

1 [Building Code - Repeal of Existing 2013 Code and Enactment of 2016 Edition]

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3 **Ordinance repealing the 2013 Building Code in its entirety and enacting a 2016 Building**
 4 **Code consisting of the 2016 California Building Code and the 2016 California**
 5 **Residential Code, as amended by San Francisco; adopting environmental findings and**
 6 **findings of local conditions under the California Health and Safety Code; providing for**
 7 **an operative date of January 1, 2017; and directing the Clerk of the Board to forward**
 8 **the legislation to the California Building Standards Commission as required by State**
 9 **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. 160944 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 Building Code is
6 Part 2 of Title 24 of the California Code of Regulations; the California Residential Code is Part
7 2.5. The 2016 California Building Code and 2016 California Residential Code will go into
8 effect throughout California on January 1, 2017.

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

17 (d) As in past triennial State Code adoption cycles, by this ordinance the Board of
18 Supervisors repeals the 2013 San Francisco Building Code in its entirety, enacts the 2016
19 San Francisco Building Code, and re-enacts the existing local amendments and makes them
20 applicable to the 2016 California Building Code. Incorporation of the 2016 California
21 Residential Code with local amendments into the 2016 San Francisco Building Code is as
22 described in a separate companion ordinance.

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

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Section 3. Findings regarding Local Conditions.

(a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that before making any changes or modifications to the California Building Code and any other applicable provisions published by the California Building Standards Commission, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions. The local amendments together with the required findings must be filed with the California Building Standards Commission before the local changes or modifications can go into effect.

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

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

Section 4. Repeal of 2013 San Francisco Building Code and Enactment of the 2016 San Francisco Building Code.

1 (a) The 2013 San Francisco Building Code is hereby repealed in its entirety. The
2 San Francisco Building Code being repealed was enacted on November 5, 2013, by
3 Ordinance Nos. 254-13 and 255-13, with an operative date of January 1, 2014. It was
4 amended by Ordinances 043-14, 046-14, 063-14, 164-14, 169-14, 182-14, 202-14, 224-14,
5 032-15, 070-15, 159-15, 208-15, 014-16, 023-16, 051-16, 059-16, 060-16, 067-16, and 165-
6 16. These ordinances are available on the website of the Board of Supervisors.

7 (b) The 2016 San Francisco Building Code is hereby enacted. It consists of (1) the
8 2016 California Building Code, (2) the 2016 California Residential Code, and (3) San
9 Francisco's existing local amendments which are re-enacted and expressly made applicable
10 to said 2016 California Codes. Copies of the 2016 California Building Code and the stand-
11 alone San Francisco amendments to the 2016 California Building Code and 2016 California
12 Residential Code are declared to be part of Board File No. 160944 and are incorporated into
13 this ordinance by reference as though fully set forth. Additions to the 2016 California Building
14 Code and 2016 California Residential Code are shown in bold underlined type; deletions are
15 shown with bold strikethrough type. Incorporation of the 2016 California Residential Code with
16 local amendments into the 2016 San Francisco Building Code is as described in a separate
17 companion ordinance.

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19 Section 5. Continuance of Actions Under Prior Code. Nothing contained in this
20 ordinance shall be construed as abating any action now pending under or by virtue of any
21 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance
22 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to
23 accrue, or as waiving any right of the City under any such ordinance.

1 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
2 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the
3 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
4 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
5 Ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
6 clauses, or phrases be declared invalid.

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8 Section 7. Effective and Operative Dates. This ordinance shall become effective 30
9 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
10 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
11 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall
12 take effect and be in full force on and after either January 1, 2017 or its effective date if the
13 effective date is later.

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15 Section 8. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the
16 Board of Supervisors is hereby directed to transmit this ordinance with the Exhibit A
17 attachment and the San Francisco modifications to the 2016 California Building Code and the
18 2016 California Residential Code to the California Building Standards Commission pursuant to
19 the applicable provisions of State law.

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

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney
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