

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	
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Proposed Building Standard	
Title 24 Part #: (select one)	Section #: <u>1005.3.1 and .2</u>
Proposing State Agency	<u>Office of the State Fire Marshal</u>
This comment is intended for review during: (select one)	<input type="radio"/> Code Advisory Committee <input checked="" type="radio"/> 45-Day Comment Period <input type="radio"/> 15-Day Comment Period <input type="radio"/> 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)	
<input type="radio"/> Approve	<input checked="" type="radio"/> Disapprove
<input type="radio"/> Further Study Required	<input type="radio"/> 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 pages for comments on OSFM Item 7, Assembly occupancies egress width.

Attachments?
 Check if you have attached additional pages. The number of pages attached is: 2

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.

Office of the State Fire Marshal, Item 7, Section 1005.3.1 and 1005.3.2, Exceptions 1 - Egress width in Assembly Occupancies

The proposed change is to require Assembly occupancies to be grouped with H and I-2 occupancies and require the use a 0.3 inches/occupant factor for calculating stair width and 0.2 inches/occupant for other egress elements, instead of the current standard 0.2 for stairs and 0.15 inches for other egress elements within a sprinkler protected building. This is a deviation from the Model Code, Sections 1005.3.1 and 2, Exceptions 1.

This item was **disapproved** by The Building Fire and Other (BFO) advisory committee, for the lack of a reason/justification for why this change from the Model Code is required.

The main point is if the OSFM/State wants/needs to change the Model Code it had better have a good reason. This is normally generated by mandated State Legislation or a specific circumstance in the State, like earthquakes or wild fires, something nobody else has and is unique to California. Without substantiating reasoning on why California needs this in our code, this should not be approved.

The response in the 45-Day package by the OSFM is the following:

Response to Code Advisory Committee: *The OSFM considered the short term further study recommendation and found that no changes needed to be made. The OSFM has considered the exiting risk factors for Group A occupancy buildings, and has determined that a decrease in stair width does not outweigh the public impact on the life safety requirement for egress. Sprinklers are a requirement for assembly spaces based on the associated risks of the activities and large amounts of people in those spaces similar to H and I-2 occupancies. Egress is the primary protection of people in buildings by allowing them timely evacuation of building occupants. As shown in the graph, data from the California All Incident Reporting shows that fire incidents are increasing as well as property damage costs in assembly occupancies.*

The OSFM's reasoning is flawed, weak and lacks any real facts to require this change from a national standard on the following points:

- The BFO Advisory Committee "Disapproved" this item.
- Assembly occupancies are not the same as H or I occupancies when it comes to risk, as the OSFM is making the comparison.
- The current IBC permits the egress widths of 0.2/stairs and 0.15 inches/occupant for other egress elements within assembly occupancies of a sprinkle red building.
- Sprinklers are the biggest life safety element within a building and should/does allow for multiple code trade-offs.
- The "Incident Report" submitted by the OSFM, which shows an increase in incidents and cost associated with fires in assembly uses does not quantify the need for more egress width. Yes, the number of incidents and cost of damage has increased, but how has this affected egress? What egress related issues

have been associated the increased number of incidents? How many of the fires were created an egress issue. Were there any injuries or loss of life due to insufficient egress width associated with any of these incidents? There are no details associated with the numbers to support the proposed change.

Assembly occupancies are already adequately addressed in the code. The current standard used in the IBC does works. What is different in California that requires this?

One of the biggest issues associated with this change will be changes in use, where a proposed assembly occupancy wants to move into an existing building, a multistory building. This is not uncommon for a restaurant to want to utilize the top floor of a building. Requiring the existing egress system to change width will limit the occupancy using the existing stairs and potential lost of a project.

Disapproval on Criterion 4 and 7.

Kerwin Lee, AIA
Member of the Building Fire and Other Advisory Committee