FILE NO. 220943

ORDINANCE NO. 228-22

[Mechanical Code - Repeal of Existing 2019 Code and Enactment of 2022 Code]

Ordinance repealing the 2019 Mechanical Code in its entirety and enacting a 2022 Mechanical Code consisting of the 2022 California Mechanical Code as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. Additions to Codes are in <u>single-underline italics Times New Roman font</u>. Deletions to Codes are in <u>strikethrough italics Times New Roman font</u>. Board amendment additions are in <u>double-underlined Arial font</u>. Board amendment deletions are in <u>strikethrough Arial font</u>. 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. Environmental Findings. 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. 220943 and is incorporated herein by reference. The Board affirms this determination.

Section 2. General Findings.

(a) The California Building Standards Code is contained in Title 24 of the California
Code of Regulations. It consists of 12 Parts, which are based upon model codes that are
amended by the State agencies with jurisdiction over the subject matter. The California
Mechanical Code is Part 4 of Title 24 of the California Code of Regulations.

Building Inspection Commission BOARD OF SUPERVISORS (b) The State of California adopts a new California Building Standards Code every three years (the "triennial CBSC") with supplemental amendments published in intervening years. The triennial CBSC goes into effect throughout the State of California 180 days after its publication by the California Building Standards Commission or at a later date established by the Commission. The 2022 triennial CBSC will go into effect on January 1, 2023.

(c) Local jurisdictions must enforce the California Building Standards Code but they may also enact more restrictive building standards that are reasonably necessary because of local climate, geologic, or topographical conditions. Local amendments may be made both to a triennial CBSC and to its individual Parts during the intervening years; however, local amendments previously adopted are not automatically applicable to a triennial CBSC. Rather, they must be re-enacted with the required findings of local climate, geologic, or topographical conditions, expressly made applicable to the new triennial CBSC, and with an operative date no earlier than the effective date of the triennial CBSC.

(d) As in past triennial CBSC adoption cycles, by this ordinance the Board of Supervisors repeals the 2019 San Francisco Mechanical Code in its entirety, enacts the 2022 San Francisco Mechanical Code, and re-enacts the existing local amendments to make them applicable to the 2022 California Mechanical Code.

(e) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
considered and approved San Francisco's amendments to the 2022 California Mechanical
Code at a duly noticed public hearing that was held on August 17, 2022.

Section 3. Findings Regarding Local Conditions.

 (a) California Health and Safety Code Sections 17958.7 and 18941.5 provide 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 local

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governing body must make an express finding that each such change or modification is reasonably necessary because of specified local conditions. The local amendments together with the required findings must be filed with the California Building Standards Commission before the local changes or modifications can go into effect.

(b) The City and County of San Francisco is unique among California communities with respect to local climate, geologic, topographical, and other conditions. A specific list of findings that support San Francisco's modifications to the 2022 California Mechanical Code, with a section-by-section correlation of each modification with a specific numbered finding, are contained in Exhibit A entitled "Standard Findings for San Francisco Building Standards Code Amendments."

(c) Pursuant to California Health and Safety Code Sections 17958.7 and 18941.5, 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 2022 California Mechanical Code provisions published by the California Building Standards Commission. The Board of Supervisors further finds and determines that the proposed modifications are reasonably necessary based upon the local conditions set forth in Exhibit A.

Section 4. Repeal of the 2019 San Francisco Mechanical Code and Enactment of the 2022 San Francisco Mechanical Code.

(a) The 2019 San Francisco Mechanical Code is hereby repealed in its entirety. The San Francisco Mechanical Code being repealed was enacted on November 21, 2019, by Ordinance No. 267-19, with an operative date of January 1, 2020. This ordinance is available on the Board of Supervisors' website and in the Office of the Clerk of the Board of Supervisors.

Building Inspection Commission BOARD OF SUPERVISORS (b) The 2022 San Francisco Mechanical Code is hereby enacted. It consists of the 2022 California Mechanical Code and San Francisco's existing local amendments, which are re-enacted and expressly made applicable to the 2022 California Mechanical Code. Copies of the 2022 California Mechanical Code and the stand-alone San Francisco amendments are declared to be part of Board File No. 220943 and are incorporated into this ordinance by reference as though fully set forth. Existing San Francisco amendments that are being made applicable to the 2022 California Mechanical Code are shown in unformatted ("plain") text and may include bold and/or italicized formatting; new San Francisco amendments are underlined; and deleted San Francisco amendments are in strikeout text.

Section 5. Continuance of Actions Under Prior Code. Nothing contained in this ordinance shall be construed as abating any action now pending under or by virtue of any ordinance of the City and County of San Francisco hereby repealed, nor shall this ordinance be construed as discontinuing, abating, modifying or altering any penalties accruing, or to accrue, or as waiving any right of the City under any such ordinance.

Section 6. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, 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 invalid.

Section 7. Effective and Operative Dates. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor

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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. This ordinance shall take effect and be in full force on and after either January 1, 2023 or its effective date if the effective date is later.

Section 8. Directions to Clerk. Upon enactment of this ordinance, the Clerk of the Board of Supervisors is hereby directed to transmit to the California Building Standards Commission pursuant to the applicable provisions of State law 1) this ordinance, 2) the Exhibit A attachment, and 3) the San Francisco amendments to the 2022 California Mechanical Code.

APPROVED AS TO FORM: DAVID CHIU, City Attorney

By: <u>/s/ Robb Kapla</u> ROBB KAPLA Deputy City Attorney

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City and County of San Francisco Tails Ordinance

City Hall 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4689

File Number: 220943

Date Passed: November 01, 2022

Ordinance repealing the 2019 Mechanical Code in its entirety and enacting a 2022 Mechanical Code consisting of the 2022 California Mechanical Code, as amended by San Francisco; adopting environmental findings and findings of local conditions under the California Health and Safety Code; providing an operative date of January 1, 2023; and directing the Clerk of the Board of Supervisors to forward the Ordinance to the California Building Standards Commission, as required by State law.

October 17, 2022 Land Use and Transportation Committee - RECOMMENDED

October 25, 2022 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

November 01, 2022 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 220943

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/1/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo Clerk of the Board

London N. Breed Mayor

11/10/22

Date Approved