

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

September 21, 2022

File No. 220941

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. 220941

Ordinance repealing the 2019 Existing Building Code in its entirety and enacting a 2022 Existing Building Code consisting of the 2022 California Existing Building 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 [Existing Building Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

2
3 **Ordinance repealing the 2019 Existing Building Code in its entirety and enacting a 2022**
4 **Existing Building Code consisting of the 2022 California Existing Building Code as**
5 **amended by San Francisco; adopting environmental findings and findings of local**
6 **conditions under the California Health and Safety Code; providing for an operative date**
7 **of January 1, 2023; and directing the Clerk of the Board to forward the Ordinance to the**
8 **California Building Standards Commission as required by State law.**

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

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

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

22 Section 2. General Findings.

23 (a) The California Building Standards Code is contained in Title 24 of the California
24 Code of Regulations. It consists of 12 Parts, which are based upon model codes that are
25 amended by the State agencies with jurisdiction over the subject matter. The California
Existing Building Code is Part 10 of Title 24 of the California Code of Regulations.

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

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

14 (d) As in past triennial CBSC adoption cycles, by this ordinance the Board of
15 Supervisors repeals the 2019 San Francisco Existing Building Code in its entirety, enacts the
16 2022 San Francisco Existing Building Code, and re-enacts the existing local amendments to
17 make them applicable to the 2022 California Existing Building Code.

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

21
22 Section 3. Findings Regarding Local Conditions.

23 (a) California Health and Safety Code Sections 17958.7 and 18941.5 provide that
24 before making any changes or modifications to the California Existing Building Code and any
25 other applicable provisions published by the California Building Standards Commission, the

1 local governing body must make an express finding that each such change or modification is
2 reasonably necessary because of specified local conditions. The local amendments together
3 with the required findings must be filed with the California Building Standards Commission
4 before the local changes or modifications can go into effect.

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

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

18
19 Section 4. Repeal of the 2019 San Francisco Existing Building Code and Enactment of
20 the 2022 San Francisco Existing Building Code.

21 (a) The 2019 San Francisco Existing Building Code is hereby repealed in its
22 entirety. The San Francisco Existing Building Code being repealed was enacted by Ordinance
23 No. 265-19 on November 21, 2019, with an operative date of January 1, 2020. It was
24 amended by Ordinance Nos. 183-20 and 77-21. These ordinances are available on the Board
25 of Supervisors' website and in the Office of the Clerk of the Board of Supervisors.

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

11

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

17

18 Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this
19 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the
20 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
21 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
22 Ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
23 clauses, or phrases be declared invalid.

24

25

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

7
8 Section 8. Directions to Clerk. Upon enactment of this ordinance, the Clerk of the
9 Board of Supervisors is hereby directed to transmit to the California Building Standards
10 Commission pursuant to the applicable provisions of State law 1) this ordinance, 2) the Exhibit
11 A attachment, and 3) the San Francisco amendments to the 2022 California Existing Building
12 Code.

13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

16 By: /s/ Robb Kapla
17 ROBB KAPLA
18 Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance repealing the 2019 Existing Building Code in its entirety and enacting a 2022 Existing Building Code consisting of the 2022 California Existing Building 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 of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law.

Existing Law

The Existing Building Code regulates additions, alterations, or repairs to existing buildings, structures, and property. The current San Francisco Existing Building Code consists of the 2019 California Existing Building Code and San Francisco's local amendments to the California Existing Building Code.

Amendments to Current Law

Every three years the State of California adopts a new California Building Standards Code ("triennial CBSC"), which amends the California Existing Building Code and the other state codes that constitute the CBSC. The 2022 triennial CBSC will go into effect throughout the State on January 1, 2023. As in past triennial CBSC adoption cycles, San Francisco will repeal its current Existing Building Code in its entirety and adopt a new Existing Building Code that applies San Francisco's existing local amendments to the new California Existing Building Code. Except for non-substantive or technical modifications required by amendments to the state code.

Background Information

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