

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
CALIFORNIA DEPARTMENT OF WATER RESOURCES**

**REGARDING THE 2007
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2 AND PART 2.5**

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 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)

The California Department of Water Resources (DWR) finds that two revisions have been made that would warrant a change to the Initial Statement of Reasons, which was provided by DWR to CBSC in July 2009.

Item 1: It was not clearly articulated within the Initial Statement of Reasons that DWR was proposing Code updates to the new California Residential Code, if adopted, which is to become Title 24, Part 2.5 of the California Code of Regulations. The proposed regulations for the California Building Code (Title 24, Part 2) Appendix K are, in essential function, being proposed as Appendix R of the California Residential Code.

Item 2: Within the July 2009 initial proposal package, DWR proposed Code updates to multiple building occupancy groups, all with a delayed effective date corresponding to the completion of necessary maps in 2012. DWR proposed mandatory compliance within occupancy groups E, R-3, and R-3.1, and a voluntary compliance for occupancy groups I, R-1, R-2, and R-4. The purpose of this distinction was to acknowledge the complexity of applying this new regulation to occupancy groups I, R-1, R-2, and R-4, which requires additional flexibility and coordination. Furthermore, the use of such buildings is significantly more diverse and requires licensing and permitting actions from other regulatory agencies, which are also more involved.

DWR has evaluated the recommendations offered by the CBSC Building, Fire, and Other Code Advisory Committee and recommendations offered by newer stakeholders. DWR concurred with the CBSC Code Advisory Committee recommendations for DWR *to limit* the revised Code update proposal to add a Flood Evacuation Location in single family residential buildings (occupancy groups R-3 and R-3.1) on a voluntary basis. Therefore, as the final proposed regulations do not affect the educational occupancy group, the economic impact analysis conducted for potential impact to school districts is no longer applicable. DWR intends to pursue the remaining occupancy groups that were initially proposed modifying in future Code cycles.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS (Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The California Department of Water Resources has concluded that the proposed regulatory action does not impose a mandate on local agencies or school districts. The proposed regulations are elective in nature for residential occupancy groups only.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S). (Government Code Section 11346.9(a)(3))

Only one public review comment letter was received by DWR/CBSC regarding DWR 01/09 during the 45-day public review period (October 2, 2009 to November 16, 2009). This comment letter was from the Technical Director, Mr. Robert Raymer, P.E., of the California Building Industry Association (CBIA).

Comments received, in short, agreed with the DWR's proposed changes and requested that DWR clarify if the proposed changes to the California Residential Code (Title 24, Part 2.5) were to be located within the appendix as DWR proposed changes for Title 24, Part 2. "CBIA strongly supports the placement of DWR's proposed changes to Part 2.5 as a new state Appendix chapter in the California Residential Code."

DWR Response:

DWR did intend to propose changes to the California Residential Code (Title 24, Part 2.5) as a new state Appendix chapter to be consistent with our proposal of essentially same provisions within the California Building Code (Title 24, Part 2) Appendix K. Therefore, DWR revised the proposed changes as CRC Appendix R and resubmitted to the CBSC. CBSC posted the revised Express Terms for a 15-day public review period (December 1, 2009 to December 16, 2009).

No further public review comments have been received by DWR/CBSC.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS
(Government Code Section 11346.9(a)(4))

There were no alternatives available to DWR. DWR is required by statute to propose Building Standards Code amendments per Health and Safety Code §50465. The Department of Water Resources has determined that no alternative Code update considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation. The economic analysis associated with DWR's proposal is included within the submittal package to CBSC and supports DWR's conclusion.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES: (Government Code Section 11346.9(a)(5))

DWR has concluded that this regulatory action would have no significant adverse economic impact on California small businesses. The economic analysis associated with DWR's proposal is included within the submittal package and supports DWR's conclusion.