

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 April 21, 2021, 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.

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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~~\$99,000 or more, or (b) July 1, ~~2021~~2023, ~~or (c) for~~  
18 ~~buildings sold or transferred after September 1, 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~~5E of the Existing Building  
22 Code. This subsection 1103.7.6.1 applies only to Group R-2 occupancies.

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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~~\$99,000 or more, or (b) July 1, ~~2021~~2023, ~~or (c) for buildings sold or~~  
7 ~~transferred after September 1, 2017, twelve months after the sale of the property,~~ whichever occurs  
8 first.

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

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

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

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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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