

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION (CBSC)

REGARDING THE 2013 CALIFORNIA BUILDING CODE (CBC),
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 2**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

The CBSC received comments during the 45-Day public comment period. See comments below.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model building code to all occupancies throughout the State of California as prescribed.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

CBSC Code Advisory Committee (CAC) Comments/Recommendations

CBSC's Structural Design / Lateral Forces CAC (SD/LF) recommended approve as submitted with a few sections approve as amended as noted in Commission Matrix Action Table. CBSC responded and made the necessary modifications for the 45-Day language. In addition CAC recommended approve as amend for item CBSC 03/12-26.1 by adding ACI 318 language similar to 1905A.1.21. Upon further review and discussions with DSA, Section 1905.A.1.21 is not applicable under CBSC's authority therefore no change was proposed for 45-Day language.

Public Comments received during 45-Day comment period August 31 – October 15, 2012

1. **COMMENTS:** **Clay Westling**, Building Official, Country of San Diego, on **Section 1612** Mr. Westling provided modified language to CBC Section 1612 to exclude section 3.2 of ASCE 24-05. Recommends: **Approve as Amended**

RESPONSE: CBSC declines to accept the proposed modification, but is currently reviewing potential conflict between IBC ASCE 24-05 and Federal Standards, with the assistance of the Department of Water Resources and FEMA. CBSC did not have sufficient time to analyze the recommendation but will consider this request change in the future rulemaking cycle. We appreciate Mr. Westling's participation in the rulemaking process.

2. **COMMENTS:** **Joseph H. Cain P.E.**, SolarCity Corporation; on **Section 1509.7.1** The commenter suggest that instead of basing the effective area of design wind loads on the dimensions of a single unit frame, it should be determined in accordance with Chapter 16 and ASCE 7, Section 26.2. This is claimed to be a correction to an error in the model code; Recommends: **Approve as Amended**

Suggestion: Commenters suggest striking the words "based on the dimensions of a single panel" and replacing with "in accordance with Chapter 6 and ASCE 7, Section 26.2."

RESPONSE: CBSC's express terms incorporates the comments and the Exception. It is beyond the authority of CBSC to require other jurisdictions or agencies to adopt a CBSC proposal.

3. **COMMENTS: Mathew L. Mlaker, SEAOB – Section 1905.1.9** states this section, as written in the 2012 IBC, does not align with section numbering of ACI 318-11, Appendix D and a disconnect occurs in Section D.3.3 between ACI 318-08 and 318-11, affecting the CBC language. Commenter notes that the inconsistency was corrected in the Express Terms of several agencies, citing HCD, DSA-SS and OSHPD. Commenter further states that this is an example of a flaw in the ICC code development process, especially for California, since the cycle for the next IBC begins before anyone has begun to use the new CBC. He recommends: **Approve as Amended**

RESPONSE: CBSC declines to accept the proposed modification due to CBSC adopts published model code language and CBSC has no statutory authority for other occupancies Mr. Mlaker lists. CBSC proposes no additional modifications to the Express Terms based upon this comment; however will work with DSA-SS and HCD so verify if this amendment should be picked up by CBSC in the intervening cycle.

Public Comments received outside the 45-Day comment period

COMMENTS: Fred Turner & David Khorram, CALBO; on **Section 1905.1.9** requests updating the section with same amendments as HCD (actually DSA-SS) Recommends: **Approve as Amended**

RESPONSE: Please see CBSC's response above.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

The CBSC has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

There were no proposed alternatives. The CBSC has determined that the proposed regulations will have no adverse impact on small businesses.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

The CBSC received no comments from this office.