City and County of San Francisco
Tails
Ordinance

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

File Number: 101128 **Date Passed:** November 02, 2010

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011.

October 18, 2010 Land Use and Economic Development Committee - RECOMMENDED

October 26, 2010 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 10 - Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi
Excused: 1 - Alioto-Pier

November 02, 2010 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 101128

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/2/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

November 5, 2010
Date Approved

[San Francisco Building Code – Green Building Requirements – Repealing and Replacing]

Ordinance repealing Chapter 13C of the San Francisco Building Code in its entirety and enacting a new Chapter 13C that consists of the 2010 California Green Building Standards Code with local amendments; adopting findings of local conditions pursuant to California Health and Safety Code Section 17958.7 and Public Resources Code Section 25402.1(h)(2), and directing the Clerk of the Board to forward San Francisco's amendments and findings to the State Building Standards Commission; making environmental findings; and providing for an operative date of January 1, 2011.

Note: Additions are *single-underline italics Times New Roman*; deletions are ~~*strikethrough italics Times New Roman*~~. Board amendment additions are double underlined. Board amendment deletions are ~~strikethrough normal~~.

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. 101128 and is incorporated herein by reference.

Section 2. General Findings.

A. The State of California adopts a new California Building Standards Code every three years that goes into effect throughout the State 180 days after publication. The California Building Standards Code is contained in Title 24 of the California Code of Regulations, and consists of several parts that are based upon model codes with amendments made by various State agencies with jurisdiction. This year the State has

adopted the California Green Building Standards Code, which goes into effect throughout the State on January 1, 2011.

B. Local jurisdictions are required to enforce the California Green Building Standards Code. Local jurisdictions may also enact more stringent standards than those contained in the California Green Building Standards Code where more stringent standards are reasonably necessary because of local conditions caused by climate, geology or topography.

C. San Francisco enacted Chapter 13C of the San Francisco Building Code in 2008, before the State of California had adopted green building requirements. In this Ordinance San Francisco repeals its existing Chapter 13C in its entirety and enacts a new Chapter 13C that consists of the 2010 California Green Building Standards Code together with local amendments thereto.

D. On August 18, 2010, at a duly noticed public hearing, the Building Inspection Commission considered this legislation.

Section 3. Findings regarding Local Conditions.

A. California Health & Safety Code Section 17958.7 provides that before making any changes or modifications to the California Green Building Standards Code and any other applicable provisions published by the State 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 State Building Standards Commission before the local changes or modifications can go into effect.

B. Public Resources Code Section 25402.1(h)(2),as well as Section 10-106 of the California Code of Regulations, Title 24, Part 1, Locally Adopted Energy Standards, authorizes the adoption and enforcement of more stringent local energy standards, provided that the local jurisdiction makes a determination that the local standards are more cost

effective and will save more energy than the current Statewide standards and the local jurisdiction files an application for approval with the California Energy Commission together with supporting documentation. A proposed ordinance may take effect only after the California Energy Commission has reviewed and formally approved the proposed local standards.

C. 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 2010 California Green Building Standards 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 Amendments." In addition to the Standard Findings, the Board makes the following specific findings in support of San Francisco's local amendments to the California Green Building Standards Code:

(1) San Francisco is located at the tip of a peninsula and is served by the electricity grid at a single point, the Martin Substation. This single point of service makes San Francisco uniquely vulnerable to supply disruptions. Making San Francisco's building stock more energy efficient will reduce San Francisco's energy consumption and decrease its vulnerability to supply disruptions.

(2) As a coastal city surrounded on three sides by water, San Francisco is extremely vulnerable to climate change caused by global warming and the associated rise in sea levels. Construction of more energy efficient buildings can help San Francisco reduce its share of greenhouse gas emissions that are a significant contributor to global warming.

(3) San Francisco's 2004 Climate Action Plan identifies a number of specific serious impacts that global warming and the associated rise in sea levels would have on San Francisco's weather, water resources, physical landscape, ecosystem, human health, economy, and infrastructure.

(4) The City's Climate Action Plan found that energy use in buildings and facilities is responsible for approximately 50 percent of San Francisco's greenhouse gas emissions. The Plan further found that the potential for carbon dioxide reductions through electricity and gas savings in San Francisco's buildings is tremendous and that reducing electricity demand means that in-city power plants run less, creating fewer emissions.

D. Pursuant to California Health & Safety Code Section 17958.7, 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 2010 California Green Building Standards Code published by the State Building Standards Commission. The Board of Supervisors further finds and determines that the proposed modifications are reasonably necessary based on the local conditions set forth in Exhibit A and on the findings set forth in paragraph (C) above.

E. Based upon the findings of a study of the proposed revised Chapter 13C performed by Gabel Associates LLC, the Board of Supervisors hereby determines that the revised Chapter 13C standards are cost effective and will save more energy than the 2010 California Green Building Standards Code requirements.

Section 4. 2010 San Francisco Building Code. The San Francisco Building Code provides minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, maintenance and demolition of all buildings and structures, and quarrying, grading, excavation and filling of land in the City and County of San Francisco. Chapter 13C of the San Francisco Building Code establishes green building requirements. Chapter 13C is hereby repealed in its entirety and replaced with a new Chapter 13C that consists of the 2010 California Green Building Standards Code and the San Francisco amendments thereto. A copy of the 2010 California Green Building Standards Code as modified by San Francisco is

on file with the Clerk of the Board of Supervisors in File No. 101128 and is hereby declared to be part of this Ordinance as if set forth fully therein. Additions to the 2010 California Green Building Standards Code are shown in underlined type; deletions are shown with strikethrough.

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 ordinance in force at the time of passage of this Ordinance that establishes minimum green building requirements in the City and County of San Francisco.

Section 6. Severability. 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. Operative Date. This Ordinance shall take effect and be in full force on and after January 1, 2011 or the Ordinance's effective date, whichever is later. If, however, the California Energy Commission has not approved San Francisco's amendments to the California Green Building Standards Code by that time, this Ordinance shall not become effective until the Energy Commission has approved the local amendments.

Section 8. 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 2010

California Green Building Standards Code, and Exhibit A to the State Building Standards Commission pursuant to the applicable provisions of State law.

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney