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November 12, 2009

Dave Walls, Executive Director  
California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

Re: Department of Water Resources Proposed Changes to  
California Building Code and California Residential Code  
California Code of Regulations, Title 24, Part 2 and Part 2.5

Mr. Walls,

The California Building Industry Association is a statewide trade association representing over 6,000 member-companies involved in residential and light-commercial construction. CBIA member-companies produce over 85% of the new residential dwellings constructed in the State of California each year.

The California Building Industry Association has been a very active participant in the ongoing administrative proceeding within which the State of California is adopting and amending the 2009 Editions of the International Building and Residential Codes. An important part of that process pertains to the Department of Water Resources and their effort to respond to the legislative mandate established by SB 5 (Machado) requiring DWR to develop and propose to the Building Standards Commission building standards "sufficient to reduce the risk of flood damage and to protect life, safety and the construction in the areas protected by the facilities of the Central Valley Flood Protection Plan."

In working towards this goal, DWR staff assembled a diverse group of stakeholders over a year ago and worked diligently to meet their statutory obligation. Initially, DWR identified single-family dwellings, multi-family buildings, public school facilities and commercial construction as occupancies they would ultimately like to address with these building standards. However, for a variety of reasons, DWR decided to focus its main effort for this proceeding on R-3 occupancies (one- and two-family dwellings), acknowledging that the other occupancies will be addressed in later rulemakings.

On August 11, 2009, DWR Staff presented two administrative proposals to the Buildings Standard Commission's Building & Fire Code Advisory Committee. Both proposals related to single-family dwellings, with one seeking to amend the California Building Code and the other seeking to amend the California Residential Code.

At this meeting, the committee recognized that DWR had made substantial progress on each of these proposals, however, there were a few technical concerns raised by the Code Advisory Committee (CAC) members. As such, the CAC recommended "Further Study" on each proposal and suggested that DWR consider resubmitting revised adoption packages which sought to locate each of these proposals in the Appendices of the California Building and Residential Codes. Since DWR had already inserted language in each proposal delaying the effective date until sometime in 2012 (when the flood maps for the Central Valley Flood Protection Plan are completed and made available to the public), placing these proposals in the appendix of each code seemed very appropriate. Doing this allows the DWR proposals to be published and made available to a large code-using audience while at the same time keeping them voluntary and allowing for DWR staff to continue its work on fine-tuning the technical issues identified by the public and members of the Code Advisory Committee.

**CBIA Comment/Question:**

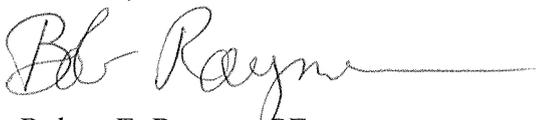
CBIA has reviewed both adoption packages submitted to BSC by DWR for public review and comment during the current 45-Day Language period. With regards to the proposed amendments to the California Building Code, the DWR proposal clearly specifies that those code-changes are to be located in Appendix Chapter K of the California Building Code.

However, upon review of DWR's proposed amendments to the California Residential Code, it appears that DWR is proposing that their package of amendments be placed in Chapter R324, **which would locate these provisions in the body of the CRC with all of the other mandatory provisions related to one-and two-family dwellings**. I have raised this issue twice with DWR staff/consultants and I have been assured that both of DWR's adoption packages are intended to be voluntary and that they are both to be placed in the Appendices of the CBC and CRC respectively.

CBIA understands that the 2009 Annual Code Adoption Cycle represents the first time the State of California seeks to adopt and publish a specific residential code and that a variety of formatting issues will have to be addressed. **With regards to the DWR proposed amendments to the California Residential Code, is the current submittal formatted in such a way that it will be published as part of the CRC Appendix or, if left unchanged, will it be published in the body of the CRC with all of the other mandatory provisions?**

If this package is intended to be published in the CRC Appendix, it seems that this intent should be clearly identified at the front end of DWR's CRC proposal in the same manner as it is clarified at the beginning of DWR's CBC proposal (via identification of Appendix K). 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. We would strongly oppose the placement of these provisions in the body of the CRC at this time.

Sincerely,



Robert E. Raymer, PE  
Technical Director