

Article 5: Fire Protection and Prevention

Division 9: Fire Protection Systems

*(“Fire Department Access and Water Supply” added 1-8-1996 by O-18242 N.S.)
(Retitled to “Fire Protection Systems” and amended 4-8-2008 by O-19728 N.S.)*

§55.0901 Fire Protection Systems

901.1 Scope through 903.6 Where required in existing buildings and structures. 901.1 through 903.6 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(Amended 9-24-2002 by O-19103 N.S.)

(Retitled to “Fire Protection Systems” and amended 4-8-2008 by O-19728 N.S.)

(Amended 7-31-2012 by O-20188 N.S.; effective 8-30-2012.)

(Amended 4-6-2016 by O-20625 N.S.; effective 5-6-2016.)

§55.0903 Automatic Sprinkler Systems – Existing High-Rise Buildings

(a) 903.6.1 Purpose and Intent. The Council hereby finds as a matter directly affecting public safety and the life safety of occupants of *high-rise buildings* and the public safety personnel involved in fire suppression activities in *high-rise buildings* that it is necessary to install fire sprinkler systems in all existing *high-rise buildings*, which were previously exempt from such installation. Those buildings in which such sprinkler systems have been installed under the provisions of California Building Code section 3414 are exempt.

(b) 903.6.1.1 Definitions. For purposes of section 55.0903, defined terms appear in italics. The following terms have the following definitions apply in this section:

(1) *High-rise building* means any building or structure of any type of construction or occupancy having floors used for human occupancy located more than seventy-five (75) feet above the lowest floor level having building access.

High-rise buildings do not include:

(A) Hospitals as defined in California Health and Safety Code section 1250;

(B) Buildings used exclusively as open parking garages;

- (C) Buildings where all floors above the seventy-five (75) foot level are used exclusively as open parking garage and are located above all other floors used for human occupancy;
 - (D) Buildings such as power plants, look-out towers, steeples, green houses and similar structures with noncontinuous human occupancy as may be determined by the *Fire Code Official*;
 - (E) Any buildings or structures owned by any government agency other than the City of San Diego; and
 - (F) R-2 occupancies as defined in the California Building Code.
- (2) *Building access* means an exterior door opening that conforms to all of the following:
- (A) Is suitable and available for fire department use;
 - (B) Is located not more than two feet above the adjacent ground level;
 - (C) Leads to a space, room or area having foot traffic communication capability with the remainder of the building; and
 - (D) Is designed to permit penetration through the use of fire department forcible-entry tools and equipment, unless other approved arrangements have been made with the *Fire Code Official*.
- (3) *Owner* means every person who, or entity which, alone, jointly or severally with others has legal title to any building or structure or has the legal right to structurally alter or modify such building or structure.
- (c) 903.6.1.2 Applicability. Except as provided in this section, the provisions of section 55.0903 relating to installation of automatic fire sprinkler systems are hereby made applicable to all existing *high-rise buildings*, as defined in section 55.0903(d).
- (d) 903.6.1.3 Fire sprinkler system. Automatic fire sprinkler systems required under section 903.6.1 of the San Diego Fire Code shall be installed in accordance with NFPA 13 as adopted by State Fire Marshal, with the express provision that any later standard that imposes more stringent fire and life safety requirement shall apply at the time of installation.

- (e) 903.6.1.4 Schedule of implementation. Each *owner* of a *high-rise building*, as defined in section 55.0903(b), shall install an approved automatic fire sprinkler system in each *high-rise building* in accordance with the following schedule:
- (1) By January 1, 1990, the building *owner* shall submit a work plan to the *Fire Code Official* for approval. The work plan shall include technical sprinkler drawings and a time table for complete installation in accordance with section 903.6.3.4 of the San Diego Fire Code. The plan shall detail a schedule for completing the fire sprinkler system installation, giving priority to those floors in excess of seventy-five (75) feet above the lowest floor level having building access. The *Fire Code Official* is authorized to modify the schedule in this section to accommodate long-term leases; once approved, however, the schedule and plans may not be further modified;
 - (2) By January 1, 1993, one third (1/3) gross square footage of the structure shall be fire sprinklered;
 - (3) By January 1, 1996, two-thirds (2/3) gross square footage of the structure shall be fire sprinklered;
 - (4) By January 1, 1999, the entire gross square footage of the structure shall be fire sprinklered; and
 - (5) The *owner* of a *high-rise building* or structure that is subject to the provisions of this section, and that contains significant quantities of asbestos that will interfere with such installations shall have the option of instead equipping the entire gross square footage of the building or structure with an automatic fire sprinkler system by January 1, 1996; provided, however, that under this option, the *owner* of the building or structure shall be deemed to have waived any further extension of time for compliance.

In order to be eligible for this option, the *owner* must establish the presence of asbestos in the affected building, that it is impossible or impractical to complete the work in increments, with supporting rationale, and that the work plan submitted clearly demonstrates that all tenants will be vacated and all work will be completed within the specified time frame.

For purposes of this section, the gross square footage of a building or structure includes the sum total of all the floor areas for all floor levels, basements and sub-basements, measured from the exterior walls, irrespective of the existence of interior fire resistive walls, floors and ceilings.

Notwithstanding the compliance schedule above, any owner of any high-rise building or structure subject to the provisions of this section, which contains significant quantities of asbestos, who agrees in writing prior to January 1, 1996, to demolish the subject building, shall be exempt from the compliance schedule set forth in this section.

The written agreement shall constitute a covenant running with the land. Such agreement shall be recorded in the office of the County Recorder, San Diego County. The recordable agreement from (demolition agreement) shall be provided by the City.

- (f) 903.6.1.5 Waiver of other provisions. The *Fire Code Official* or Building Official is authorized to waive or modify any or all of the following provisions of the California Fire Code or the California Building Code as adopted by the City in the Municipal Code when requiring the retrofitting of existing *high-rise buildings* with automatic fire sprinkler systems pursuant to this section. This waiver and modification authorization is limited to the following: (1) underground water storage tank will not be required; (2) fire pump size or installation can be reduced or eliminated, depending upon the adequacy of water pressure available to the building; (3) existing dead end corridors without intervening doors may be permitted; (4) existing ventilation shafts may be permitted; and (5) existing transoms may be allowed.
- (g) 903.6.1.6 Appeal and modification provisions. The *owner* of a *high-rise building* covered under this section may appeal a decision made by the *Fire Code Official* under this section. An appeal shall be made to the Mayor, or the Mayor's designee. The Board of Appeals and Advisors shall serve as the hearing body for appeals under this section. For these purposes, the Board of Appeals may: (1) recommend a variance from any provisions of this section; (2) recommend the suitability of alternate materials and methods of sprinkler installation; and (3) provide reasonable interpretations of this section, so long as such interpretations do not conflict with the purpose, intent and general objective of this section nor extend the time for compliance established in this section.

The Board of Appeals may, in addition to any other considerations it deems appropriate, examine the architectural or historical significance of the building or structure. The Mayor, or the Mayor's designee, shall thereafter consider the recommendations of the Board of Appeals and issue a final decision. The Mayor's, or the Mayor's designee's, decision shall constitute the *owner's* exhaustion of administrative remedies.

(h) 903.6.1.7 Violations.

(1) It is unlawful for any *owner* of a *high-rise building* to allow any person to occupy any portion of a *high-rise building* subject to the provisions of this section unless: (1) the *Fire Code Official* or Mayor, or the Mayor's designee, has, in writing, authorized the occupancy; or (2) the owner is complying with the implementation schedule set forth in this section; or (3) the occupant is performing construction or maintenance to the building related to the installation or maintenance of an automatic fire sprinkler system; or (4) the *owner* of the *high-rise building* agreed in writing prior to January 1, 2004 to demolish the *high-rise building* by January 1, 2004.

(2) It is unlawful for any *owner* of a *high-rise building* to allow any person to occupy any portion of a *high-rise building* after January 31, 2011, except where: (1) the occupant is performing minimal maintenance to prevent the *high-rise building* from being in an unsafe condition; or (2) the occupant is performing construction or maintenance to the building related to the installation or maintenance of an automatic fire sprinkler system; or (3) an approved fire sprinkler system has been completely installed.

(i) 904.1 General through 915.7 Visible alarms. Sections 904.1 through 915.7 of the California Fire Code have been adopted without change pursuant to section 55.0101(a).

(Amended 9-24-2002 by O-19103 N.S.)

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