

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2019 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(SFM 01/19)**

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. The following are the reasons for proposing this particular rulemaking action:

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 the 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.

The following group consists of updates to proposed items, resulting from a 15-day public comment period that SFM held. These comments and rationale appear in addition to the comments and rationale shown below. See section: OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Item: #SFM 01/19-3-3

**Chapter: 3, Occupancy Classification and Use
Section: 310, Residential Group R**

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

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.

The examples of Group R-4 occupancies were mistakenly deleted in the 2018 Triennial State Fire Marshal adoption rulemaking package. This proposal is to correct that error and bring back the examples of a Group R-4. The proposal is for code user ease and clarification in determining the situations where this occupancy classification may be used. 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.

Item: #SFM 01/19-4-6

Chapter: 4, Occupancy Classification and Use
Section: 406, Motor-Vehicle-Related Occupancies

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that there may be additional requirements for fire separation between occupancy use elsewhere in the code. The reference to Table 508.4 has been added as a reminder when separations between occupancies require greater fire resistance based on the use, the more specific regulations shall apply. The intent of the additional reference is to eliminate any conflicting provisions in the code.

Item: #SFM 01/19-4-10

Chapter: 4, Occupancy Classification and Use
Section: 406, Motor-Vehicle-Related Occupancies

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that the pointer to a Section number was incorrect. The referenced Section number has been corrected from 3203.7 to Section 3206.7 for access doors. This is an editorial change.

Item: #SFM 01/19-4-12

Chapter: 4, Occupancy Classification and Use
Section: 407, Group I-2 and Group I-2.1

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that Type IA is not needed in the exception, as it is already a permitted construction type in the main body of the Section. This was an oversight in the 45-day proposal and is being corrected.

Item: #SFM 01/19-4-14

Chapter: 4, Occupancy Classification and Use
Section: 407, Group I-2 and Group I-2.1

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM worked with OSHPD to in bring the care suites in the last editions. As we continued to work with OSHPD, it was decided to add pointers to the existing requirements. The pointer reinforces that the care suites are for new construction with code compliant buildings. This is done to remove any confusion for designers.

Item: #SFM 01/19-4-20

Chapter: 4, Occupancy Classification and Use
Section: 408, Group I-3

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that there were a few additional clarifications that were needed to the original proposal.

The term Housing Unit is proposed to be deleted, as it goes beyond the intent of the occupant load factor table for I-3's to be used as a tool for existing code regulations. The definition of Housing Unit may include several Housing Pods. It is the intent to allow the Housing Pods to use the occupancy of the beds, plus staff as the occupant load factor for exiting requirements. The common areas within the Housing Pod will be the same occupants in the bed and not additional occupants for the common areas within these Housing Pods. The intent is to eliminate the need to double count for the occupants in that space, which may require additional exits. Footnote c has been changed to be a broader statement to remind code users that there may be additional requirements elsewhere in the code. The design shall consider these other requirements when planning the exiting for Group I-3 facilities.

The change in the table from 35 net to 50 gross was to correct an editorial error. This table brings all the occupant load factors for I-3 occupancies to one place. This is being done to assist the designers of I-3 facilities. The factor of 50 gross square feet is the same as that found on table 1004.5 for dormitories.

Item: #SFM 01/19-4-22

Chapter: 4, Occupancy Classification and Use
Section: 411, Special Amusement Areas

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that an editorial change was needed to the referenced Section numbers. There is no proposed section number 411.8. The section requirements are editorial and now correlate to the proposed changes. This was an oversight; the correction provides the correct reference section number.

Item: #SFM 01/19-9-8

Chapter: 9, Fire Protection and Life Safety Systems
Section: 907, Fire Alarm and Detection Systems

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment period that an editorial change was needed to the correct the reference Section in the California Fire Code from 907.2.11 to the correct Section number 907.2.10.

Item: #SFM 01/19-9-24

Chapter: 9, Fire Protection and Life Safety Systems
Section: 909, Smoke Control Systems

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM 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 an error 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.

Item: #SFM 01/19-10-6

Chapter: 10, Means of Egress

Section: 1020, Corridors

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM 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), Acting State Architect, Ida Clair 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.

There was an error in the initial proposal to strike the entire corridor width requirement for areas caring for one or more non-ambulatory persons. The California amendment is now being proposed to remain, with the change being in only 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.

Item: #SFM 01/19-15-22

Chapter: 30, Elevators and Conveying Systems

Section: 3005, Machine Rooms

Rationale: The SFM conducted a 15-Day public comment period and received no subsequent comments.

The SFM has discovered, during the 45-day public comment hearing that the initial proposal to remove all the conditions where automatic sprinklers are not required in the elevator hoistway, etc. was not completely covered in the 2016 NFPA 13 standard. The California amendment has been existing in the California Building Code for several editions. The NFPA13 standard had incorporated most of the California amendment, but not all. The SFM is proposing to maintain the requirement for the fire- resistance rating when the fire sprinklers are removed.

Note that SFM discovered during the 15-day text development that a code text copying error was made in the 45-day Express Terms for condition item #1, above. Even though being fully repealed and replaced with new language, the corrected text is shown here with single-line strikethrough to maintain accuracy of the existing 2019 code text, and double underline, showing the changed text from the 45-day ET. Hence, you will find a text difference between this 15-day version and the 45-day version for that particular item.

Section 3005.4, exceptions allow the fire-resistance rating to be reduced to 1-hour or none for certain elevators and elevator machinery, control space/room conditions. The regulation to maintain the fire-resistant rating of these areas when the fire sprinkler is removed from the area is an important level of protection that shall be maintained in the State of California for fire life safety. The exception to Section 3005.4 shall not apply when the fire sprinkler is removed and all other requirements in NFPA 13 Section 8.15.5.3 shall apply.

The existing text for section 3004.6.1 and what was exemption #4 has been restored. This proposal maintains existing regulations for the fire-resistance rating of elevators and elevator machine spaces/rooms when the fire sprinkler is removed. The deletion of the other exemption remains, as they are duplicative to the requirements in NFPA 13, Section 8.15.5.3. There is no fiscal impact.

Item: #SFM 01/19-15-23

Chapter: 30, Elevators and Conveying Systems

Section: 3007, Fire Service Access Elevators

Rationale: The SFM conducted a 15-Day public comment period and received additional comments that are addressed in section: OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

The proposed changes to Section 3007.1 are based on comments received by Armin Wolski to the State Fire Marshal's office. In response to the public comment, the SFM modified the exception to Section 3007.1 for below grade parking garages. This proposal allows for the design community to work with firefighting operations.

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 State Fire Marshal has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

The proposed regulations are minimum standards for the prevention of fire and for the protection of life and property against fire.

The State Fire Marshal finds that the mandate is not reimbursable.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an 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 action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

Regarding Item #SFM 01/19-3-3 Section 310.5 of Final Express Terms. The Occupancy Classification Group R-4 is missing text in the California Building Code and the California Fire Code has incorrect text.

Commenter(s): Kevin Reinertson, Riverside County Fire Department

Commenter(s) Recommendation: Correct the text for Occupancy Group R-4 back to how it was printed in the 2016 Edition of the California Building Code.

Agency Response: The SFM has made appropriate corrections to bring back misprinted language and correct the text where needed.

Regarding Item #SFM 01/19-6-16 Section 602.4.2.2.2 of Final Express Terms. The ICC Board approved the establishment of an ad hoc committee for tall wood buildings in December of 2015. The purpose of the ad hoc committee was to explore the science of tall wood buildings and to investigate the feasibility and act on developing code changes for tall wood buildings. California Governor Edmund G. Brown issued Executive Order B-52-18 on May 10, 2018 that became effective immediately. Among other directives, order number 13 charged the State Fire Marshal, the department of Housing and Community Development, the Division of the State Architect, the California Building Standards Commission and the Statewide Health Planning and Development to review the approved Tall Wood Building Proposals of the International Code Council's Ad Hoc

Committee on Tall Wood Buildings and shall consider proposing its adoption into the California Building Standards Code in the subsequent intervening code cycle.

Commenter(s): Ali Fattah, San Diego Area Chapter of ICC

Commenter(s) Recommendation:

We suggest that exception 1 & 2 be limited to the fire area within a story. Fire area is established by the designer and can be the entire building. Some occupancies allow unlimited # of connected stories. The code change proponents at ICC only tested exposed wood walls/ceilings on one story and not multiple stories.

