

File No. 151081

Committee Item No. 2

Board Item No. 16

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date April 4, 2016

Board of Supervisors Meeting

Date 4 / 12 / 16

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Memorandum of Understanding (MOU)            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 - Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 700                                     |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Vacancy Notice                               |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Information Sheet                            |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Andrea Ausberry Date April 1, 2016  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

[Building Code - Permit Suspension for Repeat Violations]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

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

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

Section 1. Findings.

(a) At a duly noticed public hearing held on March 16, 2016, the Building Inspection Commission considered this ordinance pursuant to Charter Section D.370-5.

(b) The Planning Department has determined that the actions contemplated in this ordinance comply 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. 151081 and is incorporated herein by reference. The Board affirms this determination.

Section 2. The Building Code is hereby amended by revising Section 104A.2.4, to read as follows:

1           **104A.2.4 Stop orders.**

2           (a) Whenever any work is being done contrary to the provisions of this code, or other  
3 pertinent laws or ordinances implemented through the enforcement of this code, the building  
4 official may order the work stopped by notice in writing served on any persons engaged in the  
5 doing or causing such work to be done, and any such persons shall forthwith stop such work  
6 until authorized by the building official to proceed with the work.

7           (b) If the building official determines that a project has a history of repeated violations of this  
8 code or other pertinent laws or ordinances implemented through the enforcement of this code, the  
9 building official may stop all work on the project until all the code violations have been fully  
10 investigated and resolved. The director of any department with permitting authority for the project,  
11 including but not limited to the Director of Public Works and the Director of Planning, may request the  
12 building official to stop all work on the project pending an investigation and resolution of the code  
13 violation(s) at issue.

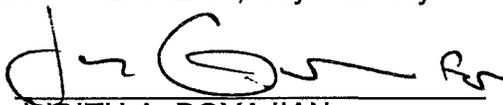
14  
15           Section 3. Effective Date. This ordinance shall become effective 30 days after  
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
18 of Supervisors overrides the Mayor's veto of the ordinance.

19  
20           Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
24

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3

4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By:   
7 JUDITH A. BOYAJIAN  
Deputy City Attorney

8 n:\vegana\as2015\1500739\01095912.doc

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**LEGISLATIVE DIGEST**

[Building Code - Permit Suspension for Repeated Violations]

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Existing Law

Building Code Section 104A.2.4 authorizes the Director of the Department of Building Inspection, the City's building official, to stop work on a project whenever any work is being done contrary to the provisions of the Building Code or other applicable City codes.

Amendments to Current Law

The proposed amendment to Section 104A.2.4 would authorize the Director of the Department of Building Inspection to stop all work on a project whenever the Director determines that the project has a history of repeated violations of applicable City codes. All work on the project would be stopped until all the code violations have been fully investigated and resolved. The Directors of Public Works, Planning, or other department whose code is being violated repeatedly may request the Director of Building Inspection to stop all work on the project until the violations have been fully investigated and resolved.

Background Information

Under current Building Code provisions, if there is a violation of code only the work in violation is stopped. This is an inadequate remedy in the case of a project with a history of repeated violations. There is a greater incentive to comply with code if all work on the project is stopped.

n:\egana\as2015\1500739\01047752.doc



**BUILDING INSPECTION COMMISSION (BIC)**

Department of Building Inspection                      Voice (415) 558-6164 - Fax (415) 558-6509  
1660 Mission Street, San Francisco, California 94103-2414

March 22, 2016

(REVISED LETTER – 03/22/16)

Edwin M. Lee  
Mayor

**COMMISSION**

Angus McCarthy  
President

Myrna Melgar  
Vice-President

Kevin Clinch  
Gail Gilman  
John Konstin  
Frank Lee  
Debra Walker

Sonya Harris  
Secretary

Tom C. Hui  
Director

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: File No. 151081

Dear Ms. Calvillo:

**RE: Ordinance (File No. 151081) amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

The Building Inspection Commission met and held a public hearing on March 16, 2016 regarding File No. 151081 on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners voted unanimously to support this proposed amendment.

