

1 [Building Code - Repeal of Existing 2010 Code and Enactment of 2013 Edition]

2

3 **Ordinance repealing the 2010 Building Code in its entirety and enacting a 2013 Building**  
4 **Code consisting of the new model code, as amended by the State of California and as**  
5 **further amended by San Francisco; adopting environmental findings and findings of**  
6 **local conditions under the California Health and Safety Code; providing for an operative**  
7 **date of January 1, 2014; and directing the Clerk of the Board to forward the legislation to**  
8 **the State 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.

13

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

15

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  
20 by 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 California  
24 Building Standards Code is contained in Title 24 of the California Code of Regulations, and  
25

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

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

8 C. As in past State code adoption cycles, in this ordinance San Francisco repeals its  
9 existing Building Code in its entirety and enacts a new Building Code consisting of the new  
10 model code, as amended by the California Building Code, and as further amended by San  
11 Francisco.

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

14 Section 3. Findings regarding Local Conditions.

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

21 B. The City and County of San Francisco is unique among California communities  
22 with respect to local climatic, geological, topographical, and other conditions. A specific list of  
23 findings that support San Francisco's modifications to the 2013 California Building Code and a  
24 section-by-section correlation of each modification with a specific numbered finding are  
25 contained in Exhibit A entitled "Standard Findings for San Francisco Amendments," on file with

1 the Clerk of the Board of Supervisors in File No. 130836, which is hereby declared to be part of  
2 this ordinance as if set forth fully therein.

3 C. Pursuant to California Health and Safety Code Section 17958.7, the Board of  
4 Supervisors finds and determines that the local conditions described in Exhibit A constitute a  
5 general summary of the most significant local conditions giving rise to the need for modification  
6 of the 2013 California Building Code provisions published by the State Building Standards  
7 Commission. The Board of Supervisors further finds and determines that the proposed  
8 modifications are reasonably necessary based upon the local conditions set forth in Exhibit A.  
9 The findings in Exhibit A also include findings related to modification of provisions of the 2013  
10 California Residential Code, which are contained in the San Francisco Building Code.

11 Section 4. The 2010 San Francisco Building Code is hereby repealed in its entirety.  
12 The San Francisco Building Code being repealed was enacted by Ordinances 275-10 and  
13 276-10. It was amended by Ordinances 38-10, 63-12, 235-12, 16-13, 45-13, 66-13, and 155-  
14 13. These ordinances are available on the website of the Board of Supervisors.

15 Section 5. The 2013 San Francisco Building Code is hereby enacted. The Building  
16 Code being enacted consists of the new model code, as amended by the 2013 California  
17 Building Code, and as further amended by the San Francisco amendments. It also includes  
18 San Francisco's amendments to the 2013 California Residential Code as described in a  
19 separate companion ordinance. A copy of the new model code, as amended by the 2013  
20 California Building Code, together with the San Francisco amendments, is on file with the Clerk  
21 of the Board of Supervisors in File No. 130836 all of which is hereby declared to be part of this  
22 ordinance as if set forth fully therein. Additions to the 2013 California Building Code are shown  
23 in bold underlined type; deletions are shown with strikethrough.

24 Section 6. Continuance of Actions Under Prior Code. Nothing contained in this  
25 ordinance shall be construed as abating any action now pending under or by virtue of any

1 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance  
2 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to  
3 accrue, or as waiving any right of the City under any such ordinance.

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

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

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

20  
21 APPROVED AS TO FORM:  
22 DENNIS J. HERRERA, City Attorney

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

n:\legana\as2013\1400074\00866362.doc