

1 [Green Building Code - Enactment of New Code]

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3 **Ordinance enacting a 2013 San Francisco Green Building Code consisting of the 2013**  
4 **California Green Building Standards Code, as amended by San Francisco; adopting**  
5 **environmental findings and findings required by the California Health and Safety Code,**  
6 **California Public Resources Code, and Title 24 of the California Code of Regulations;**  
7 **providing for an operative date of January 1, 2014; and directing the Clerk of the Board**  
8 **to forward the legislation to the State Building Standards Commission as required by**  
9 **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.

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. \_\_\_\_\_ and is incorporated herein by  
20 reference.

21 Section 2. General Findings.

22 A. The State of California adopts a new California Building Standards Code every  
23 three years that goes into effect throughout the State 180 days after publication. The  
24 California Building Standards Code is contained in Title 24 of the California Code of  
25

1 Regulations, and consists of several parts that are based upon model codes with  
2 amendments made by various State agencies. The California Green Building Standards  
3 Code, also known as the CALGreen Code, is Part 11 of Title 24 of the California Code of  
4 Regulations. The 2013 California Green Building Standards Code will go into effect  
5 throughout California on January 1, 2014.

6 B. Local jurisdictions are required to enforce the California Green Building  
7 Standards Code but they may also enact more stringent standards when reasonably  
8 necessary because of local conditions caused by climate, geology or topography.

9 C. When California first adopted green building standards in the 2010 Code  
10 adoption cycle, San Francisco already had existing green building requirements that were  
11 codified as Chapter 13C of the San Francisco Building Code. These local requirements were  
12 retained as amendments to the 2010 California Building Code. In this Code cycle, San  
13 Francisco's green building requirements will be repealed from the San Francisco Building  
14 Code and re-enacted into a new San Francisco Green Building Code as amendments to the  
15 2013 California Green Building Standards Code.

16 D. On August 21, 2013, at a duly noticed public hearing, the Building Inspection  
17 Commission considered this legislation.

18 Section 3. Findings regarding Local Conditions required by the California Health &  
19 Safety Code.

20 A. California Health & Safety Code Section 17958.7 provides that before making  
21 any changes or modifications to the California Green Building Standards Code and any other  
22 applicable provisions published by the State Building Standards Commission, the governing  
23 body must make an express finding that each such change or modification is reasonably  
24 necessary because of specified local conditions, and the findings must be filed with the State  
25 Building Standards Commission before the local changes or modifications can go into effect.

1           B.       The City and County of San Francisco is unique among California communities  
2 with respect to local climatic, geological, topographical, and other conditions. A specific list of  
3 findings that support San Francisco's modifications to the 2013 California Green Building  
4 Standards Code and a section-by-section correlation of each modification with a specific  
5 numbered finding are contained in Exhibit A entitled "Standard Findings for San Francisco  
6 Amendments," on file with the Clerk of the Board of Supervisors in File No. 130841, which is  
7 hereby declared to be part of this ordinance as if set forth fully therein.

8           C.       Pursuant to California Health and Safety Code Section 17958.7, the Board of  
9 Supervisors finds and determines that the local conditions described in Exhibit A constitute a  
10 general summary of the most significant local conditions giving rise to the need for  
11 modification of the 2013 California Green Building Standards Code provisions published by  
12 the State Building Standards Commission. The Board of Supervisors further finds and  
13 determines that the proposed modifications are reasonably necessary based upon the local  
14 conditions set forth in Exhibit A.

15           Section 4. Findings required by the California Public Resources Code and Title 24 of  
16 the California Code of Regulations.

17           A.       Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the California  
18 Code of Regulations, Title 24, Part 1, Locally Adopted Energy Standards, authorize a local  
19 jurisdiction to adopt and enforce more stringent local energy standards, provided that the local  
20 jurisdiction makes a determination that the local standards are cost effective and will save  
21 more energy than the current Statewide standards and provided further that the local  
22 jurisdiction files an application for approval with the California Energy Commission together  
23 with documentation supporting the cost-effectiveness determination. These local energy  
24 standards may take effect only after the California Energy Commission has reviewed and  
25 formally approved them.

1           B. Based upon the findings of a cost-effectiveness study performed on the more  
2 stringent local standards contained in the City’s proposed 2013 San Francisco Green Building  
3 Code, the Board of Supervisors hereby determines that these local energy standards are cost  
4 effective and will save more energy than the standards contained in the 2013 California Green  
5 Building Standards (CALGreen) Code. A copy of the cost-effectiveness study is on file with  
6 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ .

7           Section 5. The 2013 San Francisco Green Building Code is hereby enacted. The  
8 Green Building Code being enacted consists of the 2013 California Green Building Standards  
9 Code as amended by the San Francisco amendments. A copy of the 2013 California Green  
10 Building Standards Code, together with the San Francisco amendments, is on file with the  
11 Clerk of the Board of Supervisors in File No. 130941 all of which is hereby declared to be part  
12 of this ordinance as if set forth fully therein. Additions to the 2013 California Green Building  
13 Standards Code are shown in bold underlined type; deletions are shown with strikethrough.

14           Section 6. Continuance of Actions Under Prior Code. Nothing contained in this  
15 ordinance shall be construed as abating any action now pending under or by virtue of any  
16 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance  
17 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to  
18 accrue, or as waiving any right of the City under any such ordinance.

19           Section 7. Severability. If any section, subsection, sentence, clause, or phrase of this  
20 ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the  
21 validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares  
22 that it would have passed this ordinance, and each section, subsection, sentence, clause, or  
23 phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections,  
24 sentences, clauses, or phrases be declared unconstitutional.

1           Section 8. Effective and Operative Dates. This ordinance shall become effective 30  
2 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
3 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
4 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall  
5 take effect and be in full force on and after either January 1, 2014 or its effective date if the  
6 effective date is later.

7           Section 9. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the  
8 Board of Supervisors is hereby directed to transmit this ordinance with the Exhibit A  
9 attachment and the San Francisco modifications to the 2013 California Green Building  
10 Standards Code to the State Building Standards Commission pursuant to the applicable  
11 provisions of State law.

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13 APPROVED AS TO FORM:  
14 DENNIS J. HERRERA, City Attorney

15 By: \_\_\_\_\_  
16 JUDITH A. BOYAJIAN  
17 Deputy City Attorney

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