing agency shall be subject to ratification through an appeals process.*

***109.1.6 Authority cited**—Government Code Section 4450.*

***109.1.7 Reference cited**—Government Code Sections 4450 through 4461 and 12955.1(d) and Health and Safety Code Sections 18949.1, 19952 through 19959.*

109.2 Division of the State Architect—Structural Safety.

***109.2.1 Application**—The Division of the State Architect—Structural Safety (DSA-SS) is authorized by law to promulgate building standards and administrative regulations for application to public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings.*

Enforcing agency—The Division of the State Architect—Structural Safety (DSA-SS) has been delegated the responsibility and authority by the Department of General Services to review and approve the design and observe the construction of public elementary and secondary schools, community colleges and state-owned or state-leased essential services buildings.

Authority cited—Education Code Sections 17310 and 81142 and Health and Safety Code Section 16022.

Reference—Education Code Sections 17280 through 17317, and 81130 through 81147 and Health and Safety Code Sections 16000 through 16023.

109.2.2 Applicable administrative standards.

1. *Title 24, Part 1, California Code of Regulations:*
   - *1.1 Sections 4-301 through 4-355, Group 1, Chapter 4, for public elementary and secondary schools and community colleges.*
   - *1.2 Sections 4-201 through 4-249, Chapter 4, for state-owned or state-leased essential services buildings.*
2. *Title 24, Part 2, California Code of Regulations [applies to public elementary and secondary schools, community colleges and state-owned or state-leased essential services building(s)]:*
   - *2.1 Sections 101 and 109.2 of Chapter 1.*
   - *2.2 Sections 102.1, 102.2, 102.3, 102.4, 102.5, 104.9, 104.10 and 104.11 of Appendix Chapter 1.*

***109.2.3 Applicable building standards.** California Building Standards Code, Title 24, Parts 2, 3, 4, 5, 6, 9 and 12, California Code of Regulations, for school buildings, community colleges and state-owned or state-leased essential service buildings.*

The provisions of Title 24, Part 2, as adopted and amended by the Division of the State Architect—Structural Safety, shall apply to the applications listed in Section 109.2.1.

The Division of the State Architect—Structural Safety adopts the following building standards in Title 24, Part 2:

Chapters 2 through 10, 12, 14, 15, 16A, 17A, 18A, 19A, 20, 21A, 22A, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35 and Appendix J.

***109.2.4 Amendments.** Division of the State Architect—Structural Safety amendments in this code appear preceded with the acronym [DSA-SS].*

Exceptions:

1. *Chapters 16A, 17A, 18A, 19A, 21A, and 22A—Amendments appearing in these chapters without an acronym have been co-adopted by DSA-SS and OSHPD.*
2. *Chapter 34, Sections 3115-3421—DSA-SS adopts these sections without the use of the DSA-SS acronym.*

***109.2.5 Reference to other chapters.** Where reference is made within this code to sections in Chapters 16, 17, 18, 19, 21 and 22, the respective sections in Chapters 16A, 17A, 18A, 19A, 21A and 22A shall apply instead.*

SECTION 110
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

***110.1 OSHPD 1.** Specific scope of application of the agency responsible for enforcement, enforcement agency and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

Application—General acute care hospitals and acute psychiatric hospitals, excluding distinct part units or distinct part freestanding buildings providing skilled nursing or intermediate care services. For structural regulations: Skilled nursing facilities and/or intermediate care facilities except those skilled nursing facilities and intermediate care facilities of single-story, Type V, wood or light steel-frame construction.

Enforcing agency—Office of Statewide Health Planning and Development (OSHPD). The office shall enforce the Division of the State Architect—Access Compliance regulations and the regulations of the Office of the State Fire Marshal for the above stated facility types.

110.1.1 Applicable administrative standards.

1. *Title 24, Part 1, California Code of Regulations: Chapters 6 and 7.*
2. *Title 24, Part 2, California Code of Regulations: Sections 101 and 110 of Chapter 1 and Appendix Chapter 1.*

***110.1.2 Applicable building standards.** California Building Standards Code, Title 24, Parts 2, 3, 4, 5, 9 and 12.*

CHAPTER 34
EXISTING STRUCTURES

SECTION 3401
GENERAL

3401.1 Scope. The provisions of this chapter shall control the alteration, repair, addition and change of occupancy of existing structures, *including state-regulated structures in accordance with Sections 3401.1.1 and 3401.1.2.*

Exceptions:

1. Existing bleachers, grandstands and folding and telescopic seating shall comply with ICC 300-02.
2. *[HCD 2] For moved buildings and maintenance, alteration, repair, addition or change of occupancy to existing buildings and accessory structures in mobilehome parks or special occupancy parks as provided in Section 108.2.1.3. See California Code of Regulations, Title 25, Division 1, Chapter 2, and 2.2.*

[DSA-AC] For applications listed in Section 109.1 regulated by the Division of the State Architect—Access Compliance for accessibility requirements, see Chapter 11B, Section 1134B.

3401.1.1 Existing state-owned structures. The provisions of Sections 3415 through 3420 establish minimum standards for earthquake evaluation and design for retrofit of existing state-owned structures, including buildings owned by the University of California and the California State University.

The provisions of Sections 3415 through 3420 may be adopted by a local jurisdiction for earthquake evaluation and design for retrofit of existing buildings.

3401.1.2 Public school buildings. [DSA-SS] The provisions of Sections 3415 through 3421 establish minimum standards for earthquake evaluation and design for the rehabilitation of existing buildings for use as public school buildings under the jurisdiction of the Division of the State Architect—Structural Safety (DSA-SS, refer to Section 109.2).

The provisions of Section 3415 through 3421 also establish minimum standards for earthquake evaluation and design for rehabilitation of existing public school buildings under the jurisdiction of DSA-SS.

3401.2 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the building official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

3401.3 Compliance with other codes. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the *California Fire Code, California Plumbing Code, California Mechanical Code and California Electrical Code.*

[HCD 1] See Chapter 34, Section 3403.1, Exception 2 and Title 25, Division 1, Chapter 1, Subchapter 1, Article 1, commencing with Section 1 for existing buildings or structures.

3401.4 Existing Group R-3 occupancies. [SFM] For smoke alarm requirements in existing buildings, see Section 907.2.10.5.

SECTION 3402
DEFINITIONS

3402.1 Definitions. The following term shall, for the purposes of this chapter and as used elsewhere in the code, have the following meaning:

PRIMARY FUNCTION. A primary function is a major activity for which the facility is intended. Areas that contain a primary function include, but are not limited to, the customer service lobby of a bank, the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and other work areas in which the activities of the public accommodation or other private entity using the facility are carried out. Mechanical rooms, boiler rooms, supply storage rooms, employee lounges or locker rooms, janitorial closets, entrances, corridors and restrooms are not areas containing a primary function.

TECHNICALLY INFEASIBLE. An alteration of a building or a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

SECTION 3403
ADDITIONS, ALTERATIONS OR REPAIRS

3403.1 Existing buildings or structures. Additions or alterations to any building or structure shall comply with the requirements of the code for new construction. Additions or alterations shall not be made to an existing building or structure that will cause the existing building or structure to be in violation of any provisions of this code. An existing building plus additions shall comply with the height and area provisions of Chapter 5. Portions of the structure not altered and not affected

3415.11 Voluntary lateral-force-resisting system modifications. Where the exception of Section 3415.2 applies, modifications of existing structural components and additions of new structural components that are initiated for the purpose of improving the seismic performance of an existing structure and that are not required by other portions of this chapter are permitted under the requirements of Section 3417.12.

SECTION 3416
DEFINITIONS

3416.1 For the purposes of this chapter, certain terms are defined as follows:

ADDITION means any work that increases the floor or roof area or the volume of enclosed space of an existing building, and is structurally attached to the existing building by connections that are required for transmitting vertical or horizontal loads between the addition and the existing structure.

ALTERATION means any change within or to an existing building, which does not increase and may decrease the floor or roof area or the volume of enclosed space.

BSE-C RESPONSE ACCELERATION PARAMETERS are the parameters (S_{XS} and S_{X1}) as determined either: according to ASCE 41, Section 1.6.1.3 for a mean return period P_R equal to 975 years; or by a Site Specific Response Spectrum developed according to ASCE 41, Section 1.6.2 for an Earthquake Hazard Level of 5-percent/50-years probability of exceedance, equivalent to a mean return period of 975 years.

BSE-R RESPONSE ACCELERATION PARAMETERS are the parameters (S_{XS} and S_{X1}) as determined either: according to ASCE 41, Section 1.6.1.3 for a mean return period P_R equal to 225 years; or by a Site Specific Response Spectrum developed according to ASCE 41, Section 1.6.2 for an Earthquake Hazard Level of 20-percent/50-years probability of exceedance, equivalent to a mean return period of 225 years.

BUILDING OFFICIAL is that individual within the agency or organization charged with responsibility for compliance with the requirements of this code. For some agencies this person is termed the "enforcement agent."

DANGEROUS CONDITION. Any building or structure or any individual component with any of the structural conditions or defects described below shall be deemed dangerous:

1. *The load action in a component due to all factored dead and live loads is more than one and one-third the nominal strength permitted by this code. Where vertical load-bearing walls, columns or other vertical load-bearing elements or components list, lean or are otherwise laterally deformed, the resulting vertical load times lateral deformation (P-Delta) effect shall be considered in the evaluation of the load action.*
2. *Any portion, structural or nonstructural component of the building or structure, or any appurtenance within the structure damaged to the extent that it could potentially fail, detach, or dislodge, or collapse under normal operational conditions or loading and thereby cause a health and safety hazard.*
3. *Any portion of a building, structural or nonstructural component, appurtenance or ornamentation on the exterior thereof with insufficient strength or stability, or attachment to resist lateral loading equal to two-thirds of that specified in Section 3417.*
4. *The building, or any portion thereof, is likely to collapse partially or completely due to damages caused by fire, earthquake, wind, or flood, or any other similar cause.*

DESIGN is the procedure that includes both the evaluation and retrofit design of an existing component, element or structural system, and design of a new component, element or structural system.

ENFORCEMENT AGENCY (Authority Having Jurisdiction in ASCE 41) is the agency or organization charged with responsibility for agency or organization compliance with the requirements of this code.

METHOD A refers to the procedures prescribed in Section 3418.

METHOD B refers to the procedures allowed in Section 3419.

MODIFICATIONS. For this chapter, modification is taken to include repairs to structures that have been damaged.

N-A, N-B, N-C, N-D, N-E are seismic nonstructural component performance measures as defined in ASCE 41. N-A corresponds to the highest performance level, and N-D the lowest, while N-E is not considered.

PEER REVIEW refers to the procedures contained in Section 3420.

REPAIR as used in this chapter means the design and construction work undertaken to restore or enhance the structural and nonstructural load-resisting system participating in the lateral response and stability of a structure that has experienced damage from earthquakes or other destructive events.

S-1, S-2, S-3, S-4, S-5, S-6 are seismic structural performance measures as defined in ASCE 41. S-1 corresponds to the highest performance level, and S-5 the lowest, while S-6 is not considered.

SPECIFIC PROCEDURES are the procedures listed in Section 3417.1.1.

STRUCTURAL REPAIRS are any changes affecting existing or requiring new structural components primarily intended to correct the effects of damage, deterioration or impending or actual failure, regardless of cause.

SECTION 3417
SEISMIC CRITERIA SELECTION FOR EXISTING BUILDINGS

3417.1 Basis for evaluation and design. This section determines what technical approach is to be used for the seismic evaluation and design for existing buildings. For those buildings or portions of buildings for which Section 3415 requires

action, the procedures and limitations for the evaluation of existing buildings and design of retrofit systems and/or repair thereof shall be implemented in accordance with this section.

One of the following approaches must be used:

1. *Method A of Section 3418;*
2. *Method B of Section 3419, with independent review of a peer reviewer as required in Section 3420; or*
3. *For state-owned buildings only, the use of one of the specific procedures listed in Section 3417.1.1.*

When Method B is chosen it must be approved by the building official, and, where applicable, by the peer reviewer. All referenced standards in ASCE 41 shall be replaced by referenced standards listed in Chapter 35 of this code.

