# 15-DAY EXPRESS TERMS AND RATIONALE FOR PROPOSED BUILDING STANDARDS OF THE OFFICE OF THE STATE FIRE MARSHAL REGARDING THE 2019, CALIFORNIA FIRE CODE

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 9

# (04/19)

No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) nonsubstantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be responded to in the final statement of reasons required by Section 11346.9 (Government Code Section 11346.8(c)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italics and ellipsis.

# LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright. California amendments appear in *italics.*
* Unmodified 45-day amendments appear in *underline and ~~strikethrough~~*.
* 15-day amendments appear in *double underline* and *double strikethrough*.
* Ellipsis ( . . .) indicate existing text remains unchanged.
* **Rationale:** The justification for the change is shown after each section or series of related changes.

# 15-DAY EXPRESS TERMS

# Item: #SFM 04/19-2-22

**Chapter:** 2, Definitions

**Section:** 202, Residential Group R-4

**Express Terms:**

**[BG] Residential Group R-4.** Residential Group R-4 shall include buildings, structures or portions thereof for more than ~~five but not more~~ than *six ambulatory clients*, but not more than 16 persons, excluding staff, who reside on a 24-hour basis in a supervised residential environment and receive custodial care. Buildings of Group R-4 shall be classified as one of the occupancy conditions indicated below. *The persons receiving care are capable of self-preservation.* This group shall include, but not be limited to, the following: *Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the California Building Code. This occupancy classification may include a maximum six nonambulatory or bedridden clients (see Appendix Chapter 4, Section 435, Special Provisions For Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, or R-4 occupancy).* This group shall include, but not be limited to, the following:

*This occupancy classification may include a maximum six nonambulatory or bedridden clients (see Appendix Chapter 4, Section 435, Special Provisions For Licensed 24-Hour Care Facilities in a Group R-2.1, R-3.1, or R-4 occupancy).*

*Assisted living facilities such as:*

*Residential care facilities*

*Residential Care Facilities for the Elderly (RCFE’s)*

*Adult Residential Facilities*

*Congregate Living Health facilities*

*Group homes*

*Social rehabilitation facilities such as:*

*Halfway houses*

*Community Correctional Centers*

*Community Correction Reentry Centers*

*Community Treatment Programs*

*Work Furlough Programs*

*Alcoholism or drug abuse recovery or treatment facilities*

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3, except as otherwise provided for in the *California Building Code*.

**Rationale:** Adjustments to the Group R-4 definition came from a public comment submitted by Kevin Reinertson. The comment was that Occupancy classification for Group R-4.  Both Codes have been inconsistent and need to be correlated.  The CBC is missing text and the CFC has incorrect text.  The 2016 CBC has the correct language. In response to the public comment, the SFM is proposing to correct the error.

In response to the public comment, the SFM is proposing to correct the error.

The 15-Day proposed modification to this section is to correlate the occupancy definition with the California Building Code definition. The section was re-organized to mirror the same format which is proposed for the California Building Code. The reference to classified occupancy conditions, is proposed to be deleted as it creates confusion. There are no classified occupancy conditions, only examples of program types that are listed. This proposal cleans up the language within the regulation.

Community Reentry and correctional centers are now classified as Group R-2.2. The proposal is to delete the examples from the list and correct the conflict.

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13113, 13113.5, 13114, 13143,13132, 13132.7, 13132, 13133, 13135, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500-25545, Government Code Section 51189, Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13143.1, 13143.9, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178, 51179, Public Resources Code Sections 4201-4204

# Item: #SFM 04/19-7-18

**Chapter:** 9, Fire Protection and Life Safety Systems

**Section:** 909, Smoke Control Systems

**Express Terms:**

**[F] 909.5.3 Opening protection.** Openings in smoke barriers shall be protected by automatic-closing devices actuated by the required controls for the mechanical smoke control system. Door openings shall be protected by fire door assemblies complying with Section 716 *of the California Building Code*.

**Exceptions:**

(exceptions 1 and 2 remain unchanged)

3. In Group I-2, *I-2.1, R-2.1*; and ambulatory care facilities, where a pair of opposite-swinging doors are installed across a corridor in accordance with Section 909.5.3.1, the doors shall not be required to be protected in accordance with Section 716 *of the California Building Code*. The doors shall ~~be close-fitting within operational tolerances and~~ shall not have a center mullion*.* ~~or undercuts in excess of 3/4 inch (19.1 mm), louvers or grilles. The doors shall have head and jamb stops and astragals or rabbets at meeting edges and, where permitted by the door manufacturer’s listing, positive-latching devices are not required.~~ *Positive-latching devices are required. Doors* *installed across corridors shall comply with Section* *1010.1.1.*

(exceptions 4, 5, 6, and 7 remain unchanged)

**Rationale:** The SFM has received a public comment during the 45-day public comment period from John Woestman. The public comments states. “Opposite-swinging doors installed across a corridor in Groups I-2, I-2.1, & R2.1. SFM proposed revisions, Part 2 (CA Building Code) – the sections identified, below, have inconsistencies in the proposed revisions regarding requirements for opposite-swinging doors installed across a corridor in Groups I-2, I-2.1, & R2.1.

