

**FINDING EMERGENCY
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**

Government Code section 11346.1 mandates that any finding of emergency shall include a written statement which contains the information required by paragraphs (2) to (6), inclusive, of subsection (a) of Section 11346.5 and a description of the specific facts showing the need for immediate action.

Finding of Emergency

The following information is evidence that the amendments to Title 24, Part 9, California Fire Code, Chapters 5, 6 and 9 as proposed by the Office of the State Fire Marshal are necessary 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.

Statutes of 1973, Chapter 946 was an act to add Chapter 3 (commencing with Section 13210) to Part 2 of Division 12 of the Health and Safety Code, relating to high-rise structures. This act requires the State Fire Marshal to develop fire safety regulations for new and existing high-rise buildings including retroactive provisions. Furthermore, this act specifically defined high-rise buildings to exclude hospitals. This exception was intended to prevent triggering of the requirement for automatic sprinkler provisions by January 1, 1975 as current law than already required automatic sprinklers to be installed by June 1, 1976. Additionally, it appears that the intent of this act was to exclude hospitals from the retroactive requirements as these building were already required by statute and regulation to be designed and constructed at a higher level than other high-rise buildings.

OSFM is proposing this emergency rulemaking to correct the 2006 International Building (IBC) and Fire Code (IFC) base model code provisions of the 2007 California Building (CBC) and Fire Code (CFC) that are being missed. OSFM is addressing an oversight in the amendment and adoption of the 2007 California Building Code. This emergency rulemaking will reinstate provisions of the 2006 IBC/IFC that would have been required without creating new requirements. Additionally this emergency rulemaking will maintain that hospitals (Group I-2 occupancies) having occupied floors located more than 75 feet above the lowest level of fire department vehicle access are not classified as "high-rise" building and that existing hospitals are not subject to these provisions in accordance with Health and Safety Code Section 13210.

Specifically, amendments that were brought forward from 2001 CBC Section 403 that exempted hospitals from the high-rise provisions to the new 2006 IBC/IFC model code do not correlate with the 2006 IBC/IFC base model code provisions for hospitals having occupied floors located more than 75 feet above the lowest level of fire department vehicle access. This exemption as placed in the 2007 CBC section 403 lessens the 2006 IBC/IFC base model code provisions for hospitals to a lesser standard than that of the 2006 IBC/IFC itself and less than the 2001 CBC. These lesser provisions would allow high-rise hospitals

to be constructed at a lesser standard than that of other high-rise buildings be it business or residential occupancy that have the requirements. Additionally these provisions (e.g. defend in place provisions, smoke control and enclosure provisions, emergency and standby power provisions) are intended to work with other model code provisions for hospitals for the defend in place nature of hospitals.

Format, style and location of provisions in the base model code have changed with the adoption of the 2006 IBC/IFC from past model code adoptions of the Uniform Building Code (UBC). Under the UBC, specific provisions for certain high-rise buildings (Group B business and R-1 residential occupancies) were limited to Section 403 of the UBC, provisions for other buildings (e.g. hospitals, prisons, mercantile, factory) having occupied floors located more than 75 feet above the lowest level of fire department vehicle access were located throughout the UBC and were applicable to all including hospitals.

With the adoption of the 2006 IBC/IFC the base model code provisions for all buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access are primarily located in section 403. Other provisions of the 2006 IBC/IFC are located throughout the code as well and are categorized in three different ways; 1) language in the text uses the term "high-rise", 2) language in the text references section 403 for high-rise provisions, 3) the term "buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access".

In compliance with Health and Safety Code Section 13210, those sections of the 2006 IBC/IFC that used the term "buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access" OSFM amended to read "high-rise" eliminating the conflict between regulation and law. However, an unintended outcome in the loss of these provisions for hospitals resulted. This emergency rulemaking is to reinstate these base 2006 IBC/IFC model code provisions for hospitals having occupied floors located more than 75 feet above the lowest level of fire department vehicle access and clarify the definition of high-rise.

These building standards proposed 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 IBC/IFC and 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.

AUTHORITY AND REFERENCE

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.2 (a)

The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code section 13143, 13210, 13211, and 18949.2 (b) and (c).

Authority:

- Health and Safety Code Sections 13143, 13211, 18949.2 (b) and (c)

Reference:

- Health and Safety Code Sections 13143, 13210, 13211, 18949.2 (b) and (c)

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 13143 – Existing law requires the State Fire Marshal to prepare and adopt regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather.

Health and Safety Code Section 13210 Existing law defines high-rise structures as: 1) "Existing high-rise structure" as a high-rise structure, of which is construction commenced or completed prior to July 1, 1974, 2) "High-rise structure" means every building of any type of construction or occupancy having floors used for human occupancy located more than 75 feet above the lowest floor level having building access, except buildings used as hospitals, as defined in Section 1250 and 3) "New high-rise structure" means a high-rise structure, the construction of which is commenced on or after July 1, 1974.

Health and Safety Code Section 13211 – Existing law requires the State Fire Marshal to prepare and have adopted regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in high-rise structures.

Health and Safety Code Section 18949.2 (b) – This law provides that the State Fire Marshal shall remain the state agency responsible for the developing building standards to implement the state's fire and life safety policy.

(c) This section of Health and Safety Code § 18949.2 provides that the state's fire and life safety building standards, as developed by the State Fire Marshal and adopted by the Commission, shall be continued to be based on the state's fire and life safety policy goals and mandates.

Summary of Existing Regulations in the 2007 CBC

Section 509.1 Features. This existing section provides detailed requirements for fire command center in high-rise buildings and other occupancies where required for fire department operations.

Section 604.2.15 High-rise buildings This existing section provides the requirement for emergency power and standby power for high-rise buildings and provides reference to other sections of the CBC where the detailed provisions are located.

Table 903.2.13 Additional required suppression systems This existing table provides reference to other sections of the CBC where the detailed provisions for required suppression systems are found.

Section 903.3.5.2 Secondary water supply. This existing section requires a secondary water supply of high-rise buildings located in certain seismic design categories.

Section 903.4.3 Floor control valves. This existing section provides the requirements for approved supervised indicating control valves at risers in high-rise buildings.

Section 907.2.12 High-rise buildings. This existing section provides the requirements for automatic fire alarm systems and emergency voice/alarm communication systems in high-rise buildings.

Section 907.9.3 High-rise buildings. This existing section provides detail requirements for separate zones for certain alarm-initiating devices in high-rise buildings.

Section 909.16 Fire-fighter's smoke control panel. This existing section provides detailed requirements for fire-fighter's smoke control panel for fire department emergency response purpose in the fire command center in high-rise buildings and other occupancies where required for fire department operations.

Section 914.3 High-rise buildings. This section (914.3 through 914.3.5) provides detailed special provisions for high-rise buildings, these provisions are the same provisions that are found in the 2006 IBC Sections 403.2, and 403.5 through 403.8.

Section 901.3.6.2 Smokeproof exit enclosures. This existing section requires smokeproof exit enclosures high-rise buildings.

Summary of Effect to the 2007 CBC

These proposed amendments reinstate the base model code provisions of the 2006 IBC/IFC without creating new requirements for Group I-2 and I-3 occupancies. Additionally these amendments will maintain that Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access are not classified as "high-rise" buildings and that existing hospitals are not subject to these provisions in accordance with Health and Safety Code Section 13210.

Section 509.1 Features. OSFM proposes to amend this section to reinstate base model code provisions for detailed requirements and the fire command center in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Section 604.2.15 High-rise buildings OSFM proposes to amend this section to reinstate base model code provisions for emergency power and standby power in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access and provides reference to other sections of the CBC where the detailed provisions are located.

Table 903.2.13 Additional required suppression systems OSFM proposes to amend this Table to reinstate base model code provisions relating to Group I-2 occupancies, having occupied floors located more than 75 feet above the lowest level of fire department vehicle access as intended. This section has only references to other provisions of the code where the requirements are located.

Section 903.3.5.2 Secondary water supply. OSFM proposes to amend this section to reinstate the base model code provisions relating to Group I-2 occupancies as intended for secondary water supply of buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access, located in seismic design categories C,D, E or F.

Section 903.4.3 Floor control valves. OSFM proposes to amend this section to reinstate base model code provisions relating to Group I-2 occupancies as intended for approved supervised indicating control valves at risers in buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Section 907.2.12 High-rise buildings. OSFM proposes to amend this section to reinstate base model code provisions for automatic fire alarm systems and emergency voice/alarm communication systems in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Section 907.9.3 High-rise buildings. OSFM proposes to amend this section to reinstate base model code provisions for Group I-2 occupancies that detail requirements for separate zones for certain alarm-initiating devices in buildings having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Section 907.9.4 Notification zoning. OSFM proposes to amend this section to reinstate base model code provisions for occupant notification relating to evacuation and certain exemptions for Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access

Section 909.16 Fire-fighter's smoke control panel. OSFM proposes to amend this section to reinstate base model code provisions for detailed requirements of fire-fighter's smoke control panel for fire department emergency response purpose in the fire command center in Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access.

Section 914.3 High-rise buildings. OSFM proposes to amend this section to reinstate base model code provisions for Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access. This section (914.3 through 914.3.5) provides detailed special provisions for high-rise buildings.

Section 914.3.6.2 Smokeproof exit enclosures. OSFM proposes to amend this section to reinstate base model code provisions for smokeproof enclosures in required stairways in Group I-2 occupancies serving floors more than 75 feet above the lowest level of fire department vehicle access.

Comparable Federal Statute or Regulation

The OSFM has determined that there are not comparable federal regulations or statutes addressing that address these specific provisions found in the 2006 IBC/IFC base model codes.

Policy Statement Overview

The broad objectives of these proposed regulations is to specifically address missing provisions of the 2006 IBC/IFC base model code provisions that have been exclude by amendment from the 2007 California Building and Fire Code in accordance with Health and Safety Code section 13143, 13210 and 18949.2.

The intent of this proposed action is to reinstate specific provisions for the adoption by reference of the 2006 IBC/IFC and the amendments thereof for the 2007 California Building and Fire Code. OSFM further proposes to offer amendments where necessary to clarify and ensure that the regulations of the CBC/CFC, establish and or maintain minimum requirements for the prevention of fire and for the protection of life and property against fire and in any building or structure used or intended for use as defined in each of the Health and Safety Code references shown above in the summary of existing laws.

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

The SFM has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulation.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or public school districts.

FISCAL IMPACT STATEMENT

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**

- D. Other non-discretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**