

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE ARCHITECT (DSA-SS AND DSA-CC)
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-SS/CC 02-19)**

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.

DSA has not identified or made any changes resulting from any data or any technical, theoretical or empirical studies, reports, or similar documents that would necessitate an update of the information contained in the Initial Statement of Reasons.

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).

DSA has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts. The regulations within this proposal make clarifications and editorial changes to existing standards without imposing a mandate.

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 APRIL 24, 2020 AND ENDED JUNE 8, 2020.

DSA received one comment (below) that was determined to not be applicable to DSA's proposed changes during the 45-day public comment period. As such, no changes have been made to the Final Express Terms.

Comment Regarding Item #3, Section #1617.3 of Final Express Terms: In the 2016 CBC, DSA adopted additional load combinations for the design of bleachers, grandstands and folding and telescoping seating to account for other applicable conditions of loading. The ICC 300 committee considered and adopted, with adjustments, DSA's additional load combinations into the ICC 300-17 edition of the reference standard. This proposal repeals and amends DSA's previous requirements to align with the ICC 300-17 reference standard.

Commenter(s): Jack Howard, representing Sturdisteel, Inc. and JH Engineering.

Commenter(s) Recommendation: "Since sway loading is a short-term loading similar to wind or seismic, we do not believe it should be factored like a live load which occurs continuously. Furthermore, sway load, as defined, cannot occur without the full application of the accompanying live load. Also, refer to the discussion of the derivation of the load magnitude on page 9 and the study done for AISC in 1947 beginning on page 18."

The commenter noted that this issue was submitted in the last code cycle (2016 CBC) and was rejected at that time. The commenter believes the adopted load factors are excessive and unnecessary – and do not control the design. Commenter provided several attachments and a design example.

DSA-SS Response to Comment: Jim Hackett and Diane Gould from DSA-SS called the commenter to discuss their concerns. They are proposing changes to load combinations in ICC 300-17, which cannot be accomplished here. Changes to those load combinations must be pursued via ICC 300 rulemaking. Thus, DSA-SS item #3 continues unchanged in the Final Express Terms.

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.

DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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).

DSA has determined that that the adoption and amendment of this regulation will not have statewide adverse economic impact on businesses. No proposed alternatives to lessen economic impact on small businesses were received by DSA.