

[San Francisco Mechanical Code - Repealing and Replacing]

Ordinance repealing the 2007 San Francisco Mechanical Code in its entirety and replacing that code with a new 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and San Francisco amendments thereto; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7, and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011.

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

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

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance 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. 101126 and is incorporated herein by reference.

Section 2. General Findings.

A. The State of California adopts a new California Building Standards Code every three years that goes into effect throughout the State 180 days after publication. The California Building Standards Code is contained in Title 24 of the California Code of Regulations, and consists of several parts that are based upon model codes with amendments made by various State agencies with jurisdiction. The California Mechanical Code is Part 4 of Title 24 of the California Code of Regulations. The 2010 California Mechanical Code will go into effect throughout the State on January 1, 2011.

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

5 C. As in past State code adoption cycles, in this Ordinance San Francisco repeals its
6 existing San Francisco Mechanical Code in its entirety and enacts a new 2010 San Francisco
7 Mechanical Code. The proposed 2010 San Francisco Mechanical Code consists of the 2010 California
8 Mechanical Code together with the San Francisco amendments thereto.

9 D. On August 18, 2010, at a duly noticed public hearing, the Building Inspection
10 Commission considered this legislation.

11 Section 3. Findings regarding Local Conditions.

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

18 B. The City and County of San Francisco is unique among California communities with
19 respect to local climatic, geological, topographical, and other conditions. A specific list of findings that
20 support San Francisco's modifications to the 2010 California Mechanical Code and a section-by-
21 section correlation of each modification with a specific numbered finding are contained in Exhibit A
22 entitled "Standard Findings for San Francisco Amendments."

23 C. Pursuant to California Health & Safety Code Section 17958.7, the Board of Supervisors
24 finds and determines that the local conditions described in Exhibit A constitute a general summary of
25 the most significant local conditions giving rise to the need for modification of the 2010 California

1 Mechanical Code provisions published by the State Building Standards Commission. The Board of
2 Supervisors further finds and determines that the proposed modifications are reasonably necessary
3 based on the local conditions set forth in Exhibit A.

4 Section 4. 2010 San Francisco Mechanical Code. The San Francisco Mechanical Code
5 establishes minimum requirements to safeguard the public health, safety and general welfare through
6 the regulation of heating, ventilating, air-conditioning, exhaust and duct systems, refrigeration, and
7 miscellaneous heat-producing and energy-utilizing equipment in the City and County of San Francisco.
8 The 2007 San Francisco Mechanical Code is hereby repealed in its entirety and replaced with a new
9 2010 San Francisco Mechanical Code that consists of the 2010 California Mechanical Code and the
10 San Francisco amendments thereto. A copy of the 2010 California Mechanical Code as modified by
11 San Francisco is on file with the Clerk of the Board of Supervisors in File No. 101126 and is hereby
12 declared to be part of this Ordinance as if set forth fully therein. Additions to the 2010 California
13 Mechanical Code are shown in bold type; deletions are shown with strikethrough.

14 Section 5. Continuance of Actions Under Prior Code. Nothing contained in this Ordinance shall
15 be construed as abating any action now pending under or by virtue of any ordinance of the City and
16 County of San Francisco hereby repealed, nor shall this Ordinance be construed as discontinuing,
17 abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City
18 under any ordinance in force at the time of passage of this Ordinance that establishes minimum
19 requirements to safeguard the public health, safety and general welfare through the regulation of
20 heating, ventilating, air-conditioning, exhaust and duct systems, chimneys, refrigeration, miscellaneous
21 heat-producing and energy-utilizing equipment in the City and County of San Francisco.

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

7 Section 7. Operative Date. This Ordinance shall take effect and be in full force on and
8 after either January 1, 2011 or its effective date if the effective date is later.

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

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

16 By: _____
17 JUDITH A. BOYAJIAN
18 Deputy City Attorney
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