15-DAY COMMENT PERIOD
MODIFICATIONS TO EXPRESS TERMS
FOR
PROPOSED BUILDING STANDARDS
OF THE
OFFICE OF THE STATE FIRE MARSHAL (SFM)
REGARDING THE ADOPTION BY REFERENCE OF THE
2009 EDITION OF THE INTERNATIONAL FIRE CODE (IFC)
WITH AMENDMENTS INTO THE 2010 CALIFORNIA FIRE CODE (CFC)
CALIFORNIA CODE OF REGULATIONS TITLE 24, PART 9

Legend for Express Terms:

1. Existing California regulations or amendments brought forward with modification: All such language appears in Italics, modified language is underlined.

2. IBC language with new California amendment: IBC language is shown in normal Arial 9-point. California amendments to IBC text appear underlined and in italics.

3. New California regulation or amendment: California language appears underlined and in Italics.

4. Repealed Text: Shown as Strikeout.

5. Existing California amendments brought forward that remove IRC language: Shown as Strikeout.

6. New California amendments that remove IRC language: Shown as Strikeout.

7. Amended, adopted or repealed language for the 15-day public comment: Amended, adopted, or repealed language will appear in double underline and double strikeout.

8. Notation: Authority and Reference citations are provided at the end of each chapter.
PROPOSED MODIFICATIONS:

Section 202 General Definitions

**CHILD CARE FACILITIES.** Facilities that provide care on a 24-hour basis to more than five six children, 21/2 years of age or less, under 2 years of age.

**INFANT,** for the purpose of these regulations, shall mean any child who because of age only, is unable to walk and requires the aid of another person to evacuate the building. In no case shall the term “infant” mean a child beyond two years of age 2 years of age or older.

**OCCUPANCY CLASSIFICATION**

**Educational Group E.** Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more than six persons at any one time for educational purposes through the 12th grade. Religious educational rooms and religious auditoriums, which are accessory to churches in accordance with Section 508.3.1 of the *International California Building Code* and have occupant loads of less than 100, shall be classified as A-3 occupancies.

*Exception:* A residence used as a home school for the children who normally reside at the residence. Such residences shall remain classified as Group R-2, or Group R-3 Occupancies.

**Day care.** The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five six children older than 21/2 years of age and older, shall be classified as a Group E occupancy.

*Exception: [SFM] A Daycare facility not otherwise classified as an R-3 occupancy, where occupants are not capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group I-4.

**Group I-4, day care facilities.** This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage or adoption and in a place other than the home of the person cared for. A facility such as the above with five six or fewer persons shall be classified as a Group R-3 or shall comply with the *International California Residential Code* in accordance with Section 101.2. Places of worship during religious functions are not included.

**Adult day care facility.** A facility that provides accommodations for less than 24 hours for more than five six unrelated adults and provides supervision and personal care services shall be classified as Group I-4.

*Exception:* A facility where occupants are capable of responding to an emergency situation without physical assistance from the staff shall be classified as Group A-3.

**Child day care facility.** A facility that provides supervision and personal care on less than a 24-hour basis for more than five six children 21/2 years of age or less, under 2 years of age shall be classified as Group I-4.

*Exception:* A child day care facility which provides care for more than five six but no more than 100 children 21/2 years of age or less, under 2 years of age, when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
Rational for modification (from Part 2):
The SFM is proposing modification to Sections 305.2, 308.3.1, 308.5.1, 308.5.2 and 310.2 definitions that revise age limitations based on other statutory definitions of infant and to correlate with CCR Title 22 regulations for child care and infants. However, the use of “age 2” or “2 years of age” does not meet the intent of the SFM. Age 2 or 2 years of age means a child who is somewhere between their 2nd birthday, but has not reached their 3rd birthday. Title 22 Sec 101152 defines “Infant as a child under 2 years of age”. This is also born out by the definition of child with in the Building Code and Title 22: “Child or children is a person under 18 years of age”. A person, who is 17 years, 11 months, 29 days is a “child”. As such, a person who is 2 years, 11 months, 29 days would still be “age 2”. The same reasoning should be used for determining whether a code requirement applies to a child or infant. Additional code amendments are being proposed for other sections of the CBC, CFC and IRC that contain the same issue and are also proposed for revision to the definition of “infant” to correlate with Title 22. This modification has no change in regulatory effect.

Additional modifications to Sections 308.5.1 and 308.5.2 are proposed by adding the word “day” to the title of these sections clarifies that it is applicable to day care. The term “child care facility” is already defined in Section 308.3.1 as facilities that provide care on a 24-hour basis. The intent of Section 308.5.1 and 308.5.2 is for less than 24 hour care facilities. This modification has no change in regulatory effect.
904.11 Commercial cooking systems. The automatic fire-extinguishing system for commercial cooking systems shall be of a type recognized for protection of commercial cooking equipment and exhaust systems of the type and arrangement protected. Preengineered automatic dry- and wet chemical extinguishing systems shall be tested in accordance with UL 300 and listed and labeled for the intended application. Other types of automatic fire-extinguishing systems shall be listed and labeled for specific use as protection for commercial cooking operations. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions. Automatic fire-extinguishing systems of the following types shall be installed in accordance with the referenced standard indicated, as follows:

1. Carbon dioxide extinguishing systems, NFPA 12.
3. Foam-water sprinkler system or foam-water spray systems, NFPA 16.
4. Dry-chemical extinguishing systems, NFPA 17.
5. Wet-chemical extinguishing systems, NFPA 17A

Commercial cooking equipment that produce grease laden vapors shall be provided with a Type I Hood, in accordance with the California Mechanical Code, and an automatic fire extinguishing system that is listed and labeled for its intended use as follows:

1. Wet chemical extinguishing system, complying with UL 300.
2. Carbon dioxide extinguishing systems.
3. Automatic fire sprinkler systems.

All existing dry chemical and wet chemical extinguishing systems shall comply with UL 300, no later than the second required servicing of the system following the effective date of this section.

Exception: Public schools kitchens, without deep-fat fryers, shall be upgraded to a UL 300 compliant system during state funded modernization projects that are under the jurisdiction of the Division of the State Architect.

All systems shall be installed in accordance with the California Mechanical Code, appropriate adopted standards, their listing and the manufacturers' installation instructions.

Exception: Factory-built commercial cooking recirculating systems that are tested, listed, labeled and installed in accordance with UL 710B, and listed, labeled and installed in accordance with Section 304.1 of the International Mechanical Code.

Notation:
Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.65, 13108, 13143, 13143.9, 13146, 13210, 13211, 17921, 18949.2, Public Education Code 17074.50
References: Health and Safety Code Sections 13143, 13211, 18949.2

Rational for modification:
The SFM is proposing modification to eliminate provisions no longer necessary as they relate to the servicing date deadline. The requirement deadline to change out an existing system has passed (January 1, 2009 being the last possible date). There is no reason to keep language as it would imply that existing non-UL 33 systems are still acceptable until the second service date after January 1, 2011. This language will clarify requirements for systems to comply with UL 300 as required under current 2007 CBC and CFC. Furthermore, it will also allow for consistent enforcement throughout the state. This modification has no change in regulatory effect.
909.12 Detection and control systems. Fire detection systems providing control input or output signals to mechanical smoke control systems or elements thereof shall comply with the requirements of Section 907. Such systems shall be equipped with a control unit complying with UL 864 and listed as smoke control equipment.

Control systems for mechanical smoke control systems shall include provisions for verification. Verification shall include positive confirmation of actuation, testing, manual override, the presence of power downstream of all disconnects and, through a preprogrammed weekly test sequence, report abnormal conditions audibly, visually and by printed report.

The status of dampers shall be determined using limit or proximity switches installed at the damper or incorporated into the damper actuator. Where multiple dampers are grouped together in an assembly requiring one or more actuators, each group of dampers shall be independently controlled independently by a separate actuator and provided with an individual limit or proximity switch, or the dampers shall be permanently linked together and by permanent mechanical means into one or more groups controlled by one or more actuators with each group provided with a common limit or proximity switch.

The status of fans shall be determined by sensing the airflow downstream of the fans using pressure differential switches or transmitters, or by other means of positive proof of airflow where approved by the enforcing authority.

Notation:

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.65, 13108, 13143, 13143.9, 13146, 13210, 13211, 17921, 18949.2, Public Education Code 17074.50

References: Health and Safety Code Sections 13143, 13211, 18949.2

Rational for modification:
The SFM is proposing modification to clarify the intent of this paragraph being added to Section 909.12 for the situation where multiple dampers are grouped together to control the airflow through a large duct or plenum. It clarifies that when there are multiple dampers mechanically linked together and controlled by a separate actuator or actuators that the group of dampers as a whole can be provided with a single limit or proximity switch in lieu of requiring each damper to have its own actuator and limit or proximity switch. It also further clarifies that the group of mechanically linked dampers could actually consist of more than one grouping of dampers having its own actuator or actuators and its own limit or proximity switch.