1. Part 2, Section 709.5 Exception 1, Cross corridors door pairs in I-2, I-2.1, & R2.1, SFM has proposed to require protection in accordance with Section 716 Opening Protectives (and shall not have a center mullion).
2. Part 2, Section 909.5.3 smoke control systems opening protection, for cross corridor door pairs in Groups I-2, I-2.1, and R-2.1, proposed revisions retain the provisions these doors are not required to be protected per Section 716.

Builders Hardware Manufacturers Association (BHMA) recommends further revisions of the proposals for Part 2 (and Part 9) with the result of consistent requirements for opposite-swinging doors installed across a corridor in Groups I-2, I-2.1, & R2.1.

In response to the public comment the SFM has proposed to correct Exception 3 where the words “not be required” were missed for deletion. The intent and a long-standing California amendment, has been to require the doors be protected per Section 716 of the California Building Code. This proposal is correcting a mistake from the adoption and printing of the 2018 International Building Code model code language in the California Building Code where it should not have been.

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13113, 13113.5, 13114, 13143,13132, 13132.7, 13132, 13133, 13135, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500-25545, Government Code Section 51189, Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13143.1, 13143.9, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178, 51179, Public Resources Code Sections 4201-4204

# Item: #SFM 04/19-8-8

**Chapter:** 10, Means of Egress

**Section:** 1020, Corridors

**Express Terms:**

**TABLE 1020.2**

**MINIMUM CORRIDOR WIDTH**

| **OCCUPANCY** | **MINIMUM WIDTH (inches)** |
| --- | --- |
| Group I-2 *and I-3* in areas where required for bed movement | 96 |
| *~~Corridors in Group I-2 and I-3 occupancies~~**~~serving any area caring for one or more~~**~~non-ambulatory persons.~~* | *~~96~~72* |

**Rationale:** The SFM has discovered, during the 45-day public comment period that additional consideration was needed for the corridor width in Group I-2 and I-3 occupancies serving non-ambulatory persons. The purpose of the initial proposal was to clarify that the 96-inch-wide corridor width requirement for occupancy groups I-2 and I-3 was intended to be for bed movement. The regulation is over restrictive for areas where bed movement is not being used.

The SFM has consulted with the Division of the State Architect (DSA), Executive Director Ida Clare for concurrence with the proposal. DSA is in support with the proposal and confirms that there is no conflict with existing laws or regulation.

The State Fire Marshal’s I-3 workgroup intended to provide clarity for the 96-inch corridor width requirement for bed movement, which is in alignment with the model code.

It was a mistake in the initial proposal to strike the corridor width requirement for areas caring for one or more non-ambulatory persons. The California amendment is being proposed to remain, with the change being in the width requirement from 96-inches to 72-inches. The SFM I-3 workgroup agreed that a 72-inch requirement will fulfill the needs of non-ambulatory persons traveling in both directions within a corridor based on the 1991 Federal American with Disabilities Act (ADA).

The 1991 Federal American with Disabilities Act (ADA) states in Section A4.2 Space Allowances Reach Ranges; Subsection A4.2.1 (2) Space Requirements for Use of Walking Aids. Although people who use walking aids can maneuver through clear width openings of 32 in (815 mm), they need 36 in (915 mm) wide passageways and walks for comfortable gaits. Crutch tips, often extending down at a wide angle, are a hazard in narrow passageways where they might not be seen by other pedestrians. Thus, the 36 in (915 mm) width provides a safety allowance both for the person with a disability and for others.

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13113, 13113.5, 13114, 13143,13132, 13132.7, 13132, 13133, 13135, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500-25545, Government Code Section 51189, Education Code 17074.50

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# Item: #SFM 04/19-10-204

**Chapter:** 12, Energy Systems

**Section:** 1206, Electrical Energy Storage Systems (ESS)

**Express Terms:**

***1206.11 ESS in Group R-3 and R-4 Occupancies.*** *ESS in Group R-3 and R-4 occupancies shall be installed and maintained in accordance with Sections 1206.11.1 through 1206.11.910. The temporary use of an owner or occupant's electric powered vehicle as an ESS shall be in accordance with Section 1206.4.10.*

***Exception:***

*ESS listed and labeled in accordance with UL 9540 and marked “For use in residential dwelling units”, where installed in accordance with the manufacturer’s instructions and California Electrical Code.*

**Rationale:** Adjustments to the proposal Section 1206.11 came from two public comments submitted separately from Nick Duvally and Joe Cain.

**Joe Cain’s public comments** state, “For Residential Energy Storage Systems, we recommend the SFM modify Section 1206.11 of the California Fire Code to match the technical provisions and language proposed for California Residential Code Section R327. We have prepared a thorough mark-up of the Part 9 language to match the technical requirements and language of Part 2.5.

For any applicant requesting approval of residential ESS, and for any reviewer of residential ESS, the technical requirements for residential ESS in the CFC and CRC should be the same. If the technical requirements in these two codes are different, then there is an inherent conflict in requirements such that applicants and reviewers are uncertain which technical requirements should be applied”.

**Nick Duvally’s public** **comments** states, “The proposal of the addition of this exception is in order to accomplish correlation between the California Residential Code, Section R327.1, and the California Fire Code Section 1206.11, both of which address ESS in Group R-3 and R-4 occupancies.

For reference, R327.1, per these Express Terms, will be altered to read:

R327.1 General. ~~Stationary storage battery system shall comply with the provisions of this section.~~ *Energy Storage Systems (ESS) shall comply with the provisions of this section.*

*Exceptions:*

1. *ESS listed and labeled in accordance with UL 9540 and marked “For use in residential dwelling units”, where installed in accordance with the manufacturer’s instructions and California Electrical Code.*
2. *ESS less than 1 kWh (3.6 megajoules).*

Exception #2 is not being proposed by this public comment to be carried into Section 1206.11 because it already exists in Section 1206.11.1 (below). This lack of correlation between the CFC and CRC was a mistake due to the fact that CRC Section R327 was a part of the Group B hearings, whereas Section 1206 of the CFC was worked out in the Group A hearings of the ICC code development process; therefore, correlation was lost.

By pairing the addition of this exception with the deletion of the location option #4 of Section 1206.11.3 (see below, just like is being proposed for R327), it is accomplished that ESS that does not meet the safety standard necessary in order to qualify to be listed “For use in residential dwelling units”, is not allowed for use in “Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings.” However, by the same token, if an ESS is safe enough to qualify for the listing to be used “For use in residential dwelling units”, then it can be placed in “Enclosed utility closets, basements, storage or utility spaces within dwelling units with finished or noncombustible walls and ceilings,” because in that case it is in fact safe to do so. Listings and standards are in effect for a reason. There is no reason to jeopardize safety standards just to allow that every existing R-3 and R-4 can place an ESS in an interior room within the larger envelope of the dwelling space. And new construction should be designed to accommodate ESS safely. There are 3 other locations available for ESS that do not meet the safety standard of “For use in residential dwelling units”; and there are many more location options for ESS that are safe enough to meet the standard.”

**In response to the public comments** the SFMhas proposed to add the Exception to Section 1206.11 to accomplish correlation between the California Residential Code (CRC), Section R327.1, and the California Fire Code (CFC) Section 1206.11. Both codes address Energy Storage Systems for Group R-3 and R-4 occupancies.

Exception #2 of Section R327.1 in the CRC is not being proposed to be carried into Section 1206.11 because it already exists in Section 1206.11.1. This lack of correlation between the CFC and CRC was inadvertent, since CRC Section R327 was a part of the International Code Council (ICC) Group B hearings. Whereas Section 1206 of the CFC was worked out in the ICC Group A hearings of the ICC code development process for the 2021 Edition of the model codes; therefore, correlation was lost. √

# Item: #SFM 04/19-15-17

**Chapter:** 80, Referenced Standards

**Section:** UL, 9540A, 9540

**Express Terms:**

**9540-14*16*: Outline of Investigation for Energy Storage Systems and Equipment**

***9540A-17:***

***Standard for Safety Test Method for Evaluating Thermal Runaway Fire Propagation in Battery Energy Storage Systems***

**Rationale:** Adjustments to the adoption of reference standards came from a public comment submitted by John Taecker. Jon Tacker’s public comment states, “UL is fully supportive of the SFM's proposal to bring in the requirements for energy storage systems from the 2021 International Fire Code. It appears one thing was overlooked, which was updating the referenced standard UL 9540. To identically match the update of this standard that was adopted in the 2021 International Fire Code (reference Proposal ADM47-19), UL 9540 should be referenced in Chapter 80 as follows: "9540—2016 Standard for Energy Storage Systems and Equipment".

In response to the public comment, the SFM is proposing to update the edition of UL 9540 to identically match the update of this standard as it was adopted in the 2021 International Fire Code (reference Proposal ADM47-19). It is needed to address all the other proposed updates to Energy Storage Systems in Chapter 12 of the California Fire Code. √

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13113, 13113.5, 13114, 13143,13132, 13132.7, 13132, 13133, 13135, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500-25545, Government Code Section 51189, Education Code 17074.50

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