# ADDITIONAL 15-DAY EXPRESS TERMS AND RATIONALEFOR PROPOSED BUILDING STANDARDSOF THE STATE FIRE MARSHALREGARDING THE 2022 CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, FIRE, AND EXISTING BUILDING CODES,CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 9, 10

# (SFM 03-21, 04-21, 05-21, 06-21, 07-21)

No state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to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 or 45 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, double strikeout, italics, and ellipsis. Double underline will be indicated by parenthetical notes within the text. The notes will not be codified or published in the code.

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

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

## LEGEND for EXPRESS TERMS (California only codes - Parts 1, 6, 8, 11, 12)

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

# ADDITIONAL 15-DAY EXPRESS TERMS

# Part 1 Administrative Code

**Rulemaking File #03-21**

## Item 1-9Chapter 3, Administrative Regulations For The Office of the State Fire Marshal, Article 3-2, Specified state-occupied buildings

**SPECIFIED STATE-OCCUPIED BUILDINGS. Any building, structure or area which meets the criteria of any of the following:**

1. A building where the state has contracted into a build-to-suit lease.

2. A courthouse holding facility or trial court with a detention area.

3. A building used by the Department of Corrections and Rehabilitation (begin double underline) (CDCR) (end double underline) as a community correctional reentry center.

4. 100% state occupied.

5. (begin double underline) State occupied areas in a state leased building that is a high-rise and is 75 percent of the net area floor space or more occupied by state entities. (end double underline)
(begin double strikeout) A state leased building that has a total floor area exceeding 55,000 square feet, is greater than 4 stories or 55 feet in height, and has assembly occupancy greater than 5,000 square feet and is 75 percent or more occupied by state entities. (end double strikeout)

6. State occupied areas in a building that contains 5,000 square feet or more space of state leased Group H or Group L occupancy.

7. A state leased building with facilities (begin double underline) with the primary purpose of (end double underline) housing state records (begin double underline) and/ (end double underline) or state artifacts (begin double strikeout), or any combination of both (end double strikeout) of historical significance.

8. Properties leased by California State University (CSU) or University of California (UC).

9. State institutions and their real property.

(begin double underline) 10. CAL FIRE occupied areas in leased buildings.

11. State leased facilities where governing body’s fire protection services rely on an all-volunteer fire department. (end double underline)

(begin double strikeout) Therefore, all leased buildings that do not meet the criteria as listed above, become the responsibility of the local jurisdiction and are subject to local ordinances. (end double strikeout)

(begin double underline) Except as provided in items 1 through 9, buildings shall become the responsibility of the local jurisdiction. (end double underline)

**Authority -** Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.

**Reference -** Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.

**Rationale:** SFM received comments from Jason Kenney with the Department of General Services and Kevin Reinertson representing the California Fire Chief’s Association, Fire Prevention Officers Division.

The fire service requested clarification that the SFM had jurisdiction of the state areas, and that the local jurisdiction maintains authority over the non-state areas.

The SFM added the term “State occupied areas” in item number 5 to provide this clarification.

They also requested a clear line to determine the jurisdiction in item #5 and they found this item had to many variables.

The SFM agreed and modified the threshold to high-rises, which the State Fire Marshal’s authority is clearly defined in Health and Safety Code statute 13211 and regulation. The 75% state occupied was maintained. This is to address a common business practice that the first floor of a high-rise is leased to food retail and mercantile services with business operations occupying the remaining floors.

Another comment was to explain what a “build-to-suit lease” is.

The term is used in the amended Health and Safety Code section 13108 (e) (1) from 2019-2020 Senate Bill 85. Build-to-suit lease describes buildings that are built for a state agency to their design specification, and use. It is a long-term lease, commonly with an option to buy. This is done for fiscal reasons and very similar in use to a state-owned building.

The SFM added Item #9 to maintain continuity of existing functions and to eliminate duplicative workload between the state and the city/county in which leased facilities are obtained through contract.

The SFM added Item #10 for clarification. The areas where there is only an all-volunteer fire department the SFM has historically been the authority having jurisdiction. SB 85 (2019-2020) modified the Health and Safety section 13146.6 statute to address these areas by stating that the governing body can contract to a neighboring jurisdiction or to the SFM for enforcement. SFM added this section to clarify that the SFM will maintain authority for state leased occupancies in areas where there is not a paid full time fire department.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13143, 13143.2, 13143.6, 13145, 13146, 13210, 13211, 16022.5, 17921, 18949.2, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

# Part 2 Building Code

**Rulemaking File #04-21**

## Item 1-4Chapter 1, Scope and Administration, Division I, California Administration, Section 1.11.1 SFM-Office of the State Fire Marshal

[The SFM is proposing to add a definition of Specified State-Occupied.]

