

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk  
Land Use and Transportation Committee

DATE: November 15, 2023

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Chan on November 7, 2023:

**File No. 231163**

Ordinance amending the Fire Code to require filing with the Fire Department records of five-year inspection of fire sprinkler systems and annual inspection of fire alarm and detection systems, mandate a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs, and require a minimum five feet access from the public-right-of-way to residential structures on newly subdivided lots; 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: [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).

c:  
Offices of Chair Melgar and Supervisor Chan

Patty Lee, Department of Building Inspection

1 [Fire Code - Filing of Proof of Inspections with Fire Department and Requiring Five Feet of  
2 Access to Divided Lot Structures]

3 **Ordinance amending the Fire Code to require filing with the Fire Department records of**  
4 **five-year inspection of fire sprinkler systems and annual inspection of fire alarm and**  
5 **detection systems, mandate a filing fee to ensure that the costs of providing for such**  
6 **filings are recovered without producing revenue that is significantly more than such**  
7 **costs, and require a minimum five feet access from the public-right-of-way to**  
8 **residential structures on newly subdivided lots; and directing the Clerk of the Board of**  
9 **Supervisors to forward this Ordinance to the California Building Standards**  
10 **Commission upon final passage.**

11

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.

16

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

18

19 Section 1. Building Inspection Commission Review. On \_\_\_\_\_, the Building  
20 Inspection Commission considered this ordinance at a duly noticed public hearing pursuant to  
21 San Francisco Building Code Section 104A.2.11.1.

22

23 Section 2. Findings under California Health and Safety Code. The Board of  
24 Supervisors hereby finds that the following local conditions apply to the amendments to the  
25 San Francisco Fire Code enacted by this ordinance:

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

9 (b) San Francisco has narrow and crowded sidewalks due to building and population  
10 density and unusual topography; and San Francisco has numerous high-rise buildings,  
11 including residential buildings, many of which are constructed out of wood and/or have large  
12 numbers of people living therein. For these reasons, fires in San Francisco can be especially  
13 devastating, and the need for extra measures to prepare for and cope with fires is especially  
14 pressing.

15 (c) The Fire Department cannot fulfill its mission to protect the lives and property of the  
16 people of San Francisco from fires if it cannot access fires in order to fight them. San  
17 Francisco's Fire Department faces unique challenges in accessing fires due to the density of  
18 development in the City. When new property lines are proposed between existing buildings, it  
19 is essential that such subdivisions maintain adequate access for the Fire Department. The  
20 Fire Department has determined that its operational needs require a minimum 5-foot wide,  
21 clear pathway from the public-right-of-way to residential structures or emergency escape or  
22 rescue openings when lots are subdivided. This width is the minimum necessary to ensure  
23 that the Fire Department can rapidly access a building with its personnel and fire-fighting  
24 equipment, including ladders and hoses.

25

1 (d) California Health and Safety Code Sections 17958 and 17958.5 allow the City to  
2 make changes or modifications in the requirements contained in the provisions published by  
3 the California Building Standards Commission, including the California Fire Code, when those  
4 changes or modifications are reasonably necessary because of local climatic, geological, or  
5 topographical conditions. California Health and Safety Code Section 17958.7 provides that  
6 before making any such changes or modifications, the governing body must make express  
7 findings that such changes or modifications are reasonably necessary because of the  
8 specified local conditions, and those findings shall be filed with the California Building  
9 Standards Commission.

10 (e) Pursuant to the applicable California Health and Safety Code sections, the Board  
11 of Supervisors finds and determines that the conditions described above constitute a general  
12 summary of the most significant local conditions giving rise to the need for variance from the  
13 California Fire Code and any other applicable provisions published by the California Building  
14 Standards Commission with respect to mandating a minimum five-feet of access from the  
15 public right-of-way to residential structures on newly subdivided lots, and requiring filing  
16 records of periodic five-year fire sprinkler inspections and annual fire alarm and detection  
17 system inspections with the Fire Department. Further, the Board of Supervisors finds and  
18 determines that the variances in this ordinance are reasonably necessary based on the local  
19 conditions in San Francisco, the densest major city in California, and that these conditions  
20 justify restrictive standards applicable to submitting proof of fire inspections to the Fire  
21 Department, and ensuring that the Fire Department maintains adequate access to divided-lot  
22 structures.

23  
24 Section 3. Chapter 1, Division II, Part I, Section 107 of the Fire Code is hereby  
25 amended by adding Section 107.18 and revising Section 107.21, to read as follows:

1           **107.18. [For SF] Filing Fees.**

2           Where records are required to be filed with the Fire Department pursuant to Fire Code Section  
3 109.3.1, or as otherwise required by the Fire Department, the Fire Department shall charge a filing  
4 fee. The fee for each filing is set in Table 107-D in Section 107.21.

