

BOARD of SUPERVISORS



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MEMORANDUM

Date: August 6, 2025
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 250805
Building Code - Slope Protection, Commercial Lighting Standards, Rooftop Penthouses, and Driveway and Sidewalk Load Limits

- ☒ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

[Building Code - Slope Protection, Commercial Lighting Standards, Rooftop Penthouses, and Driveway and Sidewalk Load Limits]

Ordinance amending the Building Code to remove local requirements regarding commercial lighting, rooftop mechanical penthouses, driveway and sidewalk load limits, and the Slope Protection Act; and affirming the Planning Department's determination under the California Environmental Quality Act.

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

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

Section 1. Environmental, Building, and General Findings.

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

(b) On _____, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section 4.121 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection Commission regarding the Commission's recommendation is on file with the Clerk of the Board of Supervisors in File No. _____.

1 (c) No local findings are required under California Health and Safety Code Section
2 17958.7 because:

3 (1) The deletion of local provisions for commercial lighting, rooftop mechanical
4 penthouses, and load limits for sidewalks and driveways removes local requirements, and
5 thus reverts the Building Code to the relevant standards in the California Building Standards
6 Code or other regulations adopted pursuant to California Health and Safety Code Section
7 17922; and

8 (2) The Slope Protection Act does not regulate materials or manner of
9 construction or repair, and is not a "building standard" as defined by California Health and
10 Safety Code Section 18909(a). If the Slope Protection Act were a "building standard",
11 deletion of the Slope Protection Act would remove a local requirement and revert the Building
12 Code to the relevant standards in the California Building Standards Code or other regulations
13 adopted pursuant to California Health and Safety Code Section 17922.

14 (d) This ordinance aligns with the goals of "PermitSF," the City's effort to reform
15 permitting by improving the customer experience through clear standards, streamlined
16 approval processes, centralized technology and data, and increased government
17 accountability. Through PermitSF, the City enables greater ease and certainty in the delivery
18 of government services to customers seeking to improve their property or do business in San
19 Francisco. The ordinance promotes fast, predictable and transparent permitting processes to
20 create new jobs, business, and homes, and to facilitate the City's economic recovery from the
21 COVID-19 pandemic.

22
23 Section 2. Chapter 1A of the Building Code is hereby amended by revising Sections
24 105A.6.2 and 106A.3.2, and deleting Sections 106A.4.1.4 through 106A.4.1.4.6 to read as
25 follows:

1
2 **105A.6.2 Members.** For consideration of each building with such special features, the
3 Structural Advisory Committee shall consist of members who are knowledgeable in the
4 structural engineering and construction issues presented by those special features. Members
5 shall be selected from a list of qualified engineers submitted by the Structural Engineers
6 Association of Northern California and approved by the Building Official. One member shall be
7 selected by the Building Official, one member shall be selected by the owner, and the third
8 member shall be selected jointly. Compensation of the Structural Advisory Committee
9 members shall be by the owner. However, when the project for which Committee review is
10 required is located in the Edgehill Mountain Slope Protection Area, as defined by Building
11 Code Section 106A.4.1.2 or the Northwest Mt. Sutro Slope Protection Area as defined by
12 Building Code Section 106A.4.1.3 ~~or is subject to Committee review pursuant to the Slope~~
13 ~~Protection Act, Building Code Section 106A.4.1.4.5~~, (a) the Committee shall consist of a structural
14 engineer, a geologist and a geotechnical engineer; (b) the Committee shall consult with an
15 architect, who shall be a voting member of the Committee; (c) the selection of the Committee
16 members shall be as follows: one member shall be selected jointly by the Building Official and
17 the Director of Public Works, one member shall be selected solely by the Building Official and
18 one member shall be selected by the Building Official and the owner from recommendations
19 made by interested persons, including but not limited to residents of the neighborhood
20 surrounding the project location; and (d) to the extent feasible, the Committee members
21 should be selected from a list submitted by the Structural Engineers Association of Northern
22 California.

