

SECTION 3403 — ADDITIONS, ALTERATIONS OR REPAIRS

SECTION 3403 — ADDITIONS, ALTERATIONS OR REPAIRS

Section 3403.1.2. Add the following section:

3403.1.2 General. Buildings, structures and property to which additions, alterations or repairs are made shall comply with all the requirements of this code for new facilities, except as specifically provided in this section, in the San Francisco Housing Code and in other applicable ordinances and regulations. See Section 3403.1.3 for provisions requiring installation of smoke detectors in existing Group R, Division 3 Occupancies.

Section 3403.1.3. Add the following section:

3403.1.3 Additions, alterations or repairs to Group R Occupancies. When the valuation of an addition, alteration or repair to a Group R Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, smoke alarms shall be installed in accordance with Section 907.2.10.

EXCEPTION: Repairs to the exterior surfaces of a Group R Occupancy are exempt from the requirements of this section.

Section 3403.1.4. Add the following section:

3403.1.4 High-rise buildings. Any existing building or structure to which an addition is made which causes the building or structure to fall within the scope of Section 403 shall comply with the provisions of that section.

***NOTE : THE ABOVE SECTIONS ARE REPLACED BY THE
FOLLOWING SECTIONS :***

COMMENT 1:

**Name: David Leung-DBI
Date: February 9, 2010**

Comments/Findings:

SECTION 3401 — GENERAL

3403.1.2 3401.1.1 . Add the following section:

~~3403.1.2~~ 3401.1.1 General. Buildings, structures and property to which additions, alterations or repairs are made shall comply with all the requirements of this code for new facilities, except as specifically provided in this section, in the San Francisco Housing Code and in other applicable ordinances and regulations. See Section ~~3403.1.3~~ 3401.6 for provisions requiring installation of smoke detectors in existing Group R, Division 3 Occupancies.

Section ~~3403.1.3~~ 3401.6. Add the following section:

~~3403.1.3~~ 3401.6 Additions, alterations or repairs to Group R Occupancies. When the valuation of an addition, alteration or repair to a Group R Occupancy exceeds \$1,000 and a permit is required, or when one or more sleeping rooms are added or created in existing Group R Occupancies, smoke alarms shall be installed in accordance with Section ~~907.2.10~~ 907.2.11.

EXCEPTION: Repairs to the exterior surfaces of a Group R Occupancy are exempt from the requirements of this section.

SECTION 3403 — ADDITIONS

Section ~~3403.1.4~~ 3403.1.2. Add the following section:

~~3403.1.4~~ 3403.1.2 High-rise buildings. Any existing building or structure to which an addition is made which causes the building or structure to fall within the scope of Section 403 shall comply with the provisions of that section.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 2:

Name: CAC Structural Subcommittee

Date:

Comments/Findings:

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COMMENT 3:

Name: Code Advisory Committee
Date:

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SECTION 3403.2.3.1 — ADDITIONS TO EXISTING BUILDINGS

Section 3403.2.3.1.3. Add the following section:

3403.2.3.1.3 Horizontal additions. Horizontal additions shall meet the following requirements: [Amended 10-7-2003 by Ord. No. 245-03]

When the cumulative area of horizontal additions, excluding basement additions, exceeds 30 percent of the area of the original building or structure, excluding basements, and the additions are structurally interconnected to, or not separated to comply with Section 1604.3.7, the entire structure shall comply with Section 3403.5.

For the purpose of this section, the term "original building or structure" shall mean the building or structure as it existed on May 21, 1973. The combined building or structure may be used for more restrictive occupancy classifications as determined in Chapter 3 only when the structure as a whole meets the requirements in this code for such occupancy.

**NOTE : THE ABOVE SECTIONS ARE REPLACED BY THE
FOLLOWING SECTIONS :**

COMMENT 1:

**Name: David Leung-DBI
Date: February 9, 2010**

Comments/Findings:

3403 – ADDITIONS

Section 3403.2.3.1.3 3403.4.1.1. Add the following section:

3403.2.3.1.3 3403.4.1.1 Horizontal additions. Horizontal additions shall meet the following requirements: [Amended 10-7-2003 by Ord. No. 245-03]

When the cumulative area of horizontal additions, excluding basement additions, exceeds 30 percent of the area of the original building or structure, excluding basements, and the additions are structurally interconnected to, or not separated to comply with Section 1604.3.7, the entire structure shall comply with Section 3403.5
3401.7.

For the purpose of this section, the term "original building or structure" shall mean the building or structure as it existed on May 21, 1973. The combined building or structure may be used for more restrictive occupancy classifications as determined in Chapter 3 only when the structure as a whole meets the requirements in this code for such occupancy.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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Date:

Comments/Findings:

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SECTION 3403.2.3.2 — ALTERATIONS

Section 3403.2.3.2.1. Add the following new section:

3403.2.3.2.1 Alterations and repair. Alterations and repairs shall comply with the following:

Section 3403.2.3.2.2. Add the following new section:

3403.2.3.2.2 Substantial change. Whenever alteration work in a building or structure involves substantial changes to elements such as walls, partitions or ceilings, on 2/3 or more of the number of stories excluding basements, the building or structure as a whole shall comply with Section 3403.5. The term "substantial change" includes the addition, removal, repair or modification of such elements. All such work included in alteration permits issued within two years of the date of a permit application shall be included in the determination of whether the application is proposing substantial change to the building or structure.

Section 3403.2.3.2.3. Add the following new section:

3403.2.3.2.3 Structural alterations. When more than 30 percent, cumulative since May 21, 1973, of the floor and roof areas of the building or structure have been or are proposed to be involved in substantial structural alteration, the building or structure shall comply with Section 3403.5. The areas to be counted towards the 30 percent shall be those areas tributary to the vertical load carrying components (joists, beams, columns, walls and other structural components) that have been or will be removed, added or altered, as well as areas such as mezzanines, penthouses, roof structures and infilled courts and shafts.

EXCEPTIONS:

1. When such alterations involve only the lowest story of a wood frame building or structure and Section 3406 does not apply, only the lateral force resisting components in and below that story need comply with Section 3403.5, or
2. When such alterations involve the lowest story of a Type V building or structure of R3 occupancy and that floor's proposed use is as a garage, that level is exempt from Section 3403.2.3.2.3. Such alterations need not be counted as part of the cumulative total of tributary area of structural alterations.

Section 3403.2.3.2.4. Add the following new section:

3403.2.3.2.4 Repairs. Repairs to buildings or structures which have sustained structural damage shall comply with the minimum lateral force design requirements of Section 3403.5 or with the code under which the building or structure was designed,

whichever is more restrictive.

A building or structure shall be considered to have sustained structural damage when the vertical elements of the lateral force resisting system in any story, in any direction and taken as a whole, have suffered damage such that the capacity has been reduced by more than 20 percent from its predamaged condition. A structure shall also be considered to have sustained structural damage when the vertical load carrying components supporting more than 30 percent of the structure's floor or roof area have suffered a reduction in vertical load carrying capacity such that they are required to be either structurally repaired or replaced in order to comply with this code.

Damage may be caused by events or a combination of events, including, but not limited to, fire, explosion, structural pest or wood-destroying organism attack, earthquake, wind storm, vehicular impact, ground subsidence or failure, or the collapse or dislodgement of any portion of any adjacent building or structure. The removal or alteration of structural elements as part of the work described in an approved building permit application shall not be considered to be "damage."

**NOTE : THE ABOVE SECTIONS ARE REPLACED BY THE
FOLLOWING SECTIONS :**

COMMENT 1:

**Name: David Leung-DBI
Date: March 9, 2010**

Comments/Findings:

3404 – ALTERATIONS

Section ~~3403.2.3.2.1~~ 3404.4.1.1. Add the following new section:

~~3403.2.3.2.1~~ 3404.4.1.1 Alterations and repair. Alterations and repairs shall comply with the following:

Section ~~3403.2.3.2.2~~ 3404.4.1.2. Add the following new section:

~~3403.2.3.2.2~~ 3404.4.1.2 Substantial change. Whenever alteration work in a building or structure involves substantial changes to elements such as walls, partitions or ceilings, on 2/3 or more of the number of stories excluding basements, the building or structure as a whole shall comply with Section ~~3403.5~~ 3401.7. The term "substantial change" includes the addition, removal, repair or modification of such elements. All such work included in alteration permits issued within two years of the date of a permit application shall be included in the determination of whether the application is

proposing substantial change to the building or structure.

