



FAX

To: CBSC
916/263-0959

From: Matson Britton Architects
728 N Branciforte Ave
Santa Cruz, CA 95062
Phone: 831.425.0544 Fax: 831.425.4795

Date: 10/26/09

Job: _____

Number of Sheets (including cover): 3

Note: _____

Sincerely,

COYE BRITTON

STATE OF CALIFORNIA
STATE AND CONSUMER SERVICES AGENCY
CALIFORNIA BUILDING STANDARDS COMMISSION
2525 NATOMAS PARK DR., SUITE 130
SACRAMENTO, CA 95833
(916) 263-0916 Phone
(916) 263-0959 Fax
Email: BSC@dgs.ca.gov

Office Use Item No. _____

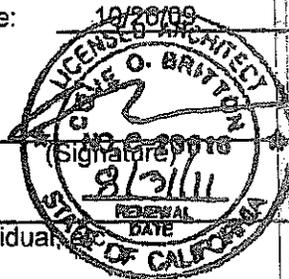
PARTICIPATION COMMENTS FOR THE NOTICE DATED OCTOBER 13, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: OCTOBER 27, 2009

Date: 10/20/09

From:

Cove Britton- Architect
Name (Print or type)



Matson Britton Architects

Agency, jurisdiction, chapter, company, association, individual

728 N. Branciforte Ave. Santa Cruz Santa Cruz 95062
Street City State Zip

I/We (do)(do not) agree with:

[HCD] The Agency proposed modifications As Submitted on Section No.108.8.1 (1.8.8.1)

and request that this section or reference provision be recommended:

[] Approved [X] Disapproved [] Held for Further Study [] Approved as Amended

Suggested Revisions to the Text of the Regulations:

I suggest that **no** modifications be made to the sentence that reads "Appointments shall not be employees of the jurisdiction and shall consist of members who are qualified and specifically knowledgeable in the California Building Standards Codes and applicable local ordinances."

Reason: [The reason should be concise if the request is for "Disapproval," "Further Study," or "Approve As Amend" and identify at least one of the 9-point criteria (following) of Health and Safety Code §18930.]

I believe the intent of this code, and how the public is best served, is for the governing body of a jurisdiction to establish a Local appeals board of qualified individuals. If a governing body chooses to "take" the role of the Local appeals board, that action should not waive the necessity for the members of the Local Appeals Board to be qualified for that role. By stating (as proposed in the current amendment) that only appointees (versus members) need to be qualified leaves the potential for the governing body to interpret the regulation that they are not required to be qualified if they choose to act as the Local appeals board. I believe the existing language of 108.8.1 is consistent with #1, #4, #5, #6 and the proposed amendment would contradict #3 by allowing non-qualified individuals to be members of the Local appeals board.

HEALTH & SAFETY CODE SECTION 18930**SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS**

- (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.
 - (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.