23 * * * *

24 **106A.3.2 Submittal documents.** Plans, specifications, engineering calculations,
25 diagrams, soil investigation reports, special inspection and structural observation programs

1 and other data shall constitute the submittal documents for a permit. When such plans are not
2 prepared by an architect, land surveyor, or an engineer, the Building Official may require the
3 applicant submitting such plans or other data to demonstrate that state law does not require
4 that the plans be prepared by a licensed architect, land surveyor, or engineer. The Building
5 Official may require plans, computations and specifications to be prepared and designed by
6 an engineer or architect licensed by the state to practice as such even if not required by State
7 law. Materials submitted by a licensed architect, land surveyor, or engineer must be signed
8 and sealed on all plan sheets.

9 Two complete sets of plans which may include specifications and three copies of the
10 soil investigation report (when required) shall be submitted. Additional complete sets of plans
11 and specifications may be required for special permit processing services that may be offered
12 by the City and County of San Francisco.

13 **EXCEPTIONS:**

14 1. The requirements for plans or specifications may be waived by the Building
15 Official, provided that the nature and extent of the proposed construction can be clearly
16 described in writing, and such a description is filed with the application.

17 2. In addition to all other requirements of Section 106A.3.2, the following
18 requirements shall apply to: ~~(a)~~ applications for construction of new buildings or structures,
19 and to alterations that involve a substantial increase in the building envelope of an existing
20 building or structure, within the Edgehill Mountain Slope Protection Area, created by Building
21 Code Section 106A.4.1.2, and within the Northwest Mt. Sutro Slope Protection Area, created
22 by Section 106A.4.1.3 ~~and (b) application for construction on property subject to the Slope~~
23 ~~Protection Act created by Building Code Section 106A.4.1.4:~~

24 The Building Official may not waive the requirements for submittal documents set
25 forth in Section 106A.3.2.

1 Submittal documents shall substantiate that the building or structure will comply with
2 applicable codes and regulations.

3 Submittal documents shall include (1) plans prepared by a State-licensed architect,
4 land surveyor, or engineer and (2) a construction/staging plan establishing that the proposed
5 construction will not compromise the health, safety or welfare of neighboring property owners.
6 Submittal documents shall demonstrate to the satisfaction of the Building Official, based on
7 consultation with and written communications from appropriate City officials, including the
8 Director of the Department of Public Works, that there is sufficient infrastructure (including
9 utilities and streets) to support the proposed residential development and that the proposed
10 emergency vehicle access routes comply with the standards in use by the Fire Department or
11 similar agency in effect at the time the application is submitted.

12 * * * *

13 ~~106A.4.1.4 The Slope and Seismic Hazard Zone Protection Act. This Section of the San~~
14 ~~Francisco Building Code shall be known as the Slope and Seismic Hazard Zone Protection Act.~~

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

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

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

7 **~~106A.4.1.4.3 Scope.~~**

8 ~~—(a) Properties are subject to these requirements where: (1) any portion of the property lies~~
9 ~~within the 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, 2000, or~~
11 ~~amendments thereto or (2) the property exceeds an average slope of 4 horizontal to 1 vertical slope.~~

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

19 **~~106A.4.1.4.4 Mandatory submittal and review of reports.~~**

20 ~~—(a) All permit applications submitted to the Central Permit Bureau for construction work on~~
21 ~~properties subject to the Slope and Seismic Hazard Zone Protection Act shall include report(s)~~
22 ~~prepared and signed by both a licensed geologist and a licensed geotechnical engineer identifying~~
23 ~~areas of potential slope instability, defining potential risks of development due to geological and~~
24 ~~geotechnical factors, including information required by this section 106A.4.1.4.4 and Departmental~~
25 ~~guidelines and regulations, and making recommendations regarding the proposed development. These~~

1 ~~reports shall undergo review as deemed appropriate by the Building Official or by their designated~~
2 ~~staff. Such review shall involve an internal review by Departmental staff. The Building Official, in their~~
3 ~~discretion, may require third party peer review from a licensed geotechnical engineer. After third party~~
4 ~~peer review, the Building Official, in their discretion, may establish a Structural Advisory Committee,~~
5 ~~as defined by Building Code section 105A.6, to review the project. If there is a history of landslides in~~
6 ~~the vicinity of the project, the Building Official shall require third party peer review and establish a~~
7 ~~Structural Advisory Committee to review the project. For purposes of the preceding sentence,~~
8 ~~“vicinity” shall mean any property tangent to the subject project site that also appears on the current~~
9 ~~version of the California Department of Conservation’s Seismic Hazard Zone Map identified in section~~
10 ~~106A.4.1.4.3. The Building Official’s or the Building Official’s designee’s decision(s) concerning the~~
11 ~~level of review for a particular project or activity shall: (1) be in writing, (2) identify Departmental~~
12 ~~staff involved in the decision, (3) be consistent with the criteria set forth in the Slope and Seismic~~
13 ~~Hazard Zone Protection Act and any Departmental guidance adopted under section 106A.4.1.6, and (4)~~
14 ~~describe the basis for the decision.~~

15 ~~—(b) All such project reviews required under section 106A.4.1.4.4(a) shall verify that~~
16 ~~appropriate geological and geotechnical issues have been considered and that appropriate slope~~
17 ~~instability mitigation strategies, including drainage plans if required, have been proposed. Review also~~
18 ~~shall consider any other factors relevant to mitigation slope instability, including, but not limited to, the~~
19 ~~ground slope, soil type at the project site, the geologic conditions, the history of landslides in the~~
20 ~~vicinity, the nature of the planned excavation and construction, the proximity and type of adjacent~~
21 ~~construction, and the effect that construction activity related to the proposed project will have on the~~
22 ~~safety and stability of the subject property and properties within the vicinity of such property.~~

23 ~~—(c) No permits as specified above for properties subject to the Slope and Seismic Hazard~~
24 ~~Zone Protection Act that involve review by the Structural Advisory Committee shall be issued unless~~
25 ~~and until the Building Official has consulted with and received a written communication from~~

1 ~~representatives of the Departments of Planning and Public Works, and the Fire Department, each of~~
2 ~~whom has made a visit to the site for which the project is proposed, and the Building Official has~~
3 ~~received a written report from the Structural Advisory Committee concerning the safety and integrity of~~
4 ~~the proposed design and construction. As part of its review, the Structural Advisory Committee shall~~
5 ~~make findings concerning the review criteria and analysis set forth in this section 106A.4.1.4.4 and~~
6 ~~Departmental guidelines and regulations regarding slope and seismic hazards.~~

7 ~~**106A.4.1.4.5 Mandatory denial by the Building Official.** In the event that the Building Official~~
8 ~~establishes a Structural Advisory Committee and such Committee determines that there is a reasonable~~
9 ~~likelihood that the proposed design and construction would result in unsafe conditions or would~~
10 ~~increase the likelihood of hillside or slope instability, and such unsafe conditions or instability cannot~~
11 ~~be mitigated to the satisfaction of the Committee, the Building Official shall deny the permit. The~~
12 ~~Building Official's decision to deny the permit is appealable only to the Board of Appeals.~~

13 ~~**106A.4.1.4.6 Regulations to implement the Slope and Seismic Hazard Zone Protection Act.**~~
14 ~~The Building Official is hereby authorized to adopt rules, regulations, administrative bulletins, or other~~
15 ~~written guidelines to assist the Department in implementing this Section 106A.4.1.4, provided that any~~
16 ~~such guidance shall be in addition to the criteria set forth in section 106A.4.1.4.4 or elsewhere in this~~
17 ~~Act and shall not conflict with or diminish any of the permit review criteria in this Building Code. Such~~
18 ~~guidance may provide objective criteria to exempt certain projects and activities from discretionary~~
19 ~~third party peer or Structural Advisory Committee review where the soil at the project site is dune sand~~
20 ~~or Colma Formation and the project or activity presents circumstances that would not necessitate more~~
21 ~~extensive review.~~

22
23 Section 3. Chapter 13 of the Building Code is hereby amended by deleting Chapter
24 13D, consisting of Sections 1301D through 1311D, to read as follows:

25 **Chapter 13D**

1 **[RESERVED]COMMERCIAL LIGHTING EFFICIENCY**

2 ~~The City and County of San Francisco adopts the following Chapter 13D for the purpose of reducing~~
3 ~~public demand for electricity and the associated detriment to the environment of energy production and~~
4 ~~delivery by requiring commercial buildings to install or adopt more energy efficient lighting measures.~~

5
6 **~~SECTION 1301D—TITLE~~**

7 ~~This Chapter shall be known as the “Commercial Lighting Efficiency Ordinance.”~~

8 **~~SECTION 1302D—PURPOSE~~**

9 ~~The purpose of this Chapter is to reduce public demand for electricity and the associated detriment to~~
10 ~~the environment of energy production and delivery by requiring commercial buildings to install or~~
11 ~~adopt more energy efficient lighting measures.~~

12 **~~SECTION 1303D—SCOPE~~**

13 ~~The provisions of this Chapter shall apply to all privately owned non-residential buildings, including~~
14 ~~school facilities, the non-residential portions of mixed-use commercial and residential buildings, tourist~~
15 ~~hotels, and the common areas of residential hotels and multiple-unit residential buildings, all as herein~~
16 ~~defined.~~

17 **~~EXCEPTIONS:~~**

18 ~~—The provisions of this Chapter do not apply to:~~

19 ~~—1. Residential buildings and residential hotels, except that it shall apply to their common~~
20 ~~areas.~~

21 ~~—2. The residential portions of mixed-use commercial and residential buildings, except that it~~
22 ~~shall apply to their common areas.~~

23 **~~SECTION 1304D—DEFINITIONS~~**

24 ~~For the purpose of this Chapter, certain terms are defined as follows:~~

1 ~~**COMMERCIAL BUILDING** is any privately owned building that is occupancy group A, B, E, F, H, I,~~
2 ~~L, M or S as defined in this Code and any tourist hotels, as herein defined. When a building is~~
3 ~~designated for more than one type of occupancy, “Commercial Building” shall mean those spaces~~
4 ~~within the mixed use building designated as A, B, E, F, H, I, L, M or S or tourist hotel, as herein~~
5 ~~defined. Except for tourist hotels as herein defined, “Commercial Building” shall include only the~~
6 ~~common areas of any R (“residential”) occupancy buildings for the common areas of any R~~
7 ~~(“residential”) occupancy portions of mixed use buildings.~~

8 ~~**COMMON AREA** is any area, space or room of a building that is made available to the general public~~
9 ~~as either a client or guest.~~

10 ~~**DIRECTOR** is the Director of the Department of Building Inspection, or his or her designee.~~

11 ~~**EXIT SIGNS** are signs located and illuminated as required by the Building Code.~~

12 ~~**LINEAR FLUORESCENT LAMP** is a “tube” or “bulb” formed in a straight shape, as distinguished~~
13 ~~from a circular or u shape, but not including linear specialty lamps such as black lights.~~

14 ~~**LUMINAIRE** is an interior or exterior complete lighting unit, including internally or externally~~
15 ~~illuminated signs, consisting of the lamp and the parts designed to distribute the light, to protect the~~
16 ~~lamp, and to connect the lamp to the power supply, but not including illuminated utilization equipment~~
17 ~~or exit signs as defined herein.~~

18 ~~**OCCUPANCY SENSOR CONTROL DEVICE** is a device that automatically turns off a luminaires or~~
19 ~~series of luminaires not more than 30 minutes after it senses that the area is vacated.~~

20 ~~**TOURIST HOTEL** is any residential building, or portion thereof, which is occupied as a hotel, motel~~
21 ~~or inn and which has a certificate of use for tourist occupancy, or any portion of a residential building~~
22 ~~which is converted to tourist hotel use pursuant to the Residential Hotel Conversion Ordinance (S.F.~~
23 ~~Administrative Code, Article 41) or other City law.~~

24 ~~**UTILIZATION EQUIPMENT** is commercial, retail or industrial equipment, including but not limited~~
25 ~~to refrigeration equipment, fully enclosed retail display cases, vending machines, printing equipment or~~

1 ~~conveyors, which uses 4-foot or 8-foot linear fluorescent lamps as an integrated part of such~~
2 ~~equipment. “Utilization Equipment” shall not include furniture or workstations.~~

3 **~~SECTION 1305D—COMPLIANCE REQUIREMENTS~~**

4 ~~**1305D.1 Compliance Deadline.** No later than December 31, 2011 (“Compliance Deadline”), the~~
5 ~~owner of each building subject to this Chapter shall self-certify that the entire building meets the~~
6 ~~standards specified in this Chapter 13D, and if the building is not certified, the building owner shall~~
7 ~~make such repairs as may be required to conform to this Chapter.~~

8 ~~**1305D.2 Stay of compliance deadline.** The Compliance Deadline stated in Section 1305D.1 shall be~~
9 ~~stayed for up to two years from the date of an application for a demolition permit for any building~~
10 ~~subject to this Chapter. If the building is demolished and a Certificate of Completion issued by the~~
11 ~~Department before the end of the two-year postponement, the requirements of this Chapter shall not~~
12 ~~apply. If the building is not demolished after the expiration of two year, the provisions of this Chapter~~
13 ~~13D shall apply even though the demolition permit is still in effect or a new demolition permit has been~~
14 ~~issued.~~

15 **~~SECTION 1306D—LIGHTING EFFICIENCY MEASURES~~**

16 ~~**1306D.1. Mercury Content.** The mercury content of each 4-foot linear fluorescent lamp installed after~~
17 ~~the Compliance Deadline in a luminaires in a building subject to this Chapter shall not exceed 5 mg.~~
18 ~~The mercury content of each 8-foot linear fluorescent lamp installed after the Compliance Deadline in~~
19 ~~a luminaires in a building subject to this Chapter shall not exceed 10 mg.~~

20 ~~**1306D.2. Energy efficiency.** The lamp and ballast system in each luminaire that utilizes one or more 4-~~
21 ~~foot or 8-foot linear fluorescent lamp to provide illumination in a building subject to this Chapter 13D~~
22 ~~must meet at least one of the following requirements:~~

23 ~~—1. The lamp and ballast system emits 81 or more lumens per watt of electricity consumed.~~

24 ~~—2. The luminaire is controlled by an occupancy sensor control device that does not control an area~~
25 ~~in the building of more than 250 square feet.~~

1 ~~—3. The luminaire is fitted with a lighting efficiency measure approved by the Director as equivalent~~
2 ~~to the measures in subsection (1) or (2).~~

3 ~~—4. The Director finds, based on the facts of the particular building and luminaire, that the energy~~
4 ~~savings from installing lighting efficiency measures meeting the requirements of this Section will be so~~
5 ~~insignificant over the life of the luminaire that the measure is not cost efficient.~~

6 ~~—5. If the owner of a Commercial Building elects to meet the requirements of this Section 1306D.2~~
7 ~~with measures that require permits, such permits shall comply with all other applicable requirements of~~
8 ~~this Code and all other applicable state and local laws.~~

9 **~~SECTION 1307D—ENFORCEMENT~~**

10 ~~—Any building maintained in violation of this Chapter shall constitute a public nuisance under the~~
11 ~~terms of Section 102A of this Code and such nuisance may be abated pursuant to the procedures set~~
12 ~~forth in Section 102A of this code for unsafe buildings.~~

13 **~~SECTION 1308D—RULES~~**

14 ~~The director, after consulting with the Department of the Environment, and in accordance with Section~~
15 ~~104A.2.1 of this Code, shall adopt, and may amend, reasonable rules, guidelines and forms for~~
16 ~~implementing the provisions and intent of this Chapter.~~

17 **~~SECTION 1309D—UNDERTAKING FOR THE GENERAL WELFARE~~**

18 ~~In undertaking the enforcement of this Chapter, the City and County of San Francisco is assuming an~~
19 ~~undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers~~
20 ~~and employees, an obligation for breach of which it is liable in money damages to any person who~~
21 ~~claims that such breach proximately caused injury.~~

22 **~~SECTION 1310D—PREEMPTION~~**

23 ~~Nothing in this Chapter shall be interpreted or applied so as to create any power or duty in conflict~~
24 ~~with any federal or state law or regulation.~~

25 **~~SECTION 1311D—SEVERABILITY~~**

~~If any provision or clause of this Chapter or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions, and clauses of this Chapter are declared to be severable.~~

Section 4. Chapter 15 of the Building Code is hereby amended by revising Section 1511.2.2, to read as follows:

Chapter 15

ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

* * * *

SECTION 1511 – ROOF TOP STRUCTURES

* * * *

1511.2.2 Use limitations.

Penthouses shall not be used for purposes other than the shelter of mechanical or electrical equipment, tanks, elevators and related machinery, stairways or vertical shaft openings in the roof assembly, including ancillary spaces used to access elevators and stairways.

~~Penthouses shall be of a size no larger than the minimum clearances required for the mechanical equipment to be installed or no larger than the vertical shaft opening in the roof.~~

Section 5. Chapter 16 of the Building Code is hereby amended by deleting Section 1607.20.3, to read as follows:

Chapter 16

STRUCTURAL DESIGN

* * * *

SECTION 1607 – LIVE LOADS

* * * *

~~1607.20.3 Driveways and sidewalks subject to vehicle loading. Driveways subject to vehicle loading shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) HS-20 Standard Specification for Highways and Bridges. Sidewalks subject to vehicle loading shall be designed for a concentrated load of 10,000 pounds placed upon any space 2½ feet (762 mm) square, wherever this load upon an otherwise unloaded sidewalk would produce stresses greater than those caused by the uniform load of 250 psf required therefor.~~

Section 6. Chapter 17 of the Building Code is hereby amended by revising Section 1705.22, to read as follows:

Chapter 17

SPECIAL INSPECTIONS AND TESTS

* * * *

SECTION 1705 – REQUIRED SPECIAL INSPECTIONS AND TESTS

* * * *

1705.22 ~~Construction subject to the Slope Protection Act, created by Section 106A.4.1.4; or~~ construction of a new building or structure, or alterations that involve a substantial increase in the envelope of an existing building or structure within the Edgehill Mountain Slope Protection Area, created by Building Code Section 106A.4.1.2, or the Northwest Mt. Sutro Slope Protection Area, created by Building Code Section 106A.4.1.3; provided, however, that, until the special inspection reports required by Building Code Section 1704.2.4 are submitted to and approved by the Department, the phase of construction subsequent to the phase or element for which the report was completed cannot commence.

Section 7. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Robb Kapla
15 ROBB KAPLA
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Building Code - Slope Protection, Commercial Lighting Standards, Rooftop Penthouses, and Driveway and Sidewalk Load Limits]

Ordinance amending the Building Code to remove local requirements regarding commercial lighting, rooftop mechanical penthouses, driveway and sidewalk load limits, and the Slope Protection Act; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The Building Code contains local standards governing commercial lighting efficiency in Chapter 13D, size limitations on rooftop mechanical penthouses in Section 1511.2.2, load limits for certain driveways and sidewalks in Section 1607.20.3 (collectively, "Local Standards"), and administrative provisions for the Department of Building Inspection's (DBI) processing of applications on steep slopes in Section 106A.4.1.4 ("Slope Protection Act").

Amendments to Current Law

The Proposed Legislation deletes the Local Standards and the Slope Protection Act in their entirety as well as references to these provisions throughout the Building Code.

Background Information

The Proposed Legislation is part of "PermitSF" and is designed to promote fast, predictable and transparent permitting processes to create new jobs, business, and homes, and to facilitate the City's economic recovery from the COVID-19 pandemic.

Deleting the Local Standards removes redundancy and inconsistency between these sections and other local or State regulations pertaining to the same provisions. Specifically, updated commercial lighting efficiency standards are located in the Green Building Code, load limits for sidewalks and driveways are already addressed in Section 1607.8 and/or by the Department of Public Works (for sidewalks), and the local size limitations for rooftop mechanical penthouses are stricter than the California Building Code limitations without notable building or tenant safety benefits.

The administrative provisions of the Slope Protection Act increase DBI processing time and costs for projects subject to its provisions. Specifically, the Slope Protection Act requires expert analysis of underlying geology and soil conditions, and approval by the Structural Advisory Committee, Fire and Public Health Departments before DBI can issue building permits for projects in high slope areas. The Proposed Legislation recommends removing

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these administrative provisions, finding they provide no additional building or public safety benefits beyond the applicable building standards for construction in Building Code.

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