Exceptions: Unprotected portions of mass timber ceilings and walls complying with Section 602.4.2.2.4 and the following:

1. Unprotected portions of mass timber ceilings, including attached beams, shall be permitted and shall be limited to an area equal to 20% of the floor area in any dwelling unit or fire area within a story; or
2. Unprotected portions of mass timber walls, including attached columns, shall be permitted and shall be limited to an area equal to 40% of the floor area in any dwelling unit or fire area within a story; or

Agency Response: The State Fire Marshal (SFM) has reviewed and considered the adoption of the entire series of the ICC approved code change proposals for the design of tall wood buildings in California. The SFM made slight changes to the proposals where established California State Law was in conflict. This particular code section is proposed exactly as it was approved for the 2021 International Building Code with no further California amendment.

Regarding Item SFM 01/19-7-4, Section 709.5 of Final Express Terms.

The proposed change restores CBC requirements for fire rated smoke barrier doors installed across corridors, eliminates confusion regarding requirements for the installation of smoke barrier doors, provides consistent requirements for both swinging doors and horizontal sliding doors and coordinates requirements with similar provisions included in CBC Section 909.5.3, Exception 3. The proposed change preserves exceptions prohibiting a center mullion and permitting the installation of protective plates on swinging doors installed across corridors.

Commenter(s): John Woestman, Builders Hardware Manufacturers Association (BHMA)

Commenter(s) Recommendation: 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.

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.

Agency Response: The SFM submitted a 15-Day proposed change to Section 909.5.3 to correlate the requirements. Positive latching at smoke barrier corridor door openings is a requirement of CBC Section 909.5.3, Exception 3. The proposed change coordinates requirements in the California Building Code and reflects actual construction practice.

Regarding Item SFM 01/19-8-2, Section 705A.2 of Final Express Terms. 705A.2 section is slightly confusing as currently written and is being proposed to make the regulation more understandable and clear. The roof covering assembly is what needs to resist the intrusion of flames and embers and not the air space. Thus, changes are being made for clarification and to require both the cap sheet and the firestopping.

Commenter(s): Mike Eckhoff, Hoover Treated Wood Products, Inc.

Commenter(s) Recommendation: I am writing in support of the work of the California Office of the State Fire Marshal's Wildland-Urban Interface Task Group.

Per the comments I submitted on March 11th for 705A.2, I suggested that the phrase "fire retardant treated wood" be changed to "fire-retardant-treated wood" as it is written and defined in Chapter 23 of the California Building Code. However, in the proposed amendment, the language is now "fire-retardant-treated-wood" instead. I recommend removing the hyphen between "treated" and "wood" as it is not necessary and would conflict with the way "fire-retardant-treated wood" is defined and described elsewhere throughout the California Building Code.

Agency Response: The SFM agrees with the recommendation and made the change to the proposed text.

Regarding Item SFM 01/19-8-7, Section 709A.3 of Final Express Terms.

The proposal is editorial and simply does two things:

1. Replaces the non-mandatory term "may" by the mandatory phrase "shall be permitted to". This creates clarity for the code user.

2. Replaces the term “flame spread rating” by the term “flame spread index”, which is the term used in the ASTM E84 standard. Correlation with the standard language ensures clarity for the code user.

Commenter(s): Mike Eckhoff, Hoover Treated Wood Products, Inc.

Commenter(s) Recommendation: I am writing in support of the work of the California Office of the State Fire Marshal’s Wildland-Urban Interface Task Group.

Per the comments I submitted on March 11th for 709A.3#4, I suggested that the phrase “fire retardant treated wood” be changed to “fire-retardant-treated wood” as it is written and defined in Chapter 23 of the California Building Code. However, in the proposed amendment, the language is now “fire-retardant-treated-wood” instead. I recommend removing the hyphen between “treated” and “wood” as it is not necessary and would conflict with the way “fire-retardant-treated wood” is defined and described elsewhere throughout the California Building Code.

Agency Response: The SFM agrees with the recommendation and made the change to the proposed text.

Regarding Item SFM 01/19-10-3, Section 1010.1.9.7 of Final Express Terms.