Section 3403.2.3.2.3 3404.4.1.3. Add the following new section:

3403.2.3.2.3 3404.4.1.3 Structural alterations. When more than 30 percent, cumulative since May 21, 1973, of the floor and roof areas of the building or structure have been or are proposed to be involved in substantial structural alteration, the building or structure shall comply with Section 3403.5 3401.7. The areas to be counted towards the 30 percent shall be those areas tributary to the vertical load carrying components (joists, beams, columns, walls and other structural components) that have been or will be removed, added or altered, as well as areas such as mezzanines, penthouses, roof structures and infilled courts and shafts.

EXCEPTIONS:

1. When such alterations involve only the lowest story of a wood frame building or structure and Section 3406 3408 does not apply, only the lateral force resisting components in and below that story need comply with Section 3403.5 3401.7, or
2. When such alterations involve the lowest story of a Type V building or structure of R3 occupancy and that floor's proposed use is as a garage, that level is exempt from Section 3403.2.3.2.3 3404.4.1.3. Such alterations need not be counted as part of the cumulative total of tributary area of structural alterations.

3405 – REPAIRS

Section 3403.2.3.2.4 3405.1.3. Add the following new section:

3403.2.3.2.4 3405.1.3. Repairs. Unless otherwise approved by the code official, all structural damage shall be repaired.

Repairs to buildings or structures which have sustained substantial structural damage shall comply with the minimum lateral force design requirements of Section 3403.5 3401.7 or with the code under which the building or structure was designed, whichever is more restrictive.

~~A building or structure shall be considered to have sustained structural damage when the vertical elements of the lateral force resisting system in any story, in any direction and taken as a whole, have suffered damage such that the capacity has been reduced by more than 20 percent from its predamaged condition. A structure shall also be considered to have sustained structural damage when the vertical load carrying components supporting more than 30 percent of the structure's floor or roof area have suffered a reduction in vertical load carrying capacity such that they are required to be either structurally repaired or replaced in order to comply with this code.~~

Damage may be caused by events or a combination of events, including, but not limited to, fire, explosion, structural pest or wood-destroying organism attack, earthquake, wind storm, vehicular impact, ground subsidence or failure, or the collapse or dislodgement of any portion of any adjacent building or structure. The removal or alteration of structural elements as part of the work described in an approved building permit application shall not be considered to be "damage."

Exception: This Section need not apply when the substantial structural damage is to gravity load-carrying components only and is due to a cause other than wind or earthquake.

[Notes from SEAONC: The changes above replace the current SFBC definition of "structural damage" with a definition of "substantial structural damage" from the 2009 IBC (Section 3402). The additional word "substantial" acknowledges the possibility of lesser damage that is nevertheless "structural." The recommended definition separates the two types of substantial structural damage for clarity. Type 1, regarding loss of lateral capacity, is essentially identical to the current SFBC. Type 2, regarding loss of gravity capacity, is slightly less conservative than the current SFBC to prevent triggering unintended structural upgrades based only on a change over time in live load requirements for new buildings.]

[Note: To carryover 2007 San Francisco Amendments to 2010.]

Recommend to be brought to the full CAC committee for further action.]

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COMMENT 2:

Name: CAC Structural Subcommittee
Date:

Comments/Findings:

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SECTION 3403.5 — LATERAL FORCE DESIGN REQUIREMENTS FOR EXISTING BUILDINGS

Section 3403.5. Add the following section:

3403.5 Lateral Force Design requirements for Existing Buildings. Whenever other provisions of this code require compliance with this section, the lateral force provisions of Section 1604.11 shall apply to the entire building or structure except as otherwise provided therein.

