

1 [San Francisco Building Code - Repealing and Replacing]

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3 **Ordinance repealing the 2007 San Francisco Building Code in its entirety and replacing**
4 **that Code with a new 2010 San Francisco Building Code that consists of the 2010**
5 **California Building Code and San Francisco amendments thereto; adopting findings of**
6 **local conditions pursuant to California Health and Safety Code Section 17958.7, and**
7 **directing the Clerk of the Board to forward San Francisco's amendments and findings**
8 **to the State Building Standards Commission; making environmental findings; and**
9 **providing for an operative date of January 1, 2011.**

10 Note: Additions are *single-underline italics Times New Roman*;
11 deletions are *strikethrough italics Times New Roman*.
12 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

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

14 Section 1. Environmental Findings. The Planning Department has determined that the
15 actions contemplated in this Ordinance are in compliance with the California Environmental
16 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is on
17 file with the Clerk of the Board of Supervisors in File No. 100946 and is incorporated herein by
18 reference.

19 Section 2. General Findings.

20 A. The State of California adopts a new California Building Standards Code every
21 three years that goes into effect throughout the State 180 days after publication. The California
22 Building Standards Code is contained in Title 24 of the California Code of Regulations, and
23 consists of several parts that are based upon model codes with amendments made by various
24 State agencies with jurisdiction. The California Building Code is Part 2 of Title 24 of the California
25 Code of Regulations. The 2010 California Building Code will go into effect throughout the State on

1 January 1, 2011.

2 B. Local jurisdictions are required to enforce the California Building Code. Local
3 jurisdictions may also enact more stringent standards than those contained in the California
4 Building Code where more stringent standards are reasonably necessary because of local
5 conditions caused by climate, geology or topography.

6 C. As in past State code adoption cycles, in this Ordinance San Francisco repeals its
7 existing San Francisco Building Code in its entirety and enacts a new 2010 San Francisco
8 Building Code. The proposed 2010 San Francisco Building Code consists of the 2010 California
9 Building Code together with the San Francisco amendments thereto.

10 D. On August 18, 2010, at a duly noticed public hearing, the Building Inspection
11 Commission considered this legislation.

12 Section 3. Findings regarding Local Conditions.

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

19 B. The City and County of San Francisco is unique among California communities with
20 respect to local climatic, geological, topographical, and other conditions. A specific list of findings
21 that support San Francisco's modifications to the 2010 California Building Code and a section-by-
22 section correlation of each modification with a specific numbered finding are contained in Exhibit A
23 entitled "Standard Findings for San Francisco Amendments."

24 C. Pursuant to California Health & Safety Code Section 17958.7, the Board of
25 Supervisors finds and determines that the local conditions described in Exhibit A constitute a

1 general summary of the most significant local conditions giving rise to the need for modification of
2 the 2010 California Building Code provisions published by the State Building Standards
3 Commission. The Board of Supervisors further finds and determines that the proposed
4 modifications are reasonably necessary based on the local conditions set forth in Exhibit A.

5 Section 4. 2010 San Francisco Building Code. The San Francisco Building Code provides
6 minimum standards to safeguard life or limb, health, property and public welfare by regulating and
7 controlling the design, construction, quality of materials, use and occupancy, location,
8 maintenance and demolition of all buildings and structures, and quarrying, grading, excavation
9 and filling of land in the City and County of San Francisco. The 2007 San Francisco Building Code
10 is hereby repealed in its entirety and replaced with a new 2010 San Francisco Building Code that
11 consists of the 2010 California Building Code and the San Francisco amendments thereto. A copy
12 of the 2010 California Building Code as modified by San Francisco is on file with the Clerk of the
13 Board of Supervisors in File No. 100946 and is hereby declared to be part of this Ordinance as if
14 set forth fully therein. Additions to the 2010 California Building Code are shown in bold type;
15 deletions are shown with strikethrough.

16 Section 5. Continuance of Actions Under Prior Code. Nothing contained in this Ordinance
17 shall be construed as abating any action now pending under or by virtue of any ordinance of the
18 City and County of San Francisco hereby repealed, nor shall this Ordinance be construed as
19 discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving
20 any right of the City under any ordinance in force at the time of passage of this Ordinance that
21 regulates and controls the design, construction, quality of materials, use and occupancy, location,
22 maintenance and demolition of all buildings and structures, and quarrying, grading, excavation
23 and filling of land in the City and County of San Francisco.

24 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
25 Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the

1 validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that
2 it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase
3 of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
4 clauses, or phrases be declared unconstitutional.

5 Section 7. Operative Date. This Ordinance shall take effect and be in full force on and
6 after either January 1, 2011 or its effective date if the effective date is later.

7 Section 8. Directions to Clerk. Upon final passage of this Ordinance, the Clerk of the
8 Board of Supervisors is hereby directed to transmit this Ordinance, the San Francisco
9 modifications to the 2010 California Building Code, and Exhibit A to the State Building Standards
10 Commission pursuant to the applicable provisions of State law.

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

14 By: _____
15 JUDITH A. BOYAJIAN
16 Deputy City Attorney

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