

**INITIAL STATEMENT OF REASONS  
FOR PROPOSED BUILDING STANDARDS  
OF THE STATE FIRE MARSHAL  
REGARDING THE 2022 CALIFORNIA EXISTING BUILDING CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 10  
(SFM 08/22)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS**

Government Code Section 11346.2(b)(1) requires a statement of specific purpose of each adoption, amendment, or repeal and the problem the agency intends to address and the rationale for the determination by the agency that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed. The statement shall enumerate the benefits anticipated from the regulatory action, including the benefits or goals provided in the authorizing statute.

**General Statement of Purpose, Problem, Rationale and Benefits**

The purpose of these proposed regulatory actions is to adopt by reference additional chapters of the 2021 edition of the IEBC, with California Amendments, into the 2022 California Existing Building Code (CEBC), California Code of Regulations (CCR), Title 24, Part 10. The proposed code changes will provide additional compliance methodology to California design professionals in working on alterations, change of occupancy, and additions to existing buildings in California.

The International Existing Building Code (IEBC) provides three options for a design professional in dealing with alterations of existing buildings. Option 1 of the IEBC provides for work for alterations, change of occupancy or additions to existing buildings to conform to The Prescriptive Compliance Method given in Chapter 5. No changes are proposed for the Prescriptive Compliance Method as adopted in the California Existing Building Code 2022 Edition by this set of regulatory actions.

Option 2 of the IEBC is to use Chapters 6, 7, 8, 9, 10, 11, and 12 of the International Existing Building Code that together comprise the Work Area Compliance Method. This proposed regulatory action is to adopt Chapters 6, 7, 8, 9, 10 and 11, with new California amendments, into the 2022 California Existing Building Code (CEBC), California Code of Regulations (CCR), Title 24, Part 10. For the Work Area Method to be functional as intended in the model code requires inclusion of Chapters 6, 7, 8, 9, 10 and 11 as they work together as a system. The Work Area Method would not be functional if one or more of these chapters was not adopted. Chapter 12 of the IEBC titled Historic Buildings is not proposed for adoption, as it is inconsistent with existing California regulation as contained in the 2022 California Historical Building Code (CHBC), California Code of Regulations (CCR), Title 24, Part 8.

Option 3 of the IEBC is to use Chapter 13 of the IEBC for the Performance Compliance Method. This methodology was provided in the former Chapter 34 of the International Building Code (2012 and earlier editions), and it was published in the CBC but not adopted by any of the California agencies. This regulatory action proposes to continue to not adopt

Chapter 13 but print it in the 2022 CEBC. This will restore this information as it was in the 2010 and earlier editions of the California Existing Building Codes.

This regulatory action will not make any changes that affect the repairs of existing buildings in California as that is covered by Chapter 4 of the 2022 CEBC and no changes to Chapter 4 are proposed by this regulatory action.

The proposed actions will make California code more functional which will facilitate the retrofit, reuse and alteration of existing buildings in California. This will also make the CEBC more consistent with the model code IEBC.

### **The Public Problem, Administrative Requirement, or Other Circumstance Addressed**

On October 31<sup>st</sup>, 2019, a Petition was filed with the California Building Standards Commission by Michael Malinowski on behalf of the American Institute of Architects California (AIACA). The petition included 69 pages of attachments, which included a letter as well as several reference materials that supported the petition. The Purpose of this Petition is to amend the California Existing Building Code (CEBC) to include all the optional compliance paths in Chapters 6, 7, 8, 9, 10, 11 and 13 of the International Existing Building Code (IEBC) on which the CEBC is based.

Justification for the Petition included the following statements:

1. *Explain the problem and rationale for this petition.*  
The ICC Existing Building Code includes flexibility and alternative compliance paths that are effective in assuring life safety performance when existing buildings are repurposed, rehabilitated, repaired, altered and expanded. Existing building reuse is a low carbon path that both addresses impending climate degradation caused by greenhouse gas emissions as well as provide considerable opportunities for infill housing, especially in our urban centers. Many old buildings do not have access to the Historic Code.
2. *Explain how the problem has statewide significance.*  
Reuse of existing buildings result in considerable reduction in greenhouse gas emissions; and in addition, they can provide considerable numbers of safe, attainable and functional housing units in urban areas, which often have upper floor levels that remain unused or underused due to code challenges that cannot be addressed by the available code tools in California.

AIACA petitioned the California State adopting agencies to consider adding three compliance paths to the CEBC. AIACA stated that the adoption of additional compliance paths will benefit our communities statewide, with the most likely immediate benefits to include a reduction in greenhouse gas emissions and the creation of more infill walkable housing.

### **Rationale for Necessity**

The Rationale for this regulatory change is outlined in the petition and references cited above. Additional references were presented to the Working Group convened by the State Fire Marshall to review and consider these regulatory changes on March 23, 2022. There were many dozens of parties included in the invitation to participate in the process. They include a wide range of stakeholder groups and interests, including but not limited to Fire and Code Officials; Design professionals including but not limited to Architects and Engineers; and various Organizations and Individuals active in the Building Industry.

The working group divided into several 'Subgroups' to better facilitate the detailed review of the subject material from the 2021 International Existing Building Code, copies of which were made available through the ICC representatives for the code review and development actions. Subgroups included **Scoping, Fire and Life Safety, Structural, and Elevator**. There were numerous meetings of each of the subgroups and the full working group, that occurred in April, May, June, July and August of 2022. All of the meetings of the Working Group and the Subgroups were convened through the auspices of the State Fire Marshalls office. Each of the Chapters was reviewed in detail by each group.

- Chapter 6 - CLASSIFICATION OF WORK
- Chapter 7 - ALTERATIONS—LEVEL 1
- Chapter 8 - ALTERATIONS—LEVEL 2
- Chapter 9 - ALTERATIONS—LEVEL 3
- Chapter 10 - CHANGE OF OCCUPANCY
- Chapter 11 - ADDITIONS
- Chapter 13 - PERFORMANCE COMPLIANCE METHODS

The subgroups developed recommendations for adoption of the model code language without change, deletion of the model code language and addition of the new language. The intent of the amendments is to ensure that if adopted, the entire suite of Chapters would be functional, clear, concise, and compliant with existing California laws and regulation.

The Petitioner has presented additional supporting information that outlines how the regulatory changes proposed will:

- Advance California efforts to reduce the impact of Climate Change specifically by reduction of the embodied carbon impacts associated with the built environment. Retrofit and reuse of existing buildings has the potential for important short-term reductions in greenhouse gas emissions.
- Provide support for increases in the housing stock in California, specifically by making code and regulatory requirements both clearer and also more flexible, which will support conversion of obsolete and underutilized existing buildings into housing. This will also provide well-paying local jobs and help revitalize communities throughout California.

It is necessary to propose the amendments to the model code language, to incorporate state and federal laws and regulations, and to benefit the health, safety, and general welfare of California residents.

It is necessary to not propose the adoption of some sections of the 2021 IEBC, as they would conflict with certain existing state and federal laws, and would not benefit the health, safety, and general welfare of California residents.

The proposed amendments are intended to provide clarity, functionality, specificity and direction to the code user; and to implement and make specific existing state laws.

## **SPECIFIC PROPOSED REGULATORY ACTIONS**

The specific purpose of this proposal is to adopt by reference chapters 6, 7, 8, 9, 10 and 11 of the 2021 edition of the IEBC, with California Amendments, into the 2022 California Existing Building Code (CEBC), California Code of Regulations (CCR), Title 24, Part 10.

Chapter 12 of the IEBC is not proposed for adoption, as the model code provisions for Historical Buildings conflicts with existing California Code of Regulation (CCR), Title 24, Part 8, California Historical Building Code.

Chapter 13 of the IEBC is proposed to be published but not adopted.

Specific amendments are proposed as described in detail in the items following. Many of the proposed amendments are a result of recommendations developed by the Working Group during the public participation period prior to initial submittal to CBSC to be included in the 2022 Intervening Code Adoption Cycle.

**Acronyms:**

<b>CBC</b>	California Building Code
<b>CEC</b>	California Electrical Code
<b>CEBC</b>	California Existing Building Code
<b>CMC</b>	California Mechanical Code
<b>CPC</b>	California Plumbing Code
<b>CRC</b>	California Residential Code
<b>CALGreen</b>	California Green Building Standards Code
<b>HCD</b>	Department of Housing and Community Development
<b>IBC</b>	International Building Code
<b>IEBC</b>	International Existing Building Code
<b>SFM</b>	Office of the State Fire Marshal

**ITEM 1**

**Chapter 1 SCOPE AND ADMINISTRATION, Division I, California Administration, Section 1.11.1 SFM-Office of the State Fire Marshal**

The SFM is proposing to amend the definition of Specified State-Occupied.

Health and Safety Code Section 13146 (A) (5) The State Fire Marshal shall enforce the building standards and other regulations of the State Fire Marshal on all University of California campuses and properties administered or occupied by the University of California and on all California State University campuses and properties administered or occupied by the California State University. For each university campus or property, the State Fire Marshal may delegate that responsibility to the person of the State Fire Marshal's choice who shall be known as the Designated Campus Fire Marshal.

The University of California (UC) currently has a memorandum of understanding (MOU) with the State Fire Marshal. The authority of the State Fire Marshal has been delegated to the Designated Campus Fire Marshal's through the MOU. The language in item (8) of Specified state occupied buildings is not needed. The proposal to remove the reference to the UC has no regulatory effect.

The exception is being proposed for deletion. The exception creates more confusion than what is intended. Any of the listed items are under the jurisdiction of the Office of the State Fire Marshal's office.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 2**

**Chapter 3 PROVISIONS FOR ALL COMPLIANCE METHODS, Section 308.1 Carbon monoxide detection and Chapter 5 PRESCRIPTIVE COMPLIANCE METHOD, Section 503.15 Refuge areas**

The SFM is proposing to delete the reference to I-1 occupancy as I-1 is not used in California, it is referred to as R-2.1. The proposal is clean up.

**Section 308.1 Carbon monoxide detection – Exceptions.**

Exceptions to the section are proposed to be deleted based on an existing California amendment from the 2019 edition. The 2021 IEBC moved and combined sections 502.7 and 503.15 into section 308.1. In the 2022 CEBC where section 308.1 was former Section 502.7 the model code language moved and the existing amendment to delete the model text was missed.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 3**

**Chapter 6 CLASSIFICATION OF WORK**

SFM proposes to adopt Chapter 6 except for Section 607 of the 2021 edition of the International Existing Building Code (IEBC) with new California amendments listed below into the 2022 California Existing Building Code (CEBC), California Code of Regulations (CCR), Title 24, Part 10.

**User note.**

The California version of the Work Area Method functions without Chapter 12 of the IEBC because this regulatory action provides appropriate references to the 2022 California Historical Building Code (CHBC), California Code of Regulations (CCR), Title 24, Part 8. This is an editorial change that corrects inaccurate references to Chapter 12; there is no regulatory change.

**Sections 601.1 and 601.1.1.**

References to IEBC Chapter 12 are corrected to CEBC Chapter 11. Chapter 12 of the IEBC is not proposed for adoption, as California has the California Historical Building Code CCR Title 24 Part 8.

The SFM has reviewed the details of Chapters 6 through 11 considering the limitations outline here in scope and application. In addition, participation in the SFM CEBC 2022 Working Group was also likely influenced by this intended scoping. A clear understanding of the specific occupancies that can utilize the detailed provisions of each of the Chapters that make up the Work Area Compliance Option was necessary in order to accurately

analyze and consider the technical impacts and potential unintended consequences that adoption of the subject Chapters may have on the health and welfare of California residents, worker safety, and the state's environment.

The occupancies H, I and L have been removed from the adoption of the work area methods based on the analysis and complexity of these three occupancies. The additional risk factors of H, I, and L occupancies have additional safeguard construction requirements in the building codes to address life safety hazards. The SFM workgroup made a conscience decision to remove these three occupancies to meet the goals of the intended use of the work area methods. The intent to bring in the work area methods is to create a compliance path for housing. The code enforcement community will be learning how to use the work area method. Even with the added benefit to designers, the enforcement community will require some training and time to incorporate ways to permit and track the proposed work area methods as a compliance path for existing buildings.

### **Section 607**

SFM proposes to not adopt this section as the California Historical Building Code (CHBC), California Code of Regulations (CCR), Title 24, Part 8 regulates historic buildings in California.

#### **CAC Recommendation:**

[Enter CAC recommendation(s), if any]

#### **Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

## **ITEM 4**

### **Chapter 7 ALTERATIONS—LEVEL 1**

SFM proposes to adopt Chapter 7 of the 2021 IEBC with new amendments listed below into the 2022 CEBC.

#### **Section 701.1.**

These are editorial corrections. Section 607 as revised by the California Building Standard Commission (BSC) proposal points to the CHBC; and Chapter 12 is redacted as that is not applicable.

#### **Section 702.7.**

The redaction of International and added California correct the references to the appropriate California Codes. Section 702.7.1 is removed as it references to the International Fuel Gas Code. Projects that involve fuel gas would require compliance with applicable California Code without need for a separate pointer in the CEBC.

#### **Section 703.2**

The new language references the requirements appropriate for compliance with existing California regulation with respect to Fire Protection for Level 1 Alterations. These clarifications will assist code users in understanding the provisions that will be applicable for their Alteration Level 1 project.