***Exception:** For buildings constructed to the requirements of California Building Code, 1998 or later edition as adopted by the governing jurisdiction, that code is permitted to be used in place of those specified in Section 3417.1.*

***3417.1.1 Specific procedures.** For state-owned buildings, the following specific procedures taken from the International Existing Building Code (IEBC) Appendix A may be used, without peer review, for their respective types of construction to comply with the seismic performance requirements for Occupancy Catagory I, II, or III buildings:*

1. *Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings (Chapter A1 of the IEBC).*
2. *Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light Wood-Frame, Residental Buildings (Chapter A3 of the IEBC).*
3. *Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms (Chapter A2 of the IEBC).*

***3417.1.2** When a design project is begun under Method B the selection of the peer reviewer is subject to the approval of the building official. Following approval by the peer reviewer, the seismic criteria for the project and the planned evaluation provisions must be approved by the building official. The approved seismic criteria and evaluation provisions shall apply. Upon approval of the building official these are permitted to be modified.*

***3417.1.3** For state-owned buildings, where unreinforced masonry is not bearing, it may be used only to resist applied lateral loads. Where unreinforced masonry walls are part of the structure they must be assessed for stability under the applicable nonstructural evaluation procedure.*

***3417.1.4 Public schools.** For public schools, unreinforced masonry shall not be used to resist in-plane or out-of-plane seismic forces or superimposed gravity loads.*

***3417.1.5 Public schools.** For public schools, horizontal diaphragms and vertical shear walls shall consist of either diagonal lumber sheathing or structural panel sheathing. Braced horizontal diaphragms may be acceptable when approved by DSA. Straight lumber sheathing may be used in combination with diagonal or structural panel sheathing as diaphragms or shear walls. Let-in bracing, plaster (stucco), gypsum wallboard and particleboard sheathing shall not be allowed to resist seismic forces.*

***3417.2 Existing conditions.** The existing condition and properties of the entire structure must be determined and documented by thorough inspection of the structure and site, review of all available related construction documents, review of geotechnical and engineering geologic reports and performance of necessary testing and investigations. Where samples from the existing structure are taken or in situ tests are performed, they shall be selected and interpreted in a statistically appropriate manner to ensure that the properties determined and used in the evaluation or design are representative of the conditions and structural circumstances likely to be encountered in the structure as a whole. Adjacent structures or site features that may affect the retrofit design shall be identified.*

The entire load path of the seismic-force-resisting system shall be determined, documented and evaluated. The load path includes all the horizontal and vertical elements participating in the structural response: such as diaphragms, diaphragm chords, diaphragm collectors, vertical elements such as walls frames, braces; foundations and the connections between the components and elements of the load path. Repaired or retrofitted elements and the standards under which the work was constructed shall be identified.

These requirements shall be met following the data collection requirements of ASCE 41, Section 2.2 and shall be implemented as follows:

1. *For state-owned buildings, the "Usual" level as defined in ASCE 41, Section 2.2.6.2.*
2. *For public schools, the "Comprehensive" level as defined in ASCE 41, Section 2.2.6.3.*

Qualified test data from the original construction may be accepted, in part or in whole, by the enforcement agency to fulfill the data collection requirements.

Exceptions:

1. *The number of samples for data collection may be adjusted with approval of the enforcement agency when it has been determined that adequate information has been obtained or additional information is required.*
2. *Welded steel moment frame connections of buildings that may have experienced potentially damaging ground motions shall be inspected in accordance with Chapters 3 and 4, FEMA 352, Recommended Post Earthquake Evaluation and Repair Criteria for Welded Moment-Frame Construction for Seismic Applications (July 2000).*

Where original building plans and specifications are not available, "as-built" plans shall be prepared that depict the existing vertical and lateral structural systems, exterior elements, foundations and nonstructural systems in sufficient detail to complete the design.

Data collection shall be directed and observed by the project structural engineer or design professional in charge of the design.

3417.3 Site geology and soil characteristics. *Soil profile shall be assigned in accordance with the requirements of Chapter 18.*

3417.4 Occupancy categories. *For purposes of earthquake-resistant design, each structure shall be placed in one of the occupancy categories in accordance with the requirements of this code.*

3417.5 Configuration requirements. *Each structure shall be designated structurally regular or irregular in accordance with the requirements of ASCE 41, Sections 2.4.1.1.1. to 2.4.1.1.4.*

3417.6 General selection of the design method. *The requirements of Method B (Section 3419) may be used for any existing building.*

3417.7 Prescriptive selection of the design method. *The requirements of Method A (Section 3418) or the specific procedures for applicable building types given in Section 3417.1.1 are permitted to be used except under the following conditions, where the requirements of Method B (Section 3419) must be used.*

3417.7.1 When the building contains prestressed or post-tensioned structural components (beams, columns, walls or slabs) or contains precast structural components (beams, columns, walls or flooring systems).

3417.7.2 When the building is classified as irregular in vertical or horizontal plan by application of ASCE/SEI 7-05 Section 12.3 and/or ASCE 41, Section 2.4.1.1.1 to 2.4.1.1.4, unless the irregularity is demonstrated not to affect the seismic performance of the building.

Exception: *If the retrofit design removes the configurational attributes that caused the building to be classified as irregular, then Section 3417.7.2 does not apply and Method A may be used.*

3417.7.3 For any building that is assigned to Occupancy Category IV.

3417.7.4 For any building using undefined or hybrid structural systems.

3417.7.5 When seismic isolation or energy dissipation systems are used in the retrofit or repair, either as part of the existing structure or as part of the modifications.

3417.7.6 When the height of the structure exceeds 240 feet (73 152 mm).

3417.8 Strength requirements. *All components of the lateral-force-resisting system must have the strength to meet the acceptance criteria prescribed in ASCE 41, Chapter 3, or as prescribed in the applicable Appendix A chapter of the IEBC if a specific procedure in Section 3417.1.1 is used. Any component not having this strength shall have its capacity increased by modifying or supplementing its strength so that it exceeds the demand, or the demand is reduced to less than the existing strength by making other modifications to the structural system.*

Exception: *A component's strength is permitted to be less than that required by the specified seismic load combinations if it can be demonstrated that the associated reduction in seismic performance of the component or its removal due to the failure does not result in a structural system that does not comply with the required performance objectives of Section 3415. If this exception is taken for a component, then it cannot be considered part of the primary lateral-load-resisting system.*

3417.9 Nonstructural component requirements. *Where the nonstructural performance levels required by Section 3415, Table 3415.5 are N-D or higher, mechanical, electrical and plumbing components shall comply with the provisions of ASCE 41, Chapter 11, Section 11.2.*

Exception: *Modifications to the procedures and criteria may be made subject to approval by the building official, and concurrence of the peer reviewer if applicable. All reports and correspondance shall also be forwarded to the building official.*

3417.10 Structural observation, testing and inspection. *Structural, geotechnical and construction observation, testing and inspection as used in this section shall mean meeting the requirements of Chapter 17, with a minimum allowable level of investigation corrresponding to Seismic Design Category D. At a minimum the project site will be visited by the responsible design professional to observe existing conditions and to review the construction work for general compliance with approved plans, specifications and applicable structural regulations. Such visits shall occur at significant construction stages and at the completion of the structural retrofit. Structural observation shall be provided for all structures. The plan for testing and inspection shall be submitted to the building official for reveiw and approval with the application for permit.*

Additional requirements: *For public schools, construction material testing, inspection and observation during construction shall also comply with Section 4-333, Part 1, Title 24.*

3417.10.1 The registered design professional, or their designee, responsible for the structural design shall be retained to perform structural observation and independently report to the owner of observations and findings as they relate to adherence to the permitted plans and good workmanship.

3417.10.2 At the conclusion of construction, the structural observer shall submit to the enforcement agency and the owner a final written statement that the required site visits have been made, that the work, to the best of the structural observers knowledge and belief, is or is not in general conformity to the approved plans and that the observed structural deficiencies have been resolved and/or listing those that, to the best of the structural observers knowledge and belief, have not been satisfactorily corrected.

3417.10.2.1 The requirement for structural observation shall be noted and prominently displayed on the front sheet of the approved plans and incorporated into the general notes on the approved plans.

3417.10.2.2 Preconstruction meeting. A preconstruction meeting is mandatory for all projects which require structural observation. The meeting shall include, but is not limited to, the registered design professional, structural observer, general constructor, affected subcontractors, the project inspector and a representative of the enforcement agency (designated alternates may attend if approved by the structural observer). The structural observer shall schedule and coordinate this meeting. The purpose of the meeting is to identify and clarify all essential structural components and connections that affect the lateral and vertical load systems and to review scheduling of the required observations for the project's structural system retrofit.

3417.11 Temporary actions. When compatible with the building use, and the time phasing for both use and the retrofit program, temporary shoring or other structural support is permitted to be considered. Temporary bracing, shoring and prevention of falling hazards are permitted to be used to qualify for Exception 1 in Section 3417.9 that allows inadequate capability in some existing components, as long as the required performance levels given in Section 3415 can be provided by the permanent structure. The consideration for such temporary actions shall be noted in the design documents.

3417.12 Voluntary modifications to the lateral-force-resisting system. Where modifications of existing structural components and additions of new structural components are initiated for the purpose of improving the lateral-force-resisting strength or stiffness of an existing structure and they are not required by other sections of this code, then they may be designed to meet an approved seismic performance criteria, provided that an engineering analysis is submitted that shows:

1. *The capacity of existing structural components required to resist forces is not reduced, unless it can be demonstrated that reduced capacity meets the requirements of Section 3417.8.*
2. *The lateral loading to or strength requirement of existing structural components is not increased beyond their capacity.*
3. *New structural components are detailed and connected to the existing structural components as required by this code for new construction.*
4. *New or relocated nonstructural components are detailed and connected to existing or new structural components as required by this code for new construction.*
5. *A dangerous condition as defined in Section 3416 does not exist.*

3417.12.1 State-owned buildings. Voluntary modifications to lateral-force-resisting systems conducted in accordance with Appendix A of the IEBC and the referenced standards of this code shall be permitted. When Section 3417.12 is the basis for structural modifications, the approved design documents must clearly have the phrase: "The seismic requirements of Chapter 34 for existing buildings have not been met by these structural modifications; the modifications proposed are to a lesser seismic performance standard that would be required in Section 3417 if they were not voluntary as allowed in Section 3417.12."

3417.12.2 Public schools. When Section 3417.12 is the basis for structural modifications, the approved design documents must clearly indicate the scope of modifications and the acceptance criteria for the design.

SECTION 3418
METHOD A

3418.1 General. The retrofit design shall employ the Linear Static or Linear Dynamic Procedures of ASCE 41, Section 3.3.1 or 3.3.2, and comply with the applicable general requirements of ASCE 41, Chapters 2 and 3. The earthquake hazard level and performance level given specified in Section 3415.5 for the building's occupancy type shall be used. Structures shall be designed for seismic forces coming from any horizontal direction.

Exception: The ASCE 41 Simplified Rehabilitation Method of Chapter 10 may be used if the Level 1 seismic performance level is S-3 or lower, the building's structural system is one of the primary building types described in ASCE 41, Table 10-2, and ASCE 41, Table 10-1 permits it use for the building height.

SECTION 3419
METHOD B

3419.1 The existing or retrofitted structure shall be demonstrated to have the capability to sustain the deformation response due to the specified earthquake ground motions and meet the seismic performance requirements of Section 3415. The registered design professional shall provide an evaluation of the response of the existing structure in its modified configuration and condition to the ground motions specified. If the building's seismic performance is evaluated as satisfactory and the peer reviewer(s,) and the enforcement agency concurs, then no further structural modifications of the lateral-load-resisting system are required.

When the evaluation indicates the building does not meet the required performance levels given in Table 3415.5 for the occupancy type, then a retrofit and/or repair design shall be prepared that provides a structure that meets these performance objectives and reflects the appropriate consideration of existing conditions. Any approach to analysis and design is permitted to be used, provided that the approach shall be rational, shall be consistent with the established principals of mechanics and shall use the known performance characteristics of materials and assemblages under reversing loads typical of severe earthquake ground motions.

Exception: Further consideration of the structure's seismic performance may be waived by the enforcement agency if both the registered design professional and peer reviewer(s) conclude that the structural system can be expected to perform at least as well as required by the provisions of this sec-

tion without completing an analysis of the structure's compliance with these requirements. A detailed report shall be submitted to the responsible building official that presents the reasons and basis for this conclusion. This report shall be prepared by the registered design professional. The peer reviewer(s) shall concur in this conclusion and affirm to it in writing. The building official shall either approve this decision or require completion of the indicated work specified in this section prior to approval.

3419.2 The approach, models, analysis procedures, assumptions on material and system behavior and conclusions shall be peer reviewed in accordance with the requirements of Section 3420 and accepted by the peer reveiwer(s).

Exceptions:

1. *The enforcement agency may perform the work of peer review when qualified staff is available within the jurisdiction.*
2. *The enforcement agency may modify or waive the requirements for peer review when appropriate.*

3419.2.1 The approach used in the development of the design shall be acceptable to the peer reviewer and the enforcement agency and shall be the same method as used in the evaluation of the building. Approaches that are specifically tailored to the type of building, construction materials and specific building characteristics may be used, if they are acceptable to the independent peer reviewer. The use of Method A allowed procedures may also be used under Method B.

3419.2.2 Any method of analysis may be used, subject to acceptance by the peer reviewer(s) and the building official. The general requirements given in ASCE 41, Chapter 2, shall be complied with unless exceptions are accepted by the peer reviewer(s) and building official. Use of other than ASCE 41 procedures in Method B requires building official concurrence before implementation.

3419.2.3 Prior to implementation, the procedures, methods, material assumptions and acceptance/rejection criteria proposed by the registered design professional will be peer reviewed as provided in Section 3420. Where nonlinear procedures are used, prior to any analysis, the representation of the seismic ground motion shall be reviewed and approved by the peer reviewer(s) and the building official.

3419.2.4 The conclusions and design decisions shall be reviewed and accepted by the peer reviewer(s) and the building official.

SECTION 3420
PEER REVIEW REQUIREMENTS

3420.1 General. Independent peer review is an objective, technical review by knowledgeable reviewer(s) experienced in the structural design, analysis and performance issues involved. The reviewer(s) shall examine the available information on the condition of the building, the basic engineering concepts employed and the recommendations for action.

3420.2 Timing of independent review. The independent reviewer(s) shall be selected prior to initiation of substantial portions of the design and/or analysis work that is to be reviewed, and review shall start as soon as practical after Method B is adopted and sufficient information defining the project is available.

3420.3 Qualifications and terms of employment. The reviewer(s) shall be independent from the design and construction team.

3420.3.1 The reviewer(s) shall have no other involvement in the project before, during or after the review, except in a review capacity.

3420.3.2 The reviewer(s) shall be selected and paid by the owner and shall have technical expertise in the evaluation and retrofit of buildings similar to the one being reviewed, as determined by the enforcement agency.

3420.3.3 The reviewer (or in the case of review teams, the chair) shall be a California-licensed structural engineer who is familiar with the technical issues and regulations governing the work to be reviewed.

Exception: Other individuals with acceptable qualifications and experience may be a peer reviewer(s) with the approval of the building official.

3420.3.4 The reviewer shall serve through completion of the project and shall not be terminated except for failure to perform the duties specified herein. Such termination shall be in writing with copies to the enforcement agency, owner and the registered design professional. When a reviewer is terminated or resigns, a qualified replacement shall be appointed within 10 working days, and the reviewer shall submit copies of all reports, notes and correspondence to the responsible building official, the owner and the registered design professional within 10 working days of such termination.

3420.3.5 The peer reviewer shall have access in a timely manner to all documents, materials and information deemed necessary by the peer reviewer to complete the peer review.

