| File No. | 171284 | Committee Item No. | 2 |  |
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# **COMMITTEE/BOARD OF SUPERVISORS**

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| Committee:  | Land Use and Transportation Committee Date April 16, 2018      |  |  |
| Board of Su<br>Cmte Board                           | pervisors Meeting Date MM 15 718                               |  |  |
|   | Motion   |  |  |
|   | Resolution   |  |  |
| $\overline{\mathbf{X}}$                             | Ordinance  |  |  |
| $\mathbf{X}$  | Legislative Digest   |  |  |
|   | Budget and Legislative Analyst Report                          |  |  |
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|   | Award Letter   |  |  |
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[Building Code - Slope and Seismic Hazard Zone Protection Act]

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24 25 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 25%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 which 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.

Unchanged Code text and uncodified text are in plain Arial font. NOTE: **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. General Findings.

(a) 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. 171284 and is incorporated herein by reference. The Board affirms this determination.

(b) On March 21, 2018, the Building Inspection Commission considered this ordinance at a duly noticed public hearing pursuant to Charter Section D3.750-5.

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

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

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

106A.4.1.4.1 Creation. The Slope <u>and Seismic Hazard Zone</u> Protection Act shall apply to all property within San Francisco that <u>exceeds an average slope of 25%4 horizontal to 1</u> <u>vertical grade or</u> falls within certain mapped areas of the City, except those properties already subject to the Edgehill Mountain Slope Protection Area or the Northwest Mt. Sutro Slope Protection Area. For purposes of this Section "property" shall mean a legal lot of record. Heightened review of certain permit applications, as provided in this section, shall be given to all property subject to this Act.

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

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

106A.4.1.4.3 Scope. (a) Properties are subject to these requirements where: (1) any portion of the property either (1) exceeds an average slope of 25% grade or (2) lies within the areas of "Earthquake-Induced Landslide" in the Seismic Hazard Zone Map, released by the California Department of Conservation, Division of Mines and Geology, dated November 17, 2000, or amendments thereto or (2) the property exceeds an average slope of 4 horizontal to 1 vertical slope; or within the "Landslide Hazard Areas" mapped as "Landslide Locations" in Figure 4 of the San Francisco Scismic Safety Investigation report prepared by URS/John A. Blume & Associates, Engineers, June 1974, or any successor map thereto.

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

106A.4.1.4.4 Mandatory submittal <u>and review</u> of reports and geotechnical engineering review by the Structural Advisory Committee; review by other City officials. (a) All permit applications submitted to the <u>Department of Building Inspection</u> <u>Central</u>

Permit Bureau for construction work on properties subject to the Slope and Seismic Hazard Zone Protection Act shall include report(s) prepared and signed by both a licensed geologist and a licensed geotechnical engineer identifying areas of potential slope instability, defining potential risks of development due to geological and geotechnical factors, including information required by this section 106A.4.1.4.4 and Departmental guidelines and regulations, and drawing conclusions and making recommendations regarding the proposed development. These reports shall undergo design review by a licensed geotechnical engineer be submitted to and reviewed by the Structural Advisory Committee, as defined by Building Code Section 105A.6undergo review as deemed appropriate by the Building Official or by their designated staff. Such design review shall involve an internal review by Departmental staff. The Building Official, in their discretion, may require third party peer review from a licensed geotechnical engineer. After third party peer review, the Building Official, in their discretion, may establish a-by the Structural Advisory Committee, as defined by Building Code section 105A.6, to review the project. If there is a history of landslides in the vicinity of the project, the Building Official shall require third party peer review and establish a Structural Advisory Committee to review the project. For purposes of the preceding sentence, "vicinity" shall mean any property tangent to the subject project site that also appears on the current version of the California Department of Conservation's Seismic Hazard Zone Map identified in section 106A.4.1.4.3. The Building Official's or the Building Official's designee's decision(s) concerning the level of review for a particular project or activity shall: (1) be in writing, (2) identify Departmental staff involved in the decision, (3) be consistent with the criteria set forth in the Slope and Seismic Hazard Zone Protection Act and any Departmental guidance adopted under section 106A.4.1.6, and (4) describe the basis for the decision.

(b) All such project reviews required under section 106A.4.1.4.4(a) shall verify that appropriate geological and geotechnical issues have been considered and that appropriate

slope instability mitigation strategies, including drainage plans if required, have been proposed. Review also shall consider any other factors relevant to mitigation slope instability, including, but not limited to, the ground slope, soil type at the project site, the geologic conditions, the history of landslides in the vicinity, the nature of the planned excavation and construction, the proximity and type of adjacent construction, and the effect that construction activity related to the proposed project will have on the safety and stability of the subject property and properties within the vicinity of such property.

