

1 [San Francisco Building Code - Residential Building - Repealing and Replacing]

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3 **Ordinance incorporating the provisions of the 2010 California Residential Code into**
4 **various chapters of the San Francisco Building Code with local amendments, and**
5 **adding Chapter 36 to serve as a directory of where such provisions may be found in**
6 **the San Francisco Building Code; adopting findings of local conditions pursuant to**
7 **California Health and Safety Code Section 17958.7, and directing the Clerk of the Board**
8 **to forward San Francisco's amendments and findings to the State Building Standards**
9 **Commission; making environmental findings; and providing for an operative date of**
10 **January 1, 2011.**

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

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 are in compliance with the California Environmental
18 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
19 on file with the Clerk of the Board of Supervisors in File No. 100950 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
24 California Building Standards Code is contained in Title 24 of the California Code of
25 Regulations, and consists of several parts that are based upon model codes with
amendments made by various State agencies with jurisdiction. This year the State has

1 adopted the California Residential Code, which goes into effect throughout the State on
2 January 1, 2011.

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

7 C. San Francisco's residential building standards are contained in the San
8 Francisco Building Code. In this Ordinance, San Francisco incorporates the provisions of the
9 2010 California Residential Code into various chapters of the San Francisco Building Code
10 with local amendments, and adds Chapter 36 to serve as a directory of where such provisions
11 may be found in the San Francisco Building Code.

12 D. On August 18, 2010, 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 Residential 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 2010 California Residential Code
24 and a 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."

1 C. Pursuant to California Health & Safety Code Section 17958.7, the Board of
2 Supervisors finds and determines that the local conditions described in Exhibit A constitute a
3 general summary of the most significant local conditions giving rise to the need for
4 modification of the 2010 California Residential Code published by the State Building
5 Standards Commission. The Board of Supervisors further finds and determines that the
6 proposed modifications are reasonably necessary based on the local conditions set forth in
7 Exhibit A.

8 Section 4. 2010 San Francisco Building Code. The San Francisco Building Code
9 provides minimum standards to safeguard life or limb, health, property and public welfare by
10 regulating and controlling the design, construction, quality of materials, use and occupancy,
11 location, maintenance and demolition of all buildings and structures, and quarrying, grading,
12 excavation and filling of land in the City and County of San Francisco, including residential
13 building requirements. The provisions of the 2010 California Residential Code, with the San
14 Francisco amendments thereto, is incorporated into various chapters of the San Francisco
15 Building Code. Chapter 36 is added to serve as a directory of where such provisions may be
16 found in the San Francisco Building Code. Additions to the 2010 California Residential Code
17 are shown in bold type; deletions are shown with strikethrough. A copy of the 2010 California
18 Residential Code is on file with the Clerk of the Board of Supervisors in File No. 100950 and is
19 hereby declared to be part of this Ordinance as if set forth fully therein.

20 Section 5. Continuance of Actions Under Prior Code. Nothing contained in this
21 Ordinance shall be construed as abating any action now pending under or by virtue of any
22 ordinance of the City and County of San Francisco hereby repealed, nor shall this Ordinance
23 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to
24 accrue, or as waiving any right of the City under any ordinance in force at the time of passage
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1 of this Ordinance that establishes residential building requirements in the City and County of
2 San Francisco.

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

9 Section 7. Operative Date. This Ordinance shall take effect and be in full force on and
10 after January 1, 2011 or the Ordinance's effective date, whichever is later.

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

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

18 By: _____
19 JUDITH A. BOYAJIAN
20 Deputy City Attorney

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