

BOARD of SUPERVISORS



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## MEMORANDUM

TO: John Rahaim, Director, Planning Department  
Mohammed Nuru, Director, Public Works  
Joanne Hayes-White, Chief, Fire Department

FROM: *ll* Alisa Somera, Legislative Deputy Director  
*bsr* Land Use and Transportation Committee

DATE: December 12, 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 Peskin on December 5, 2017:

**File No. 171284**

**Ordinance amending the Building Code to revise the City's Slope Protection Act by clarifying the scope of its application to properties exceeding an average slope of 25% grade, updating the map references, mandating review by the Department of Building Inspection's Structural Advisory Committee, and re-enacting and modifying a paragraph in the scope section regarding the type of proposed construction that triggers application of the Act which was omitted inadvertently in the adoption of the 2016 Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.**

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: Scott Sanchez, Planning Department  
Lisa Gibson, Planning Department  
AnMarie Rodgers, Planning Department  
Aaron Starr, Planning Department

Joy Navarrete, Planning Department  
Laura Lynch, Planning Department  
David Steinberg, Public Works  
Jeremy Spitz, Public Works  
Jennifer Blot, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
Kelly Alves, Fire Department

1 [Building Code - Slope Protection Act]

2  
3 **Ordinance amending the Building Code to revise the City's Slope Protection Act by**  
4 **clarifying the scope of its application to properties exceeding an average slope of 25%**  
5 **grade, updating the map references, mandating review by the Department of Building**  
6 **Inspection's Structural Advisory Committee, and re-enacting and modifying a**  
7 **paragraph in the scope section regarding the type of proposed construction that**  
8 **triggers application of the Act which was omitted inadvertently in the adoption of the**  
9 **2016 Code; affirming the Planning Department's determination under the California**  
10 **Environmental Quality Act; and directing the Clerk of the Board of Supervisors to**  
11 **forward this Ordinance to the California Building Standards Commission upon final**  
12 **passage.**

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

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

21 Section 1. General Findings.

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

1 (b) On \_\_\_\_\_, the Building Inspection Commission considered this  
2 ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

3  
4 Section 2. California Health and Safety Code Section 17958.7(b). No finding is  
5 required under California Health and Safety Code Section 17958.7 because the ordinance  
6 does not amend a "building standard" as defined in Section 18909 of that Code.

7  
8 Section 3. The Building Code is hereby amended by revising Section 106A.4.1.4, to  
9 read as follows:

10 **106A.4.1.4 The Slope and Seismic Hazard Zone Protection Act.** This Section of the San  
11 Francisco Building Code shall be known as the Slope and Seismic Hazard Zone Protection Act.

12 **106A.4.1.4.1 Creation.** The Slope and Seismic Hazard Zone Protection Act shall apply  
13 to all property within San Francisco that exceeds an average slope of 25% grade or falls within  
14 certain mapped areas of the City, except those properties already subject to the Edgehill  
15 Mountain Slope Protection Area or the Northwest Mt. Sutro Slope Protection Area. For  
16 purposes of this Section "property" shall mean a legal lot of record. Heightened review of  
17 certain permit applications, as provided in this section, shall be given to all property subject to  
18 this Act.

19 **106A.4.1.4.2 Purpose.** Because landslides, earth movement, ground shaking,  
20 drainage issues, and subsidence are likely to occur on or near steeply sloped properties and  
21 within other defined areas causing severe damage and destruction to public and private  
22 improvements, the Board of Supervisors finds that the public health, safety, and welfare is  
23 best protected if the Building Official causes permit applications for the construction of new  
24 buildings or structures and certain other construction work on property subject to the Slope  
25 and Seismic Hazard Zone Protection Act to ~~undergo additional~~ be peer-reviewed for structural

1 integrity and effect on hillside or slope stability. The requirements for projects subject to the  
2 Slope and Seismic Hazard Zone Protection Act are in addition to all other applicable laws and  
3 regulations, including any and all requirements for environmental review under the California  
4 Environmental Quality Act; compliance with the requirements contained herein does not  
5 excuse a project sponsor from compliance with any other applicable laws and regulations.

6 **106A.4.1.4.3 Scope.** Properties are subject to these requirements where any portion  
7 of the property exceeds an average slope of 25% grade or lies within the areas of "Earthquake-  
8 Induced Landslide" in the Seismic Hazard Zone Map, released by the California Department of  
9 Conservation, Division of Mines and Geology, dated November 17, 2000, or amendments  
10 thereto; ~~or within the "Landslide Hazard Areas" mapped as "Landslide Locations" in Figure 4 of the~~  
11 ~~San Francisco Seismic Safety Investigation report prepared by URS/John A. Blume & Associates,~~  
12 ~~Engineers, June 1974, or any successor map thereto.~~

13 Proposed construction work that is subject to these requirements includes the construction of  
14 new buildings or structures having over 1,000 square feet of new projected roof area and horizontal or  
15 vertical additions having over 500 square feet of new projected roof area. In addition, these  
16 requirements shall apply to the following activity or activities if, in the opinion of the Building Official,  
17 the proposed work may have a substantial impact on the slope stability of any property: shoring,  
18 underpinning, excavation, or retaining wall work; grading, including excavation or fill, of over 50  
19 cubic yards of earth materials; or any other construction activity that, in the opinion of the Building  
20 Official, may have a substantial impact on the slope stability of any property.

21 **106A.4.1.4.4 Mandatory submittal of reports and geotechnical engineering**  
22 **review** by the Structural Advisory Committee; review by other City officials. All permit applications  
23 submitted to the Department of Building Inspection Central Permit Bureau for construction work on  
24 properties subject to the Slope and Seismic Hazard Zone Protection Act shall include report(s)  
25 prepared and signed by both a licensed geologist and a licensed geotechnical engineer

1 identifying areas of potential slope instability, defining potential risks of development due to  
2 geological and geotechnical factors, and ~~drawing conclusions and~~ making recommendations  
3 regarding the proposed development. These reports shall ~~undergo design review by a licensed~~  
4 ~~geotechnical engineer~~ be submitted to and reviewed by the Structural Advisory Committee, as defined  
5 by Building Code Section 105A.6. Such ~~design~~ review by the Structural Advisory Committee shall  
6 verify that appropriate geological and geotechnical issues have been considered and that  
7 appropriate slope instability mitigation strategies, including drainage plans if required, have  
8 been proposed.

9 No permits as specified above for properties subject to the Slope and Seismic Hazard Zone  
10 Protection Act shall be issued unless and until the Building Official has consulted with and received a  
11 written communication from representatives of the Departments of Planning and Public Works, and  
12 the Fire Department, each of whom has made a visit to the site for which the project is proposed, and  
13 the Building Official has received a written report from the Structural Advisory Committee concerning  
14 the safety and integrity of the proposed design and construction. As part of its review, the Structural  
15 Advisory Committee shall consider the effect that construction activity related to the proposed project  
16 will have on the safety and stability of the property subject to the Slope and Seismic Hazard Zone  
17 Protection Act and properties within the vicinity of such property.

18 **106A.4.1.4.5 Structural Advisory Committee and ~~m~~Mandatory denial by the Building**  
19 **Official.** ~~After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in~~  
20 ~~his or her sole discretion, may require that the permit application be subject to review by a Structural~~  
21 ~~Advisory Committee, as defined by Building Code Section 105A.6. When subject to such Structural~~  
22 ~~Advisory Committee review, no permits shall be issued unless and until the Building Official has~~  
23 ~~consulted with and received a written communication from representatives of the Department of~~  
24 ~~Planning, Department of Public Works and Fire Department, each of whom has made a visit to the site~~  
25 ~~for which the project is proposed, and the Building Official has received a written report from the~~

1 ~~Structural Advisory Committee concerning the safety and integrity of the proposed design and~~  
2 ~~construction. As part of its review, the Structural Advisory Committee shall consider the effect that~~  
3 ~~construction activity related to the proposed project will have on the safety and stability of the property~~  
4 ~~subject to the Slope and Seismic Hazard Zone Protection Act and properties within the vicinity of such~~  
5 ~~property.~~

6 In the event that the ~~Building Official establishes a~~ Structural Advisory Committee, ~~and~~  
7 ~~such Committee~~ determines that there is a reasonable likelihood that the proposed design and  
8 construction would result in unsafe conditions or would increase the likelihood of hillside or  
9 slope instability, and such unsafe conditions or instability cannot be mitigated to the  
10 satisfaction of the Committee, the Building Official shall deny the permit. The Building  
11 Official's decision to deny the permit is appealable only to the Board of Appeals.

