

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA BUILDING CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2
(SFM 04/24)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical, or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Office of the State Fire Marshal (SFM) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The proposed regulations are minimum standards for fire prevention and protection of life and property against fire.

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

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from September 6, 2024, until October 21, 2024. Public comments were received

during this period. A 15-day public comment period was made available to the public on November 6, 2024, until November 21, 2024. No additional comments were received. Please see below.

ITEM 3-0

Chapter 3 Occupancy Classification and Use, Section 305.2 Group E, child-care facilities. *Exception:*

[The SFM proposes to amend the existing exception to Group E child-care facilities and provide a pointer to subsections in California Building Code Sections 305 and 308.]

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children’s Center Director, Infant Toddler Specialist. The commenter recommends disapprove because childcare centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and request that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Tonda Padgett, Bright Dreams Daycare. The commenter opposes the limitation of five infants allowed in child-care facilities.

Commenter(s) and Recommendation:

Terry Kim, Director of Government Relations & Advocacy, Children’s Institute. The commenter opposes the limitation of five infants allowed in child-care facilities.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM acknowledges the commenter’s concerns and clarifies that with the current proposal, SFM has removed the five-infant limitation and expanded the occupancy classification of E when the facility complies with the code requirements. SFM will further review the regulations through a workgroup for future rulemaking cycles. Based on these comments, SFM has not proposed any changes to this section.

ITEM 3-1

Chapter 3 Occupancy and Use, Section 305.2.1 Within places of religious worship

[SFM proposes to correct an omission from the 2021 Triennial cycle and replace the term “daycare” with “child-care”. During the 2021 cycle, the term “daycare” was replaced with “child-care” in other locations, but this instance was missed.]

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

The proposed change is to correct the term day care to the more current term child-care. The SFM will further review additional proposed changes through a workgroup for future rulemaking cycles. Based on this comment, SFM has not proposed any changes to this section.

ITEM 3-1.3

**Chapter 3 Occupancy Classification and Use,
Section 308.5.1 Classification as Group E. *Special provisions.***

[The SFM proposes to adopt the model code with modifications. The underline was accidentally missed in 45-day ET, and the new amendment was incorrectly shown as an existing amendment. It was corrected in a 15-day public comment period.]

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children’s Center Director, Infant Toddler Specialist. The commenter recommends disapprove because child care centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and requests that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM acknowledges the commenter’s concerns and clarifies that with the current proposal, SFM has expanded the occupancy classification of E when the facility cares for more than six but not more than 100 children under 36 months of age and complies with the code requirements. The SFM will further review the regulations through a workgroup for future rulemaking cycles. Based on these comments, SFM has not proposed any changes to this section.

ITEM 3-1.4

Section 308.5.4 Six or fewer persons receiving care in a dwelling unit.

Commenter(s) and Recommendation:

Sherry L. Velte, ASI Children’s Center Director, Infant Toddler Specialist. The commenter recommends disapprove because child care centers are over-regulated. The proposal will devastate their program.

Commenter(s) and Recommendation:

Melanee Cottrill, Executive Director, Head Start California. The commenter opposes these proposals and requests that, pursuant to AB 176, SFM continue to enforce the code as it existed on December 31, 2022.

Commenter(s) and Recommendation:

Shanice Orum, Program Administrator, Child Care Licensing Program, Community Care Licensing Division, California Department of Social Services. The commenter suggested additional changes to the proposed code language.

Agency Response:

SFM reviewed the comments and decided to WITHDRAW the proposal.

ITEM 10-3

Section 903.3.1.1.1 Exempt Locations

[SFM proposed renumbering and blending modification to an existing amendment to carry forward California provisions. Deletion of number 6 in the list of exempt locations was added in the 15-day public comment period.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points that there is no need for exception 6 since NFPA 13-2025 has new sprinkler omission requirements that cover sprinkler omissions for all elevator-associated spaces. Therefore, this exception is redundant and will create potential conflicts between CFC and NFPA 13.

Agency Response:

SFM agrees with the commenter and has deleted exception 6 in the revised ET made available to the public for 15-day public comment period.

ITEM 10-12.1

Section 907.2.9.3 Group R-2 College and University buildings

[Added in 15-day public comment period. The editorial correction to remove the term “alarms” is in alignment with the intent of the code section and eliminates confusion for the code user.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points that per the California Fire Alarm Association State Agency Panel discussion in October of 2024, it was agreed by most participants that UL 217 Smoke Alarms should not be permitted in R-2 College and University

Agency Response:

SFM agrees with the commenter and has made the editorial correction in the revised ET made available to the public for 15-day public comment period.

ITEM N/A

Section 1013.17.1 Perimeter Guards

[This is not an SFM-proposed Item.]

Commenter(s) and Recommendation:

David Louis Swartz, FAIA IIDA, Lamar Johnson Collaborative. The commenter points that reclining seating poses safety concerns in a dark theatre environment.

Agency Response:

SFM acknowledges the commenter's concerns and recommends introducing this code change proposal at the International Code Council (ICC) code development process for the model code. This will ensure that the conversation is vetted at the national level and that there is greater consensus. SFM has not proposed any changes to this section.

ITEM N/A

Section 1015.4.1 Bar and Slat Directional Limitations

[This is not an SFM-proposed Item.]

Commenter(s) and Recommendation:

David Louis Swartz, FAIA IIDA, Lamar Johnson Collaborative. The commenter points that horizontal rails in a guardrail act like a small ladder, easily climbed by toddlers and small children, which can result in injury or death.

Agency Response:

SFM acknowledges the commenter's concerns and recommends introducing this code change proposal at the International Code Council (ICC) code development process for the model code. This will ensure that the conversation is vetted at the national level and that there is greater consensus. SFM has not proposed any changes to this section.

ITEM 29-2.1

Section 3001.7 Elevators utilized to transport hazardous materials.

[Added in 15-day public comment period. Deletion of number 1.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points that the new NFPA 13-2025 sections are consistent with the current 2022 California Building Code amendments in Chapter 35. Therefore, these amendments are no longer needed for item 1 in Section 3001.7.

Agency Response:

SFM agrees with the commenter and has deleted the California amendment in the revised ET made available to the public for 15-day public comment period.

ITEM 33-6

**Chapter 35 Reference Standards,
NFPA**

[SFM proposes to adopt Chapter 35 and carry forward existing amendments with modifications that update the referenced standard to correlate with the most recent edition of the standard. The rulemaking process between the different model codes can cause conflict in the adoption of the latest standards. The proposal is to establish consistency within the parts of the California Buildings Standards Code. Deletion of existing amendments for NFPA 13 was added and edition of NFPA 72 was fixed in 15-day public comment period.]

Commenter(s) and Recommendation:

Sagiv Weiss-Ishai, P.E. Senior Fire Protection Engineer, San Francisco Fire Department. The commenter points that the new sections in NFPA 13-2025 are consistent with the current 2022 California Building Code amendments in Chapter 35, so there is no longer a need for these amendments to the standard.

Agency Response:

SFM agrees with the commenter and has deleted the California amendments in the revised ET made available to the public for 15-day public comment period.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

SFM has determined that no reasonable alternatives have been identified and brought to SFM's attention that would be more effective in carrying out the purpose for which the action is proposed or that would be as effective and less burdensome to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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

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

No alternatives were identified to lessen the adverse impact on small businesses.