1011.6 Floor-level exit signs. Where exit signs are required by Chapter 10, additional approved low-level exit signs which are internally or externally illuminated photoluminescent or self-luminous, shall be provided in all interior corridors of Group A, E, occupancies, Group I and R-2.1 occupancies and in all interior rated exit corridors serving guest rooms of hotels in Group R, Division 1 occupancies.

Exceptions:
1. Group A occupancies that are protected throughout by an approved supervised fire sprinkler system.
2. Group E Occupancies where direct exits have been provided from each classroom.
3. Group I and R-2.1 occupancies which are provided with smoke barriers constructed in accordance with Section 407.4
4. Group I, Division 3-1-3 occupancies.

The bottom of the sign shall not be less than 6 inches (152 mm) or more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit-access doors, the sign shall be on the door or adjacent
to the door with the closest edge of the sign or marker within 4 inches (102 mm) of the door frame.

**Note:** Pursuant to Health and Safety Code Section 13143, this California amendment applies to all newly constructed buildings or structures subject to this section for which a building permit is issued (or construction commenced, where no building permit is issued) on or after January 1, 1989.

**Notation:**
Authority: Health and Safety Code Sections 13143
References: Health and Safety Code Sections 13143

For the specific purpose and rational for each section containing California regulation, modification, amendment or repeal see the Statement of Reasons for Part 2 California Building Code (CBC). The SFM is correlating amendments for Part 9 California Fire Code (CFC) which are derived from the amendments proposed to the CBC.

The promulgation and format of the IBC and IFC necessitate this action. Code sections are generally considered by the ICC General and or Egress Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

**Rational for modification (from Part 2):**
The SFM received comments during the 45 day comment period expressing concern that provisions relating to Group E occupancy floor level exit signs having not been adequately addressed during the triennial adoption of Title 24, Part 2, for the 2007 California Building Code (CBC). The SFM has reviewed the prior rulemaking records and concurs, this modification is necessary to correct an omission made during the SFM original adoption and amendments of the CBC. During the adoption and amendment of the 2007 CBC and CFC the initial draft language for these sections was not correctly brought forward from the 2001 CBC for Group E occupancies. The SFM is submitting this modification as a change without regulatory effect to Part 2, Chapter 10, Sections 1011.6 in accordance with Health and Safety Code 13143. This modification has no change in regulatory effect.

**TABLE 1016.1**
**EXIT ACCESS TRAVEL DISTANCE**

<table>
<thead>
<tr>
<th>OCCUPANCY</th>
<th>WITHOUT SPRINKLER SYSTEM (feet)</th>
<th>WITH SPRINKLER SYSTEM (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A, E, F-1, M, R, S-1</td>
<td>200</td>
<td>250&lt;sup&gt;b&lt;/sup&gt;</td>
</tr>
<tr>
<td>B</td>
<td>200</td>
<td>300&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>F-2, S-2, U</td>
<td>300</td>
<td>400&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>H-1</td>
<td>Not Permitted</td>
<td>75&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>H-2</td>
<td>Not Permitted</td>
<td>100&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>H-3</td>
<td>Not Permitted</td>
<td>150&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>H-4</td>
<td>Not Permitted</td>
<td>175&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>H-5</td>
<td>Not Permitted</td>
<td>200&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>I-2, I-2.1, I-3&lt;sup&gt;d&lt;/sup&gt;, I-4</td>
<td>150</td>
<td>200&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
<tr>
<td>L</td>
<td>Not Permitted</td>
<td>200&lt;sup&gt;c&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

For SI: 1 foot = 304.8 mm.

a. See the following sections for modifications to exit access travel distance requirements:
Section 402.4: For the distance limitation in malls.
Section 404.9: For the distance limitation through an atrium space.
Section 407.4: For the distance limitation in Group I-2.
Sections 408.6.1 and 408.8.1: For the distance limitations in Group I-3.
Section 411.4: For the distance limitation in Special Amusement Buildings.
Section 1014.2.2: For the distance limitation in Group I-2 Hospital Suites.
Section 1015.4: For the distance limitation in refrigeration machinery rooms.
Section 1015.5: For the distance limitation in refrigerated rooms and spaces.
Section 1021.2: For buildings with one exit.
Section 1028.7: For increased limitation in assembly seating.
Section 1028.8: For increased limitation for assembly open-air seating.
Section 3103.4: For temporary structures.
Section 3104.9: For pedestrian walkways.
b. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2. See Section 903 for occupancies where automatic sprinkler systems in accordance with Section 903.3.1.2 are permitted.
c. Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1
d. Not permitted in non-sprinklered Group I-3 Occupancies

