

File No. 101126

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date October 18, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

☐	☐	Motion
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OTHER

(Use back side if additional space is needed)

☒	☐	Standard Findings for Building Standards Code Amendments
☒	☐	Certificate of Environmental Review Determination, dtd 8/16/10
☒	☐	Building Inspection Commission Recommendation, dtd 8/27/10
☒	☐	Code Advisory Committee Recommendation, dtd 8/12/10
☒	☐	2010 Mechanical Code Amendments
* ☒	☐	2010 California Mechanical Code
☐	☐	_____
☐	☐	_____
☐	☐	_____

Completed by: Alisa Somera Date October 14, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[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 & 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.

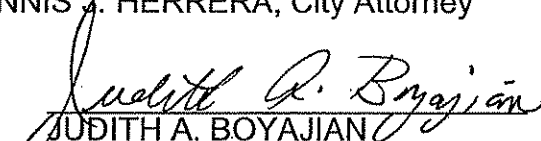
1 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
2 Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the
3 validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares
4 that it would have 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.

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:


17 JUDITH A. BOYAJIAN
18 Deputy City Attorney
19
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21
22
23
24
25

LEGISLATIVE DIGEST

[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 & 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.

Existing Law

The San Francisco Mechanical Code regulates heating, ventilating, air-conditioning, exhaust and duct systems, refrigeration, and miscellaneous heat-producing and energy-utilizing equipment in the City and County of San Francisco. The current Code consists of the 2006 Uniform Mechanical Code, as amended by the 2007 California Mechanical Code, and as further amended by San Francisco.

Amendments to Current Law

On January 1, 2011, the 2010 California Mechanical Code will go into effect throughout the State of California. As in past State code adoption cycles, San Francisco will repeal its existing Mechanical Code in its entirety and adopt a new San Francisco Mechanical Code that consists of the new California Mechanical Code and San Francisco's local amendments. The 2010 San Francisco Mechanical Code carries forward the amendments made to the 2007 California Mechanical Code and makes no additional substantive changes.

The San Francisco amendments are not integrated into the text of the California Mechanical Code but rather are separately printed in a stand-alone document. Therefore, the user must consult both texts in order to determine the complete code requirement. In the San Francisco amendments, additions to the 2010 California Mechanical Code are shown in bold type; deletions are shown with strikethrough.

Background Information

Generally, 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.

Local jurisdictions are required to enforce the California Mechanical Code. Local jurisdictions may also enact more stringent requirements than those contained in the State Code where more stringent requirements are reasonably necessary because of local conditions caused by climate, geology, or topography. The local amendments are not effective until findings supporting any amendments, additions, or deletions to the State Code are adopted and sent to the State Building Standards Commission. Any amendments that San Francisco made to the 2007 California Mechanical Code will not apply to the 2010 California Mechanical Code unless and until those amendments are readopted and sent to the State Building Standards Commission.



SAN FRANCISCO PLANNING DEPARTMENT

Certificate of Determination Exemption from Environmental Review

Case No.: 2010.0689E
Project Title: 2010 San Francisco Building Codes Proposed Amendments
Location: Citywide
Project Sponsor: Laurence Kornfield, Chief Building Inspector, Dept of Building Inspection
Staff Contact: Brett Bollinger – (415) 575-9024
brett.bollinger@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PROJECT DESCRIPTION:

The proposed project includes the updates to the San Francisco Building, Electrical, Plumbing, and Mechanical Codes through the adoption of local amendments to the 2010 California Building Standard Codes. The California Building Code is Part 2, the California Residential Code is Part 2.5, the California Electrical Code is Part 3, the California Mechanical Code is Part 4, the California Plumbing Code is Part 5, and the California Green Building Code is Part 11 of 12 parts of the official compilation and publication of the adopted amendment and repeal of the building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The California Building Code incorporates by adoption the 2009 International Building Code with necessary California amendments. The other codes are likewise based upon model codes amended by California. Local jurisdictions are required by State law to enforce the California Building Codes, and are allowed some discretion under the California Health and Safety Code with respect to local amendments.