***1.11.1 SFM - Office of the State Fire Marshal.*** *Specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

***Application:***

***…***

***Residential facilities and residential facilities for the elderly.***

***Authority cited - Health*** *and Safety Code Section 13133.*

***Reference -*** *Health and Safety Code Section 13143.*

***Any state institution or other state-owned or specified state-occupied building****.*

***Specified state-occupied buildings.*** *Any building, structure or area which meets the criteria of any of the following:*

*1. A building where the state has contracted into a build-to-suit lease.*

*2. A courthouse holding facility or trial court with a detention area.*

*3. A building used by the Department of Corrections and Rehabilitation* (begin double underline)*(CDCR)*(end double underline) *as a community correctional reentry center.*

*4. 100% state occupied.*

*5.* (begin double underline) *State occupied areas in a state leased building that is a high-rise and is 75 percent of the net area floor space or more occupied by state entities.* (end double underline)(begin double strikeout) *A state leased building that has a total floor area exceeding 55,000 square feet, is greater than 4 stories or 55 feet in height, and has assembly occupancy greater than 5,000 square feet and is 75 percent or more occupied by state entities.* (end double strikeout)

*6. State occupied areas in a building that contains 5,000 square feet or more space of state leased Group H or Group L occupancy.*

*7. A state leased building with facilities* (begin double underline) *with the primary purpose of* (end double underline) *housing state records* (begin double underline) *and/* (end double underline) *or state artifacts* (begin double strikeout)*, or any combination of both* (end double strikeout) *of historical significance.*

*8. Properties leased by California State University (CSU) or University of California (UC).*

*9. State institutions and their real property.*

(begin double underline) *10. CAL FIRE occupied areas in leased buildings.*

*11. State leased facilities where governing body’s fire protection services rely on an all-volunteer fire department.*(end double underline)

(begin double strikeout) *Therefore, all leased buildings that do not meet the criteria as listed above, become the responsibility of the local jurisdiction and are subject to local ordinances* (end double strikeout)

(begin double underline) *Except as provided in items 1 through 9, buildings shall become the responsibility of the local jurisdiction.* (end double underline)

***Authority -*** *Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.*

***Reference -*** *Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.*

**…**

**Rationale:** SFM received comments from Jason Kenney with the Department of General Services and Kevin Reinertson representing the California Fire Chief’s Association, Fire Prevention Officers Division.

The fire service requested clarification that the SFM had jurisdiction of the state areas, and that the local jurisdiction maintains authority over the non-state areas.

The SFM added the term “State occupied areas” in item number 5 to provide this clarification.

They also requested a clear line to determine the jurisdiction in item #5 and they found this item had to many variables.

The SFM agreed and modified the threshold to high-rises, which the State Fire Marshal’s authority is clearly defined in Health and Safety Code statute 13211 and regulation. The 75% state occupied was maintained. This is to address a common business practice that the first floor of a high-rise is leased to food retail and mercantile services with business operations occupying the remaining floors.

Another comment was to explain what a “build-to-suit lease” is.

The term is used in the amended Health and Safety Code section 13108 (e) (1) from 2019-2020 Senate Bill 85. Build-to-suit lease describes buildings that are built for a state agency to their design specification, and use. It is a long-term lease, commonly with an option to buy. This is done for fiscal reasons and very similar in use to a state-owned building.

The SFM added Item #9 to maintain continuity of existing functions and to eliminate duplicative workload between the state and the city/county in which leased facilities are obtained through contract.

The SFM added Item #10 for clarification. The areas where there is only an all-volunteer fire department the SFM has historically been the authority having jurisdiction. SB 85 (2019-2020) modified the Health and Safety section 13146.6 statute to address these areas by stating that the governing body can contract to a neighboring jurisdiction or to the SFM for enforcement. SFM added this section to clarify that the SFM will maintain authority for state leased occupancies in areas where there is not a paid full time fire department.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

## Item 7A-10Chapter 7A, *Materials And Construction Methods For Exterior Wildfire Exposure, Section 702A Definitions*

[The SFM proposes to make an editorial correction.]

***FIRE HAZARD SEVERITY ZONES.*** *~~are~~ ~~g~~Geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local* (begin double strikeout) *Agency* (end double strikeout) (begin double underline) *Responsibility Areas Moderate, High and* (end double underline) *Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Chapter 49.*

*The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”*

**Rationale:** The SFM received a comment from Ventura County Fire Protection during the 45-day public comment period.

Senate Bill 63 (2021-2022) requires the mapping of moderate and high fire hazard severity zones in the local responsibility areas. The added language reflects the changes in Government Code section 51178 statute.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

# Part 2.5 Residential Building Code

**Rulemaking File #05-21**

## Item 1-4Chapter 1, Administration, Division I, California Administration, Section 1.11.1 SFM-Office of the State Fire Marshal

[The SFM is proposing to add a definition of Specified State-Occupied.]

