

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Jeanine Nicholson, Chief, Fire Department

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: March 17, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Stefani on March 9, 2021:

File No. 210259

Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

cc: Theresa Ludwig, Fire Department

1 [Fire, Existing Building Codes - Fire Alarm Systems Upgrade Deadline]

2

3 **Ordinance amending the Fire Code and Existing Building Code to extend the deadline**
 4 **for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1,**
 5 **2023; making findings under the California Health and Safety Code; and directing the**
 6 **Clerk of the Board of Supervisors to forward this Ordinance to the California Building**
 7 **Standards Commission upon final passage.**

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

12

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

14

15 Section 1. Findings.

16 On _____, the Building Inspection Commission considered this ordinance at a
 17 duly noticed public hearing pursuant to Charter Section 3.750.5.

18

19 Section 2. Findings under California Health and Safety Code. The Board of
 20 Supervisors hereby finds that the following local conditions apply to the amendments to the
 21 San Francisco Fire Code and San Francisco Existing Building Code enacted by this
 22 ordinance:

23 (1) The City and County of San Francisco is unique among California communities with
 24 respect to the possible causes and effects of fires, including fires in residential multi-unit
 25 buildings. Among other things, San Francisco is located on an active seismic zone; certain

1 buildings in San Francisco are at an increased risk for earthquake-induced failure and
2 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
3 hazards; and enhanced fire, structural, and other protections are required due to high building
4 density and high occupancy in many buildings.

5 (2) San Francisco has narrow and crowded sidewalks due to building and population
6 density and unusual topography; and San Francisco has numerous high-rise buildings,
7 including residential buildings with large numbers of people living therein. For these reasons,
8 fires in San Francisco can be especially devastating, and the need for extra measures to
9 prepare for and cope with fires is especially pressing, particularly regarding people who live in
10 multi-unit residential buildings, and who may face fire dangers any day of the week and any
11 hour of the day or night.

12 (3) California Health and Safety Code Sections 17958 and 17958.5 allow the City to
13 make changes or modifications in the requirements contained in the provisions published by
14 the California Building Standards Commission, including the California Fire Code, when those
15 changes or modifications are reasonably necessary because of local climatic, geological, or
16 topographical conditions. California Health and Safety Code Section 17958.7 provides that
17 before making any such changes or modifications, the governing body must make express
18 findings that such changes or modifications are reasonably necessary because of the
19 specified local conditions, and those findings shall be filed with the California Building
20 Standards Commission.

21 (4) Pursuant to the applicable California Health and Safety Code sections, the Board of
22 Supervisors finds and determines that the conditions described above constitute a general
23 summary of the most significant local conditions giving rise to the need for variance from the
24 California Fire and Building Codes and any other applicable provisions published by the
25 California Building Standards Commission in the fire alarm system requirements imposed

1 under Section 1103.7.6.1 of the San Francisco Fire Code, and Section 501.6 of the San
2 Francisco Existing Building Code. Further, the Board of Supervisors finds and determines that
3 the proposed variances in this ordinance are reasonably necessary based on these local
4 conditions, and that these conditions justify more restrictive standards applicable to the
5 provision of fire safety information to persons living in multi-unit residential buildings in San
6 Francisco.

7 (5) Section 1103.7.6.1 of the San Francisco Fire Code and Section 501.6 of the San
8 Francisco Existing Building Code as amended by this ordinance would continue to impose
9 more restrictive standards than apply under the state codes. The more restrictive standards in
10 these sections were previously enacted by the Board of Supervisors in Ordinance 255-19, and
11 were previously approved by the California Building Standards Commission. But this
12 ordinance would extend the deadline for fire alarm system upgrades from July 1, 2021, to July
13 1, 2023. The Board of Supervisors finds and determines that this two-year extension of the
14 deadline for these fire alarm system upgrades is justified by the negative impact of the
15 COVID-19 emergency on the local economy, which has caused delays in building projects
16 and has limited the resources available to building owners to complete required upgrades.

17 (6) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in
18 response to the spread of the novel coronavirus COVID-19. On March 3, 2020, the Board of
19 Supervisors concurred in the February 25 Proclamation and in the actions taken by the Mayor
20 to meet the emergency.

21 (7) To mitigate the spread of COVID-19, on March 16, 2020, the Local Health Officer
22 issued Order No. C19-07 generally requiring individuals to stay in their homes, and requiring
23 businesses to cease many non-essential operations at physical locations in the City. The
24 Health Officer's Order continues to be updated and revised to address public health issues
25 presented by the pandemic.

1 (8) The COVID-19 pandemic has caused, and will likely continue to cause, abrupt and
2 serious impacts on the local economy, and on the operations of local businesses. Many of the
3 affected businesses and other entities are experiencing significant operating deficits, and
4 many of these entities face unprecedented challenges to remain financially solvent during the
5 public health emergency. The Board of Supervisors finds and determines that these ongoing
6 economic challenges justify a two-year extension of building owners' deadline to complete fire
7 alarm upgrades.

8
9 Section 3. The Fire Code is hereby amended by revising Section 1103.7.6.1, to read
10 as follows:

11 1103.7.6.1. Sleeping Area Requirements.

12 For all buildings that are required to have a fire alarm system under this Code Section
13 1103.7.6, pertaining to Group R-2 occupancies, the Building Code, the Housing Code, or any
14 other law, the building owner shall upgrade the fire alarm system, if necessary, to comply with
15 the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of NFPA 72 (2013
16 edition), as amended from time to time, upon either (a) completion of work under a building
17 permit with a cost of construction of \$50,000 or more, (b) July 1, ~~2021~~2023, or (c) for buildings
18 sold or transferred after September 1~~2~~, 2017, twelve months after the sale of the property,
19 whichever occurs first.

20 Exceptions. Division 1103.7.6.1(a) shall not apply to mandatory seismic
21 strengthening alterations being performed pursuant to Chapter 4D of the Existing Building
22 Code. This subsection 1103.7.6.1 applies only to Group R-2 occupancies.

23
24 Section 4. The Existing Building Code is hereby amended by revising Section 501.6 to
25 read as follows:

1 501.6. Fire alarm systems. For all buildings that are required to have a fire alarm
2 system under this Code, the Fire Code, the Housing Code, or any other law, the building
3 owner shall upgrade the fire alarm system, if necessary, to comply with the sound level
4 requirement for sleeping areas set forth in Section 18.4.5.1 of NFPA 72, as amended from
5 time to time, upon either (a) completion of work under a building permit with a cost of
6 construction of \$50,000 or more, (b) July 1, ~~2021~~2023, or (c) for buildings sold or transferred
7 after September 1, 2017, twelve months after the sale of the property, whichever occurs first.

8 Exception. Subsection 501.6(a) shall not apply to mandatory seismic strengthening
9 alterations being performed pursuant to Chapter 5E of this Code, or to transient Hotels within
10 the Residential Group R-1 Occupancy Classification of Section 310.2 of the Building Code.

11
12 Section 5. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

16
17 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
18 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
19 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
20 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
21 additions, and Board amendment deletions in accordance with the "Note" that appears under
22 the official title of the ordinance.

1 Section 7. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby
2 directed to forward a copy of this ordinance to the California Building Standards Commission
3 upon final passage as required by state law.

4
5 APPROVED AS TO FORM:
6 DENNIS J. HERRERA, City Attorney

7 By: /s/ Sarah A. Crowley
8 SARAH A. CROWLEY
9 Deputy City Attorney

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LEGISLATIVE DIGEST

[Fire, Existing Building Codes - Fire Alarm Systems Upgrade Deadline]

Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

The Fire Code and the Existing Building Code both currently require that, for all buildings that are required to have a fire alarm system under the Fire Code, Existing Building Code, Housing Code, or any other law, the building owners upgrade their system to comply with the sound level required by the National Fire Protection Association (NFPA) 72 for new installations no later than July 1, 2021.

Amendments to Current Law

This ordinance would extend the deadline for building owners to upgrade their system to comply with the NFPA 72 sound level requirements from July 1, 2021, to July 1, 2023.

Background Information

The local impact of the COVID-19 emergency, including economic harm and delays in building projects, make it difficult for some building owners to meet the current July 1, 2021, deadline for fire alarm upgrades. To account for these COVID-19-related impacts, this ordinance would allow building owners an additional two years to make these upgrades.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Stefani; Peskin;

Subject:

Fire, Existing Building Codes - Fire Alarm Systems Upgrade Deadline

The text is listed:

Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; making findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Signature of Sponsoring Supervisor: /s/ Catherine Stefani

For Clerk's Use Only