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SUBJECT 2016 California Existing Building Code
Comments on 15-Day Express Terms re 2019 CEBC (File HCD-05-18-15ET-Pt10.pdf)

Mr. Bumbalov:

Following are my comments on the subject 15-Day Express Terms regarding the 2019 *California Existing Building Code* (CEBC). Please feel free to contact me any time if you have any questions.

Section 202

I agree with the 15-Day amendment. As it shows, the better way to provide the definition of substandard building is to refer to the Health and Safety Code (HSC). The CEBC already references the HSC within its provisions, so there is no harm taking a similar approach within a definition.

That said, I note that the last two sentences of the rationale can have significant consequences if “unsafe” and “substandard” are in fact going to be used synonymously. Consider a building with substantial seismic deficiencies – perhaps an existing “soft story” or unreinforced masonry apartment building. Such a building could be deemed substandard in accordance with HSC 17920.3 item o due to “inadequate structural resistance to horizontal forces.” But the same building would not be deemed “dangerous” because seismic loads are not the type of normal, routine, frequent, or imminent loads intended by the code’s definition. Typically, such buildings, even if deemed substandard, are allowed to remain occupied and in service, without triggering seismic retrofit, because they are not “dangerous.” If every substandard (i.e. seismically deficient) building is going to be deemed unsafe, that means some seismic mitigation might be triggered as soon as the seismic deficiency (i.e. the substandard condition) is identified. Unless the classification of seismic deficiencies as “unsafe” within the building code comes with ample code official discretion, it is not clear to me that we want every seismically deficient building to be immediately vacated or subject to the code’s most onerous provisions for unsafe buildings.

Section 301

I agree with the 15-Day revision to the Note. I think the meaning is clear from context, but for even more clarity, you could rewrite this so that the cited section numbers and the cited methods come in the same sequence, perhaps even adding the word “respectively.”

I agree with the 15-Day deletion of Exception 2. There is no need for this HCD amendment here.

Section 302

I agree with the 15-Day relocation of the HCD1 provision. This is an appropriate place for this HCD amendment.

That said, it would be even better to have additional wording to clarify that this amendment is not intended to waive triggered upgrades to buildings that are so deficient as to be substandard.

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Section 405

The subject 15-Day Express Terms do not show any revisions to Section 405. However, it is my understanding that HCD is considering not adopting large parts of Section 405.2. My recommendation is that you *should* adopt and enforce those sections of the model code, for the following reasons:

- Sections 405.2.1, 405.2.1.1, 405.2.2, 405.2.3 (and its subsections), and 405.2.4.1 trigger certain upgrades of damaged buildings, *but only in cases where an evaluation shows them to be substandard buildings*. Thus, these provisions are entirely consistent with the standard HCD policy.
- If HCD does not adopt these provisions, California will be substantially out of compliance with the model code and therefore out of compliance with FEMA (and, I expect, CalOES) policy. This means that California housing could be ineligible for post-disaster assistance.

Structural upgrade of deficient buildings when they sustain significant damage has been model code policy since 2009. It was California policy in leading jurisdictions well before then. Maintaining these sections of the model code would follow the same sound logic as retaining Section 405.2.5, which triggers flood upgrade in flood hazard areas in order to comply with National Flood Insurance Program policy. Ideally, seismically deficient housing can be made safe by voluntary or mandatory programs before the next damaging earthquake, making a building code trigger unnecessary. Some California jurisdictions are working toward that. Until then, however, these provisions in Section 405 ensure that after damaging storms and earthquakes we do not simply build back the same deficiency that allowed the damage in the first place.

Section 1401

I agree with the 15-Day amendment. Again, because the amendment includes the phrase about substandard buildings, I read the amendment to mean that seismic (or wind) upgrade might be triggered for a relocated building that is already deficient.

Thank you for your consideration,



DAVID BONOWITZ, S.E.

P.S. For identification purposes, I am the immediate past-chair the Existing Buildings committee of the National Council of Structural Engineers Associations. Some HCD or BSC staff might also know me through my involvement with related ASCE, EERI, SEAOC, or SEAONC committees. While I expect some of these organizations might second my comments, I want to be clear that I have not passed these through their committee structures, so I am not speaking here on their behalf.