### Section 704.1.1

The redaction proposed is consistent with scoping set forth in Chapter 6 as proposed, and this will increase usability and clarity for code users. There is no regulatory impact.

### Section 707

The redaction removes reference to Electrical requirements that have no applicability due to the proposed scoping in Chapter 6.

#### CAC Recommendation:

[Enter CAC recommendation(s), if any]

#### Agency Response:

[Enter the agency's response to CAC recommendation(s)]

## ITEM 5

### Chapter 8 ALTERATIONS—LEVEL 2, Section 802 Building elements and materials

SFM proposes to adopt Chapter 8 of the 2021 IEBC with new amendments listed below into the 2022 CEBC.

#### Section 802.2.1

The redaction of International and added California correct the references to the appropriate California Codes.

- In the **Exceptions 6 and 7** the word 'three' is deleted, and the word 'two' is added. This correctly reflects California code limitations on the number of stories that can be connected by vertical openings.
- **Exception 8** is reserved as H occupancies are not included in the scope of use for the Work Area Compliance Method as established in Chapter 6. Deleting reference to an excluded occupancy type reduces potential confusion by code users.

#### CAC Recommendation:

[Enter CAC recommendation(s), if any]

#### Agency Response:

[Enter the agency's response to CAC recommendation(s)]

## ITEM 6

### Chapter 8, Section 803 Fire protection

#### Sections 803.2, 803.3 and 803.4

The amendments are necessary to eliminate possible conflicts with existing California laws and regulations regarding fire alarms and sprinklers and provide references to the existing California regulations. High-rise buildings and other occupancies in California currently have automatic sprinkler and fire alarm requirements. It is not the intent to loosen or omit current property and life safety system requirements. The amendments proposed are to ensure the current standards are maintained. These amendments will assist code users in understanding the provisions that will be applicable for their Alteration Level 2 project.

### Section 803.4.1

The proposed new language references requirements appropriate for compliance with existing California regulation with respect to Systems Out of Service for Level 2 Alterations. This will assist code users in understanding the provisions that will be applicable for their Alteration Level 2 project if they include Existing Fire alarm and detection systems.

#### **CAC Recommendation:**

[Enter CAC recommendation(s), if any]

#### **Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

## ITEM 7

### Chapter 8, Section 804 Means of egress

#### Sections 804.4.1.2 and 804.4.1.2.1

The redaction of International and added California correct the references to the appropriate California Codes.

- The redaction of the words ‘or newly constructed’ and ‘new’ in regard to fire escapes is consistent with current California regulations that do not permit new fire escapes to be used to meet required exiting requirements for projects of the scope described by Level 2 Alterations on non-historic buildings.

In those extraordinary circumstances where a new fire escape was proposed to be added to an existing non-historic building as part of a level 2 alteration, consideration would require the project applicant to utilize CEBC Sections 1.8.7 or 104.11 for “Alternative materials, design and methods of construction, and equipment” as applicable.

The effect of this proposed change is to maintain the current California regulatory requirements for existing non-historic buildings with respect to new fire escapes for projects that would be classified as Level 2 Alterations.

Note that Historic Buildings are able to use the provisions of the California Historic Building Code California Code of Regulations (CCR), Title 24, Part 8. Note also that this proposed modification to model code language would not affect the disposition of an existing fire escape that was proposed to remain in service as part of a project which was classified as a Level 2 alteration. In this circumstance, the existing fire escape would be covered by the provisions of this section.

- The proposed word redactions in the requirement number 3 for this section clarifies that only in circumstances where the property boundaries themselves present constraints can a newly constructed fire escape be permitted on a non historic project which is classified as a Level 2 Alteration. This is consistent with current California regulation. Deleting reference to stairway size, sidewalks, alleys, roads clarifies that these physical conditions, which could be modified, are not sufficient rationale for approval of a new fire escape to be permitted on a non-historic building which is undergoing a level 2 alterations.



### **Section 804.5.1.2**

The redaction proposed is consistent with scoping set forth in Chapter 6 as proposed, and this will increase usability and clarity for code users. There is no regulatory impact.

### **Section 804.5.3**

Door Closing Exception 2 that is in model code language is proposed to be redacted. For a non-historic building undergoing a level 2 alteration, compliance with the means of egress should not be excluded from tenant spaces which are outside the work area.

The SFM has determined that leaving this exclusion in the CEBC could lead to unintended consequences resulting in a reduction in life safety and confusion in the event of an emergency both for tenants and for first responders. For example, with this exception in place, two adjacent and otherwise identical tenant spaces could have vastly different access to exits after completion of a level two alteration to one of the spaces.

In the unusual circumstances where a project applicant believed they could provide equivalent life safety via other measures, they can pursue use of the provisions of CEBC Sections 1.8.7 or 104.11 for “Alternative materials, design and methods of construction, and equipment” as applicable.

### **Section 804.5.4.1**

Exception to this section is proposed to be redacted. For a non-historic building undergoing a level 2 alteration, compliance with the means of egress should not be excluded from tenant spaces which are outside the work area.

The SFM has determined that leaving this exclusion in the CEBC could lead to unintended consequences resulting in a reduction in life safety and confusion in the event of an emergency both for tenants and for first responders. For example, with this exception in place, two adjacent and otherwise identical tenant spaces could have vastly different access to exits after completion of a level two alteration to one of the spaces.

In the unusual circumstances where a project applicant believed they could provide equivalent life safety via other measures, they can pursue use of the provisions of CEBC Sections 1.8.7 or 104.11 for “Alternative materials, design and methods of construction, and equipment” as applicable.

### **Section 804.5.5**

The redaction proposed is consistent with scoping set forth in Chapter 6 as proposed, and this will increase usability and clarity for code users. There is no regulatory impact.

### **Section 804.6.1**

Two actions are proposed:

- The ‘exception’ that results from the language that is proposed to be redacted from the model code text has been determined by the SFM to be inconsistent with existing California regulation that would apply to a level 2 alteration in a non-historic building. The ‘existing door’ frame dimension of a corridor door is not a sufficient threshold on which to allow a compromise to an exit system, which would in turn potentially compromise life safety for occupants and fire responders in the event of an emergency. This redaction would result in use of replacement doors more consistent with existing California regulations, and improve occupant safety. This change to model code language is not expected to compromise project feasibility or

significantly impact project costs.

- Exception 2 is proposed to be reserved. This redaction is based on the fact that California does not adopt the *Guidelines on Fire Ratings of Archaic Materials and Assemblies* (Resource A). In those circumstances where a project applicant wanted to pursue use of this reference, they would have available the potential to use the provisions of CEBC Sections 1.8.7 or 104.11 for “Alternative materials, design and methods of construction, and equipment” as applicable.

### **Section 804.6.2**

Transoms in corridors have a potential to be a significant compromise to the function of the exit system in emergency events, both for building occupants as well as first responders. The proposed redactions to model code language that would affect Level 2 alterations of non-historic buildings is appropriate for all occupancies that fit within the scoping provisions of Chapter 6 as amended, and thus listing occupancies is not required.

The provisions that allow glazing with wired glass set in a metal frame as an alternative to a fire protection rating is inconsistent with current California regulations, which do not permit wire glass to serve in the manner that was allowed in legacy codes as better materials and methods are available, which are also cost effective.

This redaction would result in use of replacement transoms more consistent with existing California regulations, and improve occupant safety. Another option that applicants can also consider would be elimination of transoms in Level 2 Alterations of Non historic buildings when they occur in corridor walls in work areas. This change to model code language is not expected to compromise project feasibility or significantly impact project costs.

### **Section 804.7**

The redaction of International and added California correct the references to the appropriate California Codes. The redaction of occupancies is consistent with scoping set forth in Chapter 6 as proposed, and this will increase usability and clarity for code users. There is no regulatory impact.

### **Section 804.10**

The redaction of International and added California correct the references to the appropriate California Codes.

The redaction of the words “required in accordance with Section 804.10.1” eliminates a qualification for the design and installation of code compliant handrails only if they are required in accordance with Section 804.10.1. The SFM believes elimination of this qualifying language would prevent unintended consequences that could be deleterious to the life safety of occupants.

Handrails if present are likely to be used, both by individuals who need them for stability, and also in emergency conditions where visibility and movement may be restricted. The deleted language could allow an unsafe handrail condition to remain in a Level 2 alteration non-historic work area, that could prove harmful to occupants and first responders. This change to model code language is not expected to compromise project feasibility or significantly impact project costs.

### **Section 804.11**

The SFM is proposing to delete the reference to I-1 as I-1 is not used in California. The proposal is clean up.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 8**

**Chapter 8, Sections 806 Electrical and 808 Plumbing**

**Sections 806.2 and 806.3**

The redaction of occupancies in Section 806.2 is consistent with scoping set forth in Chapter 6 as proposed. This redaction will not have any regulatory impact, and it reduces potential for confusion by code users.

Section 806.3 is redacted as this is rendered inoperative by the scoping provisions of Chapter 6 and leaving it in place may add confusion. The I-2 occupancy is being removed because California health care facilities have current requirements that address existing buildings which can be found in the California Building Code.

