

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS OF THE
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS AND
DSA-SS/CC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-SS/CC 02/18)**

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.

1616.5.1.2 Item 5. Balconies and decks:

In the current triennial rulemaking process, DSA intended to repeal an amendment within Section 1616.5.1.2, to align with other amendments being repealed in order to permit model code language from the 2018 IBC to carry forward. This oversight was identified during the 45-day comment period. In response, DSA has updated the final express terms to reflect this repeal of existing 2016 CBC amendment and inserted a “reserved” as a placeholder; thus, subsequent sections retain their numbering

1617.10 Tsunami Loads:

Rationale in DSA’s 45-day ISOR acknowledges adjustments made and reflected in 45-day Express Terms in response to SDLF CAC recommendation Approved as Amended (AA) in order to clarify which geodatabase to use. However, the CAM that was issued post CAC meeting incorrectly noted the recommended action for this item as Approved as Submitted (AS). The CAM 45-Day: Page 5/30 included in the Commissioners meeting package has now been corrected to indicate the recommended action for this item as Approved as Amended (AA).

2101.1 Scope:

DSA’s 45-Day ISOR mistakenly assigned the following rationale to Section 2101.1.3, 2101.1.4, and 2101.1.5 when it should have been assigned to Section 2101.1 - “Editorial updates recognizing OSHPD’s adoption language applicable to this chapter

and to utilize consistent terminology in Sections 1601.1, 1601A.1, 1701A.1, 1801A.1, 1901.1, 1901A.1, 2001.1, 2101.1, 2101A.1, 2201.1, 2201A.1, 2301.1, 2401.1, 2501.1, 2601.1. No regulatory change.”

2101.1.1 Application:

DSA’s 45-Day ISOR did not mention the minor correction reflected in the 45-day ET as a result of CAC comment and recommendation assigned to that item in the CAM as Approved as Amended (AA): Reference to chapter 20 was corrected to 21.

1607A.1 Live Loads:

In the current triennial rulemaking process, DSA intended to repeal an amendment within Table 1607A.1, to align with other amendments being repealed in order to permit model code language from the 2018 IBC to carry forward. This oversight was identified during the 45-day comment period. In response, DSA has updated the final express terms to reflect this repeal of existing 2016 CBC amendment.

1615A.2 High Rise Building Definition:

In order to align with the organization and format of the 2018 IBC, DSA is proposing to relocate several definitions into Chapter 2 of the 2019 CBC that were previously contained within other chapters. In response to comment received during 45-day public review, DSA agreed the definition of High Rise Building is sufficiently addressed by model code language in Section 202 and therefore withdrew the relocation of that definition. The final express terms reflect this withdrawal of relocation and repeal of the definition from Section 1615A.2.

2115.10.1 TMS 402, Section 8.3.7, maximum bar size:

Upon receipt of 45-day comment, DSA concurs that the proposed amendment which was carried over from the 2016 CBC provision is no longer necessary and is therefore withdrawn. DSA has updated the Final ET to reflect this withdrawal and subsequent subsections have been renumbered accordingly.

2107A.4 TMS 402, Section 8.3.7, maximum bar size:

Upon receipt of 45-day comment, DSA concurs that the proposed amendment which was carried over from the 2016 CBC provision is no longer necessary and is therefore withdrawn. DSA has updated the Final ET to reflect this withdrawal and inserted a “reserved” as a placeholder; thus, subsequent subsections retain their numbering.

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 Division of the State Architect 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) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

45-DAY PUBLIC COMMENT PERIOD FROM SEPTEMBER 14 , 2018 THROUGH OCTOBER 29, 2018.

During the 45-day public comment period, DSA received comments from the following parties:

- G. Piefer**, Bricklayers, Tilesetters and Allied Craftworkers Local 3
- J. Thompson**, Masonry Alliance for Codes & Standards
- J. Chrysler**, Chair, TMS 402/602 Committee (National Masonry Standard)
- D. Gould**, Division of the State Architect
- E. Huston**, Voting Member of TMS 402/602 Seismic Subcommittee (late submittal)
- D. Jackson**, Bricklayers, Tilesetters and Allied Craftworkers Local 3 (late submittal)

Comment #1 - Gould: 202 Definitions: Commenter recommended “further study” regarding relocation of definition of High Rise Building from 1615A.2 to Section 202, and Periodic Special Inspection (with some modifications to align with model code) from 1702A.1 to Section 202. Commenter noted that both these definitions already exist in Section 202 and relocation might result in unnecessary duplication of text.

DSA Response to Comment #1: DSA agreed the definition of High Rise Building was sufficiently addressed by model code language in Section 202 and therefore withdrew the relocation of that definition. The express terms were revised to reflect this withdrawal. The amended express terms were publicly noticed during a 15-day comment period from November 2, 2018 through November 17, 2018. However, DSA maintained the proposal to relocate the definition of Periodic Special Inspection (with some modifications to align with model code) from 1702A.1 to Section 202 as originally submitted.

Comment #2 - Gould: 1616.5.1.2: Commenter recommended “approve as amended” repealing an existing 2016 CBC California amendment in Section 1616.5.1.2. Commenter noted that carrying forward the existing amendment would result in duplication of text (in violation of Nine Point Criteria Item #1), since the adopted 2018

model code text already includes the 2016 California amendment text in Table 1607.1, Item 5. This also relates to similar actions by HCD and BSC.

DSA Response to Comment #2: DSA agreed with this recommendation and amended the express terms to reflect this repeal of existing 2016 CBC amendment. The amended express terms were publicly noticed during a 15-day comment period from November 2, 2018 through November 17, 2018.

Comment #3 - Gould: Table 1607A.1: Commenter recommended “approve as amended” repealing an existing 2016 CBC California amendment in Table 1607A.1 (Item 5 Balconies and Decks). Commenter noted that carrying forward the existing amendment would result in duplication of text (in violation of Nine Point Criteria Item #1), since the adopted 2018 model code text already includes the 2016 California amendment text. This also relates to similar actions by HCD and BSC.

DSA Response to Comment #3: DSA agreed with this recommendation and amended the express terms to reflect this repeal of existing 2016 CBC amendment. The amended express terms were publicly noticed during a 15-day comment period from November 2, 2018 through November 17, 2018.

Comments #4 & 5 – Chrysler, Thompson and Huston: 2115.10.1 and 2107A.4 maximum bar size: Commenters recommended “disapprove” the proposed provision, citing that the proposed language duplicates provisions contained within TMS 402 Section 6.1.2.5.

DSA Response to Comments #4 & 5: DSA agreed with the recommendations from Chrysler, Thompson and Huston. Thus, the proposed amendment has been withdrawn and express terms revised to reflect this withdrawal. The amended express terms were publicly noticed during a 15-day comment period from November 2, 2018 through November 17, 2018.

Comment #6 – Piefer, Thompson, Jackson and Huston: 2104A.1.3.1.2.2 Low-lift grouted construction: Commenters recommended “disapprove” the proposed provision, citing that the TMS 602, which is the national standard for masonry, permits wall height up to 5’-4” without cleanouts.

DSA Response to Comment #6: DSA’s proposed action for this section, as reflected in the 45-day express terms, involves adding an exception to allow an increase in wall height to 5’-4” for the low-lift grouting method when the base of the grout pour can be easily cleaned due to the increased access provided by larger celled units (10 inches nominal and larger hollow-unit masonry). This proposed action aligns with the intent of the commenters and does not conflict with national standards. The existing amendment language immediately preceding this proposed exception, which limits wall height to 4 feet, is continued language, not proposed to be modified in the 45-day express terms and therefore is not subject to comment. Thus, upon review and consideration of the comments with input from DSA field engineers, masonry special inspectors, OSHPD, and Laboratory Engineering Managers who provide masonry testing and special inspection services on school projects, DSA will not be modifying or removing that existing continued amendment language. Rather, DSA will maintain the proposal as

originally submitted which adds the new exception permitting an increase in height for low-lift grouting to 5'-4" for units 10 inches and larger, in alignment with TMS 602.

Comment #7 – Chrysler: 2105A.5 Masonry prism method testing: Commenter recommended “disapprove” the proposed provision, citing that it duplicates TMS 602 sections 1.4.B.3 and 1.4.B.4.

DSA Response to Comment #7: Upon consideration of the comment with DSA design and field engineers and OSHPD, DSA proposes to maintain the proposal as originally submitted. The proposed new section provides pointer reference and guidance on when the applicable prism test method applies. From our experience with the 2016 CBC (which does not currently have this pointer language since previous 2013 CBC language addressing the prism test method was removed in recognition of changes made in the 2016 CBC masonry reference standard—the 2013 TMS), these sections for prism test method are commonly missed and/or mis-specified, despite that they are present in the 2013 TMS. It is DSA’s determination that the regulations require this clarity for proper specification of the testing requirement on school projects. This proposed amendment language is merely a pointer to direct the reader to the sections of the TMS containing requirements for the prism test method; the proposed amendment does not repeat or duplicate TMS language.

Comment #8 – Chrysler: 2105A.6 Unit strength method testing: Commenter recommended “disapprove” the proposed provision, citing that it duplicates TMS 602 section 1.4.B.2.

DSA Response to Comment #8: Upon consideration of the comment with DSA design and field engineers and OSHPD, DSA proposes to maintain the proposal as originally submitted. The proposed new section provides pointer reference and guidance on when the applicable unit strength test method applies. From our experience with the 2016 CBC (which does not currently have this pointer language since previous 2013 CBC language addressing the unit strength test method was removed in recognition of changes made in the 2016 CBC masonry reference standard—the 2013 TMS), this section for unit strength test method is commonly missed and/or mis-specified, despite that it is present in the 2013 TMS. It is DSA’s determination that the regulations require this clarity for proper specification of the testing requirement on school projects. This proposed amendment language is merely a pointer to direct the reader to the section of the TMS containing requirements for the unit strength test method; the proposed amendment does not repeat or duplicate TMS language.

15-DAY PUBLIC COMMENT PERIOD FROM NOVEMBER 2, 2018 THROUGH NOVEMBER 18, 2018.

At time of publishing this FSOR, DSA had not yet received any comments regarding the amended express terms that were noticed during the subsequent 15-day public comment period beginning November 2, 2018 through November 18, 2018.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The Division of the State Architect has determined that no alternative has been identified or brought to the attention of DSA that 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The proposed regulations will not have a cost impact to private persons.

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

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

The Division of the State Architect (DSA) made a determination that the adoption and amendment of this regulation will not have a significant statewide adverse economic impact on businesses. No proposed alternatives to lessen economic impact on small businesses were received by DSA.