NOTE : THE ABOVE SECTION IS REPLACED BY THE FOLLOWING SECTION :

COMMENT 1:

Name: David Leung-DBI
Date: February 9, 2010

Comments/Findings:

SECTION 3401 — GENERAL

Section ~~3403.5~~ 3401.7. Add the following section:

~~3403.5~~ 3401.7 Lateral Force Design requirements for Existing Buildings. Whenever other provisions of this code require compliance with this section, the lateral force provisions of Section 1604.11 shall apply to the entire building or structure except as otherwise provided therein.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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SECTION 3403.6 — HOMELESS SHELTERS

3403.6. Add the following section:

3403.6 Homeless Shelters. Notwithstanding any other provision of this section, any addition, alteration, repair, installation, change or reconstruction of any building or structure, which is made in order to initiate, expand or continue a facility which, as approved by an authorized government agency, shelters otherwise homeless persons and which is operated by an organization exempt from federal income tax under Internal Revenue Code Sections 501(c)(3) or 501(d), shall meet only those requirements of this code which are determined by the Building Official, pursuant to rules and regulations adopted by the Building Official in accordance with Section 104A.1, after consultation with the Fire Department, to be necessary or appropriate to prevent a life hazard, or to prevent the building or structure from being or becoming substandard. With respect to minimum lateral force requirements, said bulletin shall not waive any requirement which can be satisfied by work eligible to receive financial assistance from the State of California. Any provisions waived by said bulletin shall be applied when homeless shelter use ceases and may be applied when homeless shelter use is reduced.

NOTE : THE ABOVE SECTION IS REPLACED BY THE FOLLOWING SECTION :

COMMENT 1:

**Name: David Leung-DBI
Date: February 9, 2010**

Comments/Findings:

SECTION 3401 — GENERAL

3403.6 3401.8. Add the following section:

3403.6 3401.8 Homeless Shelters. Notwithstanding any other provision of this section, any addition, alteration, repair, installation, change or reconstruction of any building or structure, which is made in order to initiate, expand or continue a facility which, as approved by an authorized government agency, shelters otherwise homeless persons and which is operated by an organization exempt from federal income tax under Internal Revenue Code Sections 501(c)(3) or 501(d), shall meet only those requirements of this code which are determined by the Building Official, pursuant to rules and regulations adopted by the Building Official in accordance with Section 104A.1, after consultation with the Fire Department, to be necessary or appropriate to prevent a life hazard, or to prevent the building or structure from being or becoming substandard. With respect to minimum lateral force requirements, said bulletin shall not waive any requirement which can be satisfied by work eligible to receive financial assistance from the State of

California. Any provisions waived by said bulletin shall be applied when homeless shelter use ceases and may be applied when homeless shelter use is reduced.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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COMMENT 2:

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Comments/Findings:

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SECTION 3406 — CHANGE OF OCCUPANCY

3406.4.1. Add the following section:

3406.4.1 Change of occupancy. In addition to the other requirements of this code, the term “comply with the requirements of this code for such division or group of occupancy,” as used in this section, shall also mean compliance with the lateral force provisions of Section 3403.5 when the change results in an increase of more than 10 percent in the occupant load of the entire building or structure, and which also increases the occupant load by more than 100 persons as compared to the occupant load of the existing legal use or the use for which the building was originally designed.

EXCEPTIONS:

1. When a change of occupancy or use involves only one story of a building or structure, only the lateral force resisting elements in that story and all lateral force resisting elements below need comply with Section 3403.5.

2. A change from a Group R, Division 3 to a Group R, Division 1 or Division 2 Occupancy caused by the construction of a third dwelling unit in the lowest story of a building or structure shall comply with Section 3403.5 as provided in Exception 1 above.

NOTE : THE ABOVE SECTION IS REPLACED BY THE FOLLOWING SECTION :

COMMENT 1:

**Name: David Leung-DBI
Date: February 9, 2010**

Comments/Findings:

SECTION 3408 — CHANGE OF OCCUPANCY

~~3406.4.1~~ 3408.4.1. Add the following section:

~~3406.4.1~~ 3408.4.1 **Change of occupancy.** In addition to the other requirements of this code, the term “comply with the requirements of this code for such division or group of occupancy,” as used in this section, shall also mean compliance with the lateral force provisions of Section 3403.5 3401.7 when the change results in an increase of more than 10 percent in the occupant load of the entire building or structure, and which also increases the occupant load by more than 100 persons as compared to the occupant load of the existing legal use or the use for which the building was originally designed.

EXCEPTIONS:

1. When a change of occupancy or use involves only one story of a building or structure, only the lateral force resisting elements in that story and all lateral force resisting elements below need comply with Section 3403.5 3401.7.

