Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco’s amendments and findings to the California Building Standards Commission; and making environmental findings.

Note: This material is entirely new.

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

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this Ordinance are in compliance 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. 071277 and is incorporated herein by reference.

Section 2. Findings. Generally, the State of California adopts a new California Mechanical Code every three years, with the new code going into effect throughout the State 180 days after publication. The California Mechanical Code is Part 4 of Title 24 of the California Code of Regulations. The California Building Standards Commission recently published the 2007 California Mechanical Code. That Code will go into effect on January 1, 2008.
Local jurisdictions are required to enforce the California Mechanical Code. In addition, local jurisdictions may enact more restrictive standards than those contained in the California Mechanical Code where those more restrictive standards are reasonably necessary because of local conditions caused by climate, geology or topography. Both State and local law allow local amendments in the interim between code adoption cycles. For San Francisco to modify State requirements, the Board of Supervisors must make express findings regarding the local conditions that support each deviation from State law. Local amendments are not effective until the required findings are adopted and sent to the California Building Standards Commission.

As in past State code adoption cycles, San Francisco will repeal its existing San Francisco Mechanical Code in its entirety and enact a new 2007 San Francisco Mechanical Code. The proposed 2007 San Francisco Mechanical Code consists of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments.

Section 3. Findings regarding Local Conditions and Directions to Clerk. California Health and Safety Code Section 17958.7 provides that before making any changes or modifications to the California Mechanical Code and any other applicable provisions published by the California Building Standards Commission, the governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions, and the findings must be filed with the California Building Standards Commission before the local changes or modifications can become effective.
The City and County of San Francisco is unique among California communities with respect to local climatic, geological, topographical and other conditions. A specific list of findings that support San Francisco's modifications to the 2007 California Mechanical Code and a section-by-section correlation of each modification with a specific numbered finding are contained in Exhibit A entitled "Standard Findings for San Francisco Mechanical Code Amendments."

Pursuant to the applicable California Health and Safety Code Sections, the Board of Supervisors finds and determines that the local conditions described in Exhibit A constitute a general summary of the most significant local conditions giving rise to the need for modification of the 2007 California Mechanical Code provisions published by the California Building Standards Commission. Further, the Board of Supervisors finds and determines that, as set forth in Exhibit A, the proposed modifications are reasonably necessary based on these local conditions.

Upon final passage of this ordinance, the Clerk of the Board of Supervisors is hereby directed to transmit this ordinance, the San Francisco modifications to the 2007 California Mechanical Code, and Exhibit A to the California Building Standards Commission pursuant to the applicable provisions of California law.

Section 4. 2007 San Francisco Mechanical Code. The San Francisco Mechanical Code provides minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of, heating, ventilating, cooling, refrigeration
systems, incinerators or other miscellaneous heat-producing appliances within the City and County of San Francisco. The San Francisco Mechanical Code is hereby repealed in its entirety and replaced with a new 2007 San Francisco Mechanical Code. The 2007 San Francisco Mechanical Code consists of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments.

A copy of the 2007 California Mechanical Code as modified by San Francisco is on file with the Clerk of the Board of Supervisors in File No. 071277 and is hereby declared to be a part of this ordinance as if set forth fully herein. Additions to the 2007 California Mechanical Code are shown in bold type; amendments and deletions are shown with underlining and strikethrough.

Section 5. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City under any ordinance in force at the time of passage of this ordinance providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of, heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances within the City and County of San Francisco.

Section 6. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the
remaining portions of this ordinance. The Board of Supervisors hereby declares that it would
have passed this ordinance, and each section, subsection, sentence, clause or phrase of this
ordinance, irrespective of the fact that any one or more sections, subsections, sentences,
clauses or phrases be declared unconstitutional.

Section 7. This ordinance shall take effect and be in full force from and after the later
of its effective date or January 1, 2008.

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney
Ordinance repealing the San Francisco Mechanical Code in its entirety and replacing that code with a new 2007 San Francisco Mechanical Code consisting of the 2007 California Mechanical Code, which is based upon the 2006 Uniform Mechanical Code, together with the San Francisco amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and directing the Clerk of the Board to forward San Francisco’s amendments and findings to the California Building Standards Commission; and making environmental findings.

October 30, 2007 Board of Supervisors — PASSED ON FIRST READING
   Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 6, 2007 Board of Supervisors — FINALLY PASSED
   Ayes: 11 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 6, 2007 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom