

MEMORANDUM

April 24, 2015

TO: MEMBERS, PORT COMMISSION
Hon. Leslie Katz, President
Hon. Willie Adams, Vice President
Hon. Kimberly Brandon
Hon. Mel Murphy
Hon. Doreen Woo Ho

FROM: Monique Moyer
Executive Director

SUBJECT: Informational presentation on a proposed amendment to the 2013 Port of San Francisco Building Code that would remove the following causing all fences on Port property to require a permit: Section 106A.2 Work exempt from permit, Item 2: "Fences not over 6 feet (1829 mm) high, including fences used as temporary crowd control barriers for public assembly of Special Events"

DIRECTOR'S RECOMMENDATION: No action; Informational Only

Executive Summary

Port Engineering staff propose to amend the Port Building Code to remove the exemption for permits for certain types of fences. By doing so, all fence construction on Port land (excluding streets and sidewalks) would require a building permit. Currently, fences that are installed without permits are not reviewed by Port staff for compliance with exiting, accessibility and Fire Code issues, thus creating potential issues with safety and accessibility. Since this change would impact Port tenants and also require filing a code amendment with the State Building Standards Commission, it requires Port Commission approval.

Strategic Objective

This code amendment will enhance public safety at the Port. The erection of off-street fences on Port land (without Port staff review) often creates unintended consequences in the form of barriers to the flow of pedestrians and accessibility routes, and impediments to Fire Department access of Port facilities. By requiring a building permit for all fences, the Port's permit reviewers will be able to reduce potential hazards.

THIS PRINT COVERS CALENDAR ITEM NO. 10A

Note that an addition will not be made to the Port Building Code to require permits for fences. Rather, it will be implied that by removal of the current fence exemption, fence construction will become part of the general permit requirements for work done on Port land, per Port Building Code Sections 101A.2 'Purpose' and 101A.3 'Scope.'

Funding

There are no funding requirements for publishing and adopting this amendment to the 2013 Port of San Francisco Building Standards Code.

California Environmental Quality Act (CEQA)

Port Planning staff has determined that this amendment to the Port Building Code does not require further action under CEQA.

Schedule

State law provides that local modification or changes to the California Building Standards Code shall not become effective until the local agency makes express findings that such modifications are reasonably necessary and have been filed with the California Building Standards Commission (California Health and Safety Code §17958.7 and §17959.(b)). Any local modifications are limited to the 2013 edition of the California Building Standards Code and must be filed for each new edition of the California Building Standards Code thereafter. The 2013 Port of San Francisco Building Standards Code currently includes modifications to the State Code that "differ," "vary," are "reasonably necessary," or "more restrictive" than the state code, based upon local conditions and findings.

Prior to approval by the Port Commission, Port staff will ensure that the public will be given notice and the opportunity to provide input. A public notice will be placed in the San Francisco Examiner newspaper announcing the Port's intent to amend the code and informing the public that the draft code is available for review and comment at the Port's webpage (<http://www.sfport.com/index.aspx?page=184>) and at the Pier 1 Public Information and Permit Desks. This information will be made available for a period of twenty five days from April 29 2015 to May 23, 2015. If there is no compelling justification not to move forward with the amendment, staff will present the final draft of this amendment of the Port Building Code at the May 26, 2015 Port Commission meeting.

Summary

The Port Engineering staff will be seeking Port Commission approval of an amendment to the Port Building Code that will remove an exemption for certain types of fences. Following that removal, all fences on Port property covered by the Port Building Code will require a Port Building Permit prior to erection or placement. See Exhibit A attached hereto for details of the proposed Port Building Code change.

Prepared By: Neil Friedman
Chief Building Inspector

For: Eunejune Kim
Chief Harbor Engineer

EXHIBIT A

Proposed modification of the Port of San Francisco Building Code Section 106A.2, item 2: removal of item.

Existing (partial) code section:

106A.2 Work exempt from permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings or structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11m²).
- ~~2. Fences not over 6 feet (1829 mm) high, including fences used as temporary crowd control barriers for public assembly of Special Events.~~
3. Amusement devices not on fixed foundations.

(Additional exemptions follow. . .)

New (partial) code section with removal of fence exemption:

106A.2 Work exempt from permit. A building permit shall not be required for the following:

1. One-story detached accessory buildings or structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11m²).
2. Amusement devices not on fixed foundations.

(Additional exemptions follow. . .)