***1.11.1 SFM—Office of the State Fire Marshal.*** *Specific scope of application of the agency responsible for enforcement, the enforcement agency and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

***Application.*** *Institutional, educational or any similar occupancy****.*** *Any building or structure used or intended for use as an asylum, jail, prison, mental hospital, hospital, sanitarium, home for the ~~aged~~ elderly, children’s nursery, children’s home or institution, school or any similar occupancy of any capacity.*

***…***

***Any state institution or other state-owned or specified state-occupied building****.*

***Specified state-occupied buildings.*** *Any building, structure or area which meets the criteria of any of the following:*

*1. A building where the state has contracted into a build-to-suit lease.*

*2. A courthouse holding facility or trial court with a detention area.*

*3. A building used by the Department of Corrections and Rehabilitation* (begin double underline) *(CDCR)* (end double underline) *as a community correctional reentry center.*

*4. 100% state occupied.*

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*6. State occupied areas in a building that contains 5,000 square feet or more space of state leased Group H or Group L occupancy.*

*7. A state leased building with facilities* (begin double underline) *with the primary purpose of* (end double underline) *housing state records* (begin double underline) *and/* (end double underline) *or state artifacts* (begin double strikeout)*, or any combination of both* (end double strikeout) *of historical significance.*

*8. Properties leased by California State University (CSU) or University of California (UC).*

*9. State institutions and their real property.*

(begin double underline)*10. CAL FIRE occupied areas in leased buildings.*

*11. State leased facilities where governing body’s fire protection services rely on an all-volunteer fire department.*(end double underline)

(begin double strikeout) *Therefore, all leased buildings that do not meet the criteria as listed above, become the responsibility of the local jurisdiction and are subject to local ordinances* (end double strikeout)

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***Authority -*** *Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.*

***Reference -*** *Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.*

**…**

**Rationale:** SFM received comments from Jason Kenney with the Department of General Services and Kevin Reinertson representing the California Fire Chief’s Association, Fire Prevention Officers Division.

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The SFM agreed and modified the threshold to high-rises, which the State Fire Marshal’s authority is clearly defined in Health and Safety Code statute 13211 and regulation. The 75% state occupied was maintained. This is to address a common business practice that the first floor of a high-rise is leased to food retail and mercantile services with business operations occupying the remaining floors.

Another comment was to explain what a “build-to-suit lease” is.

The term is used in the amended Health and Safety Code section 13108 (e) (1) from 2019-2020 Senate Bill 85. Build-to-suit lease describes buildings that are built for a state agency to their design specification, and use. It is a long-term lease, commonly with an option to buy. This is done for fiscal reasons and very similar in use to a state-owned building.

The SFM added Item #9 to maintain continuity of existing functions and to eliminate duplicative workload between the state and the city/county in which leased facilities are obtained through contract.

The SFM added Item #10 for clarification. The areas where there is only an all-volunteer fire department the SFM has historically been the authority having jurisdiction. SB 85 (2019-2020) modified the Health and Safety section 13146.6 statute to address these areas by stating that the governing body can contract to a neighboring jurisdiction or to the SFM for enforcement. SFM added this section to clarify that the SFM will maintain authority for state leased occupancies in areas where there is not a paid full time fire department.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

## Item 3-8Chapter 3, Building Planning, Section R328 Energy Storage Systems (ESS), Section R328.8 through R328.8.3

**R328.8 Protection from impact.** *~~ESS~~* ESS installed in a location subject to vehicle damage ~~shall be protected by approved barriers.~~ *~~Appliances in garages shall also be installed in accordance with Section 304.3 of the California Mechanical Code~~ in accordance with Section R328.8.1 or R328.8.2 shall be provided with impact protection in accordance with Section R328.8.3.*

***R328.8.1 Garages.*** *Where an ESS is installed in the normal driving path of vehicle travel within a garage, impact protection complying with Section 1207.11.7.3 shall be* (begin double strikeout) *installed* (end double strikeout) (begin double underline) *provided.* (end double underline) *The normal driving path is a* (begin double strikeout) *line perpendicular to* (end double strikeout) (begin double underline) *space between* (end double underline) *the garage vehicle opening* (begin double strikeout) *to* (end double strikeout) (begin double underline) *and the interior face of* (end double underline) *the back wall* (begin double strikeout)*, extending 3 ft. (914 mm) to either side along the back wall and* (end double strikeout) *to a height of 48 in. (1219 mm)* (begin double underline) *above the finished floor. The width of the normal driving path shall be equal to the width of the garage door opening. Impact protection shall also be provided for ESS installed at either of the following locations* (end double underline) *(See Figure R328.8.1)*

(begin double underline) *1. On the interior face of the back wall and located within 36 in. to the left or to the right of the normal driving path.*

*2. On the interior face of a side wall and located within 24 in from the back wall and 36 in of the normal driving path.* (end double underline)

***Exception:*** *Where the clear height of the vehicle garage opening is 7 ft. 6 in (2286 mm) or less, ESS installed not less than 36 inches (914 mm) above finished floor are not subject to vehicle impact protection requirements.*

***R328.8.2 Other locations subject to vehicle impact.*** *Where an ESS is installed in a location other than as defined in Section R328.8.1, and is subject to vehicle damage, impact protection shall be provided in accordance with Section R328.8.3.*

***R328.8.3 Impact Protection Options.*** *Where ESS is required to be protected from impact in accordance with Section R328.8.1 or R328.8.2 such protection shall comply with one of the following:* (begin double strikeout) *(see Figure R328.8.3):* (end double strikeout)

*1. Bollards constructed in accordance with one of the following:*

*1.1* (begin double underline) *Minimum* (end double underline) *48 inches (1219 mm) in length by 3 inches (76mm) in diameter schedule 80 steel pipe embedded in a concrete pier* (begin double underline) *not less than* (end double underline) *12 inches (304 mm) deep and 6 inches (152 mm) in diameter, with* (begin double underline) *at least* (end double underline) *36 inches (914 mm) of pipe exposed, filled with concrete, and spaced at a maximum interval of 5 feet (1524 mm). Each bollard shall be located not less than 6 inches (152 mm) from an ESS.*

*1.2* (begin double underline) *Minimum* (end double underline) *36 inches (914 mm) in height by 3 inches (76 mm) in diameter schedule 80 steel pipe fully welded to* (begin double strikeout) *an* (end double strikeout)(begin double underline) *a minimum* (end double underline) *8 inch (203 mm)* (begin double strikeout) *by 8 inch (203 mm)* (end double strikeout) *by ¼ inch (6.4 mm) thick steel plate and bolted to a concrete floor by means of 4 - ½ inch (13 mm) concrete anchors with 3 inch (76 mm) minimum embedment. Spacing shall be not greater than 60 inches. (1524 mm), and each bollard shall be located not less than 6 inches (152 mm) from the ESS.*

*1.3 Pre-manufactured steel pipe bollards shall be filled with concrete and anchored in accordance with the manufacturer's installation instructions, with spacing not greater than* (begin double strikeout) *a* (end double strikeout) *60 inches (1524 mm)* (begin double underline)*, and each bollard shall be* (end double underline) (begin double strikeout) *Located* (end double strikeout) (begin double underline) *located* (end double underline) *not less than 6 inches (152 mm) from the ESS.*

*2. Wheel barriers constructed in accordance with one of the following:*

*2.1* (begin double strikeout) *6 inches (152 mm) in height by 6 inches (152 mm) in width* (end double strikeout) (begin double underline) *4 inches (102 mm) in height by 5 inches (127 mm) in width by 70 inches (1778 mm) in length* (end double underline) *wheel barrier made of concrete or polymer, anchored to the concrete floor not less than every 36 inches (914 mm) and located not less than 54 inches (1372 mm) from the ESS. Minimum* (begin double strikeout) *2* (end double strikeout) (begin double underline) *3* (end double underline) *- ½ inch (*(begin double strikeout) *13* (end double strikeout) (begin double underline) *89* (end double underline) *mm) diameter concrete anchors with a 3-inch (76 mm) embedment per barrier shall be used. Spacing between barriers shall be no greater than 36 inches (914 mm).*

*2.2 Pre-manufactured wheel barriers shall be anchored in accordance with the manufacturer’s installation instructions.*

*3. Approved method designed to resist a 2000 lb. (8899 Newtons) impact in the direction of travel at 24 inches (608 mm) above grade.*

***Figure R328.8.1***

***ESS Vehicle Impact Protection***

****

****

(begin double strikeout) ***Figure R328.8.3***

***ESS Vehicle Impact Protection Options*** (end double strikeout)

****

**Rationale:** This public comment was heard and approved during the 2021 ICC Group A public comment hearings in Pittsburg, PA; it is intended to address the following improvements, developed in collaboration between a SEAC working group and NAHB:

1. Improve language in R328.8.1 to make it more accurately align with the associated Figure. The intent was to describe an area or space, not simply a “line”.

2. Incorporate a suggestion to reduce the “corner” area condition to 36” x 24” based on the geometry of a vehicle approaching at an angle. Important to note that an ESS that is wider than 24” inches when considering any required clearances would trigger the need for a barrier.

3. Clarify which dimensions are minimums and which are maximums; the language as previously approved may be confusing.

4. Further refine the guidance on wheel barriers:

4-1. Add a length measurement - this was omitted in error. 70” was determined to be commonly available and wide enough to protect against the wheel track of an average passenger vehicle.

4-2. This 70” length necessitated an additional fastener so the minimum of (2) was increased to (3).

4-3. Reduce the minimum size based on commonly available pre-made wheel barriers

5. Further refine Figure R328.8.1:

5-1. Add an ESS on an exterior wall not subject to damage as an example

5-2. Align terminology - replace “curb stop” with “wheel barrier”

5-3. Edit corner area dimensions

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

## Item 3-10Chapter 3, Building Planning, Section R337 Materials and Construction methods for Exterior Wildfire Exposure

***FIRE PROTECTION PLAN.*** *~~is a~~ A document prepared for a specific project or development proposed for a Wildland-Urban Interface* (begin double underline) *(WUI)* (end double underline) *Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.* (begin double underline) *See the California Fire Code, Chapter 49, for required elements of a Fire Protection Plan.* (end double underline) *~~The Fire Protection Plan shall be in accordance with this Article. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted. Only locally adopted ordinances that have been filed with the California Building Standards Commission in accordance with Section 101.14 or the Department of Housing and Community Development in accordance with Section 101.15 shall apply.~~*

**Rationale:** There are no other sections within Section R337 that specify actual elements for a Fire Protection Plan. The only requirement under Section R337.6 is that a Fire Protection Plan be submitted in accordance with CFC Chapter 49. A separate proposed change to CFC Section 4903.2 referencing CRC Section R337.6 is being submitted under a separate letter regarding CFC Chapter 49.

