File No. 170870

Committee Item No. Board Item No.

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _ Land Use and Transportation____

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Youth Commission Report

Grant Information Form

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Budget and Legislative Analyst Report

Memorandum of Understanding (MOU)

Department/Agency Cover Letter and/or Report

____**Date**__October 30, 2017

Board of Supervisors Meeting

Motion Resolution Ordinance

Date November 28, 2017

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OTHER

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Completed by: Alisa Somera **Date** October 26, 2017 67 Date November 9,2017 Completed by: Alisa Somera

FILE NO. 170870

SUBSTITUTED 9/5/2017

ORDINANCE NO.

[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.

NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 Additions to Codes are in <u>single-underline italics Times New Roman font</u>.
 Deletions to Codes are in <u>strikethrough italies Times New Roman font</u>.
 Board amendment additions are in <u>double-underlined Arial font</u>.
 Board amendment deletions are in <u>strikethrough Arial font</u>.
 Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 170870 and is incorporated herein by reference. The Board affirms this determination.

(b) On September 20, 2017, the Building Inspection Commission considered this ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

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

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

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

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

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

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

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

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

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

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

as follows:
1103.7.6.1. [For SF] Sleeping Area Requirements.
For all buildings that are required to have a fire alarm system under this Code <u>Section</u>.
<u>1103.7.6, pertaining to Group R-2 occupancies</u>, the Building Code, the Housing Code, or any
other law, the building owner shall upgrade the fire alarm system, if necessary, to comply with

the sound level requirement for sleeping areas set forth in Section 18.4.5.1 of NFPA 72 (2013 edition), as amended from time to time, upon either (a) completion of work under a building permit with a cost of construction of \$50,000 or more, *or* (b) July 1, 2021, *or* (c) for buildings sold or transferred after September 1, 2017, twelve months after the sale of the property, whichever occurs first.

Section 4. The Fire Code is hereby amended by revising Section 1103.7.6.1, to read

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

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

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

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

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

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

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

By: Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Substituted, 9/5/2017)

[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 aiterations 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.

FILE NO. 170870

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City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

August 1, 2017

File No. 170870

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On July 25, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170870

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, and to exempt mandatory seismic strengthening alterations and transient Hotels from those requirements; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

REVIEWED By Joy Navarrete at 8:00 pm, Aug 04, 2017



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

September 6, 2017

File No. 170870-2

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On September 5, 2017, Supervisor Peskin introduced the following substitute legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Jov Navarrete



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection 1660 Mission Street, San Francisco, California 94103-2414

Voice (415) 558-6164 - Fax (415) 558-6509

September 21, 2017

Edwin M. Lee Mayor

COMMISSION

Angus McCarthy President

Debra Walker Vice-President

Kevin Clinch Gall Gilman John Konstin Frank Lee James Warshell

Sonya Harris Secretary

Tom C. Hui Director

Ms. Angela Calvillo Clerk of the Board Board of Supervisors, City Hall

1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: 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 Building Inspection Commission met and held a public hearing on September 20, 2017 regarding File No. 170870-2 on the proposed amendment to the San Francisco Building and Fire Codes referenced above. The Commissioners voted unanimously to support the amendment.

The Commissioners voted as follows:

President McCarthy **Commissioner Clinch** Commissioner Konstin **Commissioner Warshell**

Excused Yes Excused Yes

Vice-President Walker Commissioner Gilman **Commissioner** Lee

Yes Yes Yes

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris Commission Secretary

cc:

Tom C. Hui, S.E., Director Mayor Edwin M. Lee Supervisor Aaron Peskin Board of Supervisors



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director Small Business Commission, City Hall, Room 448

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

DATE: September 12, 2017

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

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.

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date:

____ No Comment

____ Recommendation Attached

Chairperson, Small Business Commission



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

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: <u>Erica.Major@sfgov.org</u>.

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



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

September 6, 2017

File No. 170870-2

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

BOARD of SUPERVISORS

Dear Ms. Gibson:

On September 5, 2017, Supervisor Peskin introduced the following substitute legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

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: August 1, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on July 25, 2017:

File No. 170870

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, and to exempt mandatory seismic strengthening alterations and transient Hotels from those requirements; 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: <u>Erica.Major@sfgov.org</u>.

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



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

August 1, 2017

File No. 170870

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On July 25, 2017, Supervisor Peskin introduced the following proposed legislation:

File No. 170870

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, and to exempt mandatory seismic strengthening alterations and transient Hotels from those requirements; 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.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Jui Jon Major

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

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning

| Print Form | | |
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| By a Member | r of the Board of Supervisors or Mayor | SAN FRANCISCO |
| I hereby submit the following item for introduction | 2017 SHime Stamp4 1: 22 or meeting date | |
| 1. For reference to Committee. (An Ordinance | e, Resolution, Motion or Charte | • |
| 2. Request for next printed agenda Without Re | eference to Committee. | and the Tank it stranger and a |
| 3. Request for hearing on a subject matter at C | Committee. | |
| 4. Request for letter beginning :"Supervisor | | inquiries" |
| 5. City Attorney Request. | | <u></u> |
| 🗌 6. Call File No. | from Committee. | • |
| 7. Budget Analyst request (attached written m | otion). | |
| ✓ 8. Substitute Legislation File No. 170870 | | |
| 9. Reactivate File No. | | |
| 10. Question(s) submitted for Mayoral Appear | rance before the BOS on | |
| Please check the appropriate boxes. The propose |] Youth Commission | led to the following: Ethics Commission tion Commission |
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| Supervisor Peskin | | |
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| [Existing Building, Fire Codes - Fire Alarm Syste | em Upgrade Requirements] | |
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Signature of Sponsoring Supervisor:

For Clerk's Use Only

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| \checkmark 1. For reference to Committee. (An Ordinance, Resolution, Motion or Chart | er 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 | in | quiries" |
| 5. City Attorney Request. | | |
| 6. Call File No. from Committee. | | |
| 7. Budget Analyst request (attached written motion). | | • |
| 8. Substitute Legislation File No. | | |
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| 10. Question(s) submitted for Mayoral Appearance before the BOS on | |] |
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| [Existing Building, Fire Codes - Fire Alarm System Upgrade Requirements] | | |
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