

INITIAL STATEMENT OF REASONS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL

**REGARDING THE 2016 CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 2.5**

TRIENNIAL CODE ADOPTION CYCLE

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:

Section Health and Safety Code Section 18928:

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal is to act accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2015 International Residential Code and be published as the 2016 California Residential Code.

The general purpose of this proposed action is principally intended to update and codify a new edition of the California Residential Code (California Code of Regulations, Title 24, Part 2.5) based upon a more current edition of a model code. The current California Residential Code in effect is the 2013 California Residential Code which is based upon the 2012 International Residential Code of the International Code Council. This proposed action:

- Repeal the adoption by reference of the 2012 International Residential Code and incorporate and adopt by reference in its place the 2015 International Residential Code for application and effectiveness in the 2016 California Residential Code.
- Repeal certain amendments to the 2012 International Residential Code and/or California Building Standards not addressed by the model code that are no longer necessary.
- Adopt new building standards or necessary amendments to the 2015 International Residential Code that address inadequacies of the 2015 International Residential Code as they pertain to California laws.
- Bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code.
- Codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

NOTE OF EXPLANATION:

For the **2015 Triennial Code Adoption Cycle**, the Express Terms are displayed as follows:

****PART 1**** Includes the California Amendments SFM proposes to bring forward from the 2013 California Residential Code **with changes** as shown, and also identifies the model code standards from the 2015 International Residential Code SFM proposes for adoption into the 2016 California Residential Code.

****PART 2**** Displays the standards SFM proposes to bring forward from the 2013 California Residential Code **without change**, except for nonsubstantive editorial corrections, for adoption into the 2016 California Residential Code; the text is provided for context and the convenience of the code user.

SUMMARY OF REGULATORY ACTION

SFM PROPOSES TO:

****PART 1****

1. Bring forward existing California Amendments from the 2013 California Residential Code for adoption into the 2016 California Residential Code **with amendment**.
2. Adopt standards from the 2015 International Residential Code into the 2016 California Residential Code **without amendment**.
3. Adopt standards from the 2015 International Residential Code into the 2016 California Residential Code **with amendment**.
4. Repeal 2013 California Amendments, which are **not** brought forward into the 2016 Residential Code.

****PART 2****

1. Bring forward existing California Amendments from the 2013 California Residential Code for adoption into the 2016 California Residential Code **without amendment**, except for editorial corrections.

****PART 1****

[1]

CHAPTER 1
SCOPE AND APPLICATION
DIVISION I
CALIFORNIA ADMINISTRATION

The SFM propose to maintain two Divisions within Chapter 1 for existing administrative provisions being brought forward and administrative provisions contained in the 2015 International Residential Code.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

The specific purpose and rationale of each adoption, amendment, or repeal is as follows:

1.1.1

Rationale: The SFM is proposing to repeal the adoption by reference of the 2012 International Residential Code and incorporate and adopt by reference in its place the 2015 International Building Code for application and effectiveness in the 2016 California Residential Code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[2]

CHAPTER 1
DIVISION II

The SFM proposes to maintain the Division II designation for the IBC Chapter 1 Administrative provisions - Sections 101 through 114.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

The SFM proposes to only adopt R104.2 – R104.4, R104.9 – R104.9.1, R105.1, R105.2.1 - R105.2.2, R105.3 - R105.3.1, R105.4, R105.6, R105.7, R106 – R106.5, R107 – R107.4, R109.1, R109.1.4 - R109.1.6, R109.2 - R109.4, R110 – R110.5, R111 – R111.3, R113 – R113.2 and R114 – R114.3 contained in Chapter 1 with amendment and California regulation. Furthermore, the SFM is maintaining the adoption of those existing California amendments or building standards in Chapter 1 without modification.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[3]

CHAPTER 2 DEFINITIONS

The SFM proposes to only adopt those specific definitions reflected in the Express Terms for Chapter 2 without amendment. Furthermore, the SFM is maintaining the adoption of those existing California definitions or model code definitions as amended in Chapter 2 without modification.

(Note: See Part 2 [item 13] of this document for discussion of existing California amendments proposed to be brought forward from the 2013 California Residential Code for adoption into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

Congregate living health facility (CLHF).

Rationale: SFM is providing the statutory definition of CLHF from Health and Safety Code (HSC) Section 1250. The previous definition was in conflict with the stator definition. This change will now make the HSC and CBC definitions match.

MENTALLY RETARDED PERSONS, PROFOUNDLY OR SEVERELY PERSONS WITH INTELLECTUAL DISABILITIES, PROFOUNDLY OR SEVERELY

Rational: The SFM is using "Persons with Intellectual disabilities" instead of "Mentally Retarded Person" per AB 2370 and SB1381. There is no change in regulatory effect.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[4]

CHAPTER 3 BUILDING PLANNING

The SFM proposes to only adopt Sections R302.1 – R302.14, R303.7 – R308.1, R308.3 – R308.4, R309.5, R309.6, R310 – R310.4, R311 – R311.8.3.3, R312 – R312.2.2, R313 – R313.3.8.2, R314 – R314.7.4, R316, R319, R321, R335 – R335.9, R336 – R336.8, R337 – R337.10.2, and R338 – R338.4 contained in Chapter 3 with amendment and California regulation as reflected in items 5 through 8. Furthermore, the SFM is maintaining the adoption of those existing California amendments or building standards in Chapter 3 without modification.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code for adoption into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

R314.3.1 Installation near cooking appliances

Rational: Directing code user to reference section R314.3.3 that has detailed location requirements from NFPA 72. This change contains only clarifying language, with no change in regulatory effect.

R314.5 and R314.7.1

Rational: SFM proposing to duplicate language contained in R314.1.1 to the sections. New language list existing Title 19 amendments. Clarifying language, with no change in regulatory effect.

R335.5.1 Automatic sprinkler systems in Group R-3.1 occupancies.

Rational: The SFM is using "Persons with Intellectual disabilities" instead of "Mentally Retarded Person" per AB 2370 and SB1381. There is no change in regulatory effect.

R335.6.6 Floor separation.

Rational: SFM is proposing to add language to clarify that the section shall only be applied when non-ambulatory clients are housed above the first floor. Currently, this section would apply in all R-3.1 regardless if there were no non-ambulatory clients or if non-ambulatory clients were only housed on the first floor. This new proposal will clarify the code and will set criteria on when the floor separation is required.

R337.6.2 and R337.6.3

Rational: SFM is proposing to adopt ASTM E2886 Standard Test Method for Evaluating the Ability of Exterior Vents to Resist the Entry of Embers and Direct Flame Impingement by reference. ASTM E2886 evaluates the ability of exterior vents that mount vertically or horizontally to resist the entry of embers and flame penetration through the vent. This fire-test-response standard prescribes two individual methods to evaluate the ability of a gable end, crawl space (foundation) and other vents that mount on a vertical wall or in the under-eave area to resist the entry through the vent opening of embers and flame. By adopting ASTM E2886, code users will have an additional design option for vents other than the current prescriptive requirements. These modifications to Chapter 7A would allow vents to be installed in the WUI area that meet the ASTM E2886 standard.

R331

Rational: The SFM is repealing existing state amendments to use model code language. The new model code language matches existing SFM definitions. Any existing SFM armaments that needed to be carried forward were relocated to R324. There is no change in regulatory effect.

