

BOARD of SUPERVISORS



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## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Jon Givner, Office of the City Attorney

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

DATE: June 21, 2017

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on June 13, 2017:

**File No. 170740**

**Ordinance amending the Building Code to establish a process for the Building Inspection Commission's review of legislation proposed by the Board of Supervisors; 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: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

c: Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department  
Joy Navarrete, Planning Department  
Laura Lynch, Planning Department

1 [Building Code - Process for Building Inspection Commission Review of Legislation Proposed  
2 by the Board of Supervisors]

3 **Ordinance amending the Building Code to establish a process for the Building**  
4 **Inspection Commission's review of legislation proposed by the Board of Supervisors;**  
5 **and affirming the Planning Department's determination under the California**  
6 **Environmental Quality Act.**

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

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

15 Section 1. Findings.

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

21 (b) The Building Inspection Commission considered this ordinance on February 15,  
22 2017 at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

23 Section 2. The Building Code is hereby amended by revising Section 104A.2.11, to  
24 read as follows:  
25

1 **104A.2.11 Code revisions**~~process~~. An amendment to the text of the Building Code, Electrical  
2 Code, Housing Code, Plumbing Code, Mechanical Code, Green Building Code, or other Code enforced  
3 by the Department of Building Inspection may be initiated by introduction by a member of the Board of  
4 Supervisors of a proposed ordinance approved as to form by the City Attorney, or by a  
5 recommendation of the Building Official to the Building Inspection Commission pursuant to Section  
6 104A.2.11.2.

7 **104A.2.11.1. Code revisions initiated by the Board of Supervisors; transmittal to the Building**  
8 **Inspection Commission.** Upon introduction of an ordinance amending the Codes cited above in  
9 Section 104A.2.11, the Clerk of the Board of Supervisors shall transmit the proposed ordinance to the  
10 Building Inspection Commission for a public hearing pursuant to Section D3.750-5 of the San  
11 Francisco Charter.

12 **104A.2.11.1.1. Commission hearing and recommendation.** The Building Inspection  
13 Commission shall hold a hearing on the proposed code amendment or amendments and make a  
14 recommendation of approval or disapproval of the proposed amendment(s), in whole or in part, to the  
15 Board of Supervisors within 90 days from the date of their referral by the Board to the Commission.  
16 Failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval,  
17 except that the Board may, by resolution, extend the prescribed time within which the Commission is to  
18 render its decision. In the case of Commission's approval or disapproval, in whole or in part, of the  
19 proposed amendment(s), the Board may adopt the ordinance by majority vote.

20 **104A.2.11.1.2. Referral back to the Building Inspection Commission.** In acting upon  
21 any proposed amendment to the text of the Codes cited in Section 104A.2.11 above, the Board of  
22 Supervisors may modify said amendment but shall not take final action upon any material modification  
23 that has not been approved or disapproved by the Building Inspection Commission. If the Board of  
24 Supervisors makes such a material modification, the amended ordinance approved as to form by the  
25 City Attorney shall be referred back to the Commission. In all such cases of referral back, the

1 amendment with the proposed modification shall be heard by the Building Inspection Commission  
2 according to the requirements for a new proposal set forth in Section 104A.2.11.1.1.

3 **104A.2.11.2. Code revisions recommended by the Building Official.** The Building Official  
4 shall transmit to the Building Inspection Commission, at intervals not exceeding three years,  
5 recommendations for changes to this code, based on studies of the following:

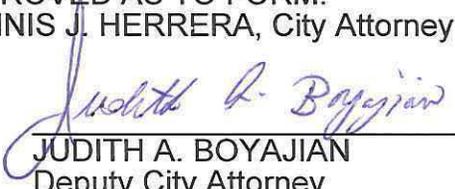
- 6 1. Requests of the Board of Examiners for modifications from the code, and for  
7 approvals of alternate materials, alternate designs and methods of construction.
- 8 2. Code changes recommended by the Board of Examiners.
- 9 3. Code changes recommended by the Code Advisory Committee or other bodies  
10 subordinate to the Building Inspection Commission.
- 11 4. Results obtained and problems encountered in legal actions taken to correct  
12 code violations.
- 13 5. Changes or improvements in materials, methods of construction or design, and  
14 changes proposed by interested persons.
- 15 6. Investigations of fire and structural damage to buildings, and of determination of  
16 unsatisfactory building performance.
- 17 7. Periodic changes to the California Building Code and other State regulations  
18 which may affect this code.
- 19 8. Administrative Bulletins and Code Rulings currently in effect.
- 20 9. Violations of the code found on inspections or investigations.

21  
22 Section 3. Effective Date. This ordinance shall become effective 30 days after  
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
25 of Supervisors overrides the Mayor's veto of the ordinance.

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Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
\_\_\_\_\_  
JUDITH A. BOYAJIAN  
Deputy City Attorney

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## **LEGISLATIVE DIGEST**

[Building Code - Process for Building Inspection Commission Review of Legislation Proposed by the Board of Supervisors]

**Ordinance amending the Building Code to establish a process for the Building Inspection Commission's review of legislation proposed by the Board of Supervisors; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Charter Section D3.750-5 requires that the Building Inspection Commission "hold public hearings on all proposed amendments to the San Francisco Building Code, Electrical Code, Housing Code, Plumbing Code, and Mechanical Code." However, there is no codified process for the Commission's review of amendments to these codes that are initiated by the Board of Supervisors.

### Amendments to Current Law

Building Code Section 104A.2.11 is amended to provide a process for the Commission's review of Board-initiated amendments to the codes enforced by the Department of Building Inspection. The proposed process mirrors that in Planning Code Section 302 for the Planning Commission's review of Board-initiated amendments to the Planning Code.

### Background Information

While Section 104A.2.11 of the Building Code has a process for the Building Inspection Commission's review of code revisions recommended by the Building Official, there is currently no codified process for the Commission's review of amendments to these codes proposed by the Board of Supervisors.