5           \* \* \* \*

6           **107.21. [For SF] Fee-Setting Procedure.**

7           \* \* \* \*

8           **TABLE 107-D. – FILING FEES**

<b><u>TYPE OF FILING</u></b>	<b><u>FEE</u></b>
<u>RECORD OF 5-YEAR INSPECTION &amp; TESTING OF WATER-BASED AUTOMATIC EXTINGUISHING SYSTEMS</u>	<u>\$125</u>
<u>RECORD OF ANNUAL INSPECTION &amp; TESTING OF FIRE ALARM &amp; FIRE DETECTION SYSTEMS</u>	<u>\$75</u>

14  
15           Section 4. Chapter 1, Division II, Part I, Section 109 of the Fire Code is hereby  
16 amended by adding Section 109.3.1, to read as follows:

17           **SECTION 109. - MAINTENANCE**

18           **109.3.1 [For SF] Filing Records with Fire Code Official.**

19           (a) The following records shall be filed with the Fire Department, in the form and format  
20 prescribed by the Fire Department:

21                   (1) Records of all periodic five-year inspections of water-based automatic extinguishing  
22 systems, as required under California Code of Regulations, Title 19, Division 1, Section 904(a); and

23                   (2) Records of all annual inspections and testing of fire alarm and fire detection systems,  
24 as required under Section 907.8 of the Fire Code and NFPA 72.

1           (b) The Fire Department may require that other records be filed with the Fire Department, in  
2 the form and format prescribed by the Fire Department.

3           (c) The failure to file required records with the Fire Department shall constitute a violation of  
4 the Fire Code, and may be subject to a notice of violation and other penalties under the standards and  
5 according to the procedures set forth in Section 112 of the Fire Code, as may be amended from time to  
6 time.

7  
8           Section 5. Chapter 5, Section 504 of the Fire Code is hereby amended by adding  
9 Section 504.1.1, to read as follows:

10           **504.1.1 [For SF] Required Access to Divided-Lot Structures.**

11           When an existing lot is subdivided:

12           (a) New residential buildings on all such subdivided lots shall have a minimum 5-foot (1524  
13 mm) width clear access pathway, open to the sky, from the public-right-of-way to the new residential  
14 building, and any emergency escape or rescue opening. The minimum width pathway shall be  
15 maintained through all doors and gates, past gas and electrical meters, and shall not be impeded;  
16 except

17           (b) For lots with an existing building constructed across the entire width of the lot at the front of  
18 the lot, new residential buildings at the rear shall have an access corridor with a minimum 5-foot (1524  
19 mm) width and 80-inch (2032 mm) height clear access pathway from the public-right-of-way to the new  
20 residential building, and any emergency escape or rescue opening. The minimum width access corridor  
21 shall be equipped with fire sprinkler protection complying with California Fire Code Section 903.3,  
22 shall be maintained through all doors and gates, past gas and electrical meters, and shall not be  
23 impeded.

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

6  
7 Section 7. Effective and Operative Dates.

8 (a) This ordinance shall become effective 30 days after enactment. Enactment occurs  
9 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
10 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
11 Mayor's veto of the ordinance.

12 (b) Sections 3 and 4 of this ordinance shall become operative 180 days after the  
13 effective date. Section 5 of this ordinance shall become operative upon the effective date.

14  
15 Section 8. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby  
16 directed to forward a copy of this ordinance to the California Building Standards Commission  
17 upon final passage as required by state law.

18  
19 APPROVED AS TO FORM:  
20 DAVID CHIU, City Attorney

21 By: /s/ Jen Huber  
22 JEN HUBER  
23 Deputy City Attorney

24  
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## **LEGISLATIVE DIGEST**

[Fire Code - Filing of Proof of Inspections with Fire Department and Requiring Five Feet of Access to Divided Lot Structures]

**Ordinance amending the Fire Code to require filing with the Fire Department records of five-year inspection of fire sprinkler systems and annual inspection of fire alarm and detection systems, mandate a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs, and require a minimum five feet access from the public-right-of-way to residential structures on newly subdivided lots; 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 existing Fire Code requires that records of periodic inspections be maintained on the premises or other approved location. The existing Fire Code authorizes the Fire Department to require that certain records be filed with the fire code official, but does not require the filing of records of periodic inspections. The existing Fire Code does not address minimum access from the public-right-of-way to residential structures on newly subdivided lots.

### Amendments to Current Law

The proposed legislation would require filing with the Fire Department records of five-year inspections of fire sprinkler systems and annual inspections of fire alarm and detection systems. The proposed legislation mandates a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs. The proposed legislation would also require that when an existing lot is subdivided, new residential buildings on such lots have five feet of access from the public-right-of-way to the new residential building and any emergency escape or rescue opening.

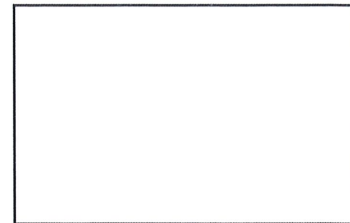
### Background Information

Requiring the filing of certain inspection records with the Fire Department is intended to improve compliance with required inspection schedules. The Fire Department has determined that its operational needs require a minimum five feet of access to residential buildings on subdivided lots.



## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*



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

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor \_\_\_\_\_ inquires..."
- 5. City Attorney Request
- 6. Call File No. \_\_\_\_\_ from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. \_\_\_\_\_
- 9. Reactivate File No. \_\_\_\_\_
- 10. Topic submitted for Mayoral Appearance before the Board on \_\_\_\_\_

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission     Youth Commission     Ethics Commission  
 Planning Commission     Building Inspection Commission     Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

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

Sponsor(s):

Chan

Subject:

Fire Code - Filing of Proof of Inspections with Fire Department and Requiring Five Feet of Access to Divided Lot Structures

Long Title or text listed:

Ordinance amending the Fire Code to require filing with the Fire Department records of five-year inspection of fire sprinkler systems and annual inspection of fire alarm and detection systems, mandate a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs, and require a minimum five feet access from the public-right-of-way to residential structures on newly subdivided lots; 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: