



MEMORANDUM

December 9, 2022

TO: MEMBERS, PORT COMMISSION
Hon. Willie Adams, President
Hon. Kimberly Brandon, Vice President
Hon. John Burton
Hon. Gail Gilman
Hon. Steven Lee

FROM: Elaine Forbes
Executive Director

SUBJECT: Authorization to (1) file with the California Building Standards Commission, the Port's amendments to the 2022 California Building Standards Code and the local findings that support such modifications; (2) repeal the current 2019 Port of San Francisco Building Standards Code (which includes the 2019 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), effective midnight, December 31, 2022; and (3) adopt the 2022 Port of San Francisco Building Standards Code (which includes the 2022 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes) with an effective date of January 1, 2023.

DIRECTOR'S RECOMMENDATION: Approve Attached Resolution No. 22-65

Introduction

On November 8, 2022, the Port Chief Harbor Engineer informed the Port Commission that the California Building Standards Commission had adopted a new 2022 edition of the California Building Standards Code ("State Code"), which will become effective on January 1, 2023. The new 2022 edition of the State Code (codified in Title 24 of the California Code of Regulations) will supersede the current 2019 edition of the California Building Standards Code and become the new statewide uniform building code. As a result, the current (1) 2019 Port of San Francisco Building Code; (2) 2019 Port of San Francisco Existing Building Code; (3) 2019 Port of San Francisco Mechanical Code; (4) 2019 Port of San Francisco Electrical Code; (5) 2019 Port of San Francisco Plumbing

Code; and (6) 2019 Port of San Francisco Green Building Standards Code, (collectively known as the 2019 Port of San Francisco Building Standards Code), which are based upon the 2019 edition of the California Building Standards Code - will become outdated and ineffective, on January 1, 2023.

The California Building Standards Law (California Health and Safety Code Section 18901 and following) mandates that local municipalities apply the 2022 State Code, provided that a local jurisdiction may make modifications to the State Code and other regulations it determines are reasonably necessary because of local climatic, geological or topographical conditions (identified in "local findings") as specified by Health and Safety Code Sections 17958.5 and 17958.7. In order to meet this requirement, Port staff requests that the Port Commission adopt the 2022 edition of the State Code with the Port's code amendments based upon local findings. This will enable the continuance of the Port's local code amendments, current administrative procedures, submittal requirements and appeal processes that address the Port's marine environment, facilities, and maritime operations.

Strategic Objective:

Adoption of updates to the Port of San Francisco Building Standards Code supports the following objectives:

Resiliency – Port of San Francisco Codes incorporate the latest code regulations which establish the minimum requirements to safeguard the public health, safety, and general welfare through structural strength, stability, fire safety, and general quality of construction.

Sustainability – Port of San Francisco Codes incorporate the 2022 Green Building Codes which promote the latest environmentally sustainable practices in building construction and operation.

Background

The Port of San Francisco derives its authority to regulate and permit building construction and improvements within its jurisdiction from the Burton Act (Statutes 1968, Chapter 1333) and relevant sections of the Agreement Relating to Transfer of the Port of San Francisco from the State of California to the City and County of San Francisco. The Port has established a Building Permit Group as part of the Port Engineering Division with the responsibility for enforcement, administration, and interpretation of building standards on Port property. The Port Engineering Division's Building Permit Group is considered a local building department.

The Building Permit Group has prepared an updated set of building codes for Port Commission consideration and adoption. The proposed 2022 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes (collectively referred to herein as the "2022 Port of San Francisco Building Standards Code"), contain updated administrative provisions and amendments to the minimum standards of the State Code that are specific to the Port of San

Francisco. These provisions and amendments enable the Port to enforce construction standards, hear appeals, provide special design requirements for those structures and improvements in proximity to Bay waters applicable to the Port area's unique topographical and geographical conditions. They also include mandatory features for construction dust control, storm water run-off, and flood plain management that protect the environment, buildings, structures, and people associated with construction activity within the Port's jurisdiction. Examples of the Port specific amendments to the State Code include (1) Permit Fee Schedules, (2) Definitions of the Port structures and required types of construction including Piers and Wharves, (3) Seismic upgrade trigger based on increase in occupant load associated with changes in occupancy and use, and (4) Egress requirements for the Port pier sheds.