***FIRE HAZARD SEVERITY ZONES.*** *~~are~~ ~~g~~Geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local* (begin double strikeout) *Agency* (end double strikeout) (begin double underline) *Responsibility Areas in Moderate, High and* (end double underline) *Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Chapter 49.*

*The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”*

**Rationale:** The SFM received a comment from Ventura County Fire Protection during the 45-day public comment period.

Senate Bill 63 (2021-2022) requires the mapping of moderate and high fire hazard severity zones in the local responsibility areas. The added language reflects the changes in Government Code section 51178 statute.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

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# Part 9 Fire Code

**Rulemaking File #06-21**

## Item 1-4Chapter 1, Scope and Administration, Division I, California Administration, Section 1.11.1 SFM-Office of the State Fire Marshal

[The SFM is proposing to add a definition of Specified State-Occupied.]

***1.11.1 SFM - Office of the State Fire Marshal.*** *Specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

***Application:***

***…***

***Residential facilities and residential facilities for the elderly.***

***Authority cited - Health*** *and Safety Code Section 13133.*

***Reference -*** *Health and Safety Code Section 13143.*

***Any state institution or other state-owned or specified state-occupied building****.*

***Specified state-occupied buildings.*** *Any building, structure or area which meets the criteria of any of the following:*

*1. A building where the state has contracted into a build-to-suit lease.*

*2. A courthouse holding facility or trial court with a detention area.*

*3. A building used by the Department of Corrections and Rehabilitation* (begin double underline) *(CDCR)* (end double underline) *as a community correctional reentry center.*

*4. 100% state occupied.*

*5.* (begin double underline) *State occupied areas in a state leased building that is a high-rise and is 75 percent of the net area floor space or more occupied by state entities.* (end double underline)(begin double strikeout) *A state leased building that has a total floor area exceeding 55,000 square feet, is greater than 4 stories or 55 feet in height, and has assembly occupancy greater than 5,000 square feet and is 75 percent or more occupied by state entities.* (end double strikeout)

*6. State occupied areas in a building that contains 5,000 square feet or more space of state leased Group H or Group L occupancy.*

*7. A state leased building with facilities* (begin double underline) *with the primary purpose of* (end double underline) *housing state records* (begin double underline) *and/* (end double underline) *or state artifacts* (begin double strikeout)*, or any combination of both* (end double strikeout) *of historical significance.*

*8. Properties leased by California State University (CSU) or University of California (UC).*

*9. State institutions and their real property.*

(begin double underline)*10. CAL FIRE occupied areas in leased buildings.*

*11. State leased facilities where governing body’s fire protection services rely on an all-volunteer fire department.* (end double underline)

(begin double strikeout) *Therefore, all leased buildings that do not meet the criteria as listed above, become the responsibility of the local jurisdiction and are subject to local ordinances* (end double strikeout)

(begin double underline) *Except as provided in items 1 through 9, buildings shall become the responsibility of the local jurisdiction.* (end double underline)

***Authority -*** *Health and Safety Code Sections 13108, 13145, 13146, 16022.5 and 17921.*

***Reference -*** *Health and Safety Code Sections 13108, 13143, 13145, 13146, 16022.5 and 17921.*

**…**

**Rationale:** SFM received comments from Jason Kenney with the Department of General Services and Kevin Reinertson representing the California Fire Chief’s Association, Fire Prevention Officers Division.

The fire service requested clarification that the SFM had jurisdiction of the state areas, and that the local jurisdiction maintains authority over the non-state areas.

The SFM added the term “State occupied areas” in item number 5 to provide this clarification.

They also requested a clear line to determine the jurisdiction in item #5 and they found this item had to many variables.

The SFM agreed and modified the threshold to high-rises, which the State Fire Marshal’s authority is clearly defined in Health and Safety Code statute 13211 and regulation. The 75% state occupied was maintained. This is to address a common business practice that the first floor of a high-rise is leased to food retail and mercantile services with business operations occupying the remaining floors.

Another comment was to explain what a “build-to-suit lease” is.

The term is used in the amended Health and Safety Code section 13108 (e) (1) from 2019-2020 Senate Bill 85. Build-to-suit lease describes buildings that are built for a state agency to their design specification, and use. It is a long-term lease, commonly with an option to buy. This is done for fiscal reasons and very similar in use to a state-owned building.

The SFM added Item #9 to maintain continuity of existing functions and to eliminate duplicative workload between the state and the city/county in which leased facilities are obtained through contract.

