

PUBLIC COMMENT on PROPOSED BUILDING STANDARDS
For Publication in Title 24, California Code of Regulations

See instructions for completing this form on Page 2.

Commenter Contact Information

Name: Kerwin Lee, Architect Date: October 12, 2014
Representing: Self
Mailing Address: Number & Street: 3550 Via Los Colorados
City: Lafayette State: CA Zip Code: 94549
Telephone #: 925-818-2114 Email: kleecodes01@gmail.co

Proposed Building Standard

Title 24 Part #: (select one) Part 2 Section #: 420.5, 420.6, Plus

Proposing State Agency Office of the State Fire Marshal

This comment is intended for review during: (select one)
 Code Advisory Committee
 45-Day Comment Period
 15-Day Comment Period
 Commission Meeting

Your recommendation based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form is: (select one)

Approve Disapprove
 Further Study Required Approve as Amended

In support of your recommendation above, provide the rationale based on the criteria of Health and Safety Code Section 18930(a) printed on the back of this form. If you recommend anything other than approve, cite the criteria in your comment. If you oppose a proposed building standard, offer a solution or alternative for the state agency to consider. Please use separate pages if your comment does not fit in this space.

See attached page for comments on OSFM Item 6 on R.2.2 Occupancies.

Attachments?

Check if you have attached additional pages. The number of pages attached is: 1

For CBSC Office Use Only Date Received: _____ Rulemaking Item #: _____

Instructions for completing this form

1. Use of this form is optional. It helps CBSC and other state proposing agencies to correctly administer your comments.
2. For matters to be considered at a public CBSC Code Advisory Committee (CAC) meeting, written comments should be received at least seven days before the scheduled meeting.
3. For matters subject to a 45-Day or 15-Day public comment period announced by a Notice of Proposed Action (NOPA), written comments **must be received** on or before the close of the comment period identified in the NOPA.
4. Separate comment forms are necessary for CAC and public comment periods.
5. Separate comment forms are necessary for each state agency proposal.
6. This form is available in fill-and-print format at the CBSC website, www.bsc.ca.gov, for you to complete and submit electronically. Or print a blank form and type or complete by hand. You may attach additional pages if necessary.
7. Submit comments to CBSC, 2525 Natomas Park Drive, Suite 130, Sacramento, CA 95833-2936, or by email to cbsc@dgs.ca.gov. Please do not fax comments.
8. Written and oral comments may also be provided at CBSC public meetings to consider the proposed building standards.

For assistance, call CBSC at (916) 263-0916 or email cbsc@dgs.ca.gov.

Building Standards Nine-Point Criteria. Health and Safety Code Section 18930(a) reads:

(a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:

- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
- (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
- (3) The public interest requires the adoption of the building standards. The public interest includes, but is not limited to, health and safety, resource efficiency, fire safety, seismic safety, building and building system performance, and consistency with environmental, public health, and accessibility statutes and regulations.
- (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
- (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
- (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
 - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
 - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
- (8) The format of the proposed building standards is consistent with that adopted by the commission.
- (9) The proposed building standard, if it promotes fire and panic safety, as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.

OSFM Item 6 – Addition of Occupancy Classification R2.2 for CDCR facilities, SB 112.

Sections 420.5, 420.6, Table 540.4, 506.2, 706.4, 803.3.13, 1006.2.1, and 1006.3.3(2).

Although there may be a need for including this occupancy classification in the CBC based on Legislative Mandate, the manner this is being done creates a lot of redundant code sections and language. The Advisory Committee recommended Short term Further Study to allow the OSFM to refine their code language. More than half of the proposed language is duplicating what is already stated in the code. None of this was addressed and the OSFM response, which was “No change need to be made”.

The OSFM needs to make an attempt to refine and reduce the number of changes to include R2.2 within the code. Much of what is required is already in the code. Focus on the unique elements not in the code, then see if it really needs to be added.

This item should be disapproved or Long Term Further Study, at which point the OSFM makes an attempt to write better code for this requirement. A true Long Term Further Study would bring it back in the next cycle. Criterion 1 and 6.

Kerwin Lee, AIA
Member of the BFO Code Advisory Committee