

1 [Building Code - Slope and Seismic Hazard Zone Protection Act]

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3 **Ordinance amending the Building Code to revise the renamed City’s Slope and Seismic**  
 4 **Hazard Zone Protection Act by clarifying the scope of its application to properties**  
 5 **exceeding an average slope of ~~25%~~4:1 grade, updating the map references, mandating**  
 6 **review by the Department of Building Inspection’s Structural Advisory Committee**  
 7 **and/or a third party peer review under specified circumstances, and re-enacting and**  
 8 **modifying a paragraph in the scope section regarding the type of proposed**  
 9 **construction that triggers application of the Act which that was omitted inadvertently in**  
 10 **the adoption of the 2016 Code; affirming the Planning Department’s determination**  
 11 **under the California Environmental Quality Act; and directing the Clerk of the Board of**  
 12 **Supervisors to forward this ordinance to the California Building Standards**  
 13 **Commission upon final passage.**

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

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

20 Section 1. General Findings.

21 (a) The Planning Department has determined that the actions contemplated in this  
 22 ordinance comply with the California Environmental Quality Act (California Public Resources  
 23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 24 Supervisors in File No. 171284 and is incorporated herein by reference. The Board affirms  
 25 this determination.

1 (b) On March 21, 2018, the Building Inspection Commission considered this  
2 ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

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4 Section 2. California Health and Safety Code Section 17958.7(b). No finding is  
5 required under California Health and Safety Code Section 17958.7 because the ordinance  
6 does not amend a “building standard” as defined in Section 18909 of that Code.

7  
8 Section 3. The Building Code is hereby amended by revising Section 106A.4.1.4, to  
9 read as follows:

10 **106A.4.1.4 The Slope and Seismic Hazard Zone Protection Act.** This Section of the San  
11 Francisco Building Code shall be known as the Slope and Seismic Hazard Zone Protection Act.

12 **106A.4.1.4.1 Creation.** The Slope and Seismic Hazard Zone Protection Act shall apply  
13 to all property within San Francisco that exceeds an average slope of 25%4 horizontal to 1  
14 vertical grade or falls within certain mapped areas of the City, except those properties already  
15 subject to the Edgehill Mountain Slope Protection Area or the Northwest Mt. Sutro Slope  
16 Protection Area. For purposes of this Section "property" shall mean a legal lot of record.  
17 Heightened review of certain permit applications, as provided in this section, shall be given to  
18 all property subject to this Act.

19 **106A.4.1.4.2 Purpose.** Because landslides, earth movement, ground shaking,  
20 drainage issues, and subsidence are likely to occur on or near steeply sloped properties and  
21 within other defined areas causing severe damage and destruction to public and private  
22 improvements, the Board of Supervisors finds that the public health, safety, and welfare is  
23 best protected if the Building Official causes permit applications for the construction of new  
24 buildings or structures and certain other construction work on property subject to the Slope  
25 and Seismic Hazard Zone Protection Act to ~~undergo additional~~ undergo additional ~~be peer-~~

1 reviewed for structural integrity and effect on *hillside or* slope stability. The requirements for  
2 projects subject to the Slope *and Seismic Hazard Zone* Protection Act are in addition to all other  
3 applicable laws and regulations, including any and all requirements for environmental review  
4 under the California Environmental Quality Act; compliance with the requirements contained  
5 herein does not excuse a project sponsor from compliance with any other applicable laws and  
6 regulations.

7 **106A.4.1.4.3 Scope.** (a) Properties are subject to these requirements where: (1) any  
8 portion of the property either ~~(1) exceeds an average slope of 25% grade or (2) lies within the~~  
9 areas of "Earthquake-Induced Landslide" in the Seismic Hazard Zone Map, released by *the*  
10 California Department of Conservation, Division of Mines and Geology, dated November 17,  
11 2000, or amendments thereto or (2) the property exceeds an average slope of 4 horizontal to  
12 1 vertical slope; ~~or within the "Landslide Hazard Areas" mapped as "Landslide Locations" in Figure~~  
13 ~~4 of the San Francisco Seismic Safety Investigation report prepared by URS/John A. Blume &~~  
14 ~~Associates, Engineers, June 1974, or any successor map thereto.~~

15 (b) Proposed construction work that is subject to these requirements includes the construction  
16 of new buildings or structures having over 1,000 square feet of new projected roof area and horizontal  
17 or vertical additions having over 500 square feet of new projected roof area. In addition, these  
18 requirements shall apply to the following activity or activities if, in the opinion of the Building Official,  
19 the proposed work may have a substantial impact on the slope stability of any property: shoring,  
20 underpinning, excavation, or retaining wall work; grading, including excavation or fill, of over 50  
21 cubic yards of earth materials; or any other construction activity that, in the opinion of the Building  
22 Official, may have a substantial impact on the slope stability of any property.

