

1 [Green Building Code - Repeal of Existing 2013 Code and Enactment of 2016 Edition]

2  
3 **Ordinance repealing the 2013 Green Building Code in its entirety and enacting a 2016**  
4 **Green Building Code consisting of the 2016 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, 2017; and directing the Clerk of the Board of Supervisors to forward the**  
8 **legislation 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. 160948 and is incorporated herein by  
21 reference. The Board affirms this determination.

22 Section 2. General Findings.

23 (a) The State of California adopts a new California Building Standards Code every  
24 three years (the “triennial State Code”) with supplements published in intervening years. The  
25 triennial State Code goes into effect throughout the State of California 180 days after its

1 publication by the California Building Standards Commission or at a later date established by  
2 the Commission.

3 (b) The California Building Standards Code is contained in Title 24 of the California  
4 Code of Regulations. It consists of 12 Parts based upon model codes that are amended by  
5 the State agencies with jurisdiction over the subject matter. The California Green Building  
6 Standards Code is Part 11 of Title 24 of the California Code of Regulations. The 2016  
7 California Green Building Standards Code will go into effect throughout California on January  
8 1, 2017.

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

17 (d) As in past triennial State Code adoption cycles, by this ordinance the Board of  
18 Supervisors repeals the 2013 San Francisco Green Building Code in its entirety, enacts the  
19 2016 San Francisco Green Building Code, and re-enacts the existing local amendments and  
20 expressly makes them applicable to the 2016 California Green Building Standards Code.

21 (e) Pursuant to Charter Section D3.750-5, the Building Inspection Commission  
22 considered and approved San Francisco's amendments to the 2016 California Green Building  
23 Standards Code at a duly noticed public hearing that was held on August 17, 2016.

24  
25 Section 3. Findings regarding Local Conditions.

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

8 (b) The City and County of San Francisco is unique among California communities  
9 with respect to local climatic, geological, topographical, and other conditions. A specific list of  
10 findings that support San Francisco's modifications to the 2016 California Green Building  
11 Standards Code, with a section-by-section correlation of each modification with a specific  
12 numbered finding, are contained in Exhibit A entitled "Standard Findings for San Francisco  
13 Building Standards Code Amendments."

14 (c) Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5,  
15 the Board of Supervisors finds and determines that the local conditions described in Exhibit A  
16 constitute a general summary of the most significant local conditions giving rise to the need  
17 for modification of the 2016 California Green Building Standards Code provisions published by  
18 the California Building Standards Commission. The Board of Supervisors further finds and  
19 determines that the proposed modifications are reasonably necessary based upon the local  
20 conditions set forth in Exhibit A.

21  
22 Section 4. Findings Required by California Public Resources Code and Title 24 of the  
23 California Code of Regulations.

24 (a) Public Resources Code Section 25402.1(h)(2) and Section 10-106 of the  
25 California Code of Regulations, Title 24, Part 1, Locally Adopted Energy Standards, authorize

1 a local jurisdiction to adopt and enforce more restrictive local energy standards, provided that  
2 the local jurisdiction makes a determination that the local standards are cost effective and will  
3 save more energy than the current Statewide standards and provided further that the local  
4 jurisdiction files an application for approval with the California Energy Commission together  
5 with documentation supporting the cost-effectiveness determination. Local energy standards  
6 may take effect only after the California Energy Commission has reviewed and formally  
7 approved them.

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

12 (c) Based upon the findings of a cost-effectiveness study performed on the more  
13 restrictive local standards contained in the City's proposed 2016 San Francisco Green  
14 Building Code, the Board of Supervisors hereby determines that these local energy standards  
15 are cost effective and will save more energy than the standards contained in the 2016  
16 California Green Building Standards Code. A copy of the cost-effectiveness study is on file  
17 with the Clerk of the Board of Supervisors in File No. 160948.

18

19 Section 5. Repeal of 2013 San Francisco Green Building Code and Enactment of the  
20 2016 San Francisco Green Building Code.

21 (a) The 2013 San Francisco Green Building Code is hereby repealed in its entirety.  
22 The San Francisco Green Building Code being repealed was enacted on November 5, 2013,  
23 by Ordinance No. 259-13, with an operative date of January 1, 2014. It was amended by  
24 Ordinance No. 071-16. These ordinances are available on the website of the Board of  
25 Supervisors.

1 (b) The 2016 San Francisco Green Building Code is hereby enacted. It consists of  
2 the 2016 California Green Building Standards Code and San Francisco's existing local  
3 amendments, which are re-enacted and expressly made applicable to the 2016 California  
4 Green Building Standards Code. Copies of the 2016 California Green Building Standards  
5 Code and the stand-alone San Francisco amendments are declared to be part of Board File  
6 No. 160948 and are incorporated into this ordinance by reference as though fully set forth.  
7 Additions to the 2016 California Green Building Standards Code are shown in bold underlined  
8 type; deletions are shown with bold strikethrough type.

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

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

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

1 or the Board of Supervisors overrides the Mayor’s veto of the ordinance. This ordinance shall  
2 take effect and be in full force on and after either January 1, 2017 or its effective date if the  
3 effective date is later.

4  
5 Section 9. Directions to Clerk. Upon final passage of this ordinance, the Clerk of the  
6 Board of Supervisors is hereby directed to transmit this ordinance with the Exhibit A  
7 attachment and the San Francisco modifications to the 2016 California Green Building  
8 Standards Code to the California Building Standards Commission pursuant to the applicable  
9 provisions of State law.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By: \_\_\_\_\_  
14 JUDITH A. BOYAJIAN  
15 Deputy City Attorney  
16 n:\land\as2016\1600669\01130899.docx