

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Re: Concerns with Proposed Reclassification of a Child Care Center from Group E to Group I-4

To the California Building Standards Commission:

I want to thank you for the opportunity to submit public comments regarding the proposed changes to the Intervening Supplement to the 2025 California Building Standards Code (Title 24). I work for Educational Enrichment Systems, Inc. (EES), a non-profit Title 5 early education agency that contracts with CDE and CDSS to operate 20 subsidized child care centers in San Diego County. While I wholeheartedly support the general intent of the Commission to ensure program safety, I have significant concerns regarding the proposed reclassification of a child care center from Group E (Educational) to Group I-4 (Institutional) when serving more than six children under 36 months of age.

1. Impact on Child Care Capacity and Access

The financial burden of Group I-4 building standards will prevent child care centers like ours from using our full licensed capacity to serve infants. Strict I-4 requirements are cost prohibitive for child care programs and will exacerbate the shortage of infant care slots. Throughout California there is already a huge gap between the number of children who meet eligibility criteria for publicly funded child care programs and those currently served. Per the most 2025-2026 San Diego County Zip Code Priority Report (published by the San Diego County Child Care and Development Planning Council) approximately 82% of eligible infants and toddlers are **not** receiving publicly funded care because of the exorbitant cost to child care providers to serve this population. The increased cost of I-4 building standards will only exacerbate the infant care access crisis.

2. Prohibitive Costs of "Change of Occupancy" Requirements

Current code interpretations often require a "change of occupancy" designation to move from Group E to Group I-4. This new designation has several high-cost requirements, including the installation of smoke barriers and one-hour fire-resistive wall ratings. Also, under Title 24, Part 9, local fire officials may require full automatic fire sprinkler systems for any occupancy change deemed "more hazardous." Child care programs like EES already operate on very slim margins. I am very concerned that the cost to retrofit facilities per Group I-4 requirements will result in mass facilities closures further limiting working family access to infant and toddler care.

3. Recommendation for Workable Solutions

I urge the Commission to consider more flexible amendments that maintain high safety standards without the prohibitive costs of full institutional reclassification. The Commission should create a child care carve out for child care centers that meet specific enhanced E-occupancy safety measures. Moreover, the Commission should align the building code age definitions with licensing definitions to avoid confusion and ensure cohesive interpretation and implementation of safety standards across the state. The Commission has the opportunity to support both child safety and the expansion of much-needed infant and toddler care slots.

Thank you for your time and for your consideration of these comments.

Sincerely,

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