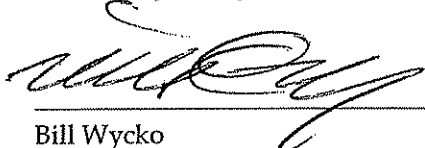
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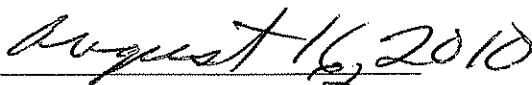
EXEMPT STATUS:

General Rule Exclusion [State Guidelines, Section 15061(b)(3)].

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.


Bill Wycko
Environmental Review Officer


Date

cc: Laurence Kornfield, DBI
Willy Yau, DBI
Sue Hestor

Virna Byrd, M.D.F.
Bulletin Board

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2010 AUG 26 AM 11:21
BY: ALK

PROJECT DESCRIPTION (continued):

The purpose of the 2010 San Francisco Building Code and other codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting and ventilation and energy conservation; safety to life and property from fire and other hazards attributed to the built environment; to regulate and control the demolition of all buildings and structures, and the quarrying, grading, excavation, and filling of land; and to provide safety to fire fighters and emergency responders during emergency operations. (The full text of proposed amendments is available for review at the Department of Building Inspection (DBI)).

REMARKS:

As stated above, the City of San Francisco is required by State law to enforce the California Building, Electrical, Plumbing, Mechanical, Housing, and Fire Codes. The only discretionary activity left to local agencies related to local amendments. The local amendments proposed for adoption by the City of San Francisco primarily deals with procedural, informational and non-physical aspects of the various Codes. To the extent that the amendments relate to physical building conditions, they are intended to improve building safety and regulate building features such as wood decks, balconies, earthquake recording instruments, and sidewalks. The physical effects of such modifications are related to building design features which are very minor, localized in terms of visibility and impact, and intended to improve building safety.

CEQA Guidelines Section 15061(b)(3) provides an exemption from environmental review where it can be seen with certainty that the proposed project would not have a significant effect on the environment. Since the proposed code amendments would have no significant environmental effects, it is appropriately exempt from environmental review under the General Rule Exclusion (CEQA Guidelines Section 15061(b)(3)).

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant environmental effect. The proposed would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

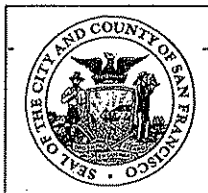
EXHIBIT A

STANDARD FINDINGS FOR SAN FRANCISCO BUILDING STANDARDS CODE AMENDMENTS:

1. Certain buildings/occupancies in San Francisco are at increased risk for earthquake-induced failure and consequent fire due to local hazardous microzones, slide areas, and local liquefaction hazards.
(Geology)
2. Certain buildings/occupancies in San Francisco are at increased risk of fire due to high density of buildings on very small lots, with many buildings built up to the property lines. (Topography)
3. Topography of San Francisco has led to development of a high density of buildings on small lots, necessitating special provisions for exiting, fire separation, or fire-resistive construction. (Topography)
4. Many buildings are built on steep hills and narrow streets, requiring special safety consideration. (Topography)
5. Additional fire, structural and other protection is required due to high building density and crowded occupancy. (Topography)
6. San Francisco has narrow, crowded sidewalks due to building and population density and unusual topography. (Topography)
7. All rain water in San Francisco drains to the building drains and sewer; unusual geology, occasional extremely high local rainfall amounts, and the configuration of the City as a peninsula restrict the installation of separate storm water and sewer systems. (Topography, Climate, Geology)
8. Moist, corrosive atmosphere of salt-laden fog in San Francisco necessitates additional requirements. (Climate)
9. Not a building standard; no local findings required.
10. Soil conditions in this region induce adverse reactions with some materials, leading to premature failures and subsequent unsanitary conditions. (Climate)
11. The region is subject to fluctuating rainfall due to changes in climatic conditions.
(Climate)
12. San Francisco is a peninsula surrounded on three sides by water at sea level;

mitigation of climate change impacts, including sea level rise, is critical to the long term protection of the local built environment and local infrastructure.
(Topography)

