

**FINAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING THE 2007 CALIFORNIA FIRE CODE
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9.**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken.

Health and Safety Code Section 18930 is part of the Building Standards Law that includes a nine-point written analysis that is required to be submitted by the Office of the State Fire Marshal for approval by the California Building Standards Commission prior to the adoption of building standards submitted by the Office of the State Fire Marshal. Under subpart (d) the Commission must give great weight to the determinations and analysis of the Office of the State Fire Marshal for each of the nine-point criteria submitted. Any factual determination used in the nine-point analysis by the Office of the State Fire Marshal shall be considered conclusive by the Commission unless the Commission specifically finds and sets forth in its reasoning in writing that the factual determination is arbitrary and capricious or substantially unsupported by the evidence considered by the Office of the State Fire Marshal.

UPDATES TO THE INITIAL STATEMENT OF REASONS

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

Any updates to the Initial Statement of Reasons are included in the Office of the State Fire Marshal changes to accommodate public comments and are reflected in the rational for change following each proposed modification.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Office of the State Fire Marshal has determined that the proposed regulatory action WOULD NOT impose a mandate on local agencies or school districts.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)

(Government Code Section 11346.9(a)(3)) [List a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group]

The following is the Office of the State Fire Marshal's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

COMMENTS RECEIVED DURING THE 45-DAY COMMENT PERIOD.

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed amendments to

California Code of Regulations Title 24, Part 2 which were the subject of a Notice of Proposed Action (Register 2008, Volume No. 13-Z, No. Z08-0318-05).

The text with the modifications clearly indicated, were made available to the public for a 45-day written public comment period between March 28 and May 12, 2008, with a Public Hearing held on May 6, 2008.

SECTION 202

LABORATORY. [SFM] A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, ~~teaching~~ instruction, research or developmental activities.

Rational for change:

SFM is correlating this amendment which is derived from the amendment proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. SFM is following the format of the base model code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial and or Final Statement of Reason for CCR, Title 24, Part 2 California Building Code.

607.4.1 Elevator power shunt-trip shall not activate prior to the completion of elevator Phase I emergency recall operation to the ~~designated~~ recall floor.

607.4.2 ~~The~~ Elevator power shunt-trip capability shall be disabled ~~disengaged~~ and shall not activate during Phase II emergency in-car operation.

607.4.3 Audible and visual annunciation shall be provided at the fire alarm control unit indicating the ~~disengagement~~ disabling of elevator power shunt-trip capability ~~in~~ under Phase II operation.

607.4.4 Audible and visual annunciation shall be provided ~~inside all elevator cars and~~ at the fire alarm control unit indicating that the automatic sprinklers, smoke detectors, or heat detectors in the elevator hoistway or elevator machine room have activated.

607.4.5 Visual annunciation shall be provided inside all elevator cars indicating that the automatic sprinklers, smoke detectors, or heat detectors in the elevator hoistway or elevator machine room have activated.

Rational for change:

SFM is correlating this amendment which is derived from the amendment proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. SFM is following the format of the base model code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial and or Final Statement of Reason for CCR, Title 24, Part 2 California Building Code.

**TABLE 803.3
INTERIOR WALL AND CEILING FINISH REQUIREMENTS BY OCCUPANCY^k**

GROUP	SPRINKLERED ⁱ			NONSPRINKLERED ^m		
	Exit enclosures and exit passageways ^{a,b}	Corridors	Rooms and enclosed spaces ^c	Exit enclosures and exit passageways ^{a,b}	Corridors	Rooms and enclosed spaces ^c
A-1 & A-2	B	B	C	A	A ^d	B ^e
A-3 ^f , A-4, A-5	B	B	C	A	A ^d	C
B, E, L M, R-1, R-4	B	C	C	A	B	C
F	C	C	C	B	C	C
H, L	B	B	C ^g	A	A	B

I-1	B	C	C	A	B	B
I-2, I-2.1	B	B	B ^{h,i}	A	A	B
I-3	A	A ⁱ	B	—	—	—
I-4	B	B	B ^{h,i}	A	A	B
R-2	C	C	C	B	B	C
R-3, R3-1	C	C	C	C	C	C
S	C	C	C	B	B	C
U	No restrictions			No restrictions		

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929m².

- a. Class C interior finish materials shall be permitted for wainscoting or paneling of not more than 1,000 square feet of applied surface area in the grade lobby where applied directly to a noncombustible base or over furring strips applied to a noncombustible base and fireblocked as required by Section 803.4.1.
- b. In exit enclosures of buildings less than three stories in height of other than Group I-3, Class B interior finish for nonsprinklered buildings and Class C interior finish for sprinklered buildings shall be permitted.
- c. Requirements for rooms and enclosed spaces shall be based upon spaces enclosed by partitions. Where a fire-resistance rating is required for structural elements, the enclosing partitions shall extend from the floor to the ceiling. Partitions that do not comply with this shall be considered enclosing spaces and the rooms or spaces on both sides shall be considered one. In determining the applicable requirements for rooms and enclosed spaces, the specific occupancy thereof shall be the governing factor regardless of the group classification of the building or structure.
- d. Lobby areas in Group A-1, A-2 and A-3 occupancies shall not be less than Class B materials.
- e. Class C interior finish materials shall be permitted in places of assembly with an occupant load of 300 persons or less.
- f. For places of religious worship, wood used for ornamental purposes, trusses, paneling or chancel furnishing shall be permitted.
- g. Class B material is required where the building exceeds two stories.
- h. Class C interior finish materials shall be permitted in administrative spaces.
- i. Class C interior finish materials shall be permitted in rooms with a capacity of four persons or less.
- j. Class B materials shall be permitted as wainscoting extending not more than 48 inches above the finished floor in corridors.
- k. Finish materials as provided for in other sections of this code.
- l. Applies when the exit enclosures, exit passageways, corridors or rooms and enclosed spaces are protected by a sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
- m. [SFM] Not permitted for Group I-3.

Rational for change:

SFM is correlating this amendment which is derived from the amendment proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. SFM is following the format of the base model code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial and or Final Statement of Reason for CCR, Title 24, Part 2 California Building Code.

**TABLE 1016.1
EXIT ACCESS TRAVEL DISTANCE^a**

OCCUPANCY	WITHOUT SPRINKLER SYSTEM (feet)	WITH SPRINKLER SYSTEM (feet)
A, E, F-1, I-1, M, R, S-1	200	250 ^b
B	200	300 ^c
F-2, S-2, U	300	400 ^c
H-1	Not Permitted	75 ^c
H-2	Not Permitted	100 ^c

H-3	Not Permitted	150 ^c
H-4	Not Permitted	175 ^c
H-5	Not Permitted	200 ^c
I-2, I-3 ^d , I-4	150	200 ^c
<u>L</u>	<u>Not Permitted</u>	100c-225^e 200 ^e

For SI: 1 foot = 304.8 mm.

a. See the following sections for modifications to exit access travel distance requirements:

Section 402: For the distance limitation in malls of the California Building Code.

Section 404: For the distance limitation through an atrium space of the California Building Code.

Section 1016.2 For increased limitations in Groups F-1 and S-1.

Section 1025.7: For increased limitation in assembly seating.

Section 1025.7: For increased limitation for assembly open-air seating.

Section 1019.2: For buildings with one exit.

Chapter 31: For the limitation in temporary structures of the California Building Code.

b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems in accordance with Section 903.3.1.2 are permitted.

c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

d. ~~Not permitted in nonsprinklered Group I-2 and Group I-3 occupancies.~~

Rational for change:

SFM is correlating this amendment which is derived from the amendment proposed to the CBC. The promulgation and format of the IFC and IBC necessitate this action. SFM is following the format of the base model code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

For the specific purpose and rational for the proposed amendments to the sections listed above see the Initial and or Final Statement of Reason for CCR, Title 24, Part 2 California Building Code.

Name/Organization: Anthony W. Yuen, P.E., Campus Fire Marshal, University of California-Berkeley

Comment: Commenter suggested an exception to Section 4.4.3.7.2 for the proposed adoption by reference of NPFA 72, 2007 edition regarding deactivation of audible notification appliances.

Response: SFM has reviewed the proposed modification of the commenter and disagrees. SFM believes that this proposed modification may be addressed at a local enforcing level by operations needs during an event. SFM further contends that this proposed modification has merit however without further study this modification may be considered as discrimination towards persons with disabilities.

COMMENTS RECEIVED DURING THE 15-DAY COMMENT PERIOD.

Pursuant to the requirements of Government Code Section 11346.8 (c), and Section 44 of Title 1 of the California Code of Regulations, the California Building Standards Commission provided a notice of proposed amendments to California Code of Regulations Title 24, Part 2 which were the subject of a Notice of Proposed Action (Register 2008, Volume No. 13-Z, No. Z08-0318-05).

Subsequent to the original public comment period, text with the nonsubstantive modifications clearly indicated, was made available to the public for a 15-day public written comment period between July 21, 2008 and August 7, 2008

No comments were received during the 15-day public written comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

(Government Code Section 11346.9(a)(4))

The Office of the State Fire Marshal has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Office of the State Fire Marshal.

COMMENTS MADE BY THE OFFICE OF SMALL BUSINESS ADVOCATE

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Office of Small Business Advocate.

COMMENTS MADE BY THE TRADE AND COMMERCE AGENCY

(Government Code Section 11347.6) [List each comment by the Trade and Commerce Agency directed at the proposed regulation or at the procedures followed by the Agency in proposing or adopting the regulation, and a response to each comment, including the basis why a comment was rejected, if applicable.]

No comments were received from the Trade and Commerce Agency.