Other notable changes to the various Port of San Francisco Building Standards include:

- Port Building Code
 - Addition of the requirement to treat as 'buildings', all permanently moored, non-motorized, water-based structures not licensed by the United States Coast Guard including, but not limited to platforms and docks. As buildings, these structures would be subject to exiting, accessibility, structural and other aspects of the 2022 Port of San Francisco Building (and other) codes.
 - Addition of 'Site Permit' guidelines to more closely match the guidelines of the San Francisco Department of Building Inspection.
 - Addition of the requirement to provide 'Special Inspections' of welded aluminum structures.
- Port Plumbing Code
 - On a 'per project basis', the Port Plumbing Code will allow use of certain types of plastic piping systems under piers. This had been previously adopted under the 2019 Port Plumbing Code. However, these requirements were moved to different sections in the 2022 Port Plumbing Code.

Climate Action

The State Code includes standards for green building practices known as the California Green Building Standards Code, and standards for energy efficiency known as the California Energy Code. The proposed Port of San Francisco Building Standards Codes incorporate these State construction standards.

Sea level rise and climate adaptation issues are not specifically addressed in building codes at national, state and local levels. However, Port staff reviews capital and development projects in San Francisco for impacts related to sea level rise through the life of each project and is required to incorporate project mitigation measures as deemed necessary and appropriate.

Schedule

State law provides that no local agency's modification or changes to the California

Building Standards Code shall become effective until the local agency makes express findings that such modifications are reasonably necessary because of local climatic, geographical or topographical conditions, and such findings have been filed with the California Building Standards Commission. (California Health and Safety Code §17958.7.) Any local modifications are limited to the particular triennial edition of the California Building Standards Code and must be filed for each new edition of the California Building Standards Code (published every three years). The 2022 Port of San Francisco Building Standards Code includes modifications to the State Code that “differ,” “vary,” are “reasonably necessary,” or “more restrictive” than the new state code based upon local conditions and findings.

After developing the 2022 Port of San Francisco Building Standards Code, on November 30, 2022, Port engineering staff published a public notice in the San Francisco Examiner newspaper announcing the Port’s intent to adopt new codes and informed the public that the draft codes were available for review and comment at the Port’s webpage and at the Pier 1 Permit Desk. The public was invited to comment with a deadline of 5:00 P.M., December 12, 2022.

Staff requests authorization from the Port Commission: (1) to file with the State Building Standards Commission, the Port’s amendments to the 2022 California Building Standards Code and the local findings that support such modifications; (2) repeal the existing 2019 Port of San Francisco Building Standards Code (which includes the 2019 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes; and (3) adopt the 2022 Port of San Francisco Building Standards Code (which includes the 2022 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), with an effective date of January 1, 2023.

Immediately upon approval by the Port Commission, Port Staff will file the Port of San Francisco’s amendments and local findings with the California Building Standards Commission in accordance with the California Health and Safety Code. For the Port amendments to the State Building Code to be timely, such filing must be received by California Building Standards Commission before the effective date (i.e. January 1, 2023) of the 2022 Port Building Standards Code.

Summary

The proposed 2022 Port of San Francisco Building Standards Code, upon adoption, will effectively replace the 2019 Port of San Francisco Building Standards Code. The 2022 Port of San Francisco Building Standards Code will incorporate by reference the 2022 California Building Standards Code with the Port’s specific local amendments for administrative procedures, special design requirements, building standards and technical aspects considered necessary for the Port’s marine environment and maritime operations and will provide for green building practices that ensure sustainable construction designs with a positive environmental impact.

