

**FINAL STATEMENT OF REASONS
FOR
PROPOSED AMENDMENTS
OF THE
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE ADOPTION BY REFERENCE OF THE
2005 EDITON OF THE NATIONAL ELECTRICAL CODE
INTO THE CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 3**

UPDATES TO THE INITIAL STATEMENT OF REASONS: None – Any updates to the initial statement of reasons are included in DSA/AC change to accommodate public comments.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS: The DSA/AC has determined that the following proposed regulatory actions would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATIONS

Name: David F. Thorman, AIA, State Architect

Comment: Application. DSA/AC proposes to remove the general application statement, “for applications listed in Section 109.1 regulated by the Division of the State Architect/Access Compliance”, and replace with the DSA/AC acronym, “[For DSA/AC]”, where required throughout this document.

Reason: This change is required for consistency with the Building Standards Commission format.

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

Name: David F. Thorman, AIA, State Architect

Comment: Article 89 – Administration, Section 89.6.2 Findings, Filing, and Rejections or Local Variances. DSA/AC proposes to correct a typographical error by inserting the existing code language into this section.

Reason: Existing language from the previous section was inadvertently copied into this section; the correct language is being inserted (and being repealed). Criteria #1.

89.6.2 Findings, Filing, and Rejections of Local Variances

For clarification purposes, the applicable Health & Safety Code Section 17958.7 is repeated here and reads as follows:

Section 17958.7.

(a) “Except as provided in Section 17922.6, the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.”

(b) “The California Building Standards Commission may reject a modification or change filed by the governing body of a city or county if no finding was submitted.”

DSA/AC Change to Accommodate: The DSA/AC further amends this item as proposed. See the full text of the resulting regulation (Final Express Terms) where the change is clearly indicated.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE (GC§ 11347.6)

The DSA/AC has not received comments from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY (GC§ 11347.6)

The DSA/AC has not received comments from the Trade and Commerce Agency.

STATEMENT CONFIRMING COMPLIANCE WITH GOV 11346.7.1

The DSA/AC has complied with requirements in making all documents in this rulemaking available to the public. All public Notices are posted on the CBSC website at: <http://www.bsc.ca.gov>, see 2006 Annual Code Adoption Cycle.

The 45-day Notice of written comment periods from:

- Sep 01 – Oct 16, 2006 addressing Parts 1 (CAC), 2 CBC (IBC & DOJ), 9 (CFC) and 12 (CRSC) and
- Sep 08 – Oct 23, 2006 addressing Parts 3 (CEC), 4 (CMC) and 5 (CPC)

were both mailed on Sep 06, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.

The 15-day Notice of written comment period from:

- Oct 26 – Nov 09, 2006 regarding Parts 2 CBC (IBC & DOJ), 3 (CEC) , 5 (CPC) and 9 (CFC)

was mailed on Oct 25, 2006 to every person who filed a request for notice of regulatory actions with DSA/AC.