

1 [Building Code – Bernal Heights South Slope Protection Area.]

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3 **Ordinance amending the San Francisco Building Code by adding Section 106A.4.1.3 to**
4 **create a Bernal South Slope Protection Area and require the Structural Advisory**
5 **Committee to review and make recommendations on specified permit applications**
6 **within that area, which is generally bounded by the western side of Roscoe Street and**
7 **the eastern side of Moultrie Street in Bernal Heights, including the undeveloped**
8 **extensions of Roscoe Street, Porter Street, Bache Street, Andover Street, and Moultrie**
9 **Street, and to require mandatory denial of the permit by the Director of Building**
10 **Inspection under specified circumstances; amending Section 105A.6.2 to specify the**
11 **composition of the Structural Advisory Committee for permit applications located**
12 **within the Bernal South Slope Protection Area; amending Building Code Section**
13 **106A.3.2 to require that the applicant for certain permit applications located within the**
14 **Bernal South Slope Protection Area provide substantial documentation that there**
15 **exists sufficient infrastructure to support the proposed residential development and**
16 **that the proposed emergency access routes meet standards in effect at the time of the**
17 **application; and amending Building Code Section 1704.18 to require special**
18 **inspections throughout the construction process for sites located within the Bernal**
19 **South Slope Protection Area.**

20 Note: Additions are *single-underline italics Times New Roman*;
21 deletions are *strikethrough italics Times New Roman*.
22 Board amendment additions are double underlined.
23 Board amendment deletions are ~~strikethrough normal~~.

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

25 Section 1. The San Francisco Building Code is hereby amended by adding Section
106A.4.1.3 to read as follows:

1 106A.4.1.3 Bernal South Slope Protection Area.

2 106A.4.1.3.1 Creation. There is hereby created the Bernal South Slope Protection Area, which
3 is generally comprised of the undeveloped lots from the western side of Roscoe Street to the eastern
4 side of Moultrie Street, including the undeveloped extensions of Roscoe Street, Porter Street, Bache
5 Street, Andover Street, and Moultrie Street within the south slope area of the Bernal Heights Special
6 Use District. The Bernal South Slope Protection Area is comprised of the following undeveloped lots
7 within the south slope area of the Bernal Heights Special Use District consisting of: Block 5810, lots
8 016, 017, and 020 to 023; Block 5811, lots 023 to 028; Block 5825, lots 007 to 015; Block 5826, lots
9 002, 003, 005 to 011, and 013 to 016; Block 5827, lots 007 to 011 and 016 to 022; and Block 5828, lots
10 004 to 010.

11 106A.4.1.3.2 Purpose. Because landslides, earth movement, ground shaking and subsidence
12 are likely to occur on or near the Bernal South Slope Protection Area, causing severe damage and
13 destruction to public and private improvements, the Board of Supervisors finds that the public health,
14 safety and welfare is best protected if the Building Official of Building Inspection causes permit
15 applications within the Bernal South Slope Protection Area for either (1) construction of new buildings
16 or structures or (2) alterations that involve a substantial increase in the envelope of an existing
17 building or structure, to be peer reviewed for structural integrity and effect on hillside stability. The
18 requirements herein for projects in the Bernal South Slope Protection Area are in addition to all other
19 applicable laws and regulations, including any and all requirements for environmental review under
20 the California Environmental Quality Act; compliance with the requirements contained herein does not
21 excuse a project sponsor from compliance with any other applicable laws and regulations.

22 106A.4.1.3.3 Mandatory review by Structural Advisory Committee and other City officials. All
23 permit applications submitted to the Central Permit Bureau for construction of new buildings or
24 structures or alterations that involve a substantial increase in the envelope of an existing building or
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1 structure (as determined by the Building Official) within the Bernal South Slope Protection Area shall
2 be submitted to and reviewed by the Structural Advisory Committee, as defined by Building Code
3 Section 105A.6. No permits for such properties located within the Bernal South Slope Protection Area
4 shall be issued unless and until the Building Official has consulted with and received a written
5 communication from representatives of the Department of Planning, Department of Public Works and
6 Fire Department, each of whom has made a visit to the site for which the project is proposed, and the
7 Building Official has received a written report from the Structural Advisory Committee concerning the
8 safety and integrity of the proposed design and construction. As part of its review, the Structural
9 Advisory Committee shall consider the effect that construction activity related to the proposed project
10 will have on the safety and stability of the Bernal South Slope Protection Area.

11 106A.4.1.3.4 Mandatory denial by Building Official. In the event that the Structural Advisory
12 Committee determines that there is a reasonable likelihood that the proposed design and construction
13 would result in unsafe conditions or would increase the likelihood of hillside instability, and such
14 unsafe conditions or instability cannot be mitigated to the satisfaction of the Structural Advisory
15 Committee, the Building Official shall deny the permit. The Building Official's decision to deny the
16 permit is appealable only to the Board of Appeals.

17 Section 2. The San Francisco Building Code is hereby amended by amending Section
18 106A.3.2 to read as follows:

19 Sec. 106A.3.2 Submittal documents. Plans, specifications, engineering calculations,
20 diagrams, soil investigation reports, special inspection and structural observation programs
21 and other data shall constitute the submittal documents for a permit. When such plans are not
22 prepared by an architect, land surveyor, or an engineer, the Building Official may require the
23 applicant submitting such plans or other data to demonstrate that state law does not require
24 that the plans be prepared by a licensed architect, land surveyor, or engineer. The Building
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1 Official may require plans, computations and specifications to be prepared and designed by
2 an engineer or architect licensed by the state to practice as such even if not required by State
3 law. Materials submitted by a licensed architect, land surveyor, or engineer must be signed
4 and sealed with an original signature on the first sheet of each set of documents, and
5 facsimile stamps plus the required registration seal of the architect, land surveyor, or engineer
6 on the balance of the sheets.

7 Two complete sets of plans and specifications and three copies of the soil
8 investigation report (when required) shall be submitted. Additional complete sets of plans and
9 specifications may be required for special permit processing services that may be offered by
10 the City and County of San Francisco.

11 EXCEPTIONS:

12 1. The requirements for plans or specifications may be waived by the Building
13 Official, provided that the nature and extent of the proposed construction can be clearly
14 described in writing, and such a description is filed with the application.

15 2. In addition to all other requirements of this Section 106A.3.2, the following
16 requirements shall apply to applications for construction of new buildings or structures, and to
17 alterations that involve a substantial increase in the building envelope of an existing building
18 or structure, within the Edgehill Mountain Slope Protection Area, created by Building Code
19 Section 106A.4.1.2, *and* within the Northwest Mt. Sutro Slope Protection Area, created by
20 Section 106A.4.1.3, *and within the Bernal South Slope Protection Area, created by Section*
21 *106A.4.1.4:*

22 The Building Official may not waive the requirements for submittal documents set
23 forth in this Section 106A.3.2.

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1 Submittal documents shall substantiate that the building or structure will comply with
2 applicable codes and regulations.

3 Submittal documents shall include (1) plans prepared by a State-licensed architect,
4 land surveyor, or engineer and (2) a construction/staging plan establishing that the proposed
5 construction will not compromise the health, safety or welfare of neighboring property owners.
6 Submittal documents shall demonstrate to the satisfaction of the Building Official, based on
7 consultation with and written communications from appropriate City officials, including the
8 Director of the Department of Public Works, that there is sufficient infrastructure (including
9 utilities and streets) to support the proposed residential development and that the proposed
10 emergency vehicle access routes comply with the standards in use by the Fire Department or
11 similar agency in effect at the time the application is submitted.

12 Section 3. The San Francisco Building Code is hereby amended by amending Section
13 105A.6.2 to read as follows:

14 105A.6.2 Members. For consideration of each building with such special features, the
15 Structural Advisory Committee shall consist of members who are knowledgeable in the
16 structural engineering and construction issues presented by those special features. Members
17 shall be selected from a list of qualified engineers submitted by the Structural Engineers
18 Association of Northern California and approved by the Building Official. One member shall be
19 selected by the Building Official, one member shall be selected by the owner, and the third
20 member shall be selected jointly. Compensation of the Structural Advisory Committee
21 members shall be by the owner. However, when the project for which Committee review is
22 required is located in the Edgehill Mountain Slope Protection Area, as defined by Building
23 Code Section 106A.4.1.2, ~~or~~ the Northwest Mt. Sutro Slope Protection Area as defined by
24 Building Code Section 106A.4.1.3, or the Bernal South Slope Protection Area as defined by
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1 Building Code Section 106A.4.1.4, (a) the Committee shall consist of a structural engineer, a
2 geologist and a geotechnical engineer; (b) the Committee shall consult with an architect, who
3 shall be a voting member of the Committee; (c) the selection of the Committee members shall
4 be as follows: one member shall be selected jointly by the Building Official and the Director of
5 Public Works, one member shall be selected solely by the Building Official and one member
6 shall be selected jointly by the Building Official and the owner from recommendations made
7 by interested persons, including but not limited to residents of the neighborhood surrounding
8 the project location; and (d) to the extent feasible, the Committee members should be
9 selected from a list submitted by the Structural Engineers Association of Northern California.

10 Section 4. The San Francisco Building Code is hereby amended by amending Section
11 1704.18 to read as follows:

12 1704.18 Construction of a new building or structure, or alterations that involve a
13 substantial increase in the envelope of an existing building or structure within the Edgehill
14 Mountain Slope Protection Area, created by Building Code Section 106A.4.1.2, ~~or~~ the
15 Northwest Mt. Sutro Slope Protection Area, created by Building Code Section 106A.4.1.3, or
16 the Bernal South Slope Protection Area, created by Building Code Section 106A.4.1.4. Until the
17 special inspection reports required by Building Code Section 1704.1.2 are submitted to and
18 approved by the Department, the phase of construction subsequent to the phase or element
19 for which the report was completed cannot commence.

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

23 By: _____
24 Andrew W. Garth
25 Deputy City Attorney