

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
2525 NATOMAS PARK DR., SUITE 130  
SACRAMENTO, CA 95833  
(916) 263-0916 Phone  
(916) 263-0959 Fax  
Email: cbsc@dgs.ca.gov

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 31, 2012**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 15, 2012**

Date: 10/15/12

From: Matthew L. Mlakar  
Name (Print or type)

  
(Signature)

Structural Engineers Association of California, Building Code Committee  
Agency, jurisdiction, chapter, company, association, individual, etc.

3001 E Street                      Sacramento                      CA                      95816  
Street                                      City                                      State                                      Zip

We do agree with:

The Agency proposed modifications As Submitted on Section No. HCD Item 21

and request that this section or reference provision be recommended:

Approved     Disapproved     Held for Further Study     Approved as Amended

**Suggested Revisions to the Text of the Regulations:**

No change to the text in HCD Item 21 (Modification to Section 1905.1.9), however the change as written should extend to all State and Local agencies.

**Reason:** As currently written in the 2012 IBC, Section 1905.1.9, Section D.3.3 does not align with the section numbering of ACI 318-11, Appendix D. Appendix D had numerous changes in ACI 318-11, but the 2012 IBC code change proposal process was ahead of the administrative update process in which ACI 318-11 was approved. Consequentially, the exceptions to the 2012 IBC were based on ACI 318-08 and do not work for the renumbered ACI 318-11. This editorial revision realigns the ACI 318-11 language with primary exceptions for light frame construction sill plates, since the exceptions remain relevant.

Similar language to correct the inconsistency in the 2012 IBC occurs in the Express Terms for several of the Adopting State Agencies:

- HCD Item 21 (Modification to Section 1905.1.9)
- DSA/SS Modification to 1913.3.8
- OSHPD Modification to Section 1905A1.21

However, all other buildings designed to the 2013 CBC will not have the correct references. This will certainly cause confusion for users of the code. Since this issue is not unique to any specific region of the state or building type, use or performance goal, this change should be applied universally to the 2013 CBC. This inconsistency is scheduled to be fixed in the 2015 IBC with an approved code change proposal, similar to this proposed language. However, for designers in California this will not go into effect until 2017. Until then, California should fix the problem created by the IBC code development process and adopt the proposed language for all buildings.

This issue highlights a problem with the ICC code development process, especially for California. The code change process for the next code cycle begins before anyone is using the current code. Problems like this are likely to occur in the future.

[The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

### HEALTH & SAFETY CODE SECTION 18930

#### SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.