The proposed change provides additional clarification that controlled egress doors are permitted only for restraint or containment of psychiatric and mental health patients. The terms psychiatric and mental health appear elsewhere in the CBC and for clarification, both terms are used in the proposed change. The proposed change deletes CBC 1010.1.9.7, Exception 2. Exception 2 references egress control systems used to reduce the risk of child abduction. In a Group I-2 occupancy, the SFM permits restraint only for psychiatric and mental health patients therefore exception 2 is not applicable. Permitting only smoke detectors and not heat detectors is consistent with previous editions of the CBC and 2019 CFC Sections 907.3.2.1, 907.3.2.2, 907.3.2.3 and 907.3.2.4.

Commenter(s): John Woestman, Builders Hardware Manufacturers Association (BHMA)

Commenter(s) Recommendation: BHMA recommends further revisions of the proposals for Part 2 (and Part 9) with the result that controlled egress locking systems which are listed for this purpose continue to be permitted in healthcare facilities where child abduction is a recognized risk. The current provisions in the California Building Code (Part 2) and California Fire Code (Part 9) have been refined over many years, and have a demonstrated history of desirable performance.

Specifically, BHMA recommends the proposed revisions be further revised in Part 2 to retain Exception 2 (which is proposed to be deleted). If Exception 2 is retained, the proposed revisions in Section 1010.1.9.7 may need to be further revised.

Agency Response: The SFM submitted an addendum to the initial proposed language and corrected the conflict. The proposed amendments identify the intent of the SFM/OSHPD to permit the locking of egress doors in a Group I-2 occupancy only when required to restrain or contain psychiatric or mental health patients. The proposed amendment also specifies that smoke detectors are required when the locking of doors is permitted.

Regarding Item SFM 01/19-10-4.1, Section 1010.1.9.8.1 of Final Express Terms.

The proposed amendment restores a California Building Code requirement modified by the International Building Code.

Commenter(s): John Woestman, Builders Hardware Manufacturers Association (BHMA)

Commenter(s) Recommendation: The phrase “controlling the lock or lock mechanism” is important in the context of delayed egress locking systems, as that phrase specifically identifies it’s the loss of electrical power controlling the lock or lock mechanism which triggers the requirement for the delay of the delayed egress locking system be deactivated. If the phrase “controlling the lock or lock mechanism” is deleted, then any loss of power to or in the building would be within the scope of requiring the delay of the delayed egress locking system to be deactivated, regardless of the presence of standby power, emergency power, and / or battery back-ups to life safety systems. For these reasons, BHMA recommends disapproving the proposed revision to Part 2, Section 1010.1.9.8.1 Item 2, to not delete the phrase: “controlling the lock or lock mechanism”.

Agency Response: An existing California amendment was missed in the first publication of the California Building Code. The proposal is to maintain the existing amendment and correlate the text language with the California Fire Code.

Regarding Item SFM 01/19-10-9, Section 1030.1 of Final Express Terms

The California amendment was mistakenly dropped in publication. The proposal is to reinstate the requirement of emergency escape and rescue openings for all Group R occupancies in California.

Commenter(s): Don Moeller, Fire Protection Engineer, Representing Self

Commenter(s) Recommendation: The model code language only requires emergency escape and rescue windows when occupied floors are provided with only one exit. The CBC requires additional safety features (rated corridors) for residential buildings over what is required in model code. The original UBC required the emergency escape and rescue windows before sprinklers and smoke detectors were mandatory. These systems reduce/eliminate the benefit of the rescue windows. Also,

the rated corridors in CA enhance egress system reliability and should make the windows less necessary. The layout and access imposed for the rescue windows can make them very costly to provide, and the other systems make their benefit questionable. The change from the current language is costly and not correspondingly beneficial. I recommend that the rescue windows only be required where designated in the IBC (as per the current language). Historical precedence from 1964 does not seem appropriate to change from national standards.

Agency Response: The California Building Code continues to be more restrictive than the International Building Code language by requiring one-hour fire-resistance rated corridor construction in all Group R occupancies having an occupant load greater than 10. This protection affords additional life safety advantages. Although the International Building Code language, recognizes the advantages afforded by these systems, California has historically continued to require the escape and rescue windows in all residential occupancies.

Regarding Item SFM 01/19-15-23, Section 3007.1 of Final Express Terms.

The requirement for Fire Service Access Elevators (FSAE) to serve all floors was in the Code for three code cycles (2010, 2013, 2016 California Building Code) and many existing buildings are already provided with FSAEs serving all floors based on these codes.

Commenter(s): Armin Wolski, Representing Self

Commenter(s) Recommendation:

The 45-day language proposed after the Code Advisory Committee hearing does not match the CAC hearing's intent. The following language better follows the intent of the comments made when it was voted for further study: 3007.1 General. Where required by Section 403.6.1, every floor above and including the lowest level of fire department vehicle access of the building shall be served by fire service access elevators complying with Sections 3007.1 through 3007.9. Except as modified in this section, fire service access elevators shall be installed in accordance with this chapter and California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders.

Exception: Below grade floors, primarily used as parking garage, shall not be required to be served by fire service access elevators.

Agency Response: The SFM agrees with the recommendation and made a code change proposal in the 15-Day rulemaking.

Regarding Item SFM 01/19-15-23, Section 3007.1 of Final Express Terms.

The requirement for Fire Service Access Elevators (FSAE) to serve all floors was in the Code for three code cycles (2010, 2013, 2016 California Building Code) and many existing buildings are already provided with FSAEs serving all floors based on these codes.

Commenter(s): Armin Wolski, Representing Self

Commenter(s) Recommendation: Since below grade parking garage floors typically include other spaces uses such as fire pump room, generator room, parking attendant office, etc. it might be necessary to clarify that these accessory spaces are intended to acceptable as part of the garage exception. I suggest a modification such as:
Exception: Below grade floors containing parking garage and associated areas, mechanical equipment rooms, or building maintenance shops and offices shall not be required to be serve served by fire service access elevators.
This can also be covered in an ISOR, but most of the design community, as well as AHJs, are unfamiliar with where to find the ISORs and what they mean. It'd be best if it were in a document that the design community as a whole has better access to and understanding of. (Btw, the nine-point criteria dropdown menu did not include item 6, so I chose item 7a.)

Agency Response: The SFM agrees with the recommendations. The recommendations were made in the 15-Day public comment period. The proposed changes to Section 3007.1 are based on comments received by Armin Wolski to the State Fire Marshal's office during the first 45-Day public comment period.. In response to the public comment, the SFM modified the exception to Section 3007.1 for below grade parking garages. This proposal allows for the design community to work with firefighting operations.

Regarding Item SFM 01/19-15-1 thru SFM 01-19-15-28, Chapter 30 Sections excluding Sections 3003.1.5, 3003.4 (including subsections) Section 3007.1 and 3008.1 (including subsections), SFM 01/19-17-1 and SFM 01/19-17-3 of Final Express Terms.

Commenter(s): Amy Blankenbiller, National Elevator Industry, Inc. (NEII)

Commenter(s) Recommendation: In general, NEII supports most of the proposals developed by the elevator working group. While some of the proposals deviate from the national model codes, NEII believes they are improvements based on the current California requirements and encourages the state to adopt the proposals for Section 903.3.1.1.1 and Item 15 - Chapter 30 (except as noted herein).
NEII did chose to abstain from the elevator working group votes on some of the proposals because they were deemed to not directly impact the elevator industry. Those items include proposed changes to Sections 3003.1.5, 3003.4 (including subsections), 3007.1 and 3008.1 (including subsections).

NEII also supports the references to ASME AI 7.1/CSA B44 in Item 17 - Chapter 35; however, we strongly encourage the state to consider changing the reference to the latest published edition because it represents the most up to date safety requirements for elevators. NEII is committed to safety and believes that adopting the latest edition of the model safety codes for elevators and escalators (i.e., ASME AI 7.1/CSA B44 & ASME AI 7.7/CSA B44.7) is the best way to ensure the most advanced safety for the riding public and elevator personnel. If the decision is made to approve the proposed language as written instead of changing to the latest published edition, NEII would

recommend the following editorial change for the references to ASME A17.1/CSA B44 under both the ASME and the CSA headings to keep the title with the referenced standard: ASME/A17.1-2016/CSA B44-16 ~~the edition as referenced in:~~ Safety Code for Elevators and Escalators, the edition as referenced in California Code of Regulations, Title 8, Division 1, Chapter 4, Subchapter 6, Elevator Safety Orders.

Agency Response: The SFM has kept the proposed language as was submitted by the 2019 SFM Elevator workgroup. The change proposed is editorial and may be considered for the next triennial rulemaking.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information 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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

The SFM 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 as and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption and amendment of this code.

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

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

n/a