

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection  
Sonya Harris, Secretary, Building Inspection Commission

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

DATE: June 20, 2018

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Tang on June 5, 2018:

**File No. 180618**

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

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: [Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org)

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

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

3 **Ordinance amending the Building Code to establish a process for review by the**  
4 **Building Inspection Commission and Code Advisory Committee of legislation**  
5 **proposed by the Board of Supervisors; and affirming the Planning Department's**  
6 **determination under the California 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 July 19,  
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 Sections 104A.2.11 and  
24 105A.4, to read as follows:  
25

1 **104A.2.11 Code revisions~~s~~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 **SECTION 105A – BOARDS, COMMISSIONS AND COMMITTEES**

22 \* \* \* \*

23 **105A.4 Code Advisory Committee.**

1 **105A.4.1 Establishment.** There is hereby created a Code Advisory Committee consisting of  
2 seventeen members who are qualified by experience and training to pass upon matters  
3 pertaining to the development and improvement of the content of ~~this code~~ the California  
4 Building Standards Code and the San Francisco Housing Codes and their related rules and  
5 regulations as well as provisions of other parts of the Municipal Code that the Building Official  
6 and the Building Inspection Commission determine have an impact on construction permits.

7 **105A.4.2 Functions.** Unless the Building Official and Chair of the Building Inspection Commission  
8 specifically waive review by the Code Advisory Committee because the proposed code changes or rules  
9 and regulations are solely administrative and non-technical in nature, the Code Advisory Committee  
10 It's functions shall be

11 1. ~~To hear and~~ review recommendations for code changes made by the Building  
12 Official and the Building Inspection Commission pursuant to Section 104A.2.11; -

13 2. ~~To hear and review or develop, review and~~ make recommendations for code  
14 changes to the Building Official and the Building Inspection Commission; -

15 3. ~~To~~ review rules and regulations promulgated by the Building Official and the  
16 Building Inspection Commission pursuant to Section 104A.2.1; -

17 4. ~~To~~ recommend to the Building Official and the Building Inspection Commission,  
18 within 30 days after the effective date of a new edition of a code, which existing Section  
19 104A.2 rules and regulations should remain in effect, be modified or be canceled; - and

20 5. hear and review, and make recommendations to the Building Inspection Commission on,  
21 legislation proposed by the Board of Supervisors. If the Code Advisory Committee fails to make its  
22 recommendations to the Building Inspection Commission within the period of time required for the  
23 Commission to complete its action under Section 104A.2.11.1.1 of this Code or any extension of time  
24 authorized by the Board of Supervisors, the Chair of the Commission may waive the Code Advisory  
25 Committee's review and calendar the legislation for action by the Commission.

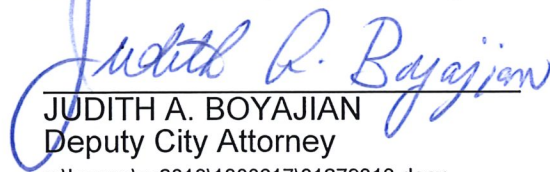
1 \* \* \* \*

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

6  
7 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.

13  
14 APPROVED AS TO FORM:  
15 DENNIS J. HERRERA, City Attorney

16 By:

  
17 JUDITH A. BOYAJIAN  
18 Deputy City Attorney  
19 n:\leganas2018\1800617\01279313.docx

## **LEGISLATIVE DIGEST**

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

**Ordinance amending the Building Code to establish a process for review by the Building Inspection Commission and Code Advisory Committee 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." Building Code Section 105A.4 provides for the Code Advisory Committee's review and recommendations to the Building Inspection Commission of proposed amendments to these codes.

### 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. Section 105A.4 is amended to provide for the Code Advisory Committee's review of Board-initiated amendments.

### Background Information

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

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