The Commissioners included an amendment to change the following section of the legislation on *Page 2, Section 104A.2.4 (b), Line 10-13 Stop Orders*:

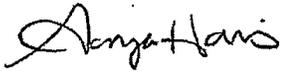
*"The director of any department with permitting authority for the project, including but not limited to the Director of Public Works and the Director of Planning, may request the building official to order all work be stopped on the project or portions of the work, depending on the severity, pending an investigation and resolution of the code violation at issue."*

The Commissioners voted as follows:

President McCarthy	Yes	Vice-President Melgar	Yes
Commissioner Clinch	Yes	Commissioner Gilman	Yes
Commissioner Konstin	Yes	Commissioner Lee	Yes
Commissioner Walker	Yes		

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,



Sonya Harris  
Commission Secretary

cc: Tom C. Hui, S.E., Director  
Supervisor Scott Wiener  
Board of Supervisors

BOARD of SUPERVISORS



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

October 27, 2015

File No. 151081

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones:

On October 27, 2015, Supervisor Wiener introduced the following proposed legislation:

**File No. 151081**

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment.

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete,  
o=Planning, ou=Environmental  
Planning,  
email=joy.navarrete@sfgov.org,  
c=US  
Date: 2015.11.23 12:04:36 -08'00'

**Major, Erica (BOS)**

---

**From:** Navarrete, Joy (CPC)  
**Sent:** Monday, November 23, 2015 12:01 PM  
**To:** Somera, Alisa (BOS); Jones, Sarah (CPC)  
**Cc:** Poling, Jeanie (CPC)  
**Subject:** RE: Referral: BOS File No. 151085  
**Attachments:** 151085 - CEQA ER.pdf

Here's 151085

**Joy Navarrete, Senior Environmental Planner**  
**San Francisco Planning Department**  
**1650 Mission Street, Suite 400**  
**San Francisco, CA 94103**  
**P. 415-575-9040 F. 415-558-6409**  
**[www.sfplanning.org](http://www.sfplanning.org)**

---

**From:** Somera, Alisa (BOS)  
**Sent:** Tuesday, October 27, 2015 5:40 PM  
**To:** Jones, Sarah (CPC)  
**Cc:** Poling, Jeanie (CPC); Navarrete, Joy (CPC)  
**Subject:** Referral: BOS File No. 151085

Hello,

The following legislation is being transmitted to you for environmental review:

**File No. 151085**

**Ordinance amending the Building, Housing, Electrical, Plumbing, Fire, Health, Planning, and Administrative Codes to clarify and standardize enforcement procedures for violations of Municipal Codes relating to buildings and property, to require departments to report on code enforcement activities, and to direct the City Administrator to coordinate the preparation of standard Citywide forms for code enforcement proceedings; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

*Alisa Somera*

Assistant Clerk  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
415.554.4447 direct | 415.554.5163 fax  
[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

~~~~~

**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

BOARD of SUPERVISORS



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

October 27, 2015

File No. 151081

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Ms. Jones:

On October 27, 2015, Supervisor Wiener introduced the following proposed legislation:

**File No. 151081**

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script that reads "Alisa Somera".

By: Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: October 27, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Wiener on October 20, 2015:

**File No. 151081**

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission's recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: William Strawn, Department of Building Inspection  
Carolyn Jayin, Department of Building Inspection

BOARD of SUPERVISORS



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

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
John Rahaim, Director, Planning Department

FROM:  Alisa Somera, Assistant Clerk  
Land Use and Transportation Committee

DATE: October 27, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Wiener on October 20, 2015:

**File No. 151081.**

**Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org).

c: Frank Lee, Secretary  
Fuad Sweiss, Deputy Director for Infrastructure and City Engineer  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Acting Environmental Review Officer  
AnMarie Rodgers, Senior Policy Advisor  
Aaron Starr, Acting Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission
- Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Building Code - Permit Suspension for Repeat Violations

**The text is listed below or attached:**

Ordinance amending the Building Code to authorize the Director of the Department of Building Inspection to stop all work on a construction project whenever there are repeated violations of City codes on the project; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: *Scott Wiener*

For Clerk's Use Only: