
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.

NOTE: Unchanged Code text and uncodified text are in plain Arial font. 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. 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. 180618 and is incorporated herein by reference. The Board affirms this determination.

(b) The Building Inspection Commission considered this ordinance on September 19, 2018, at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

Section 2. The Building Code is hereby amended by revising Sections 104A.2.11 and 105A.4, to read as follows:

Supervisor Tang
BOARD OF SUPERVISORS
104A.2.11 Code revisions process. An amendment to the text of the Building Code, Electrical Code, Housing Code, Plumbing Code, Mechanical Code, Green Building Code, or other Code enforced by the Department of Building Inspection may be initiated by introduction by a member of the Board of Supervisors of a proposed ordinance approved as to form by the City Attorney, or by a recommendation of the Building Official to the Building Inspection Commission pursuant to Section 104A.2.11.2.

104A.2.11.1. Code revisions initiated by the Board of Supervisors; transmittal to the Building Inspection Commission. Upon introduction of an ordinance amending the Codes cited above in Section 104A.2.11, the Clerk of the Board of Supervisors shall transmit the proposed ordinance to the Building Inspection Commission for a public hearing pursuant to Section D3.750-5 of the San Francisco Charter.

104A.2.11.1.1. Commission hearing and recommendation. The Building Inspection Commission shall hold a hearing on the proposed code amendment or amendments and make a recommendation of approval or disapproval of the proposed amendment(s), in whole or in part, to the Board of Supervisors within 90 days from the date of their referral by the Board to the Commission. Failure of the Commission to act within the prescribed time shall be deemed to constitute disapproval, except that the Board may, by resolution, extend the prescribed time within which the Commission is to render its decision. In the case of Commission’s approval or disapproval, in whole or in part, of the proposed amendment(s), the Board may adopt the ordinance by majority vote.

104A.2.11.1.2. Referral back to the Building Inspection Commission. In acting upon any proposed amendment to the text of the Codes cited in Section 104A.2.11 above, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the Building Inspection Commission. If the Board of Supervisors makes such a material modification, the amended ordinance approved as to form by the City Attorney shall be referred back to the Commission. In all such cases of referral back, the
amendment with the proposed modification shall be heard by the Building Inspection Commission according to the requirements for a new proposal set forth in Section 104A.2.11.1.

104A.2.11.2. Code revisions recommended by the Building Official. The Building Official shall transmit to the Building Inspection Commission, at intervals not exceeding three years, recommendations for changes to this code, based on studies of the following:

1. Requests of the Board of Examiners for modifications from the code, and for approvals of alternate materials, alternate designs and methods of construction.
2. Code changes recommended by the Board of Examiners.
3. Code changes recommended by the Code Advisory Committee or other bodies subordinate to the Building Inspection Commission.
4. Results obtained and problems encountered in legal actions taken to correct code violations.
5. Changes or improvements in materials, methods of construction or design, and changes proposed by interested persons.
6. Investigations of fire and structural damage to buildings, and of determination of unsatisfactory building performance.
7. Periodic changes to the California Building Code and other State regulations which may affect this code.
8. Administrative Bulletins and Code Rulings currently in effect.
9. Violations of the code found on inspections or investigations.

SECTION 105A – BOARDS, COMMISSIONS AND COMMITTEES

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

105A.4.2 Functions. Unless the Building Official and Chair of the Building Inspection Commission specifically waive review by the Code Advisory Committee because the proposed code changes or rules and regulations are solely administrative and non-technical in nature, the Code Advisory Committee shall:

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

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

3. To review rules and regulations promulgated by the Building Official and the Building Inspection Commission pursuant to Section 104A.2.

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

5. To hear and review, and make recommendations to the Building Inspection Commission on legislation proposed by the Board of Supervisors. If the Code Advisory Committee fails to make its recommendations to the Building Inspection Commission within the period of time required for the Commission to complete its action under Section 104A.2.11.1 of this Code or any extension of time authorized by the Board of Supervisors, the Chair of the Commission may waive the Code Advisory Committee’s review and calendar the legislation for action by the Commission.
Section 3. 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 4. 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.

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney
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.

September 24, 2018 Land Use and Transportation Committee - RECOMMENDED

October 02, 2018 Board of Supervisors - PASSED ON FIRST READING
  Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

October 16, 2018 Board of Supervisors - FINALLY PASSED
  Ayes: 11 - Brown, Cohen, Fewer, Kim, Mandelman, Peskin, Ronen, Safai, Stefani, Tang and Yee

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/16/2018 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor