

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
REGARDING THE 2010 CALIFORNIA MECHANICAL CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4
(HCD 02/09)**

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 the 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)

No data or any technical, theoretical or empirical study, report, or similar document on which the Department of Housing and Community Development (HCD) is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

1) Substantive changes modify the originally intended regulatory effect. There were no substantive revisions made to HCD's Express Terms as a result of the 45-day public comment period that ended on October 12, 2009.

2) Non-substantive changes address grammatical, editorial language revisions and/or ambiguities. Editorial revisions were made to Section 403.8.2.1 Minimum Exhaust Rate.

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 Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a) (3))

COMMENTS AND RESPONSES MADE DURING THE 45-DAY COMMENT PERIOD.

(Text with the proposed changes clearly indicated was made available to the public from August 28, 2009 until October 12, 2009.)

No comments were received by HCD during the public comment period from August 28, 2009 until October 12, 2009.

However, HCD is responding, in coordination with the SFM and the CBSC, to comments submitted to those agencies regarding the clarification of Section 403.8.2.1.

The Office of the State Fire Marshal (SFM) and the California Building Standards Commission (CBSC) both received public comment regarding Section 403.8.2.1 during the 45-day public comment period ending October 12, 2009. The commenter specified that the proposed provisions for garage ventilation minimum exhaust rates contained in Section 403.8.2.1, derived from the 2001 CBC / 1997 UBC, were not extracted in whole and that a portion of the text was missing for determining the minimum exhaust rate if the calculation for number of operating vehicles falls below one. The commenter further stated that similar to that of determining the occupant load factor of a building where calculations fall below the whole number of one, the number used must be rounded up to one. Editorial and clarifying text of "(and not less than one vehicle)" was added to the end of the last sentence.

HCD's initial Express Terms proposal regarding Section 403.8.2.1 was developed in coordination with the SFM and the CBSC. HCD did not receive any comment during the 45-day public comment period, but was contacted by the SFM with regard to the aforementioned California Mechanical Code section. Each proposing agency agreed to make the editorial revisions and include them in their respective Final Express Terms proposal. HCD also agreed to make editorial modifications by adding the metric equivalent for the 14,000 cfm of "(6608 L/s)" in the first sentence and changing the % symbol to "percent" following 2.5 in the second sentence. HCD believes these editorial revisions make the text clearer and have no intended change in regulatory effect. The CBSC also determined these modifications are editorial and changes without regulatory effect.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a) (4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

(Government Code Section 11346.9(a) (5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.