12 **106A.4.1.4.6 Regulations to implement the Slope and Seismic Hazard Zone**  
13 **Protection Act.** The Building Official is hereby authorized to adopt rules, regulations,  
14 administrative bulletins, or other written guidelines to assist the Department in implementing  
15 this Section 106A.4.1.4, ~~including, but not limited to, requirements for applicants to demonstrate that~~  
16 ~~a project site is not subject to the Slope Protection Act.~~

17  
18 Section 4. Effective Date. This ordinance shall become effective 30 days after  
19 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
20 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
21 of Supervisors overrides the Mayor's veto of the ordinance

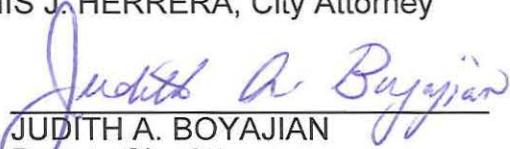
22  
23 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
24 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
25 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
2 additions, and Board amendment deletions in accordance with the "Note" that appears under  
3 the official title of the ordinance.  
4

5 Section 6. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby  
6 directed to forward a copy of this ordinance to the California Building Standards Commission  
7 upon final passage.  
8

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

11 By:

  
12 JUDITH A. BOYAJIAN  
13 Deputy City Attorney

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**LEGISLATIVE DIGEST**

[Building Code - Slope Protection Act]

**Ordinance amending the Building Code to revise the City's Slope Protection Act by clarifying the scope of its application to properties exceeding an average slope of 25% grade, updating the map references, mandating review by the Department of Building Inspection's Structural Advisory Committee, and re-enacting and modifying a paragraph in the scope section regarding the type of proposed construction that triggers application of the Act which was omitted inadvertently in the adoption of the 2016 Code; affirming the Planning Department's determination under the California Environmental Quality Act; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.**

Existing Law

Building Code Section 106A.4.1.4 establishes the Slope Protection Act (the "Act"). The Act applies to all properties in San Francisco that are within areas of "Earthquake-Induced Landslide" in the Seismic Hazard Zone Map released by the California Department of Conservation, Division of Mines and Geology or are within "Landslide Hazard Areas" in what is known as the Blume Map, but that are not subject to either the Edgehill Mountain Slope Protection Area or the Northwest Mt. Sutro Slope Protection Area.

Permit applications for new construction and other specified construction work on properties subject to the Act receive heightened review, which requires: (1) mandatory submittal of reports prepared and signed by both a licensed geologist and a licensed geotechnical engineer, (2) a review and written report by a Structural Advisory Committee convened at the discretion of the Building Official, and (3) if a Structural Advisory Committee is convened, a written communication from representatives of the Departments of Planning, Public Works, and Fire each of whom has visited the site. If the Building Official requests review by the Structural Advisory Committee and the Committee determines that there is a reasonable likelihood the proposed design and construction would result in unsafe conditions or would increase the likelihood of hillside instability, and the unsafe conditions or instability cannot be mitigated to the Committee's satisfaction, the Building Official must deny the permit.

Amendments to Current Law

The following amendments have been made to the existing law:

- The Act has been renamed to more accurately describe its purpose.
- The now outdated Blume Map has been deleted and the language "exceeds an average slope of 25% grade" is added to describe more clearly the properties that are

- within the area of the California Department of Conservation, Division of Mines and Geology Map.
- A paragraph has been added to the Scope section specifying the type of construction work that will be subject to heightened review; this paragraph was inadvertently deleted from the Act in the 2016 repeal and re-enactment of the Building Code and is modified in this ordinance.
- Review by the Structural Advisory Committee will be mandatory rather than at the discretion of the Building Official.
- Consultation with and written communication from representatives of the Departments of Planning, Public Works, and Fire who have visited the site will be mandatory.

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