(c) No permits as specified above for properties subject to the Slope and Seismic Hazard Zone

Protection Act that involve review by the Structural Advisory Committee shall be issued unless
and until the Building Official has consulted with and received a written communication from
representatives of the Departments of Planning and Public Works, and the Fire Department, each of
whom has made a visit to the site for which the project is proposed, and the Building Official has
received a written report from the Structural Advisory Committee concerning the safety and integrity o,
the proposed design and construction. As part of its review, the Structural Advisory Committee shall
make findings concerning the review criteria and analysis set forth in this section 106A.4.1.4.4
and Departmental guidelines and regulations regarding slope and seismic hazardseensider
the effect that construction activity related to the proposed project will have on the safety and
stability of the property subject to the Slope and Seismic Hazard Zone Protection Act and
properties within the vicinity of such property.

106A.4.1.4.5 Structural Advisory Committee and mMandatory denial by the Building Official. After reviewing all submitted information pursuant to Section 106A.4.1.4.4, the Director, in his or her sole discretion, may require that the permit application be subject to review by a Structural Advisory Committee, as defined by Building Code Section 105A.6. When subject to such Structural Advisory Committee review, no permits shall be issued unless and until the Building Official has consulted with and received a written communication from representatives of the Department of

Planning, Department of Public Works and Fire Department, each of whom has made a visit to the site for which the project is proposed, and the Building Official has received a written report from the Structural Advisory Committee concerning the safety and integrity of the proposed design and construction. As part of its review, the Structural Advisory Committee shall consider the effect that construction activity related to the proposed project will have on the safety and stability of the property subject to the Slope and Seismic Hazard Zone Protection Act and properties within the vicinity of such property.

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

Protection Act. The Building Official is hereby authorized to adopt rules, regulations, administrative bulletins, or other written guidelines to assist the Department in implementing this Section 106A.4.1.4, provided that any such guidance shall be in addition to the criteria set forth in section 106A.4.1.4.4 or elsewhere in this Act and shall not conflict with or diminish any of the permit review criteria in this Building Code, including, but not limited to, requirements for applicants to demonstrate that a project site is not subject to the Slope Protection Act. Such guidance may provide objective criteria to exempt certain projects and activities from discretionary third party peer or Structural Advisory Committee review where the soil at the project site is dune sand or Colma Formation and the project or activity presents circumstances that would not necessitate more extensive review.

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

Section 5. 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.

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

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

By:

JOHN D. MALAMUT Deputy City Attorney

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Supervisor Peskin
BOARD OF SUPERVISORS

### 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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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

December 12, 2017

File No. 171284

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On December 5, 2017, Supervisor Peskin introduced the following proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Çalvillo, Clerk of the Board

By: Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

Attachment

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.

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning

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## **BUILDING INSPECTION COMMISSION (BIC)**

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

April 12, 2018

Mark Farrell Mayor 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

Angus McCarthy President

COMMISSION

Dear Ms. Calvillo:

Debra Walker Vice-President

RE: File No. 171284

Kevin Clinch Gail Gilman John Konstin Frank Lee James Warshell

n Clinch

Sonya Harris Secretary

Shirley Wong Assistant Secretary

Tom C. Hui

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.

The Building Inspection Commission met and held a public hearing on March 21, 2018 regarding File No. 171284 on the proposed amendment to the San Francisco Building Code referenced above. In addition, the Commission agreed to meet with Department of Building Inspection staff, and did forward to Supervisor Peskin's office additional language revisions to enable a well-managed implementation of the ordinance by the DBI Director and staff. The Commissioners voted unanimously to support the ordinance.

The Commissioners voted as follows:

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

Commissioner Warshell

Yes

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

Sincerely,

Dongo Haro

Sonya Harris Commission Secretary

Tom C. Hui, S.E., Director Supervisor Aaron Peskin Board of Supervisors cc:



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

December 12, 2017

File No. 171284

Lisa Gibson Acting Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Gibson:

On December 5, 2017, Supervisor Peskin introduced the following proposed legislation:

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.

This legislation is being transmitted to you for environmental review.

Angela Çalvillo, Clerk of the Board

By: Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Laura Lynch, Environmental Planning



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: W

Alisa Somera, Legislative Deputy Director

Land Use and Transportation Committee

DATE:

December 12, 2017

SUBJECT:

LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following 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.

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: <a href="mailto:alisa.somera@sfgov.org">alisa.somera@sfgov.org</a>.

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



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:

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

FROM: U

Alisa Somera, Legislative Deputy Director Land Use and Transportation Committee

DATE:

December 12, 2017

SUBJECT:

LEGISLATION INTRODUCED

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.

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 Print Form

## **Introduction Form**

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
2017 DEC - 5 PH 4: 47
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 inquiries" 5. City Attorney Request. 6. Call File No. from Committee. 7. Budget Analyst request (attached written motion). 8. Substitute Legislation File No. 9. Reactivate File No. 10. Ouestion(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 Building Inspection Commission Planning Commission Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form. Sponsor(s): Peskin Subject: [Building Code - Slope Protection Act] The text is listed: 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 Sypervisors to forward this ordinance to the California Building Standards Commission upon final passage. Signature of Sponsoring Supervisor:

For Clerk's Use Only