August 11, 2022

Board of Forestry and Fire Protection

Attn: Edith Hannigan, Executive Officer

P.O. Box 944246

Sacramento, CA 94244-2460

**SUBJECT: Comment Letter Regarding Final Revised Draft State Minimum Fire Safe Regulations, 2021 – August 17, 2022 Meeting Item 10(b)**

Dear Chair Gilless and Board Members,

Thank you for the opportunity to comment on the final revised “Draft State Minimum Fire Safe Regulations, 2021”. We have also reviewed the final statement of reasons in regarding to our prior comments. We again offer our comments and concerns regarding 3 items:

1270.1 Definitions:

(i) Driveway: Note: Also see comment below regarding Residential Unit.

It is still not clear in the application of when the access is considered a driveway in regard to the number of “Residential Units” served. There is no grammar separation in the wording between four (4) Residential Units and any number of utility and miscellaneous buildings on each parcel. The main limiting factor is the number of residential units. Is this on one (1) single parcel, or is allowed to be spread over several parcels (1-4 parcels)?

The original 1991 FSR limited a driveway based upon a single parcel, which could have maximum of 2 building, and 3 dwelling units, on the parcel. Also, any number off accessory buildings.

The 2020 FSR made the change to Residential Unit from Dwelling Unit and changed driveway serving up to two (2) parcels with no more than two (2) residential units on each parcel.

Please reword the definition to clarify the proper application or retaining the current approved definition.

(w) Residential Unit: The use of the term “Residential Unit” is not appropriate when sufficient definitions already exist in the California Code of Regulations, Title 24 Parts 2, 2.5 and 9: California Building, Residential and Fire Codes. The term Dwelling Unit is the appropriate term to use. It was what was used from 1991 until 2020 when the change to Residential Unit was made.

If applying the current term “Residential Unit” as a building, a 30-unit condo or apartment building would be considered as One (1) Residential Unit as it is One Building. Therefore, you could have 4 (four) 30-unit condo/apartment buildings served by a Driveway. The original intent and requirements of the FSR were for homes, one and two-family dwellings, as noted in the statement of reasons for the original 1991 FSR.

To make it easy to solve this concern, we offer the following replacement language:

Residential Unit: A dwelling unit as defined in the California Building Code.

This change can be made by your board during the hearing and would not require changing the term Residential Unit elsewhere in the regulations.

1270.03(a)(3) & (4) and (b): Effective date for VHFHSZ. Reference should be made for effective date in the VHFHSZ just as it was done in 1270(a) (1).

Reason: By not including the July 1, 2021 date in these sections would not provide the same application requirements that were applied to the SRA when the FSR were first adopted. Many of the VHFSZ area had development, tract maps, etc approved along with infrastructure already installed that may not comply with the new FSR. Many went through the appropriate land use planning and approval process with cities councils and board or supervisors. To apply the FSR back to development, maps, and uses prior to July 1, 2021 is not appropriate.

Thank you again for the opportunity to comment on the draft regulations and provide feedback. If you have any questions about this letter, please contact me at Massoud.Araghi@ventura.org or (805) 389-9729.

Sincerely,

Massoud Araghi, F.P.E.

Fire Marshal

Fire Prevention Bureau

MA/LW:lgl