Notation:
Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.65, 13108, 13143, 13143.9, 13146, 13210, 13211, 17921, 18949.2
References: Health and Safety Code Sections 13143, 13211, 18949.2

For the specific purpose and rational for each section containing California regulation, modification, amendment or repeal see the Statement of Reasons for Part 2 California Building Code (CBC). The SFM is correlating amendments for Part 9 California Fire Code (CFC) which are derived from the amendments proposed to the CBC.

The promulgation and format of the IBC and IFC necessitate this action. Code sections are generally considered by the ICC General and or Egress Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

Rational for modification (from Part 2):
The SFM is proposing editorial modification to add Group I-2.1 occupancies to Table 1016.1, currently the table gives no direction. This modification has no change in regulatory effect. This modification has no change in regulatory effect.

1201.1.1 Compliance alternate existing for dry cleaning plants. Existing dry cleaning plants constructed or officially authorized prior to January 1, 2008, may, as an alternative to the requirements of this chapter, be permitted to comply with the provisions of NFPA 32 in its entirety as an acceptable alternative to the requirements of this chapter.

Authority: Health and Safety Code Sections 13201, 13143, 18949.2
References: Health and Safety Code Sections 13143, 18949.2

Rational for modification:
The SFM is proposing modification to remove the limitation for existing buildings only in part as a result of actions taken at the national code development code hearings for the 2012 International Fire Code (IFC). During the IFC Fire Committee hearings October 2009 an action to allow similar exemptions contained in the 2010 NFPA 32 were
unanimously approved for the IFC (proposal F153–09/10). This action would make certain exemptions for Type III dry cleaning plants new or existing without an automatic sprinkler system. However, this proposal F153–09/10 does not include provisions for compartmentalization with fire barriers that the NFPA 32 standard requires. The SFM maintains that where these systems are utilized in buildings without automatic sprinkler protection compartmentalization must be maintained. The SFM further sees the need to allow the provisions of NFPA 32, including compartmentalization to new and existing due to the time frames established by the California ARB for the phase out of drycleaning machines using perchloroethylene by January 2023.

2501.1 Scope. Tire rebuilding plants, tire storage (including tire derived products as defined in Public Resources Code Section 42805.7(a)) and tire byproduct facilities shall comply with this chapter, other applicable requirements of this code and NFPA 13. Tire storage in buildings shall also comply with Chapter 23.

2505.4 Distance from lot lines and buildings. Tire storage piles shall be located at least 50 feet (15 240 mm) from lot lines and buildings.

Exceptions:
1. Tire storage piles containing less than 500 tires shall be permitted to be located no closer than 10 feet (3048 mm) from lot lines or from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line, building, or perimeter fencing. Side slopes shall not exceed 60 degrees. When approved by the fire code official in accordance with Section 111.2.4 distances of less than 10 feet (3048 mm) from lot lines or from buildings may be approved.
2. When approved by the fire code official in accordance with Section 111.2.4, exempted facilities defined in Public Resources Code Sections 42808(c) and 42831 and used tires as defined in 42806.5, tire storage piles shall be permitted to be located no closer than 10 feet (3 048 mm) from lot lines or 50 feet (15 240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.
3. When approved by the fire code official in accordance with Section 111.2.4, “minor waste tire facilities” as defined in Public Resources Code Section 42808. tire storage piles shall be permitted to be located no closer than 10 feet (3 048 mm) from lot lines or 50 feet (15 240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.
4. Existing “minor waste tire storage facilities” as defined in Public Resources Code Section 42808, legally permitted prior to January 1, 2011, shall be permitted to maintain tire storage piles located no closer than 10 feet (3048 mm) from lot lines or 50 feet (15240 mm) from buildings. Tire storage piles shall not exceed 6 feet (1829 mm) in height when within 20 feet (6096 mm) of any property line or perimeter fencing. Side slopes shall not exceed 60 degrees.

2508.2 Fire extinguishers. Buildings or structures shall be provided with portable fire extinguishers in accordance with Section 906. Fuel-fired vehicles operating in the storage yard shall be equipped with a minimum 2A:20-B:C:40-B:C rated portable fire extinguisher.

Authority: Health and Safety Code Sections 13108, 13143, 18949.2, Public Resources Code 42820 (b)
References: Health and Safety Code Sections 13143, 18949.2

Rational for modification:
The SFM has included additional scoping in Section 2501.1 to further clarify the intent as it relates to the storage of derived products in accordance with Public Resources Code 42820(b). This modification has no change in regulatory effect.

The SFM received comments during the 45 day comment period expressing concern that distance provisions contained in 2505.4 negatively impacted both tire retailers/dealers and installers, small tire storage areas and new
minor waste tire storage facilities. The SFM has added additional exemptions one and two to address these areas of concern.

Exception one addresses small tire storage piles typically found at small tire retailers/dealers and installers by allowing limited storage of tires up to 10 feet. The SFM is utilizing dimensions derived in CCR Title 14, Section 17354 and NFPA 1 which has additional exemptions. Additionally this exception includes provisions for closer proximity to the lot line or building where an alternate mean of protection (e.g. 3 – 4 hour fire separation walls, other fire protection systems) has been provided and approved by the local fire code official.

Exception two addresses tire dealers, auto dismantlers that store less than 1500 waste tires, tire retreading businesses storing less than 3000 waste tires and agricultural operations storing less than 5000 waste tires by allowing limited storage of tires up to 10 feet in accordance with Public Resources Code 42808(c), 42831 and 42806.5. The SFM is utilizing dimensions derived in CCR Title 14, Section 17354 related to waste tire storage. However, this exception includes provisions for approval by the local fire code official as a precursor based on site conditions, water flow, fire access, resources, etc. and may further necessitate additional fire protection features including but not limited to 3 – 4 hour fire separation walls, other fire protection systems.

Exception three addresses minor waste tire storage facilities by allowing limited storage of tires up to 10 feet. The SFM is utilizing dimensions derived in CCR Title 14, Section 17354 related to waste tire storage. However, this exception includes provisions for approval by the local fire code official as a precursor based on site conditions, water flow, fire access, resources, etc. and may further necessitate additional fire protection features including but not limited to 3 – 4 hour fire separation walls, other fire protection systems.

Additional modification proposed to Section 2508.2 correlate existing provisions for portable fire extinguishers contained in CCR, Title 14, Section 17351 with the CFC. This modification has no change in regulatory effect.

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**APPENDIX CHAPTER 4**

**SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY**

**425.8.3.3 Group R-3.1 occupancies housing only one bedridden clients.** In Group R-3.1 occupancies housing a bedridden client and not provided with an approved automatic fire sprinkler system, all of the following shall apply:

1. In Group R-3.1 Occupancies housing a bedridden client, a direct exit to the exterior of the residence shall be provided from the client sleeping room.
2. Doors to a bedridden client’s sleeping room shall be of a self-closing, positive latching 1-3/8 inch solid wood door. Such doors shall be provided with a gasket so installed as to provide a seal where the door meets the jam on both sides and across the top. Doors shall be maintained self-closing or shall be automatic closing by actuation of a smoke alarm in accordance with California Building Code Section 715.4.4.8.
3. Group R-3.1 Occupancies housing a bedridden client, shall not have a night latch, dead bolt, security chain or any similar locking device installed on any interior door leading from a bedridden client’s sleeping room to any interior area such as a corridor, hallway and or general use areas of the residence in accordance with Chapter 10.
4. The exterior exit door to a bedridden client’s sleeping room shall be operable from both the interior and exterior of the residence.
5. Every required exit doorway from a bedridden client sleeping room shall be of a size as to permit the installation of a door not less than 3 feet (914 mm) in width and not less than 6 feet 8 inches (2032 mm) in height. When installed in exit doorways, exit doors shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exit way is not less than 32 inches (813 mm).

**Note:** A sliding glass door can be used as an exterior exit doorway as long as it is operable from the inside and outside and the clear width of the exit way is not less than 32 inches (813mm).

**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.65, 13108, 13143, 13143.9, 13146, 13210, 13211, 17921, 18949.2
References: Health and Safety Code Sections 13143, 13211, 18949.2

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The promulgation and format of the IBC and IFC necessitate this action. Code sections are generally considered by the ICC General and or Egress Code Development Committee for the IBC and correlated into the IFC where necessary. SFM is following the format of the code in these instances; where the primary code is the CBC and SFM is proposing amendments to the section, those same amendments are correlated into the CFC as amendments.

Rational for modification (from Part 2):
The additional language clarifies that this section is only applicable to R-3.1 occupancies without automatic fire sprinklers per Section 903. This modification has no change in regulatory effect.