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Civil Engineer

For: Rod Iwashita
Chief Harbor Engineer

**PORT COMMISSION
CITY & COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 22-65

- WHEREAS, the Port of San Francisco derives its authority to regulate and permit building construction and improvements within its jurisdiction from the Burton Act (Statutes 1968, Chapter 1333) and relevant sections of the Agreement Relating to Transfer of the Port of San Francisco from the State of California to the City and County of San Francisco; and
- WHEREAS, the Port staff has established a Building Permit Group as part of the Port Engineering Division with the responsibility for enforcement, administration, and interpretation of building standards applicable to Port property; and
- WHEREAS, the Port Engineering Division's Building Permit Group is considered a local building department; and
- WHEREAS, through Resolution 19-49, the Port Commission adopted (1) the 2019 Port of San Francisco Building Code, (2) 2019 Port of San Francisco Existing Building Code (3) 2019 Port of San Francisco Mechanical Code, (4) 2019 Port of San Francisco Electrical Code, and (5) 2019 Port of San Francisco Plumbing Code, and (6) 2019 Port of San Francisco Green Building Standards Code based upon the 2019 California Building Standards Code (codified in Title 24 of the California Code of Regulations) collectively known as the 2019 Port of San Francisco Building Standards Code; and
- WHEREAS, the California Building Standards Commission has adopted a new 2022 edition of the California Building Standards Code (referred to also as the "2022 State Code"), which takes effect on January 1, 2023; and
- WHEREAS, the California Building Standards Law (Health and Safety Code Section 18901 and following) mandates that local jurisdictions within the State apply the 2022 State Code, provided that a local jurisdiction may make modifications to the State Code it determines are reasonably necessary because of local climatic, geological or topographical conditions as specified by California Health and Safety Code Section 17958.5 and 17958.7; and
- WHEREAS, in response to that requirement, the Port engineering staff have prepared and drafted the (1) 2022 Port of San Francisco Building Code, (2) 2022 Port of San Francisco Existing Building Code, (3) 2022 Port of San Francisco Mechanical Code, (4) 2022 Port of San Francisco Electrical Code, (5) 2022 Port of San Francisco Plumbing Code, and (6)

2022 Port of San Francisco Green Building Standards Code (collectively referred to as the "2022 Port of San Francisco Building Standards Code"), which incorporate the 2022 State Code with the Port's code amendments that are based on the Port's local climatic, geologic or topographical conditions, and the Port's administrative structure; and

WHEREAS, the Port Engineering Division has published the draft 2022 Port of San Francisco Building Standards Code, based on 2022 State Code, which has been available for public review and comment; and

WHEREAS, Port staff now recommends that the Port Commission adopt the (1) 2022 Port of San Francisco Building Code, (2) 2022 Port of San Francisco Existing Building Code, (3) 2022 Port of San Francisco Mechanical Code, (4) 2022 Port of San Francisco Electrical Code, (5) 2022 Port of San Francisco Plumbing Code, and (6) 20229 Port of San Francisco Green Building Standards Code; now therefore be it

RESOLVED, that the Port Commission hereby finds that the Port's amendments to the 2022 State Building Standards Code are reasonably necessary because of local climatic, geographical or topographical conditions; and be it further

RESOLVED, that the Port Commission hereby adopts the (1) 2022 Port of San Francisco Building Code, (2) 2022 Port of San Francisco Existing Building Code, (3) 2022 Port of San Francisco Mechanical Code, (4) 2022 Port of San Francisco Electrical Code, (5) 2022 Port of San Francisco Plumbing Code, and (6) 2022 Port of San Francisco Green Building Standards Code, which collectively incorporate by reference the 2022 California Building Standards Code with Port amendments based upon local climatic, geographical or topographical conditions and the Port's administrative structure and requirements; and be it further

RESOLVED, that the Port Commission authorizes and directs staff to file the new 2022 Port of San Francisco Building Standards Code, and local findings that support the Port's amendments to the 2022 State Code based on local climatic, geologic or topographical conditions, with the California Building Standards Commission no later than December 31, 2022; and be it further

RESOLVED, that the Port Commission hereby declares that upon such filing of the (1) 2022 Port of San Francisco Building Code, (2) 2022 Port of San Francisco Existing Building Code, (3) 2022 Port of San Francisco Mechanical Code, (4) 2022 Port of San Francisco Electrical Code, (5) 2022 Port of San Francisco Plumbing Code, and (6) 2022 Port of San Francisco Green Building Standards Code, and the corresponding local findings, these codes shall have an effective date of January 1, 2023, and shall supersede and repeal the (1) 2019 Port of San Francisco

Building Code; (2) 2019 Port of San Francisco Existing Building Code
(3) 2019 Port of San Francisco Mechanical Code; (4) 2019 Port of San
Francisco Electrical Code; and (5) 2019 Port of San Francisco Plumbing
Code; and (6) 2019 Port of San Francisco Green Building Standards
Code in their entirety.

***I hereby certify that the foregoing resolution was adopted by the San Francisco
Port Commission at its meeting of December 13, 2022.***

Secretary