

BOARD of SUPERVISORS



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September 21, 2022

File No. 220940

Lisa Gibson
Environmental Review Officer
Planning Department
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Dear Ms. Gibson:

On September 13, 2022, Building Inspection Commission introduced the following proposed legislation:

File No. 220940

Ordinance repealing the 2019 Building Code in its entirety and enacting a 2022 Building Code consisting of the 2022 California Building Code and the 2022 California Residential Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2023; and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission, as required by State law.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning
Don Lewis, Environmental Planning

1 [Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

2

3 **Ordinance repealing the 2019 Building Code in its entirety and enacting a 2022 Building**
4 **Code consisting of the 2022 California Building Code and the 2022 California**
5 **Residential Code, as amended by San Francisco; adopting environmental findings and**
6 **findings of local conditions under the California Health and Safety Code; providing for**
7 **an operative date of January 1, 2023; and directing the Clerk of the Board to forward**
8 **the Ordinance to the California Building Standards Commission, as required by State**
9 **law.**

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

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

18

19 Section 1. Environmental Findings. The Planning Department has determined that the
20 actions contemplated in this ordinance comply with the California Environmental Quality Act
21 (California Public Resources Code Sections 21000 et seq.). Said determination is on file with
22 the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by
23 reference. The Board affirms this determination.

24

25 Section 2. General Findings.

(a) The California Building Standards Code is contained in Title 24 of the California
Code of Regulations. It consists of 12 Parts, which are based upon model codes that are

1 amended by the State agencies with jurisdiction over the subject matter. The California
2 Building Code is Part 2 of Title 24 of the California Code of Regulations; the California
3 Residential Code is Part 2.5. The 2022 California Building Code and 2022 California
4 Residential Code will go into effect throughout California on January 1, 2023.

5 (b) The State of California adopts a new California Building Standards Code every
6 three years (“triennial CBSC”) with supplemental amendments published in intervening years.
7 The triennial CBSC goes into effect throughout the State of California 180 days after its
8 publication by the California Building Standards Commission or at a later date established by
9 the Commission. The 2022 triennial CBSC will go into effect on January 1, 2023.

10 (c) Local jurisdictions must enforce the California Building Standards Code but they
11 may also enact more restrictive building standards that are reasonably necessary because of
12 local climate, geologic, or topographical conditions. Local amendments may be made both to
13 a triennial CBSC and also to its individual Parts during the intervening years; however, local
14 amendments previously adopted are not automatically applicable to a triennial CBSC. Rather,
15 they must be re-enacted with the required findings of local climate, geologic, or topographical
16 conditions, expressly made applicable to the new triennial CBSC, and with an operative date
17 no earlier than the effective date of the new State Code.

18 (d) As in past triennial CBSC adoption cycles, by this ordinance the Board of
19 Supervisors repeals the 2019 San Francisco Building Code in its entirety, enacts the 2022
20 San Francisco Building Code, and re-enacts the existing local amendments to make them
21 applicable to the 2022 California Building and Residential Codes.

22 (e) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
23 considered and approved San Francisco’s amendments to the 2022 California Building Code
24 at a duly noticed public hearing that was held on August 17, 2022.

1 Section 3. Findings Regarding Local Conditions.

2 (a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that
3 before making any changes or modifications to the California Building Code and any other
4 applicable provisions published by the California Building Standards Commission, the local
5 governing body must make an express finding that each such change or modification is
6 reasonably necessary because of specified local conditions. The local amendments together
7 with the required findings must be filed with the California Building Standards Commission
8 before the local changes or modifications can go into effect.

9 (b) The City and County of San Francisco is unique among California communities
10 with respect to local climate, geologic, topographical, and other conditions. A specific list of
11 findings that support San Francisco's modifications to the 2022 California Building Code and
12 the 2022 California Residential Code, with a section-by-section correlation of each
13 modification with a specific numbered finding, are contained in Exhibit A entitled "Standard
14 Findings for San Francisco Building Standards Code Amendments."

15 (c) Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5,
16 the Board of Supervisors finds and determines that the local conditions described in Exhibit A
17 constitute a general summary of the most significant local conditions giving rise to the need
18 for modification of the 2022 California Building Code and 2022 California Residential Code
19 provisions published by the California Building Standards Commission. The Board of
20 Supervisors further finds and determines that the proposed modifications are reasonably
21 necessary based upon the local conditions set forth in Exhibit A.

22
23 Section 4. Repeal of the 2019 San Francisco Building Code and Enactment of the
24 2022 San Francisco Building Code.

1 (a) The 2019 San Francisco Building Code is hereby repealed in its entirety. The
2 San Francisco Building Code being repealed was enacted on November 21, 2019, by
3 Ordinance No. 264-19, with an operative date of January 1, 2020. It was amended by
4 Ordinance Nos. 60-20, 92-20, 237-20, 31-21, 40-21, 204-21, and 71-22. These ordinances
5 are available on the Board of Supervisors website and in the Office of the Clerk of the Board
6 of Supervisors.

7 (b) The 2022 San Francisco Building Code is hereby enacted. It consists of (1) the
8 2022 California Building Code, (2) the 2022 California Residential Code, and (3) San
9 Francisco’s existing local amendments to those 2022 California Codes, which are re-enacted
10 and expressly made applicable to said codes. Copies of the 2022 California Building Code,
11 the 2022 California Residential Code, and the stand-alone San Francisco amendments to
12 those 2022 California Codes are declared to be part of Board File No. _____ and are
13 incorporated into this ordinance by reference as though fully set forth. Existing San Francisco
14 amendments that are being made applicable to those 2022 California Codes are shown in
15 unformatted (“plain”) text and may include bold and/or italicized type; new San Francisco
16 amendments are underlined; and deleted San Francisco amendments are in strikeout text.

17
18 Section 5. Continuation of Actions Under Prior Code. Nothing contained in this
19 ordinance shall be construed as abating any action now pending under or by virtue of any
20 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance
21 be construed as discontinuing, abating, modifying, or altering any penalties accruing, or to
22 accrue, or as waiving any right of the City under any such ordinance.

23
24 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
25 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the

1 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
2 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
3 ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
4 clauses, or phrases be declared invalid.

5
6 Section 7. Effective and Operative Dates. This ordinance shall become effective 30
7 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
8 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
9 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall
10 take effect and be in full force on and after either January 1, 2023 or its effective date if the
11 effective date is later.

12
13 Section 8. Directions to Clerk. Upon enactment of this ordinance, the Clerk of the
14 Board of Supervisors is hereby directed to transmit to the California Building Standards
15 Commission pursuant to the applicable provisions of State law 1) this ordinance, 2) the Exhibit
16 A attachment, and 3) the San Francisco modifications to the 2022 California Building Code
17 and the 2022 California Residential Code.

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19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: /s/ Robb Kapla
23 ROBB KAPLA
24 Deputy City Attorney

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LEGISLATIVE DIGEST

[Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Building Code in its entirety and enacting a 2022 Building Code consisting of the 2022 California Building Code and the 2022 California Residential Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing for an operative date of January 1, 2023; and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission, as required by State law.

Existing Law

The Building Code regulates and controls the design, construction, quality of materials, use and occupancy, location, maintenance and demolition of all buildings and structures, and quarrying, grading, excavation and filling of land. The current San Francisco Building Code consists of the 2019 California Building Code (which incorporates the 2018 International Building Code), the 2019 California Residential Code (which incorporates the 2018 International Residential Code), and San Francisco's local amendments to those California Codes ("San Francisco Amendments"). Chapter 36 of the San Francisco Building Code serves as a directory of where the provisions of the California Residential Code may be found in the San Francisco Building Code.

Amendments to Current Law

On January 1, 2023, a 2022 California Building Code and 2022 California Residential Code ("California Codes") will go into effect throughout the State. The San Francisco Amendments to the 2019 editions of these California Codes must be re-enacted and made applicable to the 2022 California Codes. Therefore, as in past State Code adoption cycles, San Francisco will repeal its existing Building Code in its entirety and adopt a new Building Code consisting of the new model code, as amended by the State of California, and as further amended by San Francisco. The San Francisco Amendments to the 2019 California Codes will be carried forward and made applicable to the 2022 California Codes with no or only minor technical changes.

The San Francisco Amendments are not integrated into the text of the California Codes 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, unchanged language from the 2022 California Codes is shaded gray, San Francisco's additions to the 2022 California Codes are shown in unshaded text, additions to San Francisco's amendments are underlined and deletions are shown with strikethrough.

Background Information

The State of California adopts a new California Building Standards Code every three years (the “triennial State Code”) with supplements published in intervening years. The triennial State Code goes into effect throughout the State 180 days after its publication by the California Building Standards Commission or at a later date established by the Commission. In the current triennial State Code adoption cycle, the California Building Standards Code will go into effect on January 1, 2023. 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 the State agencies with jurisdiction over the subject matter. The California Building Code is Part 2 of Title 24 of the California Code of Regulations; the California Residential Code is Part 2.5.

Local jurisdictions must enforce the California Building Standards Code, but they may also enact more restrictive building standards that are reasonably necessary because of local conditions caused by climate, geology, or topography. Local amendments may be made to a triennial State Code and also throughout the intervening years. However, local amendments previously adopted are not automatically applicable to a new triennial State Code. Rather, they must be re-enacted with the required findings of local conditions, expressly made applicable to the new triennial State Code, and with an operative date no earlier than the effective date of the new State Code.

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