

**INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA RESIDENTIAL CODE (CRC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5
(HCD 04/09)**

The Administrative Procedure Act requires an Initial Statement of Reasons to be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

STATEMENT OF SPECIFIC PURPOSE AND RATIONALE:

(Government Code Section 11346.2 requires a statement of specific purpose of **EACH** adoption, amendment or repeal and the rationale of the determination by the agency that EACH adoption, amendment or repeal is reasonably necessary to carry out the purpose for which it is proposed.

- When repealing adopted California original standards, summarize the effect of the standards and explain why the standard is no longer necessary
- When amending a standard, explain the standard proposed to be modified, explain the effect of the proposed modification, explain the inadequacy of the standards being modified, and explain why the proposed amendment is necessary)

Specific Proposed Regulatory Actions:

HCD proposes to adopt by reference selected provisions of the 2009 edition of the International Residential Code with necessary amendments to create the 2010 California Residential Code. Proposed amendments are intended to provide clarity, specificity and direction to the code user and to implement and make specific existing state laws. Many of the proposed amendments are being brought forth from the 2007 California Building Code (CBC) as new amendments into the 2010 California Residential Code for continuity. Additionally, California amendments reflect guidance received from the California Building Standards Commission, Coordinating Council Ad Hoc Committee, coordination with other state agency partners and recommendations developed during the public participation period prior to submittal to the California Building Standards Commission (CBSC). The rationale for each amendment by chapter and section is listed below.

SPECIAL NOTE: HCD proposes Chapter 1 within the California Residential Code to include two administrative divisions consistent with Parts 2, 3, 4 and 5, of the other Building Standards Code publications.

All amendments to the chapters are described below and also identified on the Matrix Adoption Table.

**CHAPTER 1
CALIFORNIA ADMINISTRATION
DIVISION I**

SECTION 1.1 GENERAL

Sections: 1.1.1, 1.1.2, 1.1.3, 1.1.3.1 (Reserved), 1.1.3.2, 1.1.4, 1.1.5, 1.1.6, 1.1.7, 1.1.7.1, 1.1.7.2, 1.1.7.3, 1.1.7.3.1, 1.1.8, 1.1.8.1, 1.1.9, 1.1.10, 1.1.11, 1.1.12.

Rationale: HCD proposes to adopt a newly developed Chapter 1, Division I for the California Residential Building Code (CRC). Chapter 1, Division I, contains general requirements specific to the needs of California and each state agency. Section 1.1 et seq., will promote uniform enforcement throughout the state and ensure local enforcement agencies are provided accurate statutory information regarding the enforcement of building standards in the State of California.

The proposed adoption of the new California Chapter 1, Division I, including the text of Section 1.1, is consistent with guidance given by the CBSC in development of the format currently proposed in the other California Building Standards Codes. Section 1.1 is similar to Section 1.1 in Chapter 1, Division I, in the CBC, CMC and CPC.

SECTION 1.2 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (HCD)

Sections: 1.2.1, 1.2.1.1, 1.2.1.1.1, 1.2.1.1.2, 1.2.1.1.3, 1.2.2, 1.2.2.1, 1.2.2.2, 1.2.2.2.1, 1.2.2.2.2, 1.2.2.2.3, 1.2.2.2.4, 1.2.2.2.5, 1.2.3, 1.2.3.1, 1.2.3.2, 1.2.3.3, 1.2.3.3.1, 1.2.3.4, 1.2.4, 1.2.4.1, 1.2.5, 1.2.5.1, 1.2.5.2, 1.2.6, 1.2.6.1, 1.2.6.2, 1.2.6.2.1, 1.2.6.3, 1.2.7, 1.2.7.1, 1.2.7.2, 1.2.7.3, 1.2.8, 1.2.8.1, 1.2.8.2, 1.2.9, 1.2.9.1, 1.2.9.2.

Rationale: HCD proposes to adopt a newly developed Chapter 1, Division I for the California Residential Building Code (CRC). Chapter 1, Division I, contains general requirements specific to California by virtue of different authorities granted each state agency to promulgate regulations for residential construction. Section 1.2 *et seq.*, provides specific requirements and the authority vested to HCD by statute, and will promote uniform enforcement throughout the state and ensure local enforcement agencies are provided accurate statutory information regarding the enforcement of building standards in the State of California.

The proposed adoption of the new California Chapter 1, Division I, including the text of Section 1.2 is consistent with guidance given by the CBSC in the development and format currently proposed in the other California Building Standards Codes. Section 1.2 is essentially indistinguishable from Section 1.8 of Chapter 1, Division I, in the CBC, CPC, CMC and CEC.

ADMINISTRATION DIVISION II

Division II is not adopted by the Department of Housing and Community Development except where specifically identified by agency banner or as indicated by the Matrix Adoption Table.

Rationale: HCD proposes to adopt this existing model code chapter as amended. Division II has been added to the existing model code section. As modified, it is consistent with guidance given by the CBSC in the development and format currently proposed in the other California Building Standards Codes. Division II is consistent with the reformatting proposed for Chapter 1 (into two divisions) in the CBC, CPC, and CMC.

SECTION R105 PERMITS

Section: R105.2 Work exempt from permit.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The provision of Item 1, "Work exempt from permit," under the 2009 IRC, allows one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, to be exempt from a permit, provided the floor area does not exceed 200 square feet (18.58 m²).

Model code exemption previously allowed only 120 square feet of floor area. Allowing up to 80 additional square feet of floor area will significantly increase the amount of combustible building materials and equally as significant, the amount of stored chemicals and combustible or volatile compounds. HCD, in consultation with the State Fire Marshal's office, has determined this may adversely affect health and safety.

SECTION R109 INSPECTIONS

Section: R109.1 Types of inspections.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The proposed amendment does not represent a change in effect from required inspections in the 2007 California Building Code, Section 108.4.4 (1.8.4.4 as currently proposed in the CBC). The additional language added specifies the minimally required inspections, including new sections added by HCD. Additionally, a note was added to Section 109.1 to specify an additional requirement not printed in the IRC. The HCD amendments are intended to align more closely with the currently adopted inspection provisions in the CBC and to provide additional clarity and consistency for application and enforcement.

Section: R109.1.1 Foundation Inspection.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The HCD amendments provide information currently published in the CBC and does not represent a change in effect from required inspections in the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC and to provide additional clarity and consistency for application and enforcement.

Section: R109.1.1.1 Concrete slab and under-floor inspection.

Rationale: HCD proposes to adopt the above-listed new California amendment. This section provides information published in the CBC and does not represent a change in effect from required inspections in the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC, because they are also germane to the construction of single and two family dwellings as well. They provide additional clarity and consistency for application and enforcement.

Section: R109.1.4 Frame and masonry inspection.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The HCD amendments provide information currently published in the CBC and does not represent a change in effect from required inspections in the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC, because they are also germane to the construction of single and two family dwellings as well. They provide additional clarity and consistency for application and enforcement.

Section: R109.1.4.1. Lath and gypsum board inspection.

Rationale: HCD proposes to adopt the above-listed new California amendment. This section provides information published in the CBC and does not represent a change in effect from required inspections in the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC, because they are also germane to the construction of single and two family dwellings as well. They provide additional clarity and consistency for application and enforcement.

Section: R109.1.5.1 Fire-resistance-rated construction inspection.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The HCD amendments provide information currently published in the CBC and does not represent a change in effect from required inspections in the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC, because they are also germane to the construction of single and two family dwellings as well. They provide additional clarity and consistency for application and enforcement.

Section: R109.1.5.2 Special inspections.

Rationale: HCD proposes to adopt the above-listed new California amendment. This section provides information published in the CBC and does not represent a change in effect from required inspections in Chapter 17 of the 2007 California Building Code. The HCD amendments are intend to align more closely with the currently adopted inspection provisions in the CBC, because they are also germane to the construction of single and two family dwellings as well. They provide additional clarity and consistency for application and enforcement.

CHAPTER 2 DEFINITIONS

HCD proposes to adopt the 2009 IRC, Chapter 2, with California amendments, as indicated below and on the attached Matrix Adoption Table.

SECTION R201 GENERAL

Section: R201.3 Terms defined in other codes.

HCD proposes to adopt the above-listed model code provision with modification. HCD deleted references to the International Codes that California does not adopt. In addition, this California amendment is consistent with Chapter 2 of the CBC and has been placed into the CRC to maintain clarity and consistency in the application and enforcement of code provisions.

SECTION R202 DEFINITIONS (Non-adopted)

HCD proposes to not adopt the model code definitions listed below. These model code definitions are related to IRC divisions, chapters, and/or sections not proposed for adoption by HCD. Their adoption could conflict with approved definitions located in California Building Standards Codes adopted by HCD or possibly define a product or use not currently approved in California. A banner has been added in the Express Terms beside each definitions stating; “*Not Adopted in CA.*” This proposed action provides clarity and consistency to the code user.

ACCESSIBLE.
ACCESSIBLE, READILY.
AIR ADMITTANCE VALVE.
AIR BARRIER.
AIR BREAK (DRAINAGE SYSTEM).
AIR CIRCULATION, FORCED.
AIR-CONDITIONING SYSTEM.
AIR GAP, DRAINAGE SYSTEM.
AIR GAP, WATER-DISTRIBUTION SYSTEM.
AIR-IMPERMEABLE INSULATION.
ANTISIPHON.
APPLIANCE.
BACKFLOW, DRAINAGE.
BACKFLOW PREVENTER.
BACKFLOW PREVENTER, REDUCED-PRESSURE ZONE TYPE.
BACKFLOW, WATER DISTRIBUTION.
BACKPRESSURE.
BACKPRESSURE, LOW HEAD.
BACKSIPHONAGE.
BACKWATER VALVE.
BATHROOM GROUP.
BEND.
BOILER.
BRANCH.
BRANCH, FIXTURE.
BRANCH, HORIZONTAL.
BRANCH INTERVAL.
BRANCH, MAIN.
BRANCH, VENT.
BTU/H.
BUILDING DRAIN.
BUILDING SEWER.
BUILDING THERMAL ENVELOPE.
CHIMNEY.
CHIMNEY CONNECTOR.
CHIMNEY TYPES.
CIRCUIT VENT.
CLEANOUT.
COMBINATION WASTE AND VENT SYSTEM.
COMBUSTION AIR.
COMMON VENT.
CONDENSATE.
CONDENSING APPLIANCE.
CONDITIONED AIR.
CONDITIONED AREA.
CONDITIONED FLOOR AREA.
CONDITIONED SPACE.
CONTAMINATION.
CONTINUOUS WASTE.
CONTROL, LIMIT.
CONTROL, PRIMARY SAFETY.
CONVECTOR.
CROSS CONNECTION.
DAMPER, VOLUME.
DEAD END.
DEVELOPED LENGTH.
DIAMETER.
DILUTION AIR.
DIRECT-VENT APPLIANCE.
DRAFT.
 ...Induced draft.
 ...Natural draft.
DRAFT HOOD.
DRAFT REGULATOR.
DRAIN.
DRAINAGE FITTING.
DUCT SYSTEM.
DURHAM FITTING.
DURHAM SYSTEM.
DWV.
EFFECTIVE OPENING.
ELBOW.
EQUIPMENT.
EQUIVALENT LENGTH.
ESSENTIALLY NONTOXIC TRANSFER FLUIDS.
ESSENTIALLY TOXIC TRANSFER FLUIDS.
EVAPORATIVE COOLER.
EXCESS AIR.
EXHAUST HOOD, FULL OPENING.
EXISTING INSTALLATIONS.
FACTORY-BUILT CHIMNEY.
FIXTURE.
FIXTURE BRANCH, DRAINAGE.
FIXTURE BRANCH, WATER-SUPPLY.
FIXTURE DRAIN.
FIXTURE FITTING.
 ...Supply fitting.
 ...Waste fitting.
FIXTURE GROUP, MAIN.
FIXTURE SUPPLY.
FIXTURE UNIT, DRAINAGE (d.f.u.).
FIXTURE UNIT, WATER-SUPPLY (w.s.f.u.).
FLOOD-LEVEL RIM.
FLOOR DRAIN.
FLOOR FURNACE.
FLOW PRESSURE.
FLUE.
FLUE, APPLIANCE.
FLUE COLLAR.
FLUE GASES.
FLUSH VALVE.
FLUSHOMETER TANK.
FLUSHOMETER VALVE.
FUEL-PIPING SYSTEM.
FULLWAY VALVE.
FURNACE.
GRADE, PIPING.
GRIDDED WATER DISTRIBUTION SYSTEM.
GROUND-SOURCE HEAT PUMP LOOP SYSTEM.
HANGERS.
HAZARDOUS LOCATION.
HEAT PUMP.
HEATING DEGREE DAYS (HDD).
HIGH-EFFICACY LAMPS.
HIGH-TEMPERATURE (H.T.) CHIMNEY.
HORIZONTAL BRANCH, DRAINAGE.
HORIZONTAL PIPE.
HOT WATER.
HYDROGEN GENERATING APPLIANCE.
IGNITION SOURCE.
INDIRECT WASTE PIPE.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM.
INDIVIDUAL VENT.
INDIVIDUAL WATER SUPPLY.
MACERATING TOILET SYSTEMS.
MAIN.
MAIN SEWER.
MANIFOLD WATER DISTRIBUTION SYSTEMS.
MANUFACTURED HOME.
MASS WALL.
MECHANICAL DRAFT SYSTEM.
 ...Forced-draft venting system.
 ...Induced draft venting system.
 ...Power venting system.
MECHANICAL EXHAUST SYSTEM.
MECHANICAL SYSTEM.
NATURAL DRAFT SYSTEM.
NONCONDITIONED SPACE.
OFFSET.
PELLET FUEL-BURNING APPLIANCE.
PELLET VENT.
PITCH.
PLENUM.
PLUMBING.
PLUMBING APPLIANCE.
PLUMBING APPURTENANCE.
PLUMBING FIXTURE.
PLUMBING SYSTEM.
POLLUTION.
PORTABLE FUEL CELL APPLIANCE.
POTABLE WATER.
PRESSURE-RELIEF VALVE.
PUBLIC SEWER.
PUBLIC WATER MAIN.
PURGE.
QUICK-CLOSING VALVE.
R-VALUE, THERMAL RESISTANCE.
RECEPTOR.
REFRIGERANT.
REFRIGERANT COMPRESSOR.
REFRIGERATING SYSTEM.
RELIEF VALVE, VACUUM.
RETURN AIR.
RISER.
ROOM HEATER.
ROUGH-IN.
SANITARY SEWER.
SEPTIC TANK.
SEWAGE.

SEWAGE PUMP.
SIDE VENT.
SLIP JOINT.
SLOPE.
SOIL STACK OR PIPE.
SOLAR HEAT GAIN COEFFICIENT (SHGC).
STACK.
STACK VENT.
STACK VENTING.
STANDARD TRUSS.
STATIONARY FUEL CELL POWER PLANT.
STORM SEWER, DRAIN.
SUBSOIL DRAIN.
SUMP.
SUMP PUMP.
SUPPLY AIR.
SWEEP.
TEMPERATURE- AND PRESSURE-RELIEF (T AND P) VALVE.
TEMPERATURE-RELIEF VALVE.
THERMAL ISOLATION.
THERMAL RESISTANCE, R-VALUE.
THERMAL TRANSMITTANCE, U-FACTOR.
TRAP.
TRAP ARM.
TRAP PRIMER.
TRAP SEAL.
TYPE L VENT.
U-FACTOR, THERMAL TRANSMITTANCE.
VACUUM BREAKERS.
VENT.
VENT COLLAR.
VENT CONNECTOR.
VENT DAMPER DEVICE, AUTOMATIC.
VENT GASES.
VENT STACK.
VENT SYSTEM.
VENTING SYSTEM.
VERTICAL PIPE.
WASTE.
WASTE PIPE OR STACK.
WATER-DISTRIBUTION SYSTEM.
WATER HEATER.
WATER MAIN.
WATER OUTLET.
WATER-SERVICE PIPE.
WATER-SUPPLY SYSTEM.
WET VENT.

SECTION R202 DEFINITIONS (Amended)

HCD proposes to adopt the following amended model code definitions or existing CBC definitions new to the IRC:

HCD proposes to adopt the following list of amended model code definitions and new California amendments. The amended model code definitions or new California amendments are consistent with existing California amendments in Chapter 2 of the CBC. Some provisions merely replace "International" with "California." They have been brought forward from the CBC and placed into the CRC to reflect statutory requirements that consistently apply to all residential dwellings under HCD authority. The amendments maintain continuity and provide clarity and consistency in the application and enforcement of code provisions.

APPROVED.
APPROVED AGENCY.
APPROVED LISTING AGENCY.
APPROVED TESTING AGENCY.
BUILDING.
DEPARTMENT.
ENFORCEMENT.
ENFORCING AGENCY.
ENFORCEMENT AGENCY.
FAMILY.
FENESTRATION.
LABELED.
LIMITED-DENSITY OWNER-BUILT RURAL DWELLINGS.
LISTED.
LISTING AGENCY.
MASONRY UNIT.
PASSIVE SOLAR ENERGY COLLECTOR.
TESTING AGENCY.

CHAPTER 3 BUILDING PLANNING

SECTION R301 DESIGN CRITERIA

Section: R301.1.1 Alternative provisions.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section: R301.1.1.1 Alternative provisions for limited-density owner-built rural dwellings.

Rationale: HCD proposes to adopt the above-listed new California amendment. This new subsection provides five criteria demonstrating instances where the local enforcing agency must allow or can consider alternative requirements for limited-density owner-built rural dwellings. HCD has made an effort to put all the requirements in this Chapter 3, "Building Planning," with the proposal of Section R301.1.1.1 and has provided pointers in other chapters of the code that may be applicable. The 2007 CBC lists provisions for limited-density owner-built rural dwellings in Sections 503, 1204, 1208, 1801.2, 2301.1 and 3401.1. The HCD amendment represents no change from the 2007 CBC and provides clarity and consistency to the code user for application, enforcement, and to make specific existing state laws with regard to one- and two-family dwellings and townhouses.

Section: R301.1.3 Engineered design.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Sections: R301.1.3.1 California licensed architect or engineer. R301.1.3.2 Woodframe structures greater than two-stories. R301.1.3.3 Structures other than woodframe.

Rationale: HCD proposes to adopt the above-listed new California amendments. Based upon stakeholder comment at the HCD IRC Focus Group Meeting the proposed amendments clarify existing state law. Current and past California Building Codes have not contained prescriptive provisions for cold-formed steel, masonry, concrete, and structural insulated panel load-bearing walls and roofs. Existing statute only exempts (in specific applications) woodframe construction of two stories or less from professional design requirements. The HCD amendment provides the code user with necessary information about additional California requirements and also directs the code user to the applicable law located in the Business and Professions Code. The HCD amendment is intended to provide clarity and consistency to the code user for application and enforcement.

Section: TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Rationale: HCD proposes to adopt the above-listed model code table and footnotes with amendment. The HCD amendment strikes model code language from footnote e which directs the code user to Appendix D of the International Plumbing Code (IPC). The IPC is not proposed for adoption by HCD; the building official shall be responsible for making any determination of local temperatures required by footnote e. The HCD amendment provides clarity and consistency to the code user for application and enforcement.

Section: R301.2.2.1.1 Alternate determination of seismic design category.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" in three places and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section: R301.2.2.1.2 Alternative determination of Seismic Design Category E.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" in two places and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section: R301.2.2.3.7 Anchorage of water heaters.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes reference to Section M1307.2. IRC mechanical and plumbing provisions are not adopted by HCD. The code user is provided a correct reference to the California Plumbing Code. The HCD amendment provides clarity and consistency to the code user for application and enforcement.

Section: R301.2.2.4 Seismic Design Category E.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section: R301.3 Story height.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment is to paragraph two of Exception 5. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

SECTION R302 FIRE-RESISTANT CONSTRUCTION

Section: R302.1 Exterior walls.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. California's adoption of residential sprinkler requirements entailed modifying existing model code text in Section 302. Section 313 is proposed for adoption by the State Fire Marshal (SFM) to incorporate elements of Section P2904 providing alternate design criteria for sprinklered residential dwellings. This amendment was necessary because those provisions resided in an IRC division and/or section not proposed for adoption by HCD. Additionally, Table R302.1 was modified to Table R302.1(1) for non-sprinklered dwellings and Table R302.1(2) was added for sprinklered dwellings. See the rationale for Tables R302.1(1) and R302.1(2) below. The amendment provides clarity and consistency to the code user for application and enforcement.

Section: Table R302.1(1) Exterior Walls – Dwellings without Automatic Residential Fire Sprinkler Protection

Rationale: HCD proposes to adopt the above-listed model code section and table with amendment. Pursuant to California Code of Regulations, Title 24, Part 1, Article 1-8, a public petition was submitted by the California Building Industry Association (CBIA). The California Building Standards Commission (CBSC) determined that the public petition was complete and in compliance with California Code of Regulations (CCR), Title 24, Part 1, Article 1-8, and so notified HCD by written memorandum dated April 8, 2009. The CBIA public petition was identified by the CBSC as “Public Petition – (2/09) (Setback Change in Residential Code).”

After HCD’s review of the public petition pursuant to the provisions of CCR Section 1–805, HCD concurred with the CBSC finding and accepted the submitted public petition. HCD’s acceptance of this public petition signifies that the issue(s) described in the petition merited proceeding to code development. HCD promised to work with the CBIA and other stakeholders through the regulatory process in the development of new regulations and amendment of existing model code sections. HCD also worked in unison with the SFM and recommendations made by the Joint Fire Service Review Committee. The HCD amendments represent a change in the fire separation distances for R-3 occupancies required by the 2007 CBC, but is consistent with past model code provisions, specifically those under the 2001 CBC (1997 UBC) for fire separation distances. The amendment provides clarity and consistency to the code user for application and enforcement.

Section: Table R302.1 (2) Exterior Walls – Dwellings with Automatic Residential Fire Sprinkler Protection

Rationale: HCD proposes to adopt the above-listed new California amendment. Pursuant to California Code of Regulations, Title 24, Part 1, Article 1-8, a public petition was submitted by the California Building Industry Association (CBIA). The California Building Standards Commission (CBSC) determined that the public petition was complete and in compliance with California Code of Regulations (CCR), Title 24, Part 1, Article 1-8, and so notified HCD by written memorandum dated April 8, 2009. The CBIA public petition was identified by the CBSC as “Public Petition – (2/09) (Setback Change in Residential Code).”

After HCD’s review of the public petition pursuant to the provisions of CCR Section 1–805, HCD concurred with the CBSC finding and accepted the submitted public petition. HCD’s acceptance of this public petition signifies that the issue(s) described in the petition merited proceeding to code development. HCD promised to work with the CBIA and other stakeholders through the regulatory process in the development of new regulations and amendment of existing model code sections. HCD also worked in unison with the SFM and recommendations made by the Joint Fire Service Review Committee. The HCD amendments represent a change in the fire separation distances for R-3 occupancies required by the 2007 CBC, but is consistent with past model code provisions, specifically those under the 2001 CBC (1997 UBC) for fire separation distances. The amendment provides clarity and consistency to the code user for application and enforcement.

Section: R302.2 Townhouses.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes reference to IRC Chapters 33 through 42 in the exception. IRC electrical chapters are not adopted by HCD. The code user is provided a correct reference to the California Electrical Code. The HCD amendment provides clarity and consistency to the code user for application and enforcement.

Section R302.5.1 Opening protection.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment brings forward a provision contained in Section 406.1.4 of the 2007 CBC requiring door openings between the garage and dwelling-unit to be self-closing and self-latching. The HCD amendment provides clarity and consistency to the code user for application and enforcement and does not create a change in regulatory effect.

Section: R302.6 Dwelling/garage fire separation.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment brings forward a provision contained in Section 406.1.4 of the 2007 CBC exempting separation between a dwelling unit and carport. The HCD amendment provides clarity and consistency to the code user for application and enforcement and does not create a change in regulatory effect.

Section: R302.13 Combustible insulation clearance.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes “thermal,” in “building thermal envelope”, and reference to IRC Section N1102.4.5. IRC Chapter 11, “Energy,” is not adopted by HCD. Amending the term to read “building envelope” is consistent with the definition in the California Energy Code, Title 24, Part 6. The code user is provided a correct reference to the California Energy Code for minimum requirements regarding clearance to recessed luminaires. The HCD amendment provides clarity and consistency to the code user for application and enforcement.

SECTION R303 LIGHT, VENTILATION AND HEATING

Section: R303.1 Habitable rooms.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment adds exception 4 and 5. Health and Safety Code Section 17959.3 recognized a need to prepare and adopt additional regulations which encourage passive solar energy design. HCD is required to adopt these additional standards through the normal building standards regulatory process. This amendment represents no change in regulatory effect from Section 1203.4 and 1205.1 of the 2007 CBC. The amendment provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: R303.3 Bathrooms.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The IRC continuous ventilation requirement is less than that required by the California Mechanical Code. The amendment provides consistency for the code user for application and enforcement. This does not create a change in regulatory effect from the existing California Mechanical Code.

Section: R303.7 Required glazed openings.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment adds exception 4. Health and Safety Code Section 17959.3 recognized a need to prepare and adopt additional regulations which encourage passive solar energy design. HCD is required to adopt these additional standards through the normal building standards regulatory process. This amendment represents no change from CBC 1205.1 and provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: R303.7.1.1 Passive solar energy collectors.

Rationale: HCD proposes to adopt the above-listed new California amendment. The HCD amendment aligns with the other HCD amendments in Section R303 and reflects consideration of Health and Safety Code Section 17959.3, which recognized a need to prepare and adopt additional regulations that encourage passive solar energy design. This HCD amendment also directs the code user to the California Energy Code and requirements for solar energy collectors designed in conditioned space. This amendment represents no change from CBC 1204.1 and provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: R303.8 Required heating.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. A sentence has been added to direct the code user to Section R301.1.1.1 where California amended language for limited-density owner-built rural dwellings has been placed. The HCD amendment represents no change from past model code amendments and provides clarity and consistency to the code user for application, enforcement, and to make specific existing state laws.

SECTION R304 MINIMUM ROOM AREAS

Section: R304.3 Minimum dimensions.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. Exception 2 has been added for limited-density owner-built rural dwellings. Pointers have been placed within the CRC directing code users to applicable code provisions in Section R301.1.1.1. This does not represent any change in effect from similar amendments placed in the 2007 California Building Code with regard to R-3 occupancies. The HCD amendment

represents no change from past model code amendments and provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

SECTION R307 TOILET, BATH AND SHOWER SPACES

Section: R307.1 Space required.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes reference to requirements of Section P2705.1. Plumbing provisions of the IRC are not proposed for adoption. The California Plumbing Code has been added to provide the code user a correct reference. The HCD amendment represents no change in regulatory effect and provides clarity and consistency to the code user for application and enforcement

Section: Figure R307.1 Minimum fixture clearances.

Rationale: HCD proposes to not adopt the above-listed model code figure. This model code figure conflicts with California Plumbing Code requirements. A banner has been added in the Express Terms besides each non-adopted section stating; “*Not Adopted in CA.*” Additionally, an obelisk has been added to the Matrix Adoption Table to identify the non-adopted section. This proposed action provides clarity and consistency to the code user.

SECTION R308 GLAZING

Section: R308.5 Site built windows.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes “International” and replaces it with “California” to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

SECTION R309 GARAGES AND CARPORTS

Section: R309.4 Automatic garage door openers.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. Based upon a suggestion at the HCD Focus Group Meeting, a pointer to existing California law, regarding automatic garage door openers, is being added to the model code text. HCD concurs with the commented rationale that this amendment would provide additional clarity and consistency for application and enforcement

Section: R309.5 Extension garage door springs.

Rationale: HCD proposes to adopt the above-listed new California amendment. This section provides a pointer to an existing California amendment published in the CBC. It does not represent any change in effect from the California Building Code. This HCD amendment and pointer is necessary because the requirements found in CBC Section 1211 are relevant to the construction of one- and two-family dwellings and townhouses covered in the CRC. This amendment provides additional clarity and consistency for application and enforcement

SECTION R312 GUARDS

Section: R312.2 Height.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The HCD amendment is provided to maintain the same 42” guard height requirement as in the CBC. The basis for this proposed amendment was stated in the HCD Initial Statement of Reasons (ISOR) during the 2006 Triennial Code Adoption Cycle which identified the November-December “Building Standards” publication of the International Conference of Building Officials (ICBO) article titled “Climbable Guards: The Special Enemy of the World’s 2- and 3-year old Children.” The article cites studies conducted with children of various ages negotiating various guard heights and types. The article further states that most two- and three-year old children have sufficient arm and shoulder strength to climb to a height of 34 inches and then fit through the 8-inch opening at the top of a guard which would be allowed by the 2006 IBC. The 2009 IRC has no guard requirements above 36 inches. Therefore, the safety concern of a 36 inch guard remains prevalent. This California amendment is germane to the construction of single and two family dwellings as well and provide uniformity, additional clarity, and consistency for application and enforcement.

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

Section: R313.1.1 Design and installation.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. Section P2904 without amendment could conflict with provisions approved elsewhere in California Building Standards Codes adopted by HCD or may give approval to a product or use not currently permitted in California.

Reference to Section R313.3 has been added. Section R313. 3 is a new California amendment proposed by the State Fire Marshal (SFM). This proposed amendment by the SFM is specific to residential sprinkler systems and an alternative compliance method to that of NFPA 13D. This proposed action provides clarity and consistency to the code user.

Section: R313.2 One- and two-family dwellings automatic fire systems.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an effective date for residential sprinklers which may or may not coincide with the effective implementation date of the 2010 California Building Standards Codes. In coordination with the SFM, HCD has stricken the January 1, 2010 implementation date prescribed by the model code. Fire sprinkler provisions of the CRC will become effective based upon the publication date established by the Building Standards Commission. This proposed action provides clarity and consistency to the code user.

Section: R313.2.1 Design and installation.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. Section P2904 without amendment could conflict with provisions approved elsewhere in California Building Standards Codes adopted by HCD or may give approval to a product or use not currently permitted in California.

Reference to Section R313.3 has been added. Section R313. 3 is a new California amendment proposed by the State Fire Marshal (SFM). This proposed amendment by the SFM is specific to residential sprinkler systems and an alternative compliance method to that of NFPA 13D. This proposed action provides clarity and consistency to the code user.

SECTION R315 CARBON MONOXIDE ALARMS

Section: R315.1 Carbon monoxide alarms. R315.1.1 Power supply. (new) R315.1.2 Interconnection. (new) R315.2 Where required in existing dwellings. R315.3 Alarm requirements. R315.3.1 Multi-purpose alarms. (new)

Rationale: HCD proposes to adopt the above-listed model code provisions with modification. In addition, HCD proposes to adopt the above-listed new California amendments. Section 315 Carbon Monoxide Alarms (CO) was a newly added section to the 2009 IRC. HCD has determined based upon its own internal review, consultation with industry representatives, listing and testing agencies, state agency partners and review of proposed legislation that additional information and requirements are necessary to provide California residents minimum protection and safeguards and clear guidance to the code user. According to proposed legislation the State Air Resources Board estimates that carbon monoxide accounts for 30-40 unavoidable deaths each year and between 175 to 700 emergency room visits. There is also several purported and "well documented" chronic health effects associated with carbon monoxide poisoning.

Section 315 Carbon Monoxide Alarms, in this Express Terms document, is also being utilized as a model for proposed regulations extending to other residential occupancies not covered under this code but applicable in the CBC. The proposed amendments provide additional clarity and consistency for application and enforcement.

SECTION R320 ACCESSIBILITY

Section: R320.1 Scope.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. Adoption of this section referencing IRC Chapter 11, conflicts with Chapter 11A in California Building Code adopted by HCD. The HCD amendment directs the code user to the applicable code requirements. This proposed action provides clarity and consistency to the code user.

SECTION R321 ELEVATORS AND PLATFORM LIFTS

Section: R321.3 Accessibility.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. In addition, this amendment informs the code user to other possible regulatory agencies and directs the user to applicable code requirements in CBC Chapter 11A. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

SECTION R322 FLOOD-RESISTANT CONSTRUCTION

Section: R322.1.6 Protection of mechanical and electrical systems.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The exception to this model code section references an IRC division, chapter, and/or sections not proposed for adoption by HCD. The HCD amendment strikes text from the exception and replaces it with an appropriate reference to the California Electrical Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Section: R322.1.7 Protection of water supply and sanitary sewage systems.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The exception to this model code section references an IRC division, chapter, and/or sections not proposed for adoption by HCD. Text referencing the International Private Sewage Disposal Code has also been removed. In addition the HCD amendment strikes text requiring replacements to meet the prescribed standards. Existing statute in the Health and Safety Code allows the continued use, maintenance and replacement of original materials so long as they do not become substandard or except by act of the legislature. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Section: R322.1.9 Manufactured homes.

Rationale: HCD proposes to not adopt the above-listed model code section. This model code section conflicts with existing state law applicable to manufactured housing. A banner has been added in the Express Terms besides each non-adopted section stating; "Not Adopted in CA." Additionally, an obelisk has been added to the Matrix Adoption Table to identify the non-adopted section. This proposed action provides clarity and consistency to the code user.

CHAPTER 4 FOUNDATIONS

SECTION R401 GENERAL

Section: R401.2 Requirements.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. An additional sentence has been added for limited-density owner-built rural dwellings. Pointers have been placed within the CRC directing code users to applicable code provisions In Section R301.1.1.1. This does not represent any change in effect from similar amendments placed in the 2007 California Building Code with regard to R-3 occupancies. The HCD amendment represents no change from past model code amendments and provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Sections: **R401.4.1.1 General and where required for applications listed in Section 1.2.1.1.1 regulated by the Department of Housing and Community Development.**
 R401.4.1.1.1 Preliminary soil report.
 R401.4.1.1.2 Soil investigation by lot, necessity, preparation, and recommendations.
 R401.4.1.1.3 Approval, building permit conditions, appeal.

Rationale: HCD proposes to adopt the above-listed new California amendments. These California amendments are necessary to implement existing law found in Health and Safety Code (HSC) Sections 17953 through 17955 which require soils investigation for subdivisions. These HSC sections have been reproduced in previous versions of the California Building Code. The proposed amendment was developed to eliminate the reproduction of statute in the body of the code, minor editorial amendments have been made and the sections have been re-numbered to reflect the format used in the 2009 IRC. The HCD amendment represents no change from past model code amendments and provides clarity and consistency to the code user for application, enforcement, and to make specific existing state laws.

SECTION R403 FOOTINGS

Section: **R403.1.8 Foundations on expansive soils.**

Rationale: HCD proposes to adopt the above-listed model code section with amendment. The HCD amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section R404 FOUNDATION AND RETAINING WALLS

Section: **R404.5.1 Design.**

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes reference to Section R106.1 which is not proposed for adoption by HCD. Section R106 contains administrative provisions a local enforcing agency may choose to legally adopt by ordinance, resolution or charter to conduct enforcement activities. In addition, precast concrete does not have prescriptive design criteria; therefore, it requires design by a registered professional. The proposed amendment provides the code user additional clarity and consistency for application and enforcement by removing a perceived conflict.

SECTION R408 UNDER-FLOOR SPACE

Section: **R408.3 Unvented crawl space.**

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references IRC sections not proposed for adoption by HCD. The new language proposed by HCD regarding crawl space wall insulation provides prescriptive standards not found in the California Energy Code. HCD consulted the California Energy Commission with regard to the proposed amendments to ensure the amendments were not in conflict with or become more restrictive than Title 24, Part 6 requirements.

Additionally, a correct reference to the California Mechanical Code is provided.

These amendments provide clarity and consistency to the code user and enforcing agencies.

Section: **R408.4 Access.**

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or sections not proposed for adoption by HCD. This amendment strikes reference to a section not proposed for adoption and provides a correct reference to the California Mechanical Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

CHAPTER 5 FLOORS

SECTION R502 WOOD FLOOR FRAMING

Section: R502.1 Identification.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. An additional sentence has been added for limited-density owner-built rural dwellings. Pointers have been placed within the CRC directing code users to applicable code provisions in Section R301.1.1.1. This does not represent any change in effect from similar amendments placed in the 2007 California Building Code with regard to R-3 occupancies. The HCD amendment provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: R502.11.1 Design

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes reference to Section R106.1 which is not proposed for adoption by HCD. Section R106 contains administrative provisions a local enforcing agency may choose to legally adopt by ordinance, resolution or charter to conduct enforcement activities. In addition, wood trusses do not have prescriptive design criteria; therefore, design by a registered professional is required. The proposed amendment provides the code user additional clarity and consistency for application and enforcement by removing a perceived conflict.

CHAPTER 6 WALL CONSTRUCTION

SECTION R601 GENERAL

R601.3 Vapor retarders.
R601.3.1 Class III vapor retarders.
Table R601.3.1 Class III Vapor Retarders.

Rationale: HCD proposes to adopt Section R601.3 “Vapor retarders” and Section R601.3.1 “Class III vapor retarders” with modifications and delete Table R601.3.1 “Class III Vapor Retarders”. These model code sections reference IECC Climate Zones not proposed for adoption by HCD. California has its own energy standard, including climate zone specific references for vapor barriers, which already include 16 defined climate zones. The California Energy Standards, Title 24, Part 6 (Standards) must be complied with as part of construction practices in California regardless of the additional requirements proposed in Section R601. Because of the preexisting California requirement for vapor barriers, and the familiarity the building industry has with the California Climate Zones, the use of the IECC Climate Zones references will cause confusion.

Climate Zones 14 and 16 have requirements for vapor barriers in the Standards. However, Climate Zones located in the IECC Marine 4 Climate Zones currently have no vapor barrier requirements in the Standards because Marine 4 in California has significantly milder weather than many parts of Marine 4 throughout other parts of the United States. Adding additional vapor barrier requirements to California Climate Zones that currently do not have vapor barrier requirements will cause a conflict in the Standards.

Most of the IECC defined Climate Zones do not occur in California. A table format is not needed because only California Climate Zones 14 and 16 have requirements for vapor retarders. California’s inland Climate Zone 4, under the IECC code, includes areas of California’s High Desert and mountain regions. Both Climate Zones have very low humidity in comparison with IECC western Marine 4 of the North West, Climate Zone 4 locations, or the eastern United States as a whole. Because the amount of interior or exterior humidity is substantially lower, reducing the exterior impermeable insulation R-value is not required.

HCD consulted the California Energy Commission with regard to the proposed amendments to ensure the amendments were not in conflict with or become more restrictive than Title 24 Part 6 requirements. The amendment provides clarity and consistency to the code user and enforcing agencies.

SECTION R602 WOOD WALL FRAMING

Section: R602.1 Identification.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. An additional sentence has been added for limited-density owner-built rural dwellings. Pointers have been placed within the CRC directing code users to applicable code provisions in Section R301.1.1.1. This does not represent any change in effect from similar amendments placed in the 2007 California Building Code with regard to R-3 occupancies. The HCD amendment provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: Table R602.10.1.2 (2) Bracing Requirements Based on Seismic Design Category.

Rationale: HCD proposes to adopt the above-listed model code table with modification. Footnote "a" of this model code table references the IBC. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

Section: R602.10.5.4 Continuously sheathed braced wall lines.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references the IBC. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

SECTION 606 GENERAL MASONRY CONSTRUCTION

Section: R606.1.1 Professional registration.

Rationale: HCD proposes to adopt the above-listed code provision with modification. Based upon stakeholder comment at the HCD IRC Focus Group Meeting the proposed amendment helps clarify existing state law. The HCD amendment provides the code user with necessary information about additional California requirements and also directs the code user to the applicable law located in the Business and Professions Code. The HCD amendment intends to align with new California amendments proposed in Section R301. The amendment is intended to provide clarity and consistency to the code user for application and enforcement.

Section: Table R606.12.2.1 Minimum Solid Wall Length Along Exterior Wall Lines.

Rationale: HCD proposes to adopt the above-listed model code table with modification. This model code table references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The HCD amendment represents a global change performed in other model code text to provide accuracy, clarity and consistency to the code user for application and enforcement.

SECTION R611 EXTERIOR CONCRETE WALL CONSTRUCTION

Section: R611.1 General.

Rationale: HCD proposes to adopt the above-listed code provision with modification. Based upon stakeholder comment at the HCD IRC Focus Group Meeting the proposed amendment helps clarify existing state law. The HCD amendment provides the code user with necessary information about additional California requirements and also directs the code user to the applicable law located in the Business and Professions Code. The HCD amendment intends to align with new California amendments proposed in Section R301. The amendment is intended to provide clarity and consistency to the code user for application and enforcement.

SECTION R613 STRUCTURAL INSULATED PANEL WALL CONSTRUCTION

Section: R613.1 General.

Rationale: HCD proposes to adopt the above-listed code provision with modification. Based upon stakeholder comment at the HCD IRC Focus Group Meeting the proposed amendment helps clarify existing state law. The HCD amendment provides the code user with necessary information about additional California requirements and also directs the code user to the applicable law located in the Business and Professions Code. The HCD amendment intends to align with new California amendments proposed in Section R301. The amendment is intended to provide clarity and consistency to the code user for application and enforcement.

CHAPTER 7 WALL COVERING

SECTION R703 EXTERIOR COVERING

Section: R703.1.1 Water resistance.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes reference to IRC Chapter 11 and replaces it with correct reference to the California Energy Code to provide the code user a correct reference, the California Energy Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

CHAPTER 8 ROOF-CEILING CONSTRUCTION

SECTION R802 WOOD ROOF FRAMING

Section: R802.1 Identification.

Rationale: HCD proposes to adopt the above-listed model code section with amendment. An additional sentence has been added for limited-density owner-built rural dwellings. Pointers have been placed within the CRC directing code users to applicable code provisions in Section R301.1.1.1. This does not represent any change in effect from similar amendments placed in the 2007 California Building Code with regard to R-3 occupancies. The HCD amendment provides clarity and consistency to the code user for application and enforcement and to make specific existing state laws.

Section: R802.1.3.4 Labeling.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The amendment strikes "International" and replaces it with "California" to provide the code user a correct reference, the California Building Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Section: R802.10.2 Design.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes reference to Section R106.1 which is not proposed for adoption by HCD. Section R106 contains administrative provisions a local enforcing agency may choose to legally adopt by ordinance, resolution or charter to conduct enforcement activities. The proposed amendment provides the code user additional clarity and consistency for application and enforcement by removing a perceived conflict.

SECTION R806 ROOF VENTILATION

Section: R806.4 Unvented attic assemblies.
Table: R806.4 Insulation for condensation control.

Rationale: HCD proposes to adopt Section R806.4 “Unvented attic assemblies” with modification and delete Table R806.4 “Insulation for condensation control”. This model code section references IECC Climate Zones not proposed for adoption by HCD. California has its own energy standard, including climate zone specific references for vapor barriers, which already include 16 defined climate zones. The California Energy Standards, Title 24, Part 6 (Standards) must be complied with as part of construction practices in California regardless of the additional requirements proposed in Section R601. Because of the preexisting California requirement for vapor barriers, and the familiarity the building industry has with the California Climate Zones, the use of the IECC Climate Zones references will cause confusion.

Climate Zones 14 and 16 have requirements for vapor barriers in the Standards. However, Climate Zones located in the IECC Marine 4 Climate Zones currently have no vapor barrier requirements in the Standards because Marine 4 in California has significantly milder weather than many parts of Marine 4 throughout other parts of the United States. Adding additional vapor barrier requirements to California Climate Zones that currently do not have vapor barrier requirements will cause a conflict in the Standards.

Most of the IECC defined Climate Zones do not occur in California. A table format is not needed because only California Climate Zones 14 and 16 have requirements for vapor retarders. California’s inland Climate Zone 4, under the IECC code, includes areas of California’s High Desert and mountain regions. Both Climate Zones have very low humidity in comparison with IECC western Marine 4 of the North West, Climate Zone 4 locations, or the eastern United States as a whole. Because the amount of interior or exterior humidity is substantially lower, reducing the exterior impermeable insulation R-value is not required.

HCD consulted the California Energy Commission with regard to the proposed amendments to ensure the amendments were not in conflict with or become more restrictive than Title 24 Part 6 requirements. The amendment provides clarity and consistency to the code user and enforcing agencies.

SECTION R807 ATTIC ACCESS

Section: R807.1 Attic access.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes reference to Section M1305.1.3 and replaces it with a correct reference, the California Mechanical Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement

CHAPTER 9 ROOF ASSEMBLIES

SECTION R903 WEATHER PROTECTION

Section: R903.4.1 Overflow drains and scuppers.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The amendment strikes “International” and replaces it with “California” to provide the code user a correct reference. Paragraph (2) two is a single sentence specifying Overflow drain connection requirements. It has been stricken because it conflicts with storm water drainage provisions of the California Plumbing Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Section: R905.10.3 Material standards.

Rationale: HCD proposes to adopt the above-listed model code provision with modification. The amendment strikes International and replaces it with California to provide the code user a correct reference, the California Building Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

**CHAPTER 10
CHIMNEYS AND FIREPLACES**

SECTION R1001 MASONRY FIREPLACES

Sections: **R1001.3 Seismic reinforcing.
R1001.4 Seismic anchorage
Table R1001.1 Summary of Requirements for Masonry Fireplaces and Chimneys**

Rationale: HCD proposes to adopt the above-listed model code provisions with modification. Stakeholder comment during the HCD Focus Group Meeting indicated that a code changes in Chapter 21 of the 2009 IBC would require masonry fireplaces and masonry chimneys in Seismic Design Category “C” to meet seismic reinforcing and anchorage requirements. This was not a requirement under the 2006 IBC. Because the IBC and IRC have different committees these changes and the new requirements were not carried forth into the 2009 IRC. Upon review HCD believed that these requirements should be carried over to single-and two-family dwellings under the IRC masonry chimney and masonry fireplace requirements. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