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[5]

**CHAPTER 4
FOUNDATIONS**

**CHAPTER 5
FLOORS**

**CHAPTER 6
WALL CONSTRUCTION**

**CHAPTER 7
WALL COVERING**

The SFM proposes to not adopt Chapter 4 through Chapter 7.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[6]

**CHAPTER 8
ROOF-CEILING CONSTRUCTION**

The SFM proposes to only adopt Sections R802.1.5 – R802.1.5.10 contained in Chapter 8 without amendment.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[7]

**CHAPTER 9
ROOF ASSEMBLIES**

The SFM proposes to only adopt Sections R901.1, R902.1 – R902.4, R904.1 – R904.4, and R918 contained in Chapter 9 with amendment and California regulation. Furthermore, the SFM is maintaining the adoption of those existing California amendments or building standards in Chapter 9 without modification.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code for adoption into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

[8]

**CHAPTER 10
CHIMNEYS AND FIREPLACES**

The SFM proposes to only adopt Section R1003.9.1 contained in Chapter 10 with amendment and California regulation. Furthermore, the SFM is maintaining the adoption of those existing California amendments or building standards in Chapter 10 without modification.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code for adoption into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[9. The SFM proposes to not adopt Chapters 11 through 43.]

Part IV—Energy Conservation

**CHAPTER 11
ENERGY EFFICIENCY**

Part V—Mechanical

**CHAPTER 12
MECHANICAL ADMINISTRATION**

**CHAPTER 13
GENERAL MECHANICAL SYSTEM REQUIREMENTS**

CHAPTER 14

HEATING AND COOLING EQUIPMENT

**CHAPTER 15
EXHAUST SYSTEMS**

**CHAPTER 16
DUCT SYSTEMS**

**CHAPTER 17
COMBUSTION AIR**

**CHAPTER 18
CHIMNEYS AND VENTS**

**CHAPTER 19
SPECIAL FUEL-BURNING EQUIPMENT**

**CHAPTER 20
BOILERS AND WATER HEATERS**

**CHAPTER 21
HYDRONIC PIPING**

**CHAPTER 22
SPECIAL PIPING AND STORAGE SYSTEMS**

**CHAPTER 23
SOLAR SYSTEMS**

Part VI—Fuel Gas

CHAPTER 24 FUEL GAS

Part VII—Plumbing

**CHAPTER 25
PLUMBING ADMINISTRATION**

**CHAPTER 26
GENERAL PLUMBING REQUIREMENTS**

**CHAPTER 27
PLUMBING FIXTURES**

**CHAPTER 28
WATER HEATERS**

**CHAPTER 29
WATER SUPPLY AND DISTRIBUTION**

The provisions of Section P2904 relocated to Section R313.3.

**CHAPTER 30
SANITARY DRAINAGE**

**CHAPTER 31
VENTS**

CHAPTER 32

TRAPS

**CHAPTER 33
STORM DRAINAGE**

Part VIII—Electrical

**CHAPTER 34
GENERAL REQUIREMENTS**

**CHAPTER 35
ELECTRICAL DEFINITIONS**

**CHAPTER 36
SERVICES**

**CHAPTER 37
BRANCH CIRCUIT AND FEEDER REQUIREMENTS**

**CHAPTER 38
WIRING METHODS**

**CHAPTER 39
POWER AND LIGHTING DISTRIBUTION**

**CHAPTER 40
DEVICES AND LUMINAIRES**

**CHAPTER 41
APPLIANCE INSTALLATION**

**CHAPTER 42
SWIMMING POOLS**

**CHAPTER 43
CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS**

The SFM proposes to not adopt Chapters 11 through 43.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[10]

**CHAPTER 44
REFERENCED STANDARDS**

The SFM proposes to adopt Chapter 44 with amendment and California regulation. Furthermore, the SFM is maintaining the adoption of those existing California amendments or building standards in Chapter 44 without modification.

(Note: See Part 2 [item 13] of this document for existing California amendments brought forward from the 2013 California Residential Code for adoption into the 2016 California Residential Code without change except for nonsubstantive editorial corrections.)

