

BOARD of SUPERVISORS



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MEMORANDUM

Date: October 23, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 241005
Existing Building Code - Adoption of Chapters 6 through 11

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure
- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Existing Building Code - Adoption of Chapters 6 through 11]

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3 **Ordinance adopting Chapters 6 through 11 of the 2022 California Existing Building**
 4 **Code; adopting findings of local conditions under the California Health and Safety**
 5 **Code; affirming the Planning Department's determination under the California**
 6 **Environmental Quality Act; and directing the Clerk of the Board of Supervisors to**
 7 **forward this Ordinance to the California Building Standards Commission upon final**
 8 **passage.**

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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:

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17 Section 1. General Findings.

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

23 (b) On _____, the Building Inspection Commission considered this
 24 ordinance at a duly noticed public hearing pursuant to Charter Section 4.121 and Building
 25 Code Section 104A.2.11.1.1.

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Section 2. Findings Regarding Local Conditions.

(a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that local jurisdictions may enact more restrictive building standards than those contained in the California Building Code, provided that the local jurisdictions make express findings that each change or modification is reasonably necessary because of local climate, geologic, or topographical conditions and that the local jurisdictions file the local amendments and required findings with the California Building Standards Commission before the local changes or modifications can go into effect.

(b) The Board of Supervisors hereby finds and declares that the following amendments to the San Francisco Building Code are reasonably necessary because of local climatic, topological, and geological conditions as discussed below.

(1) San Francisco’s high population density in buildings concentrated on small lots in areas with high winds results in significant fire risk to human life and property. It is necessary and appropriate to adopt safety measures that reduce cumulative fire risk from existing buildings across the City.

(2) San Francisco’s geologic and topographic conditions produce increased risk for earthquake-induced failure and consequent fire due to local hazardous seismic microzones, slide areas, and local liquefaction hazards. It is necessary and appropriate to reduce seismic risk and increase resiliency by adopting attainable measures that improve existing buildings.

Section 3. Adoption of Chapters 6 through 11 of the 2022 California Existing Building Code. Chapters 6 through 11 of the 2022 California Existing Building Code are hereby adopted without amendment and added to the San Francisco Existing Building Code. Copies

1 of Chapters 6 through 11 of the 2022 California Existing Building Code are on file with the
2 Clerk of the Board of Supervisors in Board File No. _____ and are incorporated into
3 this ordinance by reference as though fully set forth herein.
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5 Section 4. Effective Date. This ordinance shall become effective 30 days after
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
8 of Supervisors overrides the Mayor’s veto of the ordinance.
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10 Section 5. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the
11 Board of Supervisors is hereby directed to transmit this ordinance to the California Building
12 Standards Commission pursuant to the applicable provisions of State law.
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15 APPROVED AS TO FORM:
16 DAVID CHIU, City Attorney

17 By: /s/ Robb Kapla
18 ROBB KAPLA
19 Deputy City Attorney

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LEGISLATIVE DIGEST

[Existing Building Code - Adoption of Chapters 6 through 11]

Ordinance adopting Chapters 6 through 11 of the 2022 California Existing Building Code; adopting findings of local conditions under the California Health and Safety Code; affirming the Planning Department’s determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission upon final passage.

Existing Law

The San Francisco Existing Building Code includes the 2022 California Existing Building Code from Chapter 1 through Chapter 5 with some local amendments.

Amendments to Current Law

The Proposed Legislation would adopt Chapters 6 through 11 of the 2022 California Existing Building Code without any local amendments to the San Francisco Existing Building Code.

Background Information

In June of 2023, the California Building Standards Commission (“BSC”) added Chapters 6 through 11 to the Existing Building Code to provide alternative compliance methods for, among other things, adaptive reuse and conversion of underused existing buildings. On July 1, 2024, the State Fire Marshal adopted the chapters, the BSC has not formally adopted the chapters. The Proposed Legislation follows the State Fire Marshal’s lead by adopting these optional chapters to the San Francisco Existing Building Code.

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