

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 2, 2009
Written comments are to be sent to the above address.

WRITTEN COMMENT DEADLINE: NOVEMBER 16, 2009

Date: November 12, 2009

From:

Larry G. Williams, FPO

Name (Print or type)

(Signature)

-- Ventura County Fire Protection District

Agency, jurisdiction, chapter, company, association, individual, etc.

165 Durley Avenue

Camarillo

CA

93010

Street

City

State

Zip

I/We do agree with:

[X] The Agency proposed modifications As Submitted on Section No. CBC 305.2, CFC 202

and request that this section or reference provision be recommended:

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

Suggested Revisions to the Text of the Regulations:

NOTE: We are proposing Changes to CBC 305.2, 308.3.1, 308.5.1, 308.5.2, 310.2, CFC 202 Under the same issues discussed in our Reasons. Each will be under separate requests.

Page 14 (Also CFC 202 Group E occupancies Page 15)

305.2 Day care. The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five six children older than 2 1/2 years of age and older, shall be classified as a Group E occupancy.

Exception: [SFM] A Daycare facility not otherwise classified as an R-3 occupancy, where occupants are not capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group I-4.

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I/We do agree with:

[X] The Agency proposed modifications As Submitted on Section No. CBC **310**, FCF **425**, CRC **325**

and request that this section or reference provision be recommended:

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

Suggested Revisions to the Text of the Regulations:

NOTE: We are proposing Changes to CBC 310, 425.3.4, 425.8.3.1, 425.8.3.2, 425.8.3.3, 428.8.7.1, Table 503 and corresponding sections of CFC within 425 and CRC within 325, under the same issues discussed in our Reasons. Each will be under separate requests.

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310: R-2.1 This occupancy shall include buildings, structures or parts thereof housing clients, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides personal care services.

Group R-2.1 occupancies shall meet the requirements for construction as defined for Group R-2, except as otherwise provided for in this code.

This occupancy may contain more than six non-ambulatory and/or bedridden clients. (See Section 425 Special Provisions For Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, or R-4 Occupancy). This group shall include, but not be limited to, the following:

(Note: Remaining text unchanged and omitted for this proposal)

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.]

The Code does not fully address all construction and building code requirements for R-2.1 occupancies. The additional language clarifies which building code requirements are applicable if not specifically addressed for R-2.1 occupancies.

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.

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.]

Reason:

The SFM is proposing to revise age limitations based on other statutory definitions of infant and to correlate with CCR Title 22 regulations for child care and infants. However, the use of “age 2” or “2 years of age” does not meet the intent of the SFM. Age 2 or 2 years of age means a child who is somewhere between their 2nd birthday, but has not reached their 3rd birthday. Title 22 Sec 101152 defines “Infant as a child under 2 years of age”. This is also born out by the definition of child with in the Building Code and Title 22: “ Child or children is a person under 18 years of age”. A person who is 17 years, 11 months, 29 days is a “child”. As such, a person who is 2 years, 11 months, 29 days would still be “age 2”. The same reasoning should be used for determining whether a code requirement applies to a child or infant. Additional code amendments are being proposed for other sections of the CBC, CFC and IRC with the same issue and also a revision to the definition of “infant” to correlate with Title 22.

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