The following NFPA standards are proposed to the latest edition:

NFPA 13, 13D, 13R, 72, 211, 259, 275, 720

Rational: SFM is proposing to repeal existing amendments to now match the same edition of reference standard that IBC/IFC adopts. The repealed amendments are now the same editions or newer editions by using model code language.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2012 International Residential Code and published as the 2013 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[11]

**APPENDIX A
SIZING AND CAPACITIES OF GAS PIPING**

**APPENDIX B
SIZING OF VENTING SYSTEMS SERVING APPLIANCES EQUIPPED WITH DRAFT HOODS, CATEGORY I
APPLIANCES, AND APPLIANCES LISTED FOR USE WITH TYPE B VENTS**

**APPENDIX C
EXIT TERMINALS OF MECHANICAL DRAFT AND DIRECT VENT VENTING SYSTEMS**

**APPENDIX D
RECOMMENDED PROCEDURE FOR SAFETY INSPECTION OF AN EXISTING APPLIANCE INSTALLATION**

**APPENDIX E
MANUFACTURED HOUSING USED AS DWELLINGS**

**APPENDIX F
PASSIVE RADON GAS CONTROL**

**APPENDIX G
SWIMMING POOLS, SPAS AND HOT TUBS**

**APPENDIX H
PATIO COVERS**

**APPENDIX I
PRIVATE SEWAGE DISPOSAL**

**APPENDIX J
EXISTING BUILDINGS AND STRUCTURES**

**APPENDIX K
SOUND TRANSMISSION**

**APPENDIX L
PERMIT FEES**

The SFM proposes to not adopt Appendices A through L.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

[12]

APPENDIX M

The SFM proposes to not adopt Appendix M and maintain the removal of the model code text and maintain the existing note for clarification in accordance with Health and Safety Code Section 1597.45, 1597.46, 1597.54 and 13143.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2015 International Residential Code and published as the 2016 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

****PART 2****

[13]

CHAPTER 1

**SCOPE AND APPLICATION
DIVISION I
CALIFORNIA ADMINISTRATION**

**SECTION 1.1
GENERAL**

1.1.2 through 1.1.12

1.2 through 1.7 Reserved

1.8 Department of Housing and Community Development

1.9 and 1.10 Reserved

1.11 through 1.11.10 SFM—Office of the State Fire Marshal

1.12 through 1.14 Reserved

1.11.3.4 Existing high-rise buildings.

Rational: The provisions of CBC Chapter 34 were relocated to both Chapter 11 of the California Fire Code and to the California Existing Building Code. No change in regulatory effect.

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2010 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2009 International Residential Code to the format of the 2012 International Residential Code.

**DIVISION II
ADMINISTRATION**

**R101.2
R102.7**

R104.11

R110.2

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

**CHAPTER 2
DEFINITIONS**

R201.3

R201.4

AGED HOME OR INSTITUTION.

APPROVED AGENCY.

APPROVED LISTING AGENCY.

APPROVED TESTING AGENCY.

BEDRIDDEN PERSON.

BUILDING.

CARE AND SUPERVISION.

CATASTROPHICALLY INJURED,

CHILD-CARE CENTER.

**CHILD OR CHILDREN.
CHRONICALLY ILL.
CONGREGATE RESIDENCE.
DAY-CARE
DAY-CARE HOME, FAMILY.
DAY-CARE HOME, LARGE FAMILY.
DAY-CARE HOME, SMALL FAMILY.
ENFORCING AGENCY.
FULL-TIME CARE
INFANT,
LISTED.
NONAMBULATORY PERSONS
NONCOMBUSTIBLE MATERIAL.
PROTECTIVE SOCIAL CARE FACILITY.
RESIDENTIAL CARE FACILITY FOR THE CHRONICALLY ILL (RCF/CI),
RESIDENTIAL CARE FACILITY FOR THE ELDERLY (RCFE),
RESIDENTIAL FACILITY (RF),
RESTRAINT.
STATE-OWNED/LEASED BUILDING.
TERMINALLY ILL,**

