

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. 220942

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. 220942

Ordinance repealing the 2019 Green Building Code in its entirety and enacting a 2022 Green Building Code consisting of the 2022 California Green Building Standards 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.

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

2
3 **Ordinance repealing the 2019 Green Building Code in its entirety and enacting a 2022**
4 **Green Building Code consisting of the 2022 California Green Building Standards Code**
5 **as 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 of Supervisors to forward the**
8 **Ordinance to the 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 Green
Building Standards Code is Part 11 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 also 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 Green Building Code in its entirety, enacts the
16 2022 San Francisco Green Building Code, and re-enacts the existing local amendments to
17 make them applicable to the 2022 California Green Building Standards 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 Green Building
20 Standards 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 Green 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 Green Building
8 Standards Code, with a section-by-section correlation of each modification with a specific
9 numbered finding, are contained in Exhibit A entitled "Standard Findings for San Francisco
10 Building 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 Green Building Standards Code provisions published by
15 the 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. Findings Required by California Public Resources Code and Title 24 of the
20 California Code of Regulations.

21 (a) Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the
22 California Code of Regulations, Title 24, Part 1, Locally Adopted Energy Standards, authorize
23 a local jurisdiction to adopt and enforce more restrictive local energy standards, provided that
24 the local jurisdiction makes a determination that the local standards are cost effective and will
25 save more energy than the current Statewide standards and provided further that the local

1 jurisdiction files an application for approval with the California Energy Commission together
2 with documentation supporting the cost-effectiveness determination. Local energy standards
3 may take effect only after the California Energy Commission has reviewed and formally
4 approved them.

5 (b) Local energy standards previously adopted are not automatically applicable to a
6 triennial CBSC. Rather, they must be re-enacted with a new cost-effectiveness study and
7 determination based on the new State standards, and be re-approved by the California
8 Energy Commission.

9 (c) Based upon the findings of a cost-effectiveness study performed on the more
10 restrictive local standards contained in the City's proposed 2022 San Francisco Green
11 Building Code, the Board of Supervisors hereby determines that these local energy standards
12 are cost effective and will save more energy than the standards contained in the 2022
13 California Green Building Standards Code. A copy of the cost-effectiveness study is on file
14 with the Clerk of the Board of Supervisors in File No. _____ .
15

16 Section 5. Repeal of the 2019 San Francisco Green Building Code and Enactment of
17 the 2022 San Francisco Green Building Code.

18 (a) The 2019 San Francisco Green Building Code is hereby repealed in its entirety.
19 The San Francisco Green Building Code being repealed was enacted on November 15, 2019,
20 by Ordinance No. 262-19, with an operative date of January 1, 2020. It was amended by
21 Ordinance No. 3-20. These ordinances are available on the Board of Supervisors' website
22 and in the Office of the Clerk of the Board of Supervisors.

23 (b) The 2022 San Francisco Green Building Code is hereby enacted. It consists of
24 the 2022 California Green Building Standards Code and San Francisco's existing local
25 amendments, which are re-enacted and expressly made applicable to the 2022 California

1 Green Building Standards Code. Copies of the 2022 California Green Building Standards
2 Code and the stand-alone San Francisco amendments are declared to be part of Board File
3 No. _____ and are incorporated into this ordinance by reference as though fully set forth.
4 Existing San Francisco amendments that are being made applicable to the 2022 California
5 Green Building Standards Code are shown in unformatted (“plain”) text and may include bold
6 and/or italicized type; new San Francisco amendments are underlined; and deleted San
7 Francisco amendments are in strikeout text.

8

9 Section 6. Continuance of Actions Under Prior Code. Nothing contained in this
10 ordinance shall be construed as abating any action now pending under or by virtue of any
11 ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance
12 be construed as discontinuing, abating, modifying or altering any penalties accruing, or to
13 accrue, or as waiving any right of the City under any such ordinance.

14

15 Section 7. Severability. If any section, subsection, sentence, clause, or phrase of this
16 ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the
17 remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
18 have passed this ordinance, and each section, subsection, sentence, clause, or phrase of this
19 Ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
20 clauses, or phrases be declared invalid.

21

22 Section 8. Effective and Operative Dates. This ordinance shall become effective 30
23 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor
24 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,
25 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall

1 take effect and be in full force on and after either January 1, 2023 or its effective date if the
2 effective date is later.

3

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

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

12 By: /s/ Robb Kapla
13 ROBB KAPLA
Deputy City Attorney

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LEGISLATIVE DIGEST

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

Ordinance repealing the 2019 Green Building Code in its entirety and enacting a 2022 Green Building Code consisting of the 2022 California Green Building Standards 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 Green Building Code enhances the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact. The Code encourages sustainable construction practices in the categories of: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. The current San Francisco Green Building Code consists of the 2019 California Green Building Standards Code and San Francisco's local amendments to the 2019 California Green Building Standards Code.

Amendments to Current Law

On January 1, 2023, a 2022 California Green Building Standards Code (also known as CalGreen) will go into effect throughout the State. The San Francisco Amendments to the 2019 California Code must be re-enacted and made applicable to the 2022 California Code. Therefore, as in past State Code adoption cycles, San Francisco will repeal its existing Green Building Code in its entirety and adopt a new Green Building Code consisting of the 2022 California Green Building Standards Code and San Francisco's local amendments to the 2022 California Green Building Standards Code ("San Francisco Amendments"). The San Francisco Amendments to the 2019 California Green Building Standards Code will be carried forward and made applicable to the 2022 California Green Building Standards Code 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 Green Building Standards Code is shaded gray, San Francisco's additions to the 2022 California Green Building Standards Code are shown in unshaded text, new (minor and technical) 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 Green Building Standards Code is Part 11 of Title 24 of the California Code of Regulations.

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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