**Section 808**

The redaction of occupancies is consistent with scoping set forth in Chapter 6 as proposed. This redaction will not have any regulatory impact, and it reduces potential for confusion by code users.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 9**

**Chapter 9 ALTERATIONS—LEVEL 3, Section 902 Special use and occupancy**

SFM proposes to adopt Chapter 9 of the 2021 IEBC with new amendments listed below into the 2022 CEBC.

**Section 902.1**

It is proposed to reserve Section 902.1 and remove Section 902.1.1. The removal of these sections is consistent with the charging scope that High-rise buildings will not be included in the work area method of Chapters 6-11.

**Section 902.2**

It is proposed to remove Section 902.2 to avoid conflicts with the CBC Table 509.1 and CFC Table 1105.4.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 10**

**Chapter 9, Section 904 Fire protection**

**Section 904.1**

It is proposed to amend Section 904.1 and remove model code Sections 904.1.1 through 904.1.7. High-rise buildings and other occupancies in California currently have automatic sprinkler and fire alarm requirements. It is not the intent to loosen or omit current property and life safety system requirements. The amendments proposed are to ensure the current standards are maintained.

**Section 904.2**

It is proposed to amend Section 904.2, remove model code Sections 904.2.1 through 904.2.2 and add new amendment as Section 904.2.1. The California Building and Fire Code have provisions for existing buildings that have been developed through the International Code Council process. The reference to the California Building Code and Chapter 11 or the California Fire Code ensure that those special provisions are considered when designing and utilizing the work area methods.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**ITEM 11**

**Chapter 10 CHANGE OF OCCUPANCY, Sections 1002 Special use and occupancy, 1007 Electrical, 1009 Plumbing**

SFM proposes adopt Chapter 10 of the 2021 IEBC with new amendments listed below into the 2022 CEBC.

**Sections 1002.3 and 1002.4**

The redaction proposed is consistent with scoping set forth in Chapter 6 as proposed, and this will increase usability and clarity for code users. There is no regulatory impact.

**Section 1007.1**

The health care facilities and I-2 occupancy are being removed because California health care facilities have current requirements that address existing buildings which can be found in the California Building Code. The State Fire Marshal in partnership with Health Care Access and Information (HCAI), did not include the health care facilities or I-2 occupancies as a consideration for the proposed work area methods. The additional risks associated with hospital settings have current regulations that assist designer when

working with these types of occupancies. Other special provisions for other occupancies found in the California Building and Fire Code still apply and should not be overlooked by the design or enforcement stakeholders.

### **Section 1009.5**

Section 1009.5 is redacted as it is rendered inoperative by the scoping provisions of Chapter 6 and leaving them in place may add confusion.

#### **CAC Recommendation:**

[Enter CAC recommendation(s), if any]

#### **Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

## **ITEM 12**

### **Chapter 10, Section 1011 Change of occupancy classification**

#### **Section 1011.2.1**

The redaction of International and added California correct the references to the appropriate California Codes.

The words “fire wall” is substituted for the list and exceptions that follow the words ‘one of the following’ as the items included in this list and the exceptions are inconsistent with existing California regulations that apply to a building project that involves a change of occupancy in a non-historic building.

The substitution of automatic sprinklers, which is an active fire control approach that has been required on many occupancies in California for years, and for projects which exceed relatively small square footage thresholds. The proposal to delete options for creating fire separation other than a fire wall is not an acceptable consideration in California. The performance of Fire partitions; Smoke partition; and Smoke barriers during fire events is significantly different than that of fire walls. The level of protection shall be maintained with current regulations.

For this reason, this list is proposed to be redacted, with fire walls being the only listed means for separating one occupancy for another horizontally and vertically.

Exceptions 1, 2 and 3 are proposed to be redacted since change of occupancy that results in one- or two-family dwellings or townhouses should not have a significantly reduced fire protection system than found in a newly constructed home, which in California requires Fire Sprinklers in all cases.

#### **Section 1011.2.2**

The text proposed for redaction is to ensure that new occupancies created in existing buildings should have the same level of Fire alarm and detection systems that new buildings would have, in order to provide equivalent fire and life safety both for occupants as well as for first responders. The redaction of International and added California correct the references to the appropriate California Codes.

#### **Section 1011.5.2**

The redaction of International and added California correct the references to the

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appropriate California Codes.

The term “existing construction’ is proposed for redaction as it is vague and leaving it in place could result in unintended compromises to occupant and first responder life safety. Existing construction unless more closely defined could be an element as ephemeral and easily changed as a nonstructural partition or a partial height wing wall.