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

CHAPTER 3 BUILDING PLANNING

R301.1	310.2.4	R314.3.3
R302.1	R310.4	R314.4
TABLE R302.1(2)	R311.4	R314.6
R302.2	R312.1.2	R314.8-R314.8.3
R302.5.1	R313.1	R324.2
R302.6	R313.1.1	R324.3
TABLE R302.6	R313.2	R324.7
R302.9.5	R313.2.1	R324.7.2
R302.13	R313.3 through Table R313.3.6.2(9)	R324.7.2.6
302.14	R314.1	R335 through R335.9
R309.5	R314.2.2	R336 through R336.8
R309.6	R314.3	R337 through R337.10.4
R310.1.1	R314.3.2	R338 through R338.4

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

CHAPTER 9 ROOF ASSEMBLIES

R902.1	R902.1.3	R902.3
R902.1.1	R902.1.4	R902.4
R902.1.2	R902.2	R918-R918.1.6

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

CHAPTER 10 CHIMNEYS AND FIREPLACES

R1003.9.2

The SFM proposes to bring forward previously existing California building standards or amendments, which represent no change in their effect from the 2013 California Residential Code. Furthermore, the SFM proposes to codify non-substantive editorial and formatting amendments from the format based upon the 2012 International Residential Code to the format of the 2015 International Residential Code.

CHAPTER 44 REFERENCED STANDARDS

The SFM is proposing to maintain the adoption of those existing California regulations contained other Parts of Title 24 and incorporate into the CRC without modification. The SFM proposes to adopt specific standards contained in Chapter 44 with the following amendments and California regulations. The SFM proposes to adopt Chapter 44 with amended standards or California regulations.

ANSI S3.41 ASTM D 2898—04 ASTM D 3201—07 ASTM D 3909—97b(2004)e01 ASTM E 84—07 ICC-ES EG107 NFPA 252—03 NFPA 257—07 NFPA 501—13	SFM 12-3 SFM 12-7A-1 SFM 12-7A-2 SFM 12-7A-3 SFM 12-7A-4 SFM 12-7A-4A SFM 12-7A-5 UBC Standard 15-2 UBC Standard 15-3 UBC Standard 15-4
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The SFM proposes to adopt the above-listed standards with California amendment. The SFM is proposing to bring forth these existing SFM amendments from the CBC and CFC. The SFM is correlating these amendments which are derived from existing amendments and California regulations contained in the CBC and CFC.

APPENDIX M

The SFM proposes to not adopt Appendix M and remove the provisions contained therein pursuant to Health and Safety Code Sections 1250, 1502, 1568.02, 1569.72, 1569.78, 1597.45, 1597.46, 1597.54, 11159.2, 13108, 13113, 13114, 13131.5, 13133, 13143, 13143.6, 17921 and 18949.2.

The SFM proposes to remove Appendix M from the CRC. This Appendix is not applicable in California See Health and Safety Code Sections 1597.45, 1597.46, 1597.54 and 13143 regarding small family day care homes and large family day care homes. Provisions for day care facilities shall be in accordance with Section 1.1.3.1 for classification, R326 for large family day care, R325 for Group R-3.1 care facilities or the California Building Code.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies that are addressed in the 2012 International Residential Code and published as the 2013 California Residential Code pursuant to Health and Safety Code Section 13108, 13113, 13114, 13131.5, 13143, 17921, and 18949.2.

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

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.

STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:

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

This comprehensive fire code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broadbased 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 particular types or classes of materials, products or methods of construction.

The International Building, Residential and Fire Code 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

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.

The SFM has determined that no alternative available that 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, no alternatives have been identified or that have otherwise been identified and brought to the attention of the SFM that would lessen any adverse impact on small business.

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

The SFM has made an determination 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. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

**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 Office of the State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

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

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

These regulations will not affect the creation or the elimination of existing business within the State of California.

- The expansion of businesses currently doing business with the State of California.

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

- 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

- No increased cost of compliance for those regulations that make only technical and nonsubstantive changes.
- The potential benefits provide recognition and appropriate use of new technologies and materials, clarity for the code users and local enforcement agencies, and may increase business due to the adoption of new building standards.
- Protection of life and property against fire and panic.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

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.