13. Climate and potential climate change impacts San Francisco's water resources, including reservoirs and distribution facilities. (Climate)
14. Organic material in San Francisco's waste breaks down into methane gas which is a significant contributor to climate change. (Climate)
15. San Francisco is topographically constrained and its built environment occupies most available land, requiring minimization of debris and solid waste.
(Topography)
16. Prevailing winds, coastal mountain ranges, and periodic seasonal high temperatures contribute to photochemical reactions that produce smog and ozone; limiting the emission of smog's chemical precursors - volatile organic chemicals and oxides of nitrogen - is necessary to health and safety. (Climate, Topography)
17. The aquifers underlying San Francisco are small relative to local population, necessitating ongoing water imports and special provisions to ensure efficient use of water in local buildings. (Geology)



BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

Voice (415) 558-6164 - Fax (415) 558-6509

1660 Mission Street, San Francisco, California 94103-2414

Gavin Newsom
Mayor

August 27, 2010

COMMISSION

Mel Murphy
President

Reuben Hechanova
Vice-President

Kevin Clinch
Frank Lee
Warren Mar
Criss Romero
Debra Walker

Ms. Angela Calvillo, Clerk of the Board

Board of Supervisors

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244

San Francisco, CA 94102-4694

RE: Code amendments to the 2010 California Building, Mechanical, Electrical, Plumbing, Residential & Green Building Codes.

Dear Ms. Calvillo:

Ann Aberne
Secretary

On August 18, 2010 the Building Inspection Commission held a public hearing on the proposed Code amendments referenced above.

Sonya Harris
Asst. Secretary

The Commission voted unanimously (5-0) to recommend that the Board of Supervisors approve the amendments. The Commissioners voted as follows:

Vivian L. Day
Director

Vice-President Hechanova	Yes	Commissioner Mar	Yes
Commissioner Clinch	Yes	Commissioner Walker	Yes
Commissioner Lee	Yes	Commissioner Romero, excused	
President Murphy, excused			

Enclosed please find the Code Advisory Committee's recommendation to the BIC. Under separate cover, copies of the proposed amendments will follow from the Technical Services Division of the Department of Building Inspection. Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris
Assistant Secretary

Cc: Mayor Gavin Newsom
Bill Barnes, BOS
Rick Caldeira, BOS
Deputy City Attorney John Malamut
Director Vivian Day
Gail Johnson, Office of Clerk of the Board
Starr Terrell, BOS
Alisa Somera, Board of Supervisors



August 12, 2010

Building Inspection Commission
1660 Mission Street
San Francisco, CA 94103

RE: Proposed 2010 amendments to the California Building Standards Code, CCR Title 24

Honorable Members of the Commission:

At the regular meeting of August 11, 2010, the full Code Advisory Committee (CAC) deliberated on and unanimously voted to approve, and transmit to the Building Inspection Commission, all of the 2010 San Francisco amendments to the 2010 California Title 24 building codes. This Committee has labored long and arduous hours over the past five months and feels that the work product before you represents the basis for a continuing safe and healthy building environment in San Francisco.

The San Francisco building codes approved by this Committee are:

1. 2010 San Francisco Building Code
(which includes the amended California Building, Residential, and Green Building Standards Codes)
2. 2010 San Francisco Mechanical Code
3. 2010 San Francisco Electrical Code
4. 2010 San Francisco Plumbing Code

These documents are transmitted to you for your further action and a final approval to send them on to the Board of Supervisors. If you have any questions, please call me at (415) 575-6832.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kirk Means".

Kirk Means
DBI Technical Services Division
Secretary to the Code Advisory Committee

cc: Vivian L. Day, C.B.O., Director
Laurence Kornfield, Deputy Director
Willy Yau, Manager, Technical Services Division
Ned Fennie, Jr., Chair, Code Advisory Committee
Bill Strawn, Communications Manager

2010 San Francisco Mechanical Code Findings

CHAPTER 1	
Section #	Finding #
101.0	9
103.0	9
103.1	9
105.0	9
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114.1	9
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115.1	9

**CHAPTERS 2, 3, 4, 5, 6, 7, 8
NO SAN FRANCISCO MECHANICAL CODE AMENDMENTS**

2010
San Francisco Mechanical Code
Amendments to the
2010 California Mechanical Code

Operative date: January 1, 2011

2010 California Mechanical Code



California Code of Regulations
Title 24, Part 4

California Building
Standards Commission

Based on 2009 Uniform Mechanical Code®



EFFECTIVE
January 1, 2011

(For Errata and Supplements, See History Note Appendix)

