

1 [Administrative Code - Fire Code Technical Advisory Council]

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3 **Ordinance amending the Administrative Code to establish the Fire Code Technical**
4 **Advisory Council to evaluate and advise the Board of Supervisors, the Mayor, and the**
5 **Fire Department, on the criteria and types of evidence the Fire Marshal should consider**
6 **in determining whether to waive, modify, or delay certain compliance requirements**
7 **under the Fire Code that certain existing high-rise residential buildings have sprinkler**
8 **systems; and to set forth the membership and duties of the Fire Code Technical**
9 **Advisory Council.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
11 **Additions to Codes** are in *single-underline italics Times New Roman font*.
12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
13 **Board amendment additions** are in double-underlined Arial font.
14 **Board amendment deletions** are in ~~strikethrough Arial font~~.
15 **Asterisks (* * * *)** indicate the omission of unchanged Code
16 subsections or parts of tables.

17 Be it ordained by the People of the City and County of San Francisco:

18

19 Section 1. Chapter 5 of the Administrative Code is hereby amended by adding Article
20 XLII, consisting of Sections 5.42-1 through 5.42-8, to read as follows:

21

ARTICLE XLII:

22

FIRE CODE TECHNICAL ADVISORY COUNCIL

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SECTION 5.42-1. CREATION OF THE FIRE CODE TECHNICAL ADVISORY
24 **COUNCIL.**

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The Board of Supervisors hereby establishes the Fire Code Technical Advisory Council (the
“Council”) of the City and County of San Francisco.

1 **SEC. 5.42-2. PURPOSE.**

2 San Francisco Fire Code Section 1103.5.4, requires certain existing high-rise residential
3 buildings to install an automatic sprinkler system by January 1, 2035. The purpose of the Council is to
4 evaluate, further define, and advise the Board of Supervisors, Mayor, and the Fire Department, on the
5 criteria and types of evidence the Fire Marshal shall consider in determining whether to approve
6 alternate methods and materials, waive specific individual requirements, and grant necessary
7 extensions of time, as permitted in Section 1103.5.4. The Board of Supervisors may adopt legislation to
8 implement the recommendations of the Council as necessary.

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10 **SEC. 5.42-3. MEMBERSHIP.**

11 (a) The Council shall consist of 11 voting members. Seats 1 through 6 shall be appointed by
12 the Board of Supervisors.

13 (1) Seat 1 shall be held by a property owner or building manager of a building subject
14 to the requirements of Section 1103.5.4 of the San Francisco Fire Code.

15 (2) Seat 2 shall be held by a non-owner tenant of a building affected by Section
16 1103.5.4.

17 (3) Seat 3 shall be held by a duly authorized homeowners' association representative of
18 a building subject to the requirements of Section 1103.5.4.

19 (4) Seat 4 shall be held by a person who holds an active C-16 fire protection contractor
20 license issued by the California Contractors State License Board (CA-CSLB), as defined in California
21 Code of Regulations, Title 16, Division 8, Article 3.

22 (5) Seat 5 shall be held by a construction professional with experience in either general
23 labor or a skilled trade.

1 (6) Seat 6 shall be held by a professional architect who holds an active license issued by
2 the California Architects Board or a professional structural engineer who holds an active license
3 issued by the California Board for Professional Engineers, Land Surveyors, and Geologists.

4 (7) Seat 7 shall be held by an employee of the Controller's Office appointed by the
5 Controller.

6 (8) Seat 8 shall be held by an employee of the Fire Department appointed by the Fire
7 Chief.

8 (9) Seat 9 shall be held by an employee of the Department of Building Inspection,
9 appointed by the Director of the Department of Building Inspection.

10 (10) Seat 10 shall be held by an employee of the Public Utilities Commission, appointed
11 by the General Manager of the Public Utilities Commission.

12 (11) Seat 11 shall be held by a member of the Board of Supervisors appointed by the
13 President of the Board of Supervisors; the appointed Supervisor may designate a legislative assistant to
14 serve in the Supervisor's seat.

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16 **SEC. 5.42-4. ORGANIZATION AND TERMS OF OFFICE.**

17 (a) Members of the Council shall serve at the pleasure of their appointing authority and may be
18 removed by their appointing authority without cause.

19 (b) The Fire Department shall provide administrative support for the Council.

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21 **SEC. 5.42-5. POWERS AND DUTIES.**

22 (a) The Council shall have the power and the duty to advise the Board of Supervisors, Mayor,
23 and the Fire Department on the criteria and types of evidence the Fire Marshal should consider in
24 determining whether to approve alternate methods and materials, waive specific individual
25 requirements, and grant necessary extensions of time, as permitted in Section 1103.5.4.4. In addition,

1 the Council shall develop definitions for the following terms used in Section 1103.5.4.4: “reasonable
2 degree of fire protection”; “alternative protection”; “not physically possible”; “disproportionate
3 effort”; and “undue hardship.”

4 (b) In developing criteria and definitions described in subsection (a), the Council shall
5 consider all documents and information submitted to it, including but not limited to the Public Utilities
6 Commission’s response to a December 16, 2025 Letter of Inquiry from a member of the Board of
7 Supervisors seeking information related to water capacity and sprinkler retrofits, and all reports
8 prepared by the Budget and Legislative Analyst related to or regarding residential high rise sprinkler
9 retrofits.

10 (c) No later than 90 days following its first meeting, the Council shall submit to the Board of
11 Supervisors, the Mayor, and the Fire Department its findings and recommendations.

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13 **SEC. 5.42-6. MEETINGS AND PROCEDURES.**

14 (a) The Fire Chief or their designee shall set the inaugural meeting of the Council not more
15 than 60 days following the appointment of a quorum of the members of the Council. The Fire Chief or
16 their designee shall provide at least ten days’ public notice of the Council’s inaugural meeting.
17 Following the inaugural meeting, the Council shall hold a regular meeting not less than twice each
18 month during the first 90 days following its first meeting, and thereafter shall continue to meet no less
19 than once per month until its sunset as provided in Section 5.42-7.

20 (b) The Council shall elect a chair and such other officers as it deems appropriate and may
21 establish bylaws and rules for its organization and procedures.

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23 **SEC. 5.42-7. SUNSET.**

24 Unless the Board of Supervisors by ordinance extends the term of the Council, this Article XLII
25 shall expire by operation of law, and the Council shall sunset, one year after its first meeting. In that

1 event, and after the sunset date, the City Attorney shall cause this Article XLII to be removed from the
2 Administrative Code.

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4 **SEC. 5.42-8. UNDERTAKING FOR THE GENERAL WELFARE.**

5 In enacting and implementing this ordinance, the City is assuming an undertaking only to
6 promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an
7 obligation for breach of which it is liable in money damages to any person who claims that such breach
8 proximately caused injury.

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10 Section 2. Effective Date. This ordinance shall become effective at 12:00 a.m. on the
11 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
12 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
13 or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

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15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: /s/ Sarah Fabian
18 SARAH FABIAN
19 Deputy City Attorney

20 4918-1765-2882, v. 1
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