



California State Fire Marshal **CODE INTERPRETATION**

Date Issued	9/8/09	Interpretation	09-015
Topic	Group E's serving less than 100 for 2 ½ years or less in age		
Code Section(s)	2007 CBC Section 305.2, 308.5.2		
Requested by	Cheryl L. Domnitch, P.E. Hughes Associates, Inc. 2551 San Ramon Valley Blvd., Suite 209 San Ramon, CA 94583 (925) 314-7910 cdomnitch@haifire.com		

We are requesting an interpretation of the following:

California Building Code (CBC), Section 308.5.2, Exception, allows an E occupancy classification when serving less than 100 children 2 1/2 years or less in age when the rooms have direct exits to the exterior at the level of exit discharge. We are requesting confirmation that the exception within Section 308.5.2 may be applied, because it appears to conflict with the State Fire Marshal (SFM) amendment in Section 305.2, Exception.

No. There are no conflicts between those sections of the 2007 CBC; the 2007 CBC Section 308.5.2 establish that a child care facility (I-4) provides care for children 2 ½ years of age or less, while Section 305.2 establish that a day care facility (E occupancy) provide care for children 2 ½ years of age or older.

The intent of the exception to CBC Section 305.2 is intended to require day care facilities for more than 6 children that cannot comprehend and/or implement simple instructions to evacuate in an emergency situation without physical assistance from staff, to be classified as a Group I-4 Occupancy. This places children who are not physically or cognitively able to respond in an emergency situation into occupancies that provide a higher level of protection.