

**INITIAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT (DSA-SS AND DSA-SS/CC)
REGARDING THE 2022 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(DSA-SS/CC 03/22)**

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

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

ITEM 1

**CHAPTER 2 DEFINITION
SECTION 202 DEFINITIONS**

EQUIPMENT. ...(6) MOVABLE EQUIPMENT [DSA-SS, DSA-SS/CC, OSHPD 1, 2, 4 & 5]

Clarified that moveable equipment is required to be fixed with anchorage even though it may be occasionally moved for maintenance or cleaning.

CAC Recommendation:

Further Study. Recommended to consider removing the proposed word “fixed” and adding other qualifying language such as “equipped with removable anchors” to clarify the intent.

Agency Response:

Disagree. After further study, DSA met with OSHPD and disagrees with removing the word “fixed” or modifying the definition for movable equipment. Movable equipment is essentially the same as fixed equipment, except that it may be detached and relocated for periodic cleaning or maintenance. This definition has been coordinated with OSHPD and will help elimination confusion for the movable equipment anchorage requirements in CBC Section 1617A.1.18, Item 2.

ITEM 2

**Chapter 17A SPECIAL INSPECTIONS AND TESTS
SECTION 1703A APPROVALS**

Section 1703A.1.1 Independence. Clarified the distinction between the inspections performed by special inspectors employed by an approved agency and the project inspector of record (IOR) or the entity providing inspection services. They need to be independent from each other.

CAC Recommendation:

Further study. Recommended to consider replacing “or” with “and” and adding “broker” to the entities listed in the proposed language to clarify the intent.

Agency Response:

Accept. DSA coordinated with HCAI (OSHPD) and adjusted the language to be more concise and accurate with the intent to avoid conflicts of interest. While the word “broker” was not added (due to reducing the words used thereby making the language more concise and less confusing), the word “or” was changed to “and.”

ITEM 3

Chapter 19A CONCRETE

Subsection 1905A.1.9 – This amendment is revised to correct the reference from amendment Section 1617A.1.16 to Section 1617A.1.15. The number of the referenced section was revised in the triennial code adoption cycle, and the coordination of this reference was overlooked. In addition to correcting the code reference, this item also proposes formatting corrections. The scope of this amendment is to renumber model code Section 1905.1.3 to 1905A.1.9 and modifications to ACI 318 Section 18.5.2.1. Underline should be removed from the other parts of the section, which is text taken directly from the model code.

CAC Recommendation:

Approve.

Agency Response:

Disagree. The CAC voted to approve the proposal. However, before the vote was taken, some comments were made requesting DSA to consider refining the proposal language in order to clarify the intent of the modification to ACI 318 Section 18.5.2.1. As a result, the current proposal reflects editorial adjustments to the language in response to those comments received from the CAC.

ITEM 4

Chapter 21 MASONRY

Section 2115.7 – (associated Sections 2105A.2, 2107A.6 and 2108A.4) – update amendment to clarify a minimum f'_m of 2000 psi for concrete masonry and 1500 psi for clay masonry. Due to code requirements that Concrete Masonry Units (blocks) must satisfy ASTM C90, and that the grout strength must equal or exceed the block strength, plus type M or S mortar required for SDC D and above, f'_m for concrete masonry will never be less than 2000 psi on DSA projects. f'_m of 1500 psi is only possible for clay masonry which is rarely, if ever utilized for DSA projects. Therefore, the language has been updated to clarify the difference in minimum specified f'_m between concrete and clay masonry.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 5 Chapter 21A MASONRY

Section 2104A.1.3.1 – It has been brought to DSA’s attention that the existing language in this section (added last cycle to point to TMS 602) may be misinterpreted as requiring cleanouts for all projects regardless of pour height which would represent a significant change in regulatory effect. That erroneous interpretation does not align with the intent of the amendment work from last cycle. When the language was adopted during the 2021 triennial rulemaking cycle the intent was to link the existing DSA amendments regarding cleanouts to the appropriate sections in TMS 602, and cause no change in regulatory effect. Thus, we propose to adjust language to provide a pointer to the cleanout trigger based on pour height as specified by 2104A.1.3.5 item 3 (4’-0”, or 5’-4” for block 10” or wider).

