

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS AND DSA-SS/CC)**

**REGARDING THE 2016 CALIFORNIA ADMINISTRATIVE CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 4**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:**

**4-207. Definitions:**

**APPROVED PLANS AND SPECIFICATIONS:**

This proposal replaces the term “change order” with “construction change document” per the new definition for “construction change document”. The terminology matches previous revisions made in the 2016 California Administrative Code. This revision has been made in multiple locations throughout this intervening code package for Part 1.

**CONSTRUCTION CHANGE DOCUMENT:**

This proposal adds the term “Construction Change Document” used throughout the regulations which incorporate all various types of construction documents under one generic title to expedite approval of changes during construction.

**NEW ESSENTIAL SERVICES BUILDING:**

This proposal removes the requirement to review installation or replacement of equipment on projects constructed prior to the Essential Services Building (ESB) Seismic Safety Act, July 1, 1986. Per the Act, DSA does not have authority to regulate buildings before July 1, 1986. (H & S Code, Sections 16011 & 16016)

**4-228. Procedure for approval of application and voidance of application**

This proposal replaces the term “change order” with “construction change document” per the new definition for “construction change document”. The terminology matches previous revisions made in the 2016 California Administrative Code.

**4-233. Revisions of plans and specifications:**

**Subsection (c):**

This proposal is to match terminology with revisions made in the 2016 California Administrative Code. Construction change documents do not require reporting costs for the change.

Since costs of the change are not required to be reported, this proposal eliminates the requirement for the signature of the owner in construction change documents.

This proposal eliminates the last paragraph since the purpose of construction change documents is to expedite review of changes during construction and this paragraph no longer applies.

**4-306. Approval of new school buildings, rehabilitation of school buildings and additions to school buildings:**

This proposal allows DSA to utilize discretion and waive the requirement for a pre-application evaluation and report process of existing certified school buildings when such an evaluation process is deemed unnecessary by DSA for the proposed rehabilitation work.

**4-308. Reconstruction or alterations projects not in excess of \$100,000 in cost:**

This proposal revises the cost thresholds in Chapter 23 to correlate with the Statutes of 2016 (Senate Bill 826 – Leno, Budget Act of 2016) which went into effect August 2016.

**4-309. Reconstruction or alteration projects in excess of \$100,000 in cost:**

This proposal revises the cost thresholds to correlate with Chapter 23, Statutes of 2016 (Senate Bill 826 – Leno, Budget Act of 2016) which went into effect August 2016.

Subsection (c) Required rehabilitation:

Subsection (c)1: This proposal eliminates the exclusion of maintenance costs from calculation of the replacement value of an existing building when determining whether structural rehabilitation is required for reconstruction, alteration or addition projects. This proposal aligns the regulations with section 17280(a) of the EC, which only allows an exemption for air-conditioning equipment, insulation materials and their installation from the replacement value.

Subsection (c)2.B. This proposal clarifies the evaluation methodology of the existing building to identify when structural rehabilitation of the building is to be required. This complements the Exception language clarifying that new elements or strengthening of existing elements shall not be included in the triggering evaluation.

Subsection (d) Voluntary lateral force-resisting system modifications:

This proposal clarifies that when triggers for required structural rehabilitation are not exceeded, existing structures can be voluntarily upgraded for seismic and wind, and provides code reference for wind design criteria for the modifications.

**Section 4-314 Definitions:**

**ALTERATION:** This proposal corrects a conflict with the definition of relocation in section 4-314.

**CONSTRUCTION CHANGE DOCUMENT:** This proposal adds the term “Construction Change Document” used throughout the regulations which incorporates all various types of construction documents under one generic title to assist in expedition of changes during construction.

**4-322. Project cost:** This proposal clarifies that only construction work or tasks performed by construction managers need be included in the project cost.

**4-323. Revisions of plans and specifications:** This proposal clarifies that revisions to plans and specifications can occur both prior to or after approval of plans and specifications, not just after approval.

**4-328. Fees for DSA certification of construction:** This proposal allows DSA to require fees associated with certification of construction of projects as authorized in EC Section 17315(c).

**4-333. Observation and inspection of construction:**

Subsection (b)5.b.: This proposal requires that newly certified project inspectors take the basic DSA project inspector training class prior to being approved to work on a DSA project.

