

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

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

DATE: September 6, 2017

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Peskin on September 5, 2017:

File No. 170870-2

Ordinance amending the Existing Building and Fire Codes to require buildings sold or transferred after September 1, 2017, to comply with fire alarm system upgrade requirements for sleeping areas; to exempt mandatory seismic strengthening alterations and transient Hotels from the alarm system upgrade requirement that otherwise applies to completion of work under a building permit with a cost of construction of \$50,000 or more; affirming the Planning Department's determination under the California Environmental Quality Act; 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.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports 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.

c: William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection

1 [Building, Fire Codes - Fire Alarm System Upgrade Requirements]

2

3 **Ordinance amending the Existing Building and Fire Codes to require buildings sold or**
4 **transferred after September 1, 2017, to comply with fire alarm system upgrade**
5 **requirements for sleeping areas; to exempt mandatory seismic strengthening**
6 **alterations and transient Hotels from the alarm system upgrade requirement that**
7 **otherwise applies to completion of work under a building permit with a cost of**
8 **construction of \$50,000 or more; affirming the Planning Department’s determination**
9 **under the California Environmental Quality Act; making findings under the California**
10 **Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward**
11 **this Ordinance to the California Building Standards Commission upon final passage.**

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

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

18 Section 1. General Findings.

19 (a) The Planning Department has determined that the actions contemplated in this
20 ordinance comply with the California Environmental Quality Act (California Public Resources
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
22 Supervisors in File No. _____ and is incorporated herein by reference. The Board affirms
23 this determination.

24 (b) On _____, the Building Inspection Commission considered this ordinance at a
25 duly noticed public hearing pursuant to Charter Section D3.750-5.

1
2 Section 2. Findings under the California Health and Safety Code.

3 The Board of Supervisors hereby finds that the following local conditions apply to the
4 amendments to the Building and Fire Codes enacted by this ordinance:

5 (a) The City and County of San Francisco is unique among California communities
6 with respect to the possible causes and effects of fires, including fires in residential multi-unit
7 buildings. Among other things, San Francisco is located on an active seismic zone; certain
8 buildings in San Francisco are at an increased risk for earthquake-induced failure and
9 consequent fire because of local hazardous microzones, slide areas, and local liquefaction
10 hazards; enhanced fire, structural, and other protections are required due to high building
11 density and high occupancy in many buildings.

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

19 (c) California Health and Safety Code Sections 17958 and 17958.5 allow the City to
20 make changes or modifications in the requirements contained in the provisions published by
21 the California Building Standards Commission, including the California Fire Code, when those
22 changes or modifications are reasonably necessary because of local climatic, geological, or
23 topographical conditions. California Health and Safety Code Section 17958.7 provides that
24 before making any such changes or modifications, the governing body must make express
25 findings that such changes or modifications are reasonably necessary because of the

1 specified local conditions, and those findings shall be filed with the California Building
2 Standards Commission.

3 (d) Pursuant to the applicable California Health and Safety Code sections, the Board
4 of Supervisors finds and determines that the conditions described above constitute a general
5 summary of the most significant local conditions giving rise to the need for variance from the
6 California Fire and Building Codes and any other applicable provisions published by the
7 California Building Standards Commission. Further, the Board of Supervisors finds and
8 determines that the proposed variances are reasonably necessary based on these local
9 conditions, and that these conditions justify more restrictive standards applicable to residential
10 buildings in San Francisco.

11
12 Section 3. The Existing Building Code is hereby amended by revising Section 401.8, to
13 read as follows:

14 **401.8 Fire alarm systems.** For all buildings that are required to have a fire alarm
15 system under this Code, the Fire Code, the Housing Code, or any other law, the building
16 owner shall upgrade the fire alarm system, if necessary, to comply with the sound level
17 requirement ~~(or for~~ sleeping areas set forth in Section 18.4.5.1 of NFPA 72 (2013 edition), as
18 amended from time to time, upon either (a) completion of work under a building permit with a
19 cost of construction of \$50,000 or more, ~~or~~ (b) July 1, 2021, or (c) for buildings sold or
20 transferred after September 1, 2017, twelve months after the sale of the property, whichever occurs
21 first.