SECTION R1003 MASONRY CHIMNEYS

Sections: **R1003.3 Seismic reinforcing.
R1003.4 Seismic anchorage.**

Rationale: HCD proposes to adopt the above-listed model code provisions with modification. Stakeholder comment during the HCD Focus Group Meeting indicated that a code changes in Chapter 21 of the 2009 IBC would require masonry fireplaces and masonry chimneys in Seismic Design Category “C” to meet seismic reinforcing and anchorage requirements. This was not a requirement under the 2006 IBC. Because the IBC and IRC have different committees these changes and the new requirements were not carried forth into the 2009 IRC. Upon review HCD believed that these requirements should be carried over to single-and two-family dwellings under the IRC masonry chimney and masonry fireplace requirements. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Section: **R1003.11.3 Gas appliances.**

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes International and replaces it with California to provide the code user a correct reference, the California Mechanical Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement

Section: **R1003.14 Flue area (appliance).**

Rationale: HCD proposes to adopt the above-listed model code provision with modification. This model code section references an IRC division, chapter, and/or section not proposed for adoption by HCD. The amendment strikes International and replaces it with California to provide the code user a correct reference, the California Mechanical Code. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

Part IV—Energy Conservation

**CHAPTER 11
ENERGY EFFICIENCY**

HCD proposes to not adopt IRC Part IV Energy Conservation and Chapter 11.

Part V—Mechanical

CHAPTER 12	MECHANICAL ADMINISTRATION
CHAPTER 13	GENERAL MECHANICAL SYSTEM REQUIREMENTS
CHAPTER 14	HEATING AND COOLING EQUIPMENT
CHAPTER 15	EXHAUST SYSTEMS
CHAPTER 16	DUCT SYSTEMS
CHAPTER 17	COMBUSTION AIR
CHAPTER 18	CHIMNEYS AND VENTS
CHAPTER 19	SPECIAL FUEL-BURNING EQUIPMENT
CHAPTER 20	BOILERS AND WATER HEATERS
CHAPTER 21	HYDRONIC PIPING
CHAPTER 22	SPECIAL PIPING AND STORAGE SYSTEMS
CHAPTER 23	SOLAR SYSTEMS

HCD proposes to not adopt IRC Part V Mechanical Chapters 12 through 23.

Part VI—Fuel Gas

**CHAPTER 24
FUEL GAS**

HCD proposes to not adopt IRC Part VI Fuel Gas and Chapter 24.

Part VII—Plumbing

CHAPTER 25	PLUMBING ADMINISTRATION
CHAPTER 26	GENERAL PLUMBING REQUIREMENTS
CHAPTER 27	PLUMBING FIXTURES
CHAPTER 28	WATER HEATERS
CHAPTER 29	WATER SUPPLY AND DISTRIBUTION
CHAPTER 30	SANITARY DRAINAGE
CHAPTER 31	VENTS
CHAPTER 32	TRAPS
CHAPTER 33	STORM DRAINAGE

HCD proposes to not adopt IRC Part VII Plumbing and Chapters 25 through 33.

Part VIII—Electrical

CHAPTER 34	GENERAL REQUIREMENTS
CHAPTER 35	ELECTRICAL DEFINITIONS
CHAPTER 36	SERVICES
CHAPTER 37	BRANCH CIRCUIT AND FEEDER REQUIREMENTS
CHAPTER 38	WIRING METHODS
CHAPTER 39	POWER AND LIGHTING DISTRIBUTION
CHAPTER 40	DEVICES AND LUMINAIRES
CHAPTER 41	APPLIANCE INSTALLATION
CHAPTER 42	SWIMMING POOLS
CHAPTER 43	CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS

HCD proposes to not adopt IRC Part VIII Electrical and Chapters 34 through 43.

PART IX—Referenced Standards

**CHAPTER 44
REFERENCED STANDARDS**

HCD proposes to adopt Chapter 44 Reference Standards with amendment. HCD added a reference to an NFPA standard used in Section R315.3 addressing the installation of carbon monoxide alarms. The proposed amendment provides the code user additional clarity and consistency for application and enforcement.

**APPENDIX A
SIZING AND CAPACITIES OF GAS PIPING**

HCD proposes to not adopt IRC Appendix A.

**APPENDIX B
SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I
APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS**

HCD proposes to not adopt IRC Appendix B.

**APPENDIX C
EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT-VENT VENTING SYSTEMS**

HCD proposes to not adopt IRC Appendix C.

**APPENDIX D
RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION**

HCD proposes to not adopt IRC Appendix D.

**APPENDIX E
MANUFACTURED HOUSING USED AS DWELLINGS**

HCD proposes to not adopt IRC Appendix E.

**APPENDIX F
RADON CONTROL METHODS**

HCD proposes to not adopt IRC Appendix F.

**APPENDIX G
SWIMMING POOLS, SPAS AND HOT TUBS**

HCD proposes to not adopt IRC Appendix G.

**APPENDIX H
PATIO COVERS**

HCD proposes to **adopt** Appendix H Patio Covers without amendment.

**APPENDIX I
PRIVATE SEWAGE DISPOSAL**

HCD proposes to not adopt IRC Appendix I.

**APPENDIX J
EXISTING BUILDINGS AND STRUCTURES**

HCD proposes to not adopt IRC Appendix J.

**APPENDIX K
SOUND TRANSMISSION**

HCD proposes to not adopt IRC Appendix K.

**APPENDIX L
PERMIT FEES**

HCD proposes to not adopt IRC Appendix L.

**APPENDIX M
HOME DAY CARE— R-3 OCCUPANCY**

HCD proposes to not adopt IRC Appendix M.

**APPENDIX N
VENTING METHODS**

HCD proposes to not adopt IRC Appendix N.

**APPENDIX O
GRAY WATER RECYCLING SYSTEMS**

HCD proposes to not adopt IRC Appendix O.

**APPENDIX P
SIZING OF WATER PIPING SYSTEM**

HCD proposes to not adopt IRC Appendix P.

**APPENDIX Q
ICC INTERNATIONAL RESIDENTIAL CODE ELECTRICAL PROVISIONS/NATIONAL ELECTRICAL CODE
CROSS REFERENCE**

HCD proposes to not adopt IRC Appendix Q.

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

(Government Code Section 11346.2(b)(2) 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).)

None

CONSIDERATION OF REASONABLE ALTERNATIVES

(Government Code Section 11346.2(b)(3)(A) requires a description of reasonable alternatives to the regulation and the agency's reason 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 alternative.)

None. There were no alternatives available to HCD. HCD is required by statute to adopt model codes by reference.

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

(Government Code Section 11346.2(b)(3)(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. Include facts, evidence, documents, testimony, or other evidence upon which the agency relies to support an initial determination that the action will not have a significant adverse impact on business.)

HCD has determined that this regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

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

(Government Code Section 11346.2(b)(4) 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.)

None

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

(Government Code Section 11346.2(b)(5) 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. It is not the intent of this paragraph to require the agency to artificially construct alternatives or to justify why it has not identified alternatives.)

These regulations neither duplicate nor conflict with federal regulations.