Subsection (d): This provision expands opportunities for assistant inspectors to be approved to work on a Class 2 project under a Class 2 certified project inspector.

**4-333.1. Project inspector certification:**

This sentence is being relocated below to consolidate the recovery of costs for the certification examination, recertification examination and associated training into one sentence for clarity in accordance with EC 17311(c).

This proposal would allow DSA to provide more comprehensive training opportunities for inspectors by integrating specialized training courses by other recognized providers when the course content is acceptable to DSA.

**4-336. Verified reports:**

Subsection (c)2: This proposal allows DSA to initiate the certification process once all construction is completed that ensures the safety and accessibility of the students, teachers and public in accordance with the approved project plans. This proposal conforms with EC Sections 17309 and 81147.

**4-341. Duties of the architect, structural engineer or professional engineer:**

Subsection (d): This proposed revision recognizes that the school district is responsible for termination of the contract with the project inspector, not DSA; however requires the school district to inform DSA of the reasons and basis for terminating a project inspector. It also requires that a replacement inspector be hired prior to termination of the prior inspector.

**4-342. Duties of the project inspector:**

Subsection (b)5: The term "by email" is being repealed since DSA is utilizing other electronic means in addition to email for inspectors to submit required notifications for pending work.

Subsection (b)5.e.: This proposal provides DSA notification and the opportunity to view corrective work prior to covering work.

**4-350. Records:**

This provision is being revised to clarify that only records retained by DSA are available for inspection and to update Education Code reference citations.

**4-351. Location of records:** This proposal updates projects closed by DSA to projects certified by DSA to align with current DSA policy. It removes the term "files" from the list of items included because "files" is vague and includes numerous documents unnecessary for retention. The proposal also updates Education Code reference citations

**TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

These administrative regulations are applicable to Parts 2, 3, 4, 5, 6, 9, 10, 11 and 12 of Title 24, California Code of Regulations. No technical reports or studies were used in the development of these proposed amendments.

**STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:**

The proposed amendments do not contain any mandates for specific technologies or equipment or prescriptive standards.

## CONSIDERATION OF REASONABLE ALTERNATIVES

The Division of the State Architect did not identify nor determine any reasonable alternatives to the other proposed administrative regulations.

## REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Division of the State Architect did not identify any reasonable alternatives to the proposed administrative regulations that would lessen adverse impact on small business.

## FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.

No adverse effect on business was determined and no other documents are required.

## ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The DIVISION OF THE STATE ARCHITECT has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the creation or elimination of jobs.

- The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to elimination of existing businesses.

- The expansion of businesses currently doing business with the State of California.

The Division of the State Architect did not identify any amended regulation that would lead to the expansion of businesses currently doing business with the State of California.

- The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

Part 1, California Administrative Code is the administrative regulations for application of the California Building Code, implementation of construction testing and inspection programs, and certification of construction for the protection of life and property of public K-14 school buildings in compliance with the California Education Code and state-owned or state-leased essential services buildings in compliance with the California Health and Safety Code.

## ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS

The proposed changes to the regulations are editorial to provide clarity, and do not result in an increase to the cost of compliance in the application and implementation of the California Administrative Code or California Building Code, with the following exception:

Elimination of the maintenance exemption when determining if structural rehabilitation is required in Section 4-309(c) will result in an approximately 14 additional buildings being seismically upgraded per year totaling approximately \$3,522,967 per year, or a 0.2% increase for alteration work annually. The benefit is the safety to the students, teachers and public who utilize the seismically retrofitted school buildings, which would otherwise remain with potential safety hazards.

In addition, the fiscal impact of these amendments will result in an average savings of \$70,242 resulting from increased exemption thresholds per Senate Bill 826 – Leno, Budget Act of 2016 in section 4-308 and 4-309(a).

Inclusion of amendments to charge fees for reimbursement of costs for certification of school buildings that were occupied without certification and for conduction training for DSA certified project inspectors puts in regulation policies to charge these fees which DSA has been doing for many years as authorized in EC sections 17315 and 17311, respectively. Therefore there is no economic impact associated with these amendments.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

These proposed administrative regulations do not duplicate or conflict with federal regulations.