23 **106A.4.1.4.4 Mandatory submittal and review of reports and geotechnical**  
24 **engineering review by the Structural Advisory Committee; review by other City**  
25 **officials.** (a) All permit applications submitted to the *Department of Building Inspection* Central

1 Permit Bureau for construction work on properties subject to the Slope and Seismic Hazard Zone  
2 Protection Act shall include report(s) prepared and signed by both a licensed geologist and a  
3 licensed geotechnical engineer identifying areas of potential slope instability, defining potential  
4 risks of development due to geological and geotechnical factors, including information  
5 required by this section 106A.4.1.4.4 and Departmental guidelines and regulations, and  
6 ~~drawing conclusions and~~ making recommendations regarding the proposed development.  
7 These reports shall ~~undergo design review by a licensed geotechnical engineer~~ be submitted to and  
8 reviewed by the Structural Advisory Committee, as defined by Building Code Section  
9 ~~405A.6~~undergo review as deemed appropriate by the Building Official or by their designated  
10 staff. Such design review shall involve an internal review by Departmental staff. The Building  
11 Official, in their discretion, may require third party peer review from a licensed geotechnical  
12 engineer. After third party peer review, the Building Official, in their discretion, may establish  
13 a by the Structural Advisory Committee, as defined by Building Code section 105A.6, to review  
14 the project. If there is a history of landslides in the vicinity of the project, the Building Official  
15 shall require third party peer review and establish a Structural Advisory Committee to review  
16 the project. For purposes of the preceding sentence, "vicinity" shall mean any property  
17 tangent to the subject project site that also appears on the current version of the California  
18 Department of Conservation's Seismic Hazard Zone Map identified in section 106A.4.1.4.3.  
19 The Building Official's or the Building Official's designee's decision(s) concerning the level of  
20 review for a particular project or activity shall: (1) be in writing, (2) identify Departmental staff  
21 involved in the decision, (3) be consistent with the criteria set forth in the Slope and Seismic  
22 Hazard Zone Protection Act and any Departmental guidance adopted under section  
23 106A.4.1.6, and (4) describe the basis for the decision.

24 (b) All such project reviews required under section 106A.4.1.4.4(a) shall verify that  
25 appropriate geological and geotechnical issues have been considered and that appropriate

1 slope instability mitigation strategies, including drainage plans if required, have been  
2 proposed. Review also shall consider any other factors relevant to mitigation slope instability,  
3 including, but not limited to, the ground slope, soil type at the project site, the geologic  
4 conditions, the history of landslides in the vicinity, the nature of the planned excavation and  
5 construction, the proximity and type of adjacent construction, and the effect that construction  
6 activity related to the proposed project will have on the safety and stability of the subject  
7 property and properties within the vicinity of such property.

8 (c) No permits as specified above for properties subject to the Slope and Seismic Hazard Zone  
9 Protection Act that involve review by the Structural Advisory Committee shall be issued unless  
10 and until the Building Official has consulted with and received a written communication from  
11 representatives of the Departments of Planning and Public Works, and the Fire Department, each of  
12 whom has made a visit to the site for which the project is proposed, and the Building Official has  
13 received a written report from the Structural Advisory Committee concerning the safety and integrity of  
14 the proposed design and construction. As part of its review, the Structural Advisory Committee shall  
15 make findings concerning the review criteria and analysis set forth in this section 106A.4.1.4.4  
16 and Departmental guidelines and regulations regarding slope and seismic hazards consider  
17 the effect that construction activity related to the proposed project will have on the safety and  
18 stability of the property subject to the Slope and Seismic Hazard Zone Protection Act and  
19 properties within the vicinity of such property.

20 **106A.4.1.4.5 Structural Advisory Committee and m**Mandatory denial by the Building  
21 **Official.** After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in  
22 his or her sole discretion, may require that the permit application be subject to review by a Structural  
23 Advisory Committee, as defined by Building Code Section 105A.6. When subject to such Structural  
24 Advisory Committee review, no permits shall be issued unless and until the Building Official has  
25 consulted with and received a written communication from representatives of the Department of

1 *Planning, Department of Public Works and Fire Department, each of whom has made a visit to the site*  
2 *for which the project is proposed, and the Building Official has received a written report from the*  
3 *Structural Advisory Committee concerning the safety and integrity of the proposed design and*  
4 *construction. As part of its review, the Structural Advisory Committee shall consider the effect that*  
5 *construction activity related to the proposed project will have on the safety and stability of the property*  
6 *subject to the Slope and Seismic Hazard Zone Protection Act and properties within the vicinity of such*  
7 *property.*

8 In the event that the *Building Official establishes a* Building Official establishes a  
9 Structural Advisory Committee, and such Committee and such Committee determines that there  
10 is a reasonable likelihood that the proposed design and construction would result in unsafe  
11 conditions or would increase the likelihood of hillside *or slope* instability, and such unsafe  
12 conditions or instability cannot be mitigated to the satisfaction of the Committee, the Building  
13 Official shall deny the permit. The Building Official's decision to deny the permit is appealable  
14 only to the Board of Appeals.

15 **106A.4.1.4.6 Regulations to implement the Slope and Seismic Hazard Zone**  
16 **Protection Act.** The Building Official is hereby authorized to adopt rules, regulations,  
17 administrative bulletins, or other written guidelines to assist the Department in implementing  
18 this Section 106A.4.1.4, provided that any such guidance shall be in addition to the criteria set  
19 forth in section 106A.4.1.4.4 or elsewhere in this Act and shall not conflict with or diminish any  
20 of the permit review criteria in this Building Code, including, but not limited to, requirements for  
21 applicants to demonstrate that a project site is not subject to the Slope Protection Act. Such  
22 guidance may provide objective criteria to exempt certain projects and activities from  
23 discretionary third party peer or Structural Advisory Committee review where the soil at the  
24 project site is dune sand or Colma Formation and the project or activity presents  
25 circumstances that would not necessitate more extensive review.

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Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

Section 6. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby directed to forward a copy of this ordinance to the California Building Standards Commission upon final passage.

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

By: \_\_\_\_\_  
JOHN D. MALAMUT  
Deputy City Attorney  
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