Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; 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 single-underline italics Times New Roman font. Deletions to Codes are in strikethrough italics Times New Roman font. Board amendment additions are in double-underlined Arial font. Board amendment deletions are in strikethrough Arial font. 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. Environmental Findings.

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. 170871 and is incorporated herein by reference. The Board affirms this determination.


The Board of Supervisors hereby finds that the following local conditions apply to the amendments to the Fire and Housing 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 general
summary of the most significant local conditions giving rise to the need for variance from the California Fire and Housing 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 the more restrictive standards requiring installation of automatic sprinklers in non-residential areas of multi-unit residential buildings in San Francisco.

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

SECTION 1103. – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS.

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

** * * * *

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

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

* * * *

1103.5.2. [For SF] Automatic Sprinkler System for Existing High-Rise Buildings. All existing high-rise buildings shall maintain an automatic sprinkler system installed to comply with San Francisco Ordinance No. 377-93.

* * * *

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

SEC. 904. AUTOMATIC SPRINKLER SYSTEM

* * * *

(e) Residential Hotels.

(1) An automatic sprinkler system, designed in accordance with NFPA 13 (1999 Edition), shall be installed throughout the residential occupancy of every residential hotel building existing on October 16, 2001, and which contains 20 or more guest rooms, as defined in the California Building Code. "Residential hotel" for purposes of this subsection shall mean each and every hotel for which a certificate of use for any residential units has been issued pursuant to San Francisco Administrative Code Chapter 41. The design criteria for the installation of the sprinkler system shall be approved by the San Francisco Fire Department and shall comply with NFPA 13 (1999 Edition). Those buildings that have installed a sprinkler system prior to August 20, 2001, that complies with a previous NFPA standard shall be exempt from this subsection. Where a partial sprinkler system has been previously installed in a building subject to this Section 904, the design criteria for such existing sprinkler system, or any new system, may be approved or modified by the Chief of
the San Francisco Fire Department or his/her authorized representative. Property owners who are subject to the requirements of this subsection shall be prohibited from relocating tenants for the sole purpose of complying with this subsection. Residential Hotels subject to this subsection must submit a building permit application and plans to the Department of Building Inspection and the Fire Department by September 1, 2002, and complete the fire sprinkler installation as required within subsections (a) and (b) by December 31, 2002. All buildings governed by this subsection which fail to comply with the September 1, 2002, filing deadline shall remain regulated by the original sprinkler installation deadline of June 30, 2002, and subject to immediate code enforcement action.

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

(A) Owners of Residential Hotels subject to this subsection shall:

(i) Submit a building permit application and plans to the Department of Building Inspection and Fire Department within one year of sale or transfer; and

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

(iii) Property owners who are subject to the requirements of this subsection shall be prohibited from relocating tenants for the sole purpose of complying with this subsection.
(B) Tenants of non-residential areas impacted by the upgrade requirement may apply to the Department of Building Inspection for a deferment of the upgrade requirement if:

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

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

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

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:
ROBB KAPLA
Deputy City Attorney

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Ordinance amending the Fire and Housing Codes to require automatic sprinklers in non-residential areas of residential hotels sold or transferred after August 1, 2017; 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.

October 30, 2017 Land Use and Transportation Committee - CONTINUED

November 13, 2017 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

November 13, 2017 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

November 28, 2017 Board of Supervisors - PASSED ON FIRST READING
   Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

December 05, 2017 Board of Supervisors - FINALLY PASSED
   Ayes: 11 - Breed, Cohen, Farrell, Fewer, Kim, Peskin, Ronen, Safai, Sheehy, Tang and Yee

File No. 170871

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/5/2017 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved