

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
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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: 10/15/2012

From:

David Bonowitz, S.E.  
Name (Print or type)

  
(Signature)

Individual

Agency, jurisdiction, chapter, company, association, individual, etc.

605A Baker Street      San Francisco      CA      94117  
Street                      City                      State                      Zip

I/We (do)(do not) agree with:

The Agency proposed modifications As Submitted on Section No. 3401.6 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:**

*HCD has proposed to not adopt section 3401.6 of the 2012 International Building Code. This section should be adopted, either without amendment or with amendment to clarify that HCD allows the appropriate use of structural provisions in the CEBC and IEBC.*

**Reason:** [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.]

*HCD's August 28 ISOR gives no reason for its proposal to not adopt section 3401.6. The 2010 CBC includes this section (as section 3401.8), and other state agencies have not found it necessary either to omit this section of to cite the CEBC instead of the IEBC.*

*The main purpose of this section – the reason it was added to the 2009 IBC – is to facilitate the use of alternative seismic criteria when seismic evaluation or retrofit is triggered. Those alternative criteria are the national standards for seismic evaluation and seismic retrofit known as ASCE 31-03 and ASCE 41-06, respectively, and IEBC Appendix A comprising five chapters with prescriptive provisions for retrofit of specific building types, three of which are frequently used for residential occupancy.*

*Failure to cite the IEBC, or at least the CEBC, will make it more difficult for engineers to use these valuable alternative criteria. With this proposal, HCD gives the incorrect impression to engineers, owners, and code officials that these alternative seismic provisions are not acceptable for HCD-regulated occupancies. The opposite is true: The CEBC (Title 24 Part 10) consists of two chapters slightly modified from IEBC Appendix A, chapters A1 and A3, so these are certainly acceptable in California. Chapter A4, for seismic retrofit of soft, weak, or open front*

*buildings, is specifically cited by Health and Safety Code (HSC) Section 19160 as appropriate for mitigation programs, so it too should be acceptable to HCD. And ASCE 31 and ASCE 41 are already cited by other sections of Chapter 34 or Chapter 34A for use on state-owned buildings and buildings regulated by DSA or OSHPD, so these are not unacceptable standards either.*

*Alternatively, if HCD desires a more specific provision, it could adopt a rewritten version of section 3401.6, perhaps as follows:*

*“Where required by this chapter, seismic evaluation and retrofit shall be permitted to use standards and criteria cited in the International Existing Building Code, as modified by the California Existing Building Code.”*

*Such a rewrite would not change the triggers or the scoping already in Chapter 34 but would still allow the use of ASCE 31, ASCE 41, IEBC Appendix A4, and CEBC Appendix A1 and A3 as alternative criteria.*

## 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.