Deletion of the term ‘because of existing construction’ does not change the preceding works, which reference conditions where ‘pitch or slope’ cannot be reduced, so there is no change in regulatory impact from this redaction and the intent of the 1011.5.2 as outlined in the model code is preserved.

### **Sections 1011.5.3 through 1011.5.5**

The redaction of International and added California correct the references to the appropriate California Codes.

The proposed deletion of the words “in the area of the change of occupancy classification’ is due to a concern that this wording could result in unintended negative consequences.

For a project which involves a change of occupancy in a non-historic building, integrity of the exit system for both the new occupancy, and any existing occupancy to remain, are both important principals; and their consideration is consistent with existing California regulation. This principal may in some circumstances, in order to maintain existing system integrity, require the scope of work on the exit system, including but not limited to guards and handrails on stairs, to extend outside the area of occupancy change.

Changing a handrail or guard is not a major work item so this change would not be expected to result in any impact on a project feasibility or any significant impact on a project budget.

### **Section 1011.8.2**

The words “...or approved wired glass set in steel frames...” are proposed for redaction as wired glass in steel frame is not permitted in 1-hour fire-resistance-rated construction by current California regulation. The redaction of International and added California correct the references to the appropriate California Codes.

#### **CAC Recommendation:**

[Enter CAC recommendation(s), if any]

#### **Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

## **ITEM 13**

### **Chapter 11 ADDITIONS**

SFM proposes to adopt Chapter 11 of the 2021 IEBC with new amendments listed below into the 2022 CEBC.

#### **Section 1101.1**

The added language is necessary for existing California regulatory consistency. The similar language is currently in the CEBC Chapter 5 Prescriptive Requirements, Section 502 Additions and thus needs to be incorporated here for Additions. The redaction of

International and added California correct the references to the appropriate California Codes.

### **Sections 1102.2 and 1102.3**

The exception is proposed for deletion as the model code language does not contain any limit on the area or other aspects of scope for this exception, thus the SFM has determined it could in some circumstances have unintended consequences and unduly compromise life safety. The redaction of International and added California correct the references to the appropriate California Codes.

### **Section 1102.4**

The SFM has proposed this added section 1102.4 Systems Out of Service for consistency with other Chapters of the CEBC, to apply to Additions which effect existing non-historic buildings.

#### **CAC Recommendation:**

[Enter CAC recommendation(s), if any]

#### **Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

## **ITEM 14**

### **Chapter 13 PERFORMANCE COMPLIANCE METHODS**

SFM proposes to print but not adopt Chapter 13 of the 2021 IEBC into the 2022 CEBC.

As Chapter 13 of the 2021 IEBC is proposed to be printed in the 2022 CEBC, SFM proposes to amend a note under the chapter title clarifying that the Chapter 13 continues to not be adopted by the state of California and may be available for adoption by local ordinance and adding a reference to Section 104.11 for consideration of alternative means of compliance. In the current printing of the 2022 CEBC the similar note already exists above the Matrix Adoption Table for the Chapter 13, but the text of the chapter is not currently printed, so the proposed note under the title of the proposed to be printed chapter, is intended to add awareness to the code user in appropriate use of the chapter.

The methodology that is outlined in Chapter 13 of the IEBC is a unique framework for evaluation of life safety deficiencies and corrections, which utilizes a numerical scoring approach. This in theory can provide an objective comparison of deficiencies and corrective measures. However, using a simple numeric analysis for very complex topics regarding life safety equivalency has a significant potential for unintended consequences. There is considerable judgement and experience necessary to properly evaluate life safety deficiencies, corrections, and equivalencies in the complexities of existing buildings where specific conditions can vary dramatically, and in which there are often gaps in understanding of existing detailed conditions.

In summary, while there are clear benefits and value to the information and approach to the methodology and information contained in the IEBC Chapter 13 Performance Compliance Methods, there are so many variables that these methods in practice do require significant judgement, experience and effort to apply them for a predictable life safety outcome.

For these reasons, the SFM does not support adopting Chapter 13 to function as it currently serves in the model code as a completely separate and independent compliance option. There is a recognition however that the detailed information and approach developed by this chapter can be useful for both project applicants and code officials when they face a set of circumstances that require consideration of the pathways for alternative compliance set forth in CEBC sections 104.11 (or 1.8.7 as applicable; based on occupancy as outlined in the adoption tables).

The content of this Chapter 13 was formerly published in the 2013 edition CBC in Chapter 34, but it was not adopted. The proposal is also to print, but not adopt this chapter.

