

1 [Building Code - Residential Building Requirements]

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3 **Ordinance adding the provisions of the 2016 California Residential Code with local**
 4 **amendments into various chapters of the 2016 San Francisco Building Code, and**
 5 **adding Chapter 36 to the Building Code to serve as a directory of where such**
 6 **provisions may be found; adopting environmental findings and findings of local**
 7 **conditions under the California Health and Safety Code; providing for an operative date**
 8 **of January 1, 2017; and directing the Clerk of the Board to forward the legislation to the**
 9 **California Building Standards Commission as required by State law.**

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

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

16 Section 1. Environmental Findings. The Planning Department has determined that the
 17 actions contemplated in this ordinance comply with the California Environmental Quality Act
 18 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
 19 the Clerk of the Board of Supervisors in File No. 160945 and is incorporated herein by
 20 reference. The Board affirms this determination.

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22 Section 2. General Findings.

23 (a) The State of California adopts a new California Building Standards Code every
 24 three years (the “triennial State Code”) with supplements published in intervening years. The
 25 triennial State Code goes into effect throughout the State of California 180 days after its

1 publication by the California Building Standards Commission or at a later date established by
2 the Commission.

3 (b) The California Building Standards Code is contained in Title 24 of the California
4 Code of Regulations. It consists of 12 Parts based upon model codes that are amended by
5 the State agencies with jurisdiction over the subject matter. The California Residential Code is
6 Part 2.5. The 2016 California Residential Code will go into effect throughout California on
7 January 1, 2017.

8 (c) Local jurisdictions must enforce the California Building Standards Code but they
9 may also enact more restrictive building standards that are reasonably necessary because of
10 local conditions caused by climate, geology, or topography. Local amendments may be made
11 to a triennial State Code and also throughout the intervening years. However, local
12 amendments previously adopted are not automatically applicable to a new triennial State
13 Code. Rather, they must be re-enacted with the required findings of local conditions,
14 expressly made applicable to the new triennial State Code, and with an operative date no
15 earlier than the effective date of the new State Code.

16 (d) San Francisco's residential building standards are contained in the San
17 Francisco Building Code. Chapter 36 serves as a directory of where the provisions of the
18 California Residential Code may be found in the San Francisco Building Code.

19 (e) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
20 considered and approved San Francisco's amendments to the 2016 California Residential
21 Code at a duly noticed public hearing that was held on August 17, 2016.

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23 Section 3. Findings regarding Local Conditions.

24 (a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that
25 before making any changes or modifications to the California Building Code and any other

1 applicable provisions published by the California Building Standards Commission, the
2 governing body must make an express finding that each such change or modification is
3 reasonably necessary because of specified local conditions. The local amendments together
4 with the required findings must be filed with the California Building Standards Commission
5 before the local changes or modifications can go into effect.

6 (b) The City and County of San Francisco is unique among California communities
7 with respect to local climatic, geological, topographical, and other conditions. A specific list of
8 findings that support San Francisco's modifications to the 2016 California Residential Code,
9 with a section-by-section correlation of each modification with a specific numbered finding, are
10 contained in Exhibit A entitled "Standard Findings for San Francisco Amendments" to the
11 companion ordinance enacting the 2016 San Francisco Building Code.

12 (c) Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5,
13 the Board of Supervisors finds and determines that the local conditions described in Exhibit A
14 to the ordinance enacting the 2016 San Francisco Building Code constitute a general
15 summary of the most significant local conditions giving rise to the need for modification of the
16 2016 California Residential Code provisions published by the California Building Standards
17 Commission. The Board of Supervisors further finds and determines that the proposed
18 modifications are reasonably necessary based upon the local conditions set forth in said
19 Exhibit A.

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21 Section 4. Incorporation of Residential Building Requirements into the Building Code.
22 The Board of Supervisors hereby incorporates the provisions of the 2016 California
23 Residential Code, with local amendments, into various chapters of the 2016 San Francisco
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1 Building Code. Chapter 36 of the Building Code is added to the Building Code to serve as a
2 directory of where the provisions of the 2016 California Residential Code may be found in the
3 Building Code. Copies of the 2016 California Building Code and the stand-alone San
4 Francisco amendments to the 2016 California Building Code and 2016 California Residential
5 Code are declared to be part of Board File No. 160944 and are incorporated into this
6 ordinance by reference as though fully set forth.

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8 Section 5. Severability. If any section, subsection, sentence, clause, or phrase of this
9 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the
10 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
11 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
12 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
13 clauses, or phrases be declared invalid.

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15 Section 6. Effective and Operative Dates. This ordinance shall become effective 30
16 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
17 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
18 or the Board of Supervisors overrides the Mayor's veto of the ordinance. This ordinance shall
19 take effect and be in full force on and after either January 1, 2017 or its effective date if the
20 effective date is later.

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22 Section 7. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the
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1 Board of Supervisors is hereby directed to transmit this ordinance to the California Building
2 Standards Commission pursuant to the applicable provisions of State law.

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

5 By: _____
6 JUDITH A. BOYAJIAN
7 Deputy City Attorney
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