

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED MECHANICAL STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT – ACCESS COMPLIANCE**

**REGARDING THE 2010 CALIFORNIA MECHANICAL CODE (CMC)  
CALIFORNIA CODE OF REGULATIONS (CCR), TITLE 24, PART 4**

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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**

**Specific Proposed Regulatory Actions:** The Division of the State Architect (DSA-AC) proposes to repeal all provisions in the 2007 edition of the California Mechanical Code (CMC). DSA-AC proposes to repeal DSA 'X' in Matrix Adoption Table, which states: 'DSA-AC adopts only those sections that are listed below'; repeal DSA 'X' in Matrix Adoption Table, which indicates DSA-AC adoption of Section 109.1 and repeal DSA-AC Note under Section 109.1.

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**CALIFORNIA CHAPTER 1 – GENERAL CODE PROVISIONS**

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**ITEM 1.0:** DSA-AC proposes to repeal Chapter 1(General Code Provisions), Section 109.0 and 109.1 with note.

**REASON:**

DSA-AC does not adopt Mechanical standards in Part 4. An 'X' in the Matrix Adoption Table for DSA-AC is intended to show the code user which adopted and/or amended Mechanical standards are applicable to DSA-AC primary authority under Government Code Section 4450. It is redundant for DSA-AC to have an 'X' in the Matrix Adoption Table and a Note under 109.1, since DSA-AC does not adopt Mechanical standards. Therefore, DSA-AC is repealing the 'X' from the Matrix Adoption Table and Note under Section 109.1. DSA-AC access compliance provisions are in the California Code of Regulations, Title 24, Part 2 (California Building Code).

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

DSA relied on the latest editions of the model building, electrical, mechanical, plumbing and fire codes in proposing these regulation(s).

**CONSIDERATION OF REASONABLE ALTERNATIVES**

In order to increase public participation and improve the quality of these regulations DSA involved parties who would be subject to these proposed regulations in public discussions. The purpose of the public discussions was to receive reasonable alternatives to these regulations from the public. Public meetings of the Access Committee of the Division of the State Architect Advisory Board (DSAAB) were held on:

December 18, 2008      January 21 & 22, 2009      March 23, 2009      April 07, 2009      April 20, 2009

The meeting facilities were accessible. Requests for special accommodations (assisted listening device, sign language interpreters, teleconference equipment, etc) were accepted. Participation via video conference was also available at the following locations:

**Video Conference**

DSA – Oakland  
1515 Clay Street, Suite 1201  
Oakland, CA 94612  
(510) 622-3101

**Video Conference**

DSA – Los Angeles  
700 N. Alameda  
Ste. 5-500  
Conf. Rm 5-599  
Los Angeles, CA 90012  
(213) 897-3995

**Video Conference**

DSA – San Diego  
16680 W. Bernardo Dr.  
Conf. Rm. A  
San Diego, CA 92127  
(858) 674-5400

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

DSA has made a determination that this proposed regulatory action will not have an adverse impact on small business. DSA has determined that no reasonable alternative considered by DSA or that has otherwise been identified and brought to the attention of DSA would be more effective in carrying out the purpose for which this action is proposed, or would lessen any adverse impact on small business.

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

DSA has made an initial determination that this proposed action would not have a significant adverse economic impact on business. This proposed action would ensure that the State Architect's regulations and accessibility standards published in CCR, Title 24 would not prescribe a lesser standard of accessibility or usability than provided by the Federal Accessibility Guidelines prepared by the Federal Access Board as adopted by the United States Department of Justice to implement the ADA of 1990 (Public Law 101-336), consistent with Government Code Sec 4450(c).

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

DSA is not within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal. DSA is proposing to amend building standards contained in the 2007 edition of the CCR, Title 24, specifically accessibility standards for accessible design of public buildings, public accommodations, commercial buildings and public housing. DSA is also proposing to adopt, amend or repeal building standards, as part of the United States Department of Justice ADA certification of the CBSC. The Federal Americans with Disabilities Act (ADA) of 1990; ADA Standards for Accessible Design, 28 Code of Federal Regulations Part 36, revised as of July 1, 1994; and the Federal Fair Housing Amendments Act of 1988 are the only federal provisions the DSA is aware of which may apply to the proposed Certification by the United States Department of Justice of these standards.

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