

MEMORANDUM

December 13, 2016

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

FROM: Elaine Forbes
Executive Director

SUBJECT: Authorization to (1) file with the California Building Standards Commission, the Port's amendments to the 2016 California Building Standards Code and the local findings that support such modifications; (2) repeal the existing 2013 Port of San Francisco Building Standards Code (which includes the 2013 Port of San Francisco Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), effective midnight, December 31, 2016; and (3) adopt the 2016 Port of San Francisco Building Standards Code (which includes the 2016 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), with an effective date of January 1, 2017.

DIRECTOR'S RECOMMENDATION: Approve Resolution

Introduction

On November 15, 2016, the Port Chief Building Inspector informed the Port Commission that the California Building Standards Commission had adopted a new 2016 edition of the California Building Standards Code ("State Code"), which will become effective on January 1, 2017. The new 2016 edition of the State Code (codified in Title 24 of the California Code of Regulations) will supersede the current 2013 edition of the California Building Standards Code, and become the new statewide uniform building code. As a result, the current (1) 2013 Port of San Francisco Building Code; (2) 2013 Port of San Francisco Mechanical Code; (3) 2013 Port of San Francisco Electrical Code; and (4) 2013 Port of San Francisco Plumbing Code; (5) Port of San Francisco

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Green Building Standards Code, (collectively known as the 2013 Port of San Francisco Building Standards Code), which are based upon the 2013 edition of the California Building Standards Code - will become outdated and ineffective, on January 1, 2017.

The California Building Standards Law (California Health and Safety Code Section 18901, and following) mandates that local municipalities apply the 2016 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 (“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 2016 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 Port of San Francisco Building Standards Code supports the following objectives:

Resiliency – Port of San Francisco Codes incorporates 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 incorporates the 2016 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. 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 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 2016 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes (collectively referred to herein as the "2016 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. The code provisions for existing structures located in Chapter 34 of the 2013 California Building Code were removed and placed into its own volume for clarity and organization and titled, 2016 Existing Building Code. 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. Here are some additional examples of the Port specific amendments to the State Code - (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.

Climate Action

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

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

Schedule

State law provides that no local 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 a particular edition of the California Building Standards Code and must be filed for each new edition of the California Building Standards Code. The 2016 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.

Staff developed the 2016 Port of San Francisco Building Standards Code, and 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, 2013, and the Port did not receive comment..

Staff requests authorization from the Port Commission- (1) to file with the State Building Standards Commission, the Port's amendments to the 2016 California Building Standards Code and the local findings that support such modifications; (2) repeal the existing 2013 Port of San Francisco Building Standards Code (which includes the 2013 Port of San Francisco Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes; and (3) adopt the 2016 Port of San Francisco Building Standards Code (which includes the 2016 Port of San Francisco Building, Existing Building, Mechanical, Electrical, Plumbing, and Green Building Standards Codes), with an effective date of January 1, 2017.

Immediately upon approval by the Port Commission, Port Staff will file the Port amendments and local findings with the California Building Standards Commission. 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 2017) of the 2016 Port Building Standards Code.

Summary

The proposed 2016 Port of San Francisco Building Standards Code, upon adoption, will effectively replace the 2013 Port of San Francisco Building Standards Code. The 2016 Port of San Francisco Building Standards Code will incorporate by reference the 2016 California Building Standards Code with the Port's specific 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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Chief Building Inspector

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Civil Engineer

For: Eunejune Kim
Chief Harbor Engineer

RESOLUTION NO. 16-45

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 13-50, the Port Commission adopted (1) the 2013 Port of San Francisco Building Code, (2) 2013 Port of San Francisco Mechanical Code, (3) 2013 Port of San Francisco Electrical Code, and (4) 2013 Port of San Francisco Plumbing Code, (5) Port of San Francisco Green Building Standards Code based upon the 2013 California Building Standards Code (codified in Title 24 of the California Code of Regulations) collectively known as the 2013 Port of San Francisco Building Standards Code; and

WHEREAS, the California Building Standards Commission has adopted a new 2016 edition of the California Building Standards Code (2016 State Code), which takes effect on January 1, 2017; and

WHEREAS, the California Building Standards Law (Health and Safety Code Section 18901 and following) mandates that local jurisdictions within the State apply the 2016 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 as specified by 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) 2016 Port of San Francisco Building Code, (2) 2016 Port of San Francisco Existing Building Code, (3) 2016 Port of San Francisco Mechanical Code, (4) 2016 Port of San Francisco Electrical Code, (5) 2016 Port of San Francisco Plumbing Code, and (6) 2016 Port of San Francisco Green Building Standards Code (collectively referred to as the "2016 Port of San Francisco Building Standards Code"), which incorporate the 2016 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 draft 2016 Port of San Francisco Building Standards Code, based on 2016 State Code, has been published and made available for public review and comment; and

WHEREAS, staff now recommends that the Port Commission adopt the (1) 2016 Port of San Francisco Building Code, (2) 2016 Port of San Francisco Existing Building Code, (3) 2016 Port of San Francisco Mechanical Code, (4) 2016 Port of San Francisco Electrical Code, (5) 2016 Port of San Francisco Plumbing Code, and (6) 2016 Port of San Francisco Green Building Standards Code; and now therefore be it

RESOLVED, that the Port Commission hereby finds that the Port's amendments to the 2016 State 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) 2016 Port of San Francisco Building Code, (2) 2016 Port of San Francisco Existing Building Code, (3) 2016 Port of San Francisco Mechanical Code, (4) 2016 Port of San Francisco Electrical Code, (5) 2016 Port of San Francisco Plumbing Code, and (6) 2016 Port of San Francisco Green Building Standards Code, which collectively incorporate by reference the 2016 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, the Port Commission authorizes and directs staff to file the new 2016 Port of San Francisco Building Standards Code, and local findings that support the Port's amendments to the 2016 State Code based on local climatic, geologic or topographical conditions, with the California Building Standards Commission no later than December 31, 2016; and be it further

RESOLVED, that the Port Commission hereby declares that upon such filing of the (1) 2016 Port of San Francisco Building Code, (2) 2016 Port of San Francisco Existing Building Code, (3) 2016 Port of San Francisco Mechanical Code, (4) 2016 Port of San Francisco Electrical Code, (5) 2016 Port of San Francisco Plumbing Code, and (6) 2016 Port of San Francisco Green Building Standards Code and local findings, these codes shall have an effective date of January 1, 2017, which shall supersede and repeal the (1) 2013 Port of San Francisco Building Code; (2) 2013 Port of San Francisco Mechanical Code; (3) 2013 Port of San Francisco Electrical Code; and (4) 2013 Port of San Francisco Plumbing Code; (5) 2013 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, 2016.

Secretary