



Joel L. Aranaz  
Fire Chief

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## FAX SHEET

Date: 06-21-2011 Time: 1500 No. of Pages: 3  
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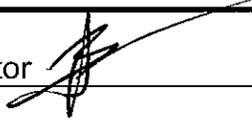
To: Staff, California Building Standards Commission

Company: \_\_\_\_\_

Phone: 916-263-0916

FAX: 916-263-0959

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From: Justin H. Beal - Supervising Fire Inspector 

Company: Fresno Fire Department – Fire Prevention Division

Phone: 559-621-4181

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Comments: Thanks and have a great day!

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If the transmission is incomplete or illegible, please call (559) 621-4181.

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: [cbsc@dgs.ca.gov](mailto:cbsc@dgs.ca.gov)

Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE 15-DAY NOTICES DATED JUNE 16, 2011**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: JUNE 30, 2011**

Date: 06-21-2011

From:

Justin H. Beal  
Name (Print or type)

  
(Signature)

City of Fresno Fire Department

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

911 H. Street  
Street

Fresno  
City

CA  
State

93721  
Zip

We do not agree with:

[  ] The Agency proposed modifications As Submitted on Section No. 910.4

and request that this section or reference provision be recommended:

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

**Suggested Revisions to the Text of the Regulations:**

[F] 910.4 Mechanical smoke exhaust. **Where approved by the fire code official,** engineered mechanical smoke exhaust systems shall be an acceptable alternative to smoke and heat vents.

**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 change proposed above is not in conflict with, overlap, or duplicate other building standards (Item 1. from below). The inclusion of this text should continue to be required for this section, and should not be altered from the adopted model code. As noted in the International Code Council Fire Code commentary, having the text, "Where approved by the fire code official" in this section provides for, "Installation of an alternative mechanical smoke exhaust system is subject to the specific approval of the building code official and fire code official so that the design can be reviewed and the operational sequence and control information can be shared with the fire department". Re-establishing this text within the section ensures that the intent of the section is correctly applied and it provides assurances that fire department personnel will not simply have to rely on a third party engineering judgment that the system is sufficient.

Con't:

In literal terms, this section would also seem to require that a fire official accept a design simply because it has been engineered, and in its current form, it removes approval discretion from the personnel who will be using this system under the worst possible circumstances.

### 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.