Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; 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.

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

Section 1. Findings.

On April 21, 2021, the Building Inspection Commission considered this ordinance at a duly noticed public hearing pursuant to Charter Section 3.750.5.

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

(1) 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; and enhanced fire, structural, and other protections are required due to high building density and high occupancy in many buildings.

(2) 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.

(3) 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.

(4) Pursuant to the applicable California Health and Safety Code sections, the Board of Supervisors finds and determines that the conditions described above constitute a general summary 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 in the fire alarm system requirements imposed
under Section 1103.7.6.1 of the San Francisco Fire Code, and Section 501.6 of the San Francisco Existing Building Code. Further, the Board of Supervisors finds and determines that the proposed variances in this ordinance are reasonably necessary based on these local conditions, and that these conditions justify more restrictive standards applicable to the provision of fire safety information to persons living in multi-unit residential buildings in San Francisco.

(5) Section 1103.7.6.1 of the San Francisco Fire Code and Section 501.6 of the San Francisco Existing Building Code as amended by this ordinance would continue to impose more restrictive standards than apply under the state codes. The more restrictive standards in these sections were previously enacted by the Board of Supervisors in Ordinance 255-19, and were previously approved by the California Building Standards Commission. But this ordinance would extend the deadline for fire alarm system upgrades from July 1, 2021, to July 1, 2023. The Board of Supervisors finds and determines that this two-year extension of the deadline for these fire alarm system upgrades is justified by the negative impact of the COVID-19 emergency on the local economy, which has caused delays in building projects and has limited the resources available to building owners to complete required upgrades.


(7) To mitigate the spread of COVID-19, on March 16, 2020, the Local Health Officer issued Order No. C19-07 generally requiring individuals to stay in their homes, and requiring businesses to cease many non-essential operations at physical locations in the City. The Health Officer’s Order continues to be updated and revised to address public health issues presented by the pandemic.
The COVID-19 pandemic has caused, and will likely continue to cause, abrupt and serious impacts on the local economy, and on the operations of local businesses. Many of the affected businesses and other entities are experiencing significant operating deficits, and many of these entities face unprecedented challenges to remain financially solvent during the public health emergency. The Board of Supervisors finds and determines that these ongoing economic challenges justify a two-year extension of building owners’ deadline to complete fire alarm upgrades.

Section 3. The Fire Code is hereby amended by revising Section 1103.7.6.1, to read as follows:

1103.7.6.1. Sleeping Area Requirements.

For all buildings that are required to have a fire alarm system under this Code Section 1103.7.6, pertaining to Group R-2 occupancies, 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.

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 4. The Existing Building Code is hereby amended by revising Section 501.6 to read as follows:
501.6. 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 for sleeping areas set forth in Section 18.4.5.1 of NFPA 72, 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 501.6(a) shall not apply to mandatory seismic strengthening alterations being performed pursuant to Chapter 5E of this Code, or to transient Hotels within the Residential Group R-1 Occupancy Classification of Section 310.2 of the Building Code.

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. Directions to the 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: /s/ Sarah A. Crowley
SARAH A. CROWLEY
Deputy City Attorney
Ordinance amending the Fire Code and Existing Building Code to extend the deadline for building owners to upgrade existing fire alarm systems from July 1, 2021, to July 1, 2023; 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.

April 26, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

April 26, 2021 Land Use and Transportation Committee - CONTINUED AS AMENDED

May 03, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

May 03, 2021 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

May 11, 2021 Board of Supervisors - PASSED ON FIRST READING
  Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

May 18, 2021 Board of Supervisors - FINALLY PASSED
  Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton
I hereby certify that the foregoing Ordinance was FINALLY PASSED on 5/18/2021 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

5/28/21
Date Approved