22 *Exception. Subsection 401.8(a) shall not apply to mandatory seismic strengthening alterations*
23 *being performed pursuant to Chapter 4D of this Code, or to transient Hotels within the Residential*
24 *Group R-1 Occupancy Classification of Section 310.3 of the Building Code.*

1 Section 4. The Fire Code is hereby amended by revising Section 1103.7.6.1, to read
2 as follows:

3 1103.7.6.1. **[For SF] Sleeping Area Requirements.**

4 For all buildings that are required to have a fire alarm system under this Code *Section*
5 *1103.7.6, pertaining to Group R-2 occupancies*, the Building Code, the Housing Code, or any
6 other law, the building owner shall upgrade the fire alarm system, if necessary, to comply with
7 the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of NFPA 72 (2013
8 edition), as amended from time to time, upon either (a) completion of work under a building
9 permit with a cost of construction of \$50,000 or more, ~~or~~ (b) July 1, 2021, *or (c) for buildings*
10 *sold or transferred after September 1, 2017, twelve months after the sale of the property*, whichever
11 occurs first.

12 *Exceptions. Division 1103.7.6.1(a) shall not apply to mandatory seismic strengthening*
13 *alterations being performed pursuant to Chapter 4D of the Existing Building Code. This subsection*
14 *1103.7.6.1 applies only to Group R-2 occupancies.*

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

20
21 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3
4 Section 7. Undertaking for the General Welfare. In enacting and implementing this
5 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
6 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
7 is liable in money damages to any person who claims that such breach proximately caused
8 injury.

9
10 Section 8. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
11 to forward a copy of this ordinance to the California Building Standards Commission upon final
12 passage as required by State law.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By: 
17 NEHA GUPTA
Deputy City Attorney

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LEGISLATIVE DIGEST

[Building, Fire Codes - Fire Alarm System Upgrade Requirements]

Ordinance amending the Existing Building and Fire Codes to require buildings sold or transferred after September 1, 2017, to comply with fire alarm system upgrade requirements for sleeping areas; to exempt mandatory seismic strengthening alterations and transient Hotels from the alarm system upgrade requirement that otherwise applies to completion of work under a building permit with a cost of construction of \$50,000 or more; affirming the Planning Department's determination under the California Environmental Quality Act; 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

Existing Building Code Section 401.8 and Fire Code Section 1103.7.6.1 each currently mandate that all buildings required to have fire alarm systems must, if necessary, upgrade them to comply with the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of the National Fire Protection Association Code Number 72 (2013 edition), as amended from time to time, upon completion of work under a building permit with a construction cost of \$50,000 or more, or July 1, 2021, whichever occurs first.

Amendments to Current Law

The proposed ordinance would amend Existing Building Code Section 401.8 and Fire Code Section 1103.7.6.1 in the following ways:

- (1) It would add that buildings sold or transferred after September 1, 2017 must comply with the alarm system upgrade requirement twelve months after the sale of the property, or July 1, 2021, whichever occurs first.
- (2) It would exempt both mandatory seismic strengthening alterations being performed pursuant to Chapter 4D of the Existing Building Code, and transient Hotels within the Residential Group R-1 Occupancy Classification of Section 310.3 of the Building Code, from the alarm system upgrade requirement that otherwise applies upon completion of work under a building permit with a cost of construction of \$50,000 or more, to clarify that such ongoing and future alterations should not be subject to this requirement. Under the proposal, such mandatory seismic strengthening alteration projects and transient Hotels would still be subject to alarm system upgrade requirements upon July 1, 2021, or for buildings sold or transferred after September 1, 2017, twelve months after the sale of the property, whichever occurs first.