

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

2
3 **Ordinance repealing the 2013 Mechanical Code in its entirety and enacting a 2016**
4 **Mechanical Code consisting of the 2016 California Mechanical Code as amended by**
5 **San Francisco; adopting environmental findings and findings of local conditions under**
6 **the California Health and Safety Code; providing an operative date of January 1, 2017;**
7 **and directing the Clerk of the Board of Supervisors to forward the legislation to the**
8 **California Building Standards Commission as required by State law.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
12 **Board amendment additions** are in double-underlined Arial font.
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.
14 **Asterisks (* * * *)** indicate the omission of unchanged Code
15 subsections or parts of tables.

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

17 Section 1. Environmental Findings. The Planning Department has determined that the
18 actions contemplated in this ordinance comply with the California Environmental Quality Act
19 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
20 the Clerk of the Board of Supervisors in File No. 160949 and is incorporated herein by
21 reference. The Board affirms this determination.

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 Mechanical Code is
6 Part 4 of Title 24 of the California Code of Regulations. The 2016 California Mechanical Code
7 will go into effect throughout California on January 1, 2017.

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

16 (d) As in past triennial State Code adoption cycles, by this ordinance the Board of
17 Supervisors repeals the 2013 San Francisco Mechanical Code in its entirety, enacts the 2016
18 San Francisco Mechanical Code, and re-enacts the existing local amendments and makes
19 them applicable to the 2016 California Mechanical Code.

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

1 Section 3. Findings regarding Local Conditions.

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

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

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

22
23 Section 4. Repeal of 2013 San Francisco Mechanical Code and Enactment of the
24 2016 San Francisco Mechanical Code.

1 (a) The 2013 San Francisco Mechanical Code is hereby repealed in its entirety. The
2 San Francisco Mechanical Code being repealed was enacted on November 5, 2013, by
3 Ordinance No. 257-13, with an operative date of January 1, 2014. This ordinance is available
4 on the website of the Board of Supervisors.

5 (b) The 2016 San Francisco Mechanical Code is hereby enacted. It consists of the
6 2016 California Mechanical Code and San Francisco's existing local amendments, which are
7 re-enacted and expressly made applicable to the 2016 California Mechanical Code. Copies of
8 the 2016 California Mechanical Code and the stand-alone San Francisco amendments are
9 declared to be part of Board File No. 160949 and are incorporated into this ordinance by
10 reference as though fully set forth. Additions to the 2016 California Mechanical Code are
11 shown in bold underlined type; deletions are shown with bold strikethrough type.

12
13 Section 5. Continuance of Actions Under Prior Code. Nothing contained in this
14 ordinance shall be construed as abating any action now pending under or by virtue of any
15 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance
16 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to
17 accrue, or as waiving any right of the City under any such ordinance.

18
19 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
20 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the
21 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
22 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
23 Ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
24 clauses, or phrases be declared invalid.

1 Section 7. 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, 2017 or its effective date if the
6 effective date is later.

7
8 Section 8. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the
9 Board of Supervisors is hereby directed to transmit this ordinance with the Exhibit A
10 attachment and the San Francisco modifications to the 2016 California Mechanical Code to
11 the California Building Standards Commission pursuant to the applicable provisions of State
12 law.

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

16 By: _____
17 JUDITH A. BOYAJIAN
18 Deputy City Attorney
19 n:\land\as2016\1600669\01130950.docx