The SFM added Item #10 for clarification. The areas where there is only an all-volunteer fire department the SFM has historically been the authority having jurisdiction. SB 85 (2019-2020) modified the Health and Safety section 13146.6 statute to address these areas by stating that the governing body can contract to a neighboring jurisdiction or to the SFM for enforcement. SFM added this section to clarify that the SFM will maintain authority for state leased occupancies in areas where there is not a paid full time fire department.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

## Item 3-7Chapter 3, General Requirements, Section 322 Storage of Lithium-Ion and Lithium Metal Batteries

***SECTION 322***

***Storage of Lithium-ion and Lithium Metal Batteries***

***322.1 General.*** *The storage of lithium-ion and lithium metal batteries shall comply with Section 322.*

***Exceptions:***

*1.* (begin double strikeout) *Batteries* (end double strikeout) (begin double underline) *New or refurbished batteries* (end double underline) *installed in the equipment, devices, or vehicles they are designed to power.*

*2.* (begin double strikeout) *Batteries* (end double strikeout) (begin double underline) *New or refurbished batteries* (end double underline) *packed for use with the equipment, devices, or vehicles they are designed to power.*

*3. Batteries in original retail packaging that are rated at 300 watt-hours or less for lithium-ion batteries or contain 25 grams or less of lithium metal for lithium metal batteries.*

*4. Temporary storage of batteries or battery components during the battery manufacturing process prior to completion of final quality control checks.*

(begin double underline) *5. Temporary storage of batteries during the vehicle manufacturing or repair process.* (end double underline)

**Rationale:** The words “new or refurbished” were added to exceptions 1 and 2 to make the distinction that the batteries identified as new or refurnished are not the recycled, used, or damaged batteries where the hazards exist.The added exception 5 is to give relief to the instances where batteries are being removed and staged during the repair of vehicles.

***322.4.2.3 Fire protection systems.*** *Indoor storage areas for lithium-ion and lithium metal batteries shall be protected by an automatic sprinkler system complying with Section 903.3.1.1 or an approved alternative fire suppression system. The system design shall be based on recommendations in the approved technical opinion and report required by Section 322.4.2.1* (begin double underline) *except for storage areas meeting the requirements of Section 322.4.2.6.* (end double underline)

**Rationale:** SFM received a public comment from Christina F. Francis, representing Tesla, Inc.

SFM agrees with the comment and has incorporated the exception in the proposed modified language. Section 322.4.2.6 exempts Sections 322.4.2.1 (technical opinion and report), however, as written Section 322.4.2.1 requires a technical opinion and report without exception. The amended language will allow for the exemption for storage not exceeding 30% meeting 322.4.2.6. The intended design will be aligned with Chapter 32 of the California Fire Code.

## Item 12-13Chapter 12, Energy Systems, Section 1207 Electrical Energy Storage Systems (ESS), Section 1207.11.7 through 1207.11.7.3 Protection from Impact

[The SFM proposes to adopt amend Section 1207.11.7 through 1207.7.3 based on further study of ESS systems with the collaboration with Sustainable Energy Action Committee (SEAC), ESS subgroup.]

**1207.11.7 Protection from impact.** ~~Stationary storage battery systems~~ *ESS* installed in a location subject to vehicle damage ~~shall~~ *in accordance with Section 1207.11.7.1 or 1207.11.7.2 shall be provided with impact protection in accordance with Section 1207.11.7.3.* ~~be protected by approved barriers. Appliances in garages shall also be installed in accordance with Section 304.3 of the International Mechanical Code.~~

***1207.11.7.1 Garages.*** *Where an ESS is installed in the normal driving path of vehicle travel within a garage, impact protection complying with Section 1207.11.7.3 shall be* (begin double strikeout) *installed* (end double strikeout) (begin double underline) *provided* (end double underline)*. The normal driving path is a* (begin double strikeout) *line perpendicular to* (end double strikeout) (begin double underline) *space between* (end double underline) *the garage vehicle opening* (begin double strikeout) *to* (end double strikeout) (begin double underline) *and the interior face of* (end double underline) *the back wall* (begin double strikeout)*, extending 3 ft. (914 mm) to either side along the back wall and* (end double strikeout)  *to a height of 48 in. (1219 mm)* (begin double underline) *above the finished floor. The width of the normal driving path shall be equal to the width of the garage door opening. Impact protection shall also be provided for ESS installed at either of the following locations* (end double underline) *(See Figure 1207.11.7.1):*

(begin double underline) *1. On the interior face of the back wall and located within 36 in. to the left or to the right of the normal driving path.*

*2. On the interior face of a side wall and located within 24 in from the back wall and 36 in of the normal driving path.* (end double underline)

***Exception:*** *Where the clear height of the vehicle garage opening is 7 ft. 6 in, (2286 mm) or less, ESS installed not less than 36 inches (914 mm) above finished floor are not subject to vehicle impact protection requirements.*

***1207.11.7.2 Other locations subject to vehicle impact.*** *Where an ESS is installed in a location other than as defined in Section 1207.11.7.1, and is subject to vehicle damage, impact protection shall be provided in accordance with Section 1207.11.7.3.*

***1207.11.7.3 Impact Protection Options.*** *Where ESS is required to be protected from impact in accordance with Section 1207.11.7.1 or 1207.11.7.2 such protection shall comply with one of the following:*

*1. Bollards constructed in accordance with one of the following:*

*1.1* (begin double underline) *Minimum* (end double underline) *48 inches (1219 mm) in length by 3 inches (76mm) in diameter schedule 80 steel pipe embedded in a concrete pier* (begin double underline) *not less than* (end double underline) *12 inches (304 mm) deep and 6 inches (152 mm) in diameter, with* (begin double underline) *at least* (end double underline) *36 inches (914 mm) of pipe exposed, filled with concrete, and spaced at a maximum interval of 5 feet (1524 mm). Each bollard shall be located not less than 6 inches (152 mm) from an ESS.*

*1.2* (begin double underline) *Minimum* (end double underline) *36 inches (914 mm) in height by 3 inches (76 mm) in diameter schedule 80 steel pipe fully welded to* (begin double strikeout) *an* (end double strikeout) (begin double underline) *a minimum* (end double underline) *8 inch (203 mm)* (begin double strikeout) *by 8 inch (203 mm)* (end double strikeout)  *by ¼ inch (6.4 mm) thick steel plate and bolted to a concrete floor by means of 4 - ½ inch (13 mm) concrete anchors with 3 inch (76 mm) minimum embedment. Spacing shall be not greater than 60 inches. (1524 mm), and each bollard shall be located not less than 6 inches (152 mm) from the ESS.*

*1.3 Pre-manufactured steel pipe bollards shall be filled with concrete and anchored in accordance with the manufacturer's installation instructions, with spacing not greater than* (begin double strikeout) *a* (begin double strikeout) *60 inches (1524 mm)* (begin double underline)*, and each bollard shall be* (end double underline)(begin double strikeout) *Located* (end double strikeout) (begin double underline) *located* (end double underline) *not less than 6 inches (152 mm) from the ESS.*

*2. Wheel barriers constructed in accordance with one of the following:*

*2.1* (begin double strikeout) *6 inches (152 mm) in height by 6 inches (152 mm) in width* (end double strikeout) (begin double underline) *4 inches (102 mm) in height by 5 inches (127 mm) in width by 70 inches (1778 mm) in length* (end double underline) *wheel barrier made of concrete or polymer, anchored to the concrete floor not less than every 36 inches (914 mm) and located not less than 54 inches (1372 mm) from the ESS. Minimum* (begin double strikeout) *2* (end double strikeout)(begin double underline) *3* (end double underline)*- ½ inch (*(begin double strikeout) *13* (end double strikeout) (begin double underline) *89* (end double underline) *mm) diameter concrete anchors with a 3-inch (76 mm) embedment per barrier shall be used. Spacing between barriers shall be no greater than 36 inches (914 mm).*

*2.2 Pre-manufactured wheel barriers shall be anchored in accordance with the manufacturer’s installation instructions.*

*3. Approved method designed to resist a 2000 lb. (8899 Newtons) impact in the direction of travel at 24 inches (608 mm) above grade.*

***Figure 1207.11.7.1***

***ESS Vehicle Impact Protection***

****

****

(begin double strikeout) ***Figure 1207.11.7.3***

***ESS Vehicle Impact Protection Options*** (end double strikeout)

****

**Rationale:** This public comment was heard and approved during the 2021 ICC Group A public comment hearings in Pittsburg, PA; it is intended to address the following improvements, developed in collaboration between a SEAC working group and NAHB:

1. Improve language in 1207.11.7 to make it more accurately align with the associated Figure. The intent was to describe an area or space, not simply a “line”.

2. Incorporate a suggestion to reduce the “corner” area condition to 36” x 24” based on the geometry of a vehicle approaching at an angle. Important to note that an ESS that is wider than 24” inches when considering any required clearances would trigger the need for a barrier.

3. Clarify which dimensions are minimums and which are maximums; the language as previously approved may be confusing.

4. Further refine the guidance on wheel barriers:

4-1. Add a length measurement - this was omitted in error. 70” was determined to be commonly available and wide enough to protect against the wheel track of an average passenger vehicle.

4-2. This 70” length necessitated an additional fastener so the minimum of (2) was increased to (3).

4-3. Reduce the minimum size based on commonly available pre-made wheel barriers

5. Further refine Figure 1207.11.7.1:

5-1. Add an ESS on an exterior wall not subject to damage as an example

5-2. Align terminology - replace “curb stop” with “wheel barrier”

5-3. Edit corner area dimensions

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

Reference(s): Health and Safety Code Sections 13108, 13143, 13145, 13146, 13211, 16022.5, 17921, 18949.2, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204.

## Item 49-1Chapter 49, *Requirements For Wildland-Urban Interface Fire Areas*

[The SFM proposes to adopt Chapter 49 with amendments.]

***User note:***

*About this chapter:* (begin double strikeout) *This chapter regulates development and construction in areas designated by the Director of the Department of Forestry and Fire Protection as Very High Fire Hazard Severity Zones in any Local Responsibility Area (LRA), and areas designated by the Board of Forestry and Fire Protection as a State Responsibility Area (SRA).* (end double strikeout)

*In addition to the building construction requirements in the California Building Code and California Residential Code this chapter contains requirements for development and construction in* (begin double strikeout) *the LRA* (end double strikeout) (begin double underline) *Local Responsibility Areas (LRA)* (end double underline) *designated as* (begin double underline) *High and* (end double underline) *Very High Fire Hazard Severity Zones and areas designated* (begin double underline) *by the Board of Forestry and Fire Protection as a State Responsibility Area (SRA).* (end double underline) *While many of these provisions are found in Title 14* (begin double underline) *and Title 19* (end double underline) *of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance.*

