

**NINE-POINT CRITERIA ANALYSIS
FOR
PROPOSED EMERGENCY BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL
REGARDING THE 2007 CALIFORNIA FIRE CODE (CFC)
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9
HOSPITALS HAVING OCCUPIED FLOORS LOCATED MORE THAN 75 FEET
ABOVE THE LOWEST LEVEL OF FIRE DEPARTMENT VEHICLE ACCESS**

Health and Safety Code Subsection 18930(a) requires building standards submitted to the California Building Standards Commission for approval to be accompanied by an analysis, which will, to the satisfaction of the Commission, justify their approval. The approval of these proposed building standards is justified as follows:

1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.

The Office of the State Fire Marshal has determined that the proposed building standards do not conflict, overlap or duplicate other building standards.

2) The proposed building standards are within the parameters established by enabling legislation, and are not expressly within the exclusive jurisdiction of another agency.

The Office of the State Fire Marshal has proposed these building standards to the California Building Code under their direct statutory authority to adopt, amend and or repeal rules and regulations for fire and life safety regulations.

The Office of the State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Sections 13143, 13210, 13211 and 18949.2. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 18928 and 18928.1.

The proposed building standards are not within the exclusive jurisdiction of another agency.

3) The public interest requires the adoption of the building standards.

The Office of the State Fire Marshal finds that these proposed building standards as an emergency rulemaking are necessary to correct unintended conflicts between California law and regulations contained in Title 24. This emergency rulemaking will preserve the intent of the 2006 International Building Code and Fire Code for the immediate preservation of the public peace, health and safety or general welfare of the public in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

4) The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

The Office of the State Fire Marshal has determined that the proposed building standards are not unreasonable, arbitrary, 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.

The Office of the State Fire Marshal finds that utilizing a National model code that results in costs savings to the public because it updates health and safety standards, provides the most recent methods, and promotes affordable costs. The Office of the State Fire Marshal has determined that the cost to the public is reasonable, based on the overall benefit to be derived from the building standards. Furthermore, these proposed emergency regulations do not create additional requirements as they are intended to correct an oversight in the promulgation of the 2007 California Building and Fire Code.

6) The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part.

The Office of the State Fire Marshal has determined that the 2006 International Building Code and Fire Code with California amendments is neither ambiguous nor vague, either in whole or in part. The language of the 2006 International Building Code and Fire Code with California amendments was extensively reviewed, edited, and developed to avoid ambiguity or vagueness.

7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.

Health and Safety Code Section 18928 directs the Office of the State Fire Marshal to propose the adoption by reference of the most recent edition of the Building code into Part 2, of Title 24, of the California Code of Regulations. During the 2006 rulemaking cycle the 2006 International Building Code and Fire Code was adopted by reference with necessary amendments.

The Office of the State Fire Marshal is also required to review the 2006 International Building Code and Fire Code to ensure that it includes California Amendments, also known as State amendments, which are necessary modifications to the model code language to incorporate state and federal law provisions. Pursuant to Health and Safety Code Section 18949.2(b) the Office of the State Fire Marshal has included in the proposed 2006 International Building Code and Fire Code regulations, to be adopted by reference, California amendments which ensure that the 2007 California Building Code and Fire Code adequately addresses the state's fire and life safety goals. These proposed amendments reinstate the base model code provisions of said national model codes as it relates Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

8) The format of the proposed building standards is consistent with that adopted by the Commission.

The Office of the State Fire Marshal is using formats obtained from the California Building Standards Commission.

9) The proposed building standards, if they promote fire and panic safety as determined by the State Fire Marshal, have the written approval of the State Fire Marshal.

The State Fire Marshal has the statutory authority to propose rules and regulations regarding fire and life safety regulations for the State of California.