3420.4 Scope of review. Review activities shall include, where appropriate, available construction documents, design criteria and representative observations of the condition of the structure, all inspection and testing reports, including methods of sampling, analytical models and analyses prepared by the registered design professional and consultants, and the retrofit or repair design. Review shall include consideration of the proposed design approach, methods, materials, details and constructability.

Changes observed during construction that affect the seismic-resisting system shall be reported to the reviewer in writing for review and recommendation.

3420.5 Reports. The reviewer(s) shall prepare a written report to the owner and building official that covers all aspects of the review performed, including conclusions reached by the reviewer(s). Reports shall be issued after the schematic phase, during design development, and at the completion of construction documents but prior to submittal of the project plans to the enforcement agency for plan review. When acceptable to the

building official, the requirement for a report during a specific phase of the project development may be waived.

Such reports should include, at the minimum, statements of the following:

1. *Scope of engineering design peer review with limitations defined.*
2. *The status of the project documents at each review stage.*
3. *Ability of selected materials and framing systems to meet performance criteria with given loads and configuration.*
4. *Degree of structural system redundancy and the deformation compatibility among structural and nonstructural components.*
5. *Basic constructibility of the retrofit or repair system.*
6. *Other recommendations that would be appropriate to the specific project.*
7. *Presentation of the conclusions of the reviewer identifying any areas that need further review, investigation and/or clarification.*
8. *Recommendations.*

The last report prepared prior to submittal of permit documents to the enforcement agency shall include a statement indicating that the design is in conformance with the approved evaluation and design criteria

3420.6 Response and resolutions. *The registered design professional shall review the report from the reviewer(s) and shall develop corrective actions and responses as appropriate. Changes observed during construction that affect the seismic-resisting system shall be reported to the reviewer in writing for review and recommendations. All reports, responses and resolutions prepared pursuant to this section shall be submitted to the responsible enforcement agency and the owner along with other plans, specifications and calculations required. If the reviewer resigns or is terminated prior to completion of the project, then the reviewer shall submit copies of all reports, notes and correspondence to the responsible building official, the owner and the registered design professional within 10 working days of such termination.*

3420.7 Resolution of conflicts. *When the conclusions and recommendations of the peer reviewer conflict with the registered design professional's proposed design, the enforcement agency shall make the final determination of the requirement for the design.*

SECTION 3421
ADDITIONAL REQUIREMENTS FOR PUBLIC SCHOOLS

The requirements of Section 3421 apply only to public schools under the jurisdiction of the Division of the State Architect—Structural Safety (DSA-SS). Refer to Section 109.2.

3421.1 Evaluation and design criteria report. *During the schematic phase of the project, the owner or the registered design professional in charge of the design shall prepare and sign an Evaluation and Design Criteria Report in accordance with Part 1, Title 24, C. C. R., Section 4-307(a). The report shall be submitted to DSA for review and approval prior to proceeding with design development of the rehabilitation.*

The Evaluation and Design Criteria Report shall:

1. *Identify the building(s) structural and nonstructural systems, potential deficiencies in the elements or systems and the proposed method for retrofit.*
2. *Identify geological and site-related hazards.*
3. *Propose the methodology for evaluation and retrofit design.*
4. *Propose the complete program for data collection (Section 3416.2).*
5. *Include existing or "as-built" building plans, reports and associated documents of the existing construction.*

3421.2 Rehabilitation involving only portions of structures. *Where only a portion(s) of a structure is to be rehabilitated, the public school portion of the structure shall:*

1. *Be seismically separated from the unrehabilitated portion in accordance with Chapter 16A of Part 2, Title 24, or the entire structure shall be rehabilitated in accordance with this section. For structures in which the unrehabilitated portion is above or below the school portion, the entire structure shall be rehabilitated in accordance with this chapter;*
2. *Be retrofitted as necessary to protect the occupants from falling hazards of the unrehabilitated portion of the building; and*
3. *Be retrofitted as necessary to protect required exitways being blocked by collapse or falling hazards of the unrehabilitated portion.*