

1 [Fire, Housing Codes - Residential Hotel Fire Safety Requirements Triggered by Sale or
2 Transfer]

3 **Ordinance amending the Fire and Housing Codes to require automatic sprinklers in**
4 **non-residential areas of residential hotels sold or transferred after August 1, 2017;**
5 **affirming the Planning Department’s determination under the California Environmental**
6 **Quality Act; making findings under the California Health and Safety Code; and directing**
7 **the Clerk of the Board of Supervisors to forward this ordinance to the California**
8 **Building Standards Commission upon final passage.**

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

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

17 Section 1. Environmental Findings.

18 The Planning Department has determined that the actions contemplated in this
19 ordinance comply with the California Environmental Quality Act (California Public Resources
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
21 Supervisors in File No. 170871 and is incorporated herein by reference. The Board affirms
22 this determination.

23 Section 2. Findings under California Health and Safety Code.

24 The Board of Supervisors hereby finds that the following local conditions apply to the
25 amendments to the Fire and Housing Codes enacted by this ordinance:

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

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

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

24 (d) Pursuant to the applicable California Health and Safety Code sections, the Board
25 of Supervisors finds and determines that the conditions described above constitute a general

1 summary of the most significant local conditions giving rise to the need for variance from the
2 California Fire and Housing Codes and any other applicable provisions published by the
3 California Building Standards Commission. Further, the Board of Supervisors finds and
4 determines that the proposed variances are reasonably necessary based on these local
5 conditions, and that these conditions justify the more restrictive standards requiring installation
6 of automatic sprinklers in non-residential areas of multi-unit residential buildings in San
7 Francisco.

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9 Section 3. The Fire Code is hereby amended by revising Sections 1103, 1103.5.1, and
10 1103.5.2, to read as follows:

11 **SECTION 1103. – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS.**

12 Sections 1103.1 through 1103.1.1 and 1103.3 through 1103.4.10 are deleted from the
13 International Fire Code.

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15 **1103.5.1. [For SF] Automatic Sprinkler System for Existing SRO Hotel Buildings.**

16 Every ~~Residential~~ ~~H~~Hotel building existing on October 16, 2001, that contains ~~twenty~~
17 ~~(20)~~ or more guest rooms, as defined in the California Building Code, shall provide and
18 maintain an automatic sprinkler system installed to comply with San Francisco Ordinance No.
19 170-02 throughout the residential occupancy, including accessory areas. Residential Hotel
20 buildings sold or transferred after August 1, 2017, shall have an automatic sprinkler system designed in
21 accordance with NFPA 13 (2016 edition) throughout the building, including non-residential areas,
22 within one year of sale or transfer. For purposes of this section, "Residential Hotel" means each
23 and every hotel for which a Certificate of Use for any residential units has been issued
24 pursuant to Administrative Code Chapter 41. Any Residential Hotel that does not maintain an
25 installed automatic sprinkler system, as required by this subsection, ~~throughout the residential~~

1 ~~occupancy~~ is out of compliance and subject to immediate code enforcement action. The owner
2 shall maintain the sprinkler system in accordance with Title 19 of the California Code of
3 Regulations.

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5 **1103.5.2. [For SF] Automatic Sprinkler System for Existing High-Rise Buildings.**

6 All existing high-rise buildings shall maintain an automatic sprinkler system~~s~~ installed to
7 ~~com-ply~~ comply with San Francisco Ordinance No. 377-93.

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9 Section 4. The Housing Code is hereby amended by revising Section 904, to read as
10 follows:

11 **SEC. 904. AUTOMATIC SPRINKLER SYSTEM**

12 * * * *

13 (e) **Residential Hotels.**

14 (1) An automatic sprinkler system, designed in accordance with NFPA 13
15 (1999 Edition), shall be installed throughout the residential occupancy of every R~~residential~~
16 H~~hotel~~ building existing on October 16, 2001, and which contains 20 or more guest rooms, as
17 defined in the California Building Code. "Residential H~~hotel~~" for purposes of this s~~sub~~section
18 shall mean each and every hotel for which a certificate of use for any residential units has
19 been issued pursuant to ~~San Francisco~~ Administrative Code Chapter 41. The design criteria for
20 the installation of the sprinkler system shall be approved by the San Francisco Fire
21 Department and shall comply with NFPA 13 (1999 Edition). Those buildings that have
22 installed a sprinkler system prior to August 20, 2001, that complies with a previous NFPA
23 standard shall be exempt from this s~~sub~~section. Where a partial sprinkler system has been
24 previously installed in a building subject to this Section 904, the design criteria for such
25 existing sprinkler system, or any new system, may be approved or modified by the Chief of

1 the San Francisco Fire Department or his/her authorized representative. Property owners who
2 are subject to the requirements of this ~~sub~~subsection shall be prohibited from relocating tenants
3 for the sole purpose of complying with this ~~sub~~subsection. Residential ~~H~~hotels subject to this
4 ~~sub~~subsection must submit a building permit application and plans to the Department of Building
5 Inspection and the Fire Department by September 1, 2002, and complete the fire sprinkler
6 installation as required within ~~sub~~subsection (a) and (b) by December 31, 2002. All buildings
7 governed by this ~~sub~~subsection which fail to comply with the September 1, 2002, filing deadline
8 shall remain regulated by the original sprinkler installation deadline of June 30, 2002, and
9 subject to immediate code enforcement action.

10 (2) In addition to compliance with the requirements of subsection (e)(1), Residential
11 Hotels sold or transferred after August 1, 2017, shall have an automatic sprinkler system designed in
12 accordance with NFPA 13 (2016 edition) throughout the building, including non-residential areas,
13 within one year of sale or transfer.

14 (A) Owners of Residential Hotels subject to this subsection shall:
15 (i) ~~S~~submit a building permit application and plans to the Department of
16 Building Inspection and Fire Department within one year of sale or transfer; and-

17 (ii) Ten days prior to submitting building permit application,
18 provide written notice to any tenants of the non-residential areas subject to the upgrade
19 requirement of the tenant’s right to apply to the Department of Building Inspection for a
20 deferral of the upgrade requirement; and

21 (iii) ~~Property owners who are subject to the requirements of this~~
22 subsection shall ~~b~~e prohibited from relocating tenants for the sole purpose of complying with this
23 subsection.

1 (B) Tenants of non-residential areas impacted by the upgrade
2 requirement may apply to the Department of Building Inspection for a deferment of the
3 upgrade requirement if:

4 (i) they have a written lease that was in effect as of the effective
5 date of the ordinance; and

6 (ii) the lease explicitly requires that the tenant pay for the costs of
7 building upgrades or updates.

8 (C) Any deferment of the upgrade requirement will be limited to the area
9 subject to the applying tenant's lease and shall expire upon the expiration of that tenant's
10 lease.

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

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

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

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16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 ROBB KAPLA
20 Deputy City Attorney

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