**CAC Recommendation:**

[Enter CAC recommendation(s), if any]

**Agency Response:**

[Enter the agency's response to CAC recommendation(s)]

**TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS**

Government Code Section 11346.2(b)(3) requires an identification of each technical, theoretical, and empirical study, report, or similar document, if any, upon which the agency relies in proposing the regulation(s).

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes. Many studies, reports, and references were cited by the Petitioner in various presentations, but none of this material was analyzed in detail nor was it definitive in the rulemaking process.

**STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS**

Government Code Section 11346.2(b)(1) requires a statement of the reasons why an agency believes any mandates for specific technologies or equipment, or prescriptive standards are required.

The SFM believes that the amendments to the model code and additional building standards proposed are offered in both a prescriptive and performance base. The nature and format of the model code adopted by reference allow for both methods, the following is a general overview of the model code proposed to be adopted by reference as well as state modifications:

This comprehensive existing building code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broad-based principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that



do not give preferential treatment to types or classes of materials, products or methods of construction.

The International Existing Building Code (IEBC) provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions.

This model code also encourages international consistency in the application of provisions.

## **CONSIDERATION OF REASONABLE ALTERNATIVES**

Government Code Section 11346.2(b)(4)(A) requires a description of reasonable alternatives to the regulation and the agency's reasons for rejecting those alternatives. In the case of a regulation that would mandate the use of specific technologies or equipment or prescribe specific action or procedures, the imposition of performance standards shall be considered as an alternate. It is not the intent of this paragraph to require the agency to artificially construct alternatives or describe unreasonable alternatives.

The SFM held pre-rulemaking workshops and several alternatives were discussed including reducing the scope of the adoption of Chapters 6-11 to only R occupancies or expanding it to all occupancies. The final consensus recommendation was to exclude H, I, L, R-2.1, R-3.1 occupancies and high-rise buildings from the scope of these chapters. Chapter 13 with amendments was discussed, but because of the variables in use the SFM pre-rulemaking workshop recommended to print Chapter 13 and not adopt it at all. After extensive deliberation with stakeholders and public members, the current proposal was decided on as the most appropriate. 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 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 of this code.

## **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

Government Code Section 11346.2(b)(4)(B) requires a description of any reasonable alternatives that have been identified or that have otherwise been identified and brought to the attention of the agency that would lessen any adverse impact on small business.

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 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 of this code.

## **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS**

Government Code Section 11346.2(b)(5)(A) requires the facts, evidence, documents, testimony, or other evidence on which the agency relies to support an initial determination that the action will not have a significant adverse economic impact on business.

The SFM has determined that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification.

Numerous public workshops were held during the per-rulemaking phase of the intervening code cycle and no comments have been made that the proposed changes would have significant statewide adverse economic impact on businesses.

Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support its initial determination of no effect pursuant to Government Code Section 11346.2(b)(5)(A). The public is welcome to submit any information, facts, or documents either supporting SFM's initial determination or finding to the contrary.

### **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

Government Code Sections 11346.3(b)(1) and 11346.5(a)(10)

The SFM has assessed whether and to what extent this proposal will affect the following:

**A. The creation or elimination of jobs within the State of California.**

These regulations will not affect the creation, or cause elimination, of jobs within the State of California.

**B. The creation of new businesses or the elimination of existing businesses within the State of California.**

These regulations will not affect the creation, or cause elimination, of existing businesses within the State of California.

**C. The expansion of businesses currently doing business within the State of California.**

These regulations will not affect the expansion of business currently doing business within the State of California.

**D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.**

These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

### **ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

Government Code Section 11346.2(b)(5)(B)(i) states if a proposed regulation is a building standard, the initial statement of reasons shall include the estimated cost of compliance, the estimated potential benefits, and the related assumptions used to determine the estimates.

The SFM does not anticipate any increase in cost of compliance with the proposed building standards. The proposed regulations leave intact the existing compliance methodology in the California Existing Building Code, which can be selected as the

compliance path for any project that falls under these updated regulations. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

## **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

Government Code Section 11346.2(b)(6) requires a department, board, or commission within the Environmental Protection Agency, the Resources Agency, or the Office of the State Fire Marshal to describe its efforts, in connection with a proposed rulemaking action, to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues. These agencies may adopt regulations different from these federal regulations upon a finding of one or more of the following justifications: (A) The differing state regulations are authorized by law and/or (B) The cost of differing state regulations is justified by the benefit to human health, public safety, public welfare, or the environment.

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.