*The requirements in this chapter* (begin double strikeout) *address the* (end double strikeout) (begin double underline) *reference the process for* (end double underline) *adoption of* (begin double underline) *Moderate, High, and* (end double underline) *Very High Fire Hazard Severity Zones in the LRA; criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.*

*The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:*

* 1. *Development of fire protection plans.*
	2. *Development of landscape plans and long-term vegetation management.*
	3. *Creation and maintenance of defensible space to protect structures and subdivisions.*

**Rationale:** The SFM received a comment from Ventura County Fire Protection during the 45-day public comment period.

SFM has agreed with some of the comments received as they relate to the passing of Senate Bill 63, AB 9, and AB 642 (2021-2022) which were chaptered in September 2021 and will be effective January 1, 2022. Some of the recommendations were discussed in the pre-rulemaking working group and did not have consensus to move forward at this time. The SFM WUI chapter 49 working group will continue to meet and discuss further changes in the next intervening code cycle.

The user note of the chapter gives a brief background and intent. The SFM agrees with the comment that the first and second paragraphs tend to duplicate the same language. The paragraphs have been combined.

## Item 49-3Chapter 49, *Requirements For Wildland-Urban Interface Fire Areas, Section 4901.2 Purpose*

***4901.2 Purpose.*** *The purpose of this ~~code~~ chapter is to provide minimum standards to ~~increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements~~ reduce the likelihood of life and property loss due to the wildfire through the use of performance and prescriptive requirements for construction and development in State Responsibility Area (SRA) and Local Responsibility Area (LRA) designated as a* (begin double underline) *Moderate, High or* (end double underline) *Very High Fire Hazard Severity Zone.*

**Rationale:** The SFM received a comment from Ventura County Fire Protection during the 45-day public comment period.

Senate Bill 63 (2021-2022) requires the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

## Item 49-22Chapter 49, *Requirements For Wildland-Urban Interface Fire Areas, Section 4905 Wildfire Protection Building Construction, Section 4905.2 and 4905.3*

***4905.1 General.*** *(text remains unchanged)*

***4905.2 Construction methods and requirements within established limits.*** *Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:*

* 1. *California Building Code, Chapter 7A,*
	2. *California Residential Code, Section R3~~2~~37,*
	3. *California Referenced Standards Code, Chapter 12-7A.*

***4905.3 Establishment of limits.*** *The establishment of limits for the Wildland-Urban Interface Fire Area’s required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility ~~a~~Areas* (begin double strikeout)*,* (end double strikeout)(begin double underline) *and California Government Code for Local Responsibility Areas (LRA) in Moderate, High and* (end double underline) *Very High Severity Zones in* (begin double strikeout) *Local Responsibility Areas* (end double strikeout) *or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area.*

**Rationale:** The SFM received a comment from Ventura County Fire Protection during the 45-day public comment period.

Senate Bill 63 (2021-2022) changed Government Code section 13109.5(b)(2) to expand the areas to include Moderate and High Fire Hazard Severity Zones in the LRA.

**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

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# Part 10 Existing Building Code

**Rulemaking File #07-21**

## Item 1-5Chapter 1, Scope and Administration, Division I, California Administration, Section 1.11.1 SFM-Office of the State Fire Marshal

[The SFM is proposing to add a definition of Specified State-Occupied.]

***1.11.1 SFM - Office of the State Fire Marshal.*** *Specific scope of application of the agency responsible for enforcement, the enforcement agency, and the specific authority to adopt and enforce such provisions of this code, unless otherwise stated.*

***Application:***

***…***

***Residential facilities and residential facilities for the elderly.***

***Authority cited - Health*** *and Safety Code Section 13133.*

***Reference -*** *Health and Safety Code Section 13143.*

***Any state institution or other state-owned or specified state-occupied building****.*

***Specified state-occupied buildings.*** *Any building, structure or area which meets the criteria of any of the following:*

*1. A building where the state has contracted into a build-to-suit lease.*

*2. A courthouse holding facility or trial court with a detention area.*

*3. A building used by the Department of Corrections and Rehabilitation as a community correctional reentry center.*

*4. 100% state occupied.*

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*7. A state leased building with facilities* (begin double underline) *with the primary purpose of* (end double underline) *housing state records* (begin double underline) *and/* (end double underline) *or state artifacts* (begin double strikeout)*, or any combination of both* (end double strikeout) *of historical significance.*

*8. Properties leased by California State University (CSU) or University of California (UC).*

*9. State institutions and their real property.*

(begin double underline) *10. CAL FIRE occupied areas in leased building.*

*11. State leased facilities where governing body’s fire protection services relies on an all-volunteer fire department.* (end double underline)

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**Notation:**

Authority: Health and Safety Code Sections 13108, 13108.5, 13113, 13113.5, 13114, 13132, 13132.7, 13133, 13135, 13143, 13143.1, 13143.2, 13143.6, 13143.9, 13145, 13146, 13210, 13211, 16022.5, 17921, 18897.3, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50.

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