

**REVISED LEGISLATIVE DIGEST**  
(5/8/2018, Amended in Board)

[Building Code - Slope and Seismic Hazard Zone Protection Act]

**Ordinance amending the Building Code to revise the renamed City’s Slope and Seismic Hazard Zone Protection Act by clarifying the scope of its application to properties exceeding an average slope of 4:1 grade, updating the map references, mandating review by the Department of Building Inspection’s Structural Advisory Committee and/or a third party peer review under specified circumstances, and re-enacting and modifying a paragraph in the scope section regarding the type of proposed construction that triggers application of the Act that 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 ordinance would affirm environmental findings and direct the Clerk of the Board of Supervisors to forward this ordinance to the California Building Standards Commission. The legislation would enact the following primary changes to the existing law:

- The Act would be renamed to more accurately describe its purpose.
- The now outdated Blume Map would be deleted and the language “exceeds an average slope of 4 horizontal to 1 vertical grade” would be added as a separate means for determining whether a project is within the Act’s Scope.
- A paragraph would be added to the Scope section specifying the type of construction work that would be subject to review. This paragraph was inadvertently deleted from the Act in the 2016 repeal and re-enactment of the Building Code and would be modified in this ordinance.
- Review of the mandatory report(s) from both a licensed geologist and a licensed geotechnical engineer would more explicitly follow the Department’s current process which is to require internal staff review, and provide for third party peer review at the discretion of the Department’s Director (the “Building Official”). At the discretion of the Director, peer review may be followed by the establishment of a Structural Advisory Committee.
- The Department would be required to provide written support for its decision on the appropriate level of review for a project subject to the Act.
- If there is a history of landslides in the vicinity of the project, as defined in this ordinance, the peer review and Structural Advisory Committee review would be mandatory rather than at the discretion of the Director.
- The Structural Advisory Committee would be required to adopt specified findings.
- Additional criteria and analysis regarding slope stability and potential project effects would be added to the mandatory reports and the City’s review mentioned above.
- Departmental regulations and guidance would allow for the adoption of objective criteria to exempt certain projects and activities from discretionary third party peer or Structural Advisory Committee review.

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