Section 2104A.1.3.11.1 – Add “reinforced” in order to clarify this amendment applies to reinforced hollow-unit masonry, not for hollow-unit masonry without reinforcement.

Section 2105A.2 (associated Sections 2115.7, 2107A.6 and 2108A.4) – update amendment to clarify a minimum f'_m of 2000 psi for concrete masonry and 1500 psi for clay masonry. Due to code requirements that Concrete Masonry Units (blocks) must satisfy ASTM C90, and that the grout strength must equal or exceed the block strength, plus type M or S mortar req’d for SDC D and above, f'_m for concrete masonry will never be less than 2000 psi on DSA projects. f'_m of 1500 psi is only possible for clay masonry which is rarely, if ever utilized for DSA projects. Therefore, the language has been updated to clarify the difference in minimum specified f'_m between concrete and clay masonry.

Section 2107A.6 (associated Sections 2115.7, 2105A.2 and 2108A.4) – delete amendment language specifying a minimum f'_m of 1500 psi. This language was added in 2021 triennial rulemaking cycle as part of the larger effort to unify and remove conflict and duplication. However, it had the unintended consequence of confusing the user because as noted in rationale for 2105A.2 above, it is physically impossible for code-compliant concrete masonry f'_m to be less than 2000 psi for DSA projects. f'_m of 1500 psi is only possible for clay masonry which is rarely, if ever utilized for DSA projects.

Section 2108A.4 (associated Sections 2115.7, 2105A.1 and 2107A.6) – delete amendment specifying a minimum f'_m of 1500 psi. This was added in 2021 triennial rulemaking cycle as part of the larger effort to unify and remove conflict and duplication. However, it had the unintended consequence of confusing the user because as noted in rationale for 2105A.2 above, it is physically impossible for code-compliant concrete masonry f'_m to be less than 2000 psi for DSA projects. f'_m of 1500 psi is only possible for clay masonry which is rarely, if ever utilized for DSA projects.

CAC Recommendation:

Approve.

Agency Response:

Accept.

ITEM 6

Chapter 23 WOOD

Section 2301.1.4 Prohibition. CLT diaphragms are permitted by 2021 SDPWS which is adopted by the 2021 IBC/2022CBC. Therefore, clarify prohibition on CLT used as vertical seismic force-resisting elements unless approved as alternative system.

CAC Recommendation:

Further Study. Recommended to reconsider if the amendment is necessary, coordinate with OSHPD and update numbering as necessary.

Agency Response:

Accept. After further study and coordination with OSHPD, this item was renumbered and relocated to a new Item 10 that applies to DSA only. The Item 9 will remain unchanged and will receive an OSHPD banner since it no longer applies to DSA.

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

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

2021 IBC: International Building Code.

2021 IEBC: International Existing Building Code.

TMS 402-16: Building Code Requirements for Masonry Structures.

TMS 602-16: Specification for Masonry Structures.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment or prescriptive standards are required.

Health and Safety Code section 18941 requires consistency with state and nationally recognized standards for building construction in view of the use and occupancy of each structure to preserve and protect the public health and safety.

CONSIDERATION OF REASONABLE ALTERNATIVES

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

DSA did not identify nor determine any reasonable alternatives to these regulations.

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

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to

the attention of the agency that would lessen any adverse impact on small business.

There will be no adverse impact on small business.

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

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The regulations proposed will have no overall cost impact on business, since they are equivalent to current requirements in the Code.

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

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- A.** 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.
- B.** 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 creation of new business or elimination of existing businesses.
- C.** The expansion of businesses currently doing business within 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.
- D.** The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.
The Division of the State Architect did not identify any amended regulation that would have a significant positive or adverse impact.

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

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

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 Building Code, since they are equivalent to current requirements.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

Government Code Section 11346.2(b)(6) requires a department, board, or commission

within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

These regulations do not duplicate or conflict with federal regulations.