

FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2007 AND 2010 CALIFORNIA EXISTING BUILDING CODE (CEBC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10, APPENDIX CHAPTER A3
(SEISMIC STRENGTHENING)
HCD EF 02/10

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

(Government Code Section 11346.9(a) (1) requires an update of the information contained in the initial statement of reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

HCD made the following non-substantive editorial revisions after the 45-day comment period that ended on August 2, 2010. These revisions are editorial and have no change in regulatory effect:

- Table A3-B – Footnote a, the phrase “chemical anchors” was changed to “adhesive anchors”. A global change was made during the emergency adoption to incorporate the updated terminology “adhesive anchors” used in the 2012 IEBC. The change to “Footnote a” was inadvertently overlooked and is now corrected.
- Figure A3-10 – An error occurred in the CAD program accidentally changing the “Required Bracing not Shown for this Wall” to “Required Bracing for a 1-story Building”. The model code language is back in place to read “Required Bracing not Shown for this Wall”.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a) (3))

The following is HCD's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

In each case, HCD has evaluated the submitted comments and provided the responses below.

COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD ARE LISTED BELOW.

(The text with proposed changes clearly indicated was made available to the public from June 18, 2010, until August 2, 2010.)

Comment EM-1: Colin Blaney S.E. (representing Structural Engineers Association of California)
Crosby Group / Structural Engineering & Design
2200 Bridge Parkway, Suite 104
Redwood City, CA 94065

A304.5 Inspections:

The commenter suggested that the added language "may be" in Item 1 should be deleted and that the language "is not required" should be retained.

Reason: Special inspection of adhesive anchors is expensive and not generally considered necessary for anchors, which are primarily subjected to shear loading. The commenter also suggested that the term "may" is not appropriate for general code language, and points out that Item 3 retains the ability of the Enforcing Agency to require special inspection.

HCD Response:

The section was discussed extensively at the focus group meeting held on May 13, 2010. Focus group members consisted of HCD staff, building officials, engineers, design professionals and representatives from the California Earthquake Authority. Consensus was reached by the focus group that a potential contradiction occurs within Item 3 of this section, where it reads "Any work may be subject to special inspection ...". The proposed amendment is necessary to avoid confusion. The code user could be misled by Item 1 of this section that no inspection is required and might not be aware that special inspection may be required by the Enforcing Agency. Further, a manufacturer's installation instructions or listings may require inspection and/or observation. The enforcement community felt uncomfortable that code may exempt what may be required elsewhere. The proposed language will allow for inspection when needed.

HCD appreciates the comment and is not currently proposing any changes to the Express Terms.

A304.6 Phasing of the Strengthening Work:

The commenter suggested that the last sentence be retained.

Reason: It is the commenter's/SEAOC's opinion that where cripple wall strengthening is phased, that doing so in an unsymmetrical pattern may actually do more harm than good. The belief is that the last statement will offer the potential homeowner, general contractor or building official guidance, which might otherwise be lost.

HCD Response:

Phasing of cripple wall strengthening was discussed during development of HCD's rulemaking proposal and at HCD's focus group meeting on May 13, 2010. HCD believes the Enforcing Agency should be able to evaluate and approve phased work on a case-by-case basis; otherwise, the entire project may be postponed or not started at all if the project as a whole is beyond the immediate ability of the contractor or owner to complete at one time. Removal of this model code language eliminates a provision that could dissuade a homeowner from seismic strengthening. The focus group concluded that this provision could be costly, is unnecessary and could prevent some owners from doing needed work. HCD's proposal allows a structure with limited funding in need of seismic strengthening to be completed one phase at a time. The majority of the participants agreed that the benefit of reinforcing one area at a time is greater than the small chance of harm from doing phase work or not doing the work at all.

HCD appreciates the comment and is not currently proposing any revision to the Express Terms.

Figure A3-7 Partial Cripple Stud Wall Elevation:

The commenter suggested that for the detail entitled, "Vertical Splice at Single Stud", the depiction should show each of the nails rotated such that the nails are orientated towards the center of the 2x4 stud.

Reason: As currently shown, the 1/2" minimum edge distance cannot be achieved on both sides of the nail with a typical 2x4 stud. This is common practice and will allow proper shear transfer.

HCD Response:

HCD does agree that driving nails at an angle is common practice; it is common knowledge and an industry norm to drive the nail toward the center of the stud for the best hold. HCD believes this common practice will continue to be used. The figure is illustrating the entry location of the nails. The figure illustrates nail location from the panel edge, and is what the inspector can accurately verify. During an inspection, there is no accurate way to determine if the nails were driven at an angle or parallel to the sides of the stud; therefore, it is not verifiable.

HCD appreciates the comment and is not currently proposing any changes to the Express Terms.

Figure A3-10 Floor Plan – Cripple Wall Bracing Layout:

The commenter suggested deleting the term "Required Bracing for a 1-story Building", and replacing it with "Required Bracing not Shown for this Wall".

Reason: This statement appears to be a CAD error in the preparation of the 2012 Code Change Proposal of the IEBC.

HCD Response:

HCD agrees with this comment and has corrected the error to accurately reflect the Figure as it is represented in the model code. There is no change in regulatory effect.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be more effective and less burdensome to affected private persons than the adopted regulations.

Health and Safety Code Section 17922 requires HCD to adopt the most recent edition of the uniform model codes.

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

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.