2. A change from a Group R, Division 3 to a Group R, Division 1 or Division 2 Occupancy caused by the construction of a third dwelling unit in the lowest story of a building or structure shall comply with Section 3403.5 3401.7 as provided in Exception 1 above.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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SECTION 3408 — MOVED BUILDINGS

SECTION 3408 — MOVED BUILDINGS

Section 3408.2. Add the following section:

3408.2 Removal of Debris. Immediately after the building is moved and before it is occupied at the new site, the permittee must remove all debris and all walls and footings above grade at the site from which it has been moved, except where such walls provide support to adjacent buildings, structures or property. All excavated areas must be filled in or protected by substantial fences not less than 5 feet (1524 mm) in height.

NOTE : THE ABOVE SECTION IS REPLACED BY THE FOLLOWING SECTION :

COMMENT 1:

Name: David Leung-DBI
Date: February 9, 2010

Comments/Findings:

SECTION 3410 — MOVED BUILDINGS

Section ~~3408.2~~ 3410.2. Add the following section:

~~3408.2~~ 3410.2 Removal of Debris. Immediately after the building is moved and before it is occupied at the new site, the permittee must remove all debris and all walls and footings above grade at the site from which it has been moved, except where such walls provide support to adjacent buildings, structures or property. All excavated areas must be filled in or protected by substantial fences not less than 5 feet (1524 mm) in height.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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following:				X
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SECTION 3412 [SFM] – EXISTING HIGH-RISE BUILDINGS

SECTION 3412.27 – Automatic Sprinkler System – Existing High-rise Buildings

3412.27. Replace this section with the following sections:

3412.27.1 General. Regardless of any other provisions of this code, every existing high-rise building as defined in Section 403.11.1 shall be provided with an approved automatic fire sprinkler system conforming to NFPA 13.

Existing high-rise buildings that are also qualified historical buildings as defined in California Health and Safety Code Section 18950 shall be provided with an approved automatic fire sprinkler system when and as required by the State Historical Building Code.

EXCEPTIONS:

1. An apartment house, condominium or other building used as a Group R, Division 2 Occupancy as defined in this code excluding tourist hotels as defined in Section 41.4(r) of the San Francisco Administrative Code.
2. A mixed-use occupancy building containing a Group R, Division 1 or Group R, Division 2 Occupancy.

3412.27.2 Additional. The following additional requirements shall also apply:

3412.27.2.1 Valves and devices. A sprinkler control valve and a waterflow detecting device shall be provided at the lateral connection to the riser for each floor.

3412.27.2.2 Signals. A separate and distinct supervisory signal shall be provided to indicate a condition that will impair the satisfactory operation of the sprinkler system. This shall include, but not be limited to, monitoring control valves, fire pump power supplies and pump running conditions. Such supervisory signals shall be annunciated at a constantly attended building security control center; when that location is not under constant supervision by qualified personnel, the signals shall be transmitted to a remote monitoring station in accordance with NFPA 72.

3412.27.2.3 Water supply. The minimum water supply requirement for the sprinkler shall be determined without regard to inside hose stream demand.

3412.27.2.4 Standpipe conversion. Existing standpipes may be converted to sprinkler risers, provided that they are hydrostatically tested for two hours at not less than 50 psi (345 Pa) in excess of the maximum pressure to be maintained in the system.

3412.27.2.5 Supports. Additional hangers, braces or other attachments for support of existing standpipes which have been converted in accordance with Section 3412.27.2.4 shall be provided if they are necessary to meet the requirements of NFPA 13. The installation of additional flexible fittings in such risers is not required.

3412.27.2.6 Pipe material. Any type pipe which has been listed by an approved testing agency for use in automatic sprinkler installations may be used when installed in accordance with its listing limitations.

3412.27.3 Permissible omissions. The following features required in new high-rise buildings are not required in systems installed under the provisions of this section:

1. Redundant fire pump;

2. Secondary on-site supply of water;
3. More than one fire department connection;
4. Connection of the system to two risers on each floor. Hydraulic calculations may consider all risers in service;
5. In a Group R, Division 1 or R-2 Occupancy building, sprinklers in bathrooms and closets.

See Section 903.3.1.1.1 for additional permissible sprinkler omissions.

3412.27.4 Effective date. The effective date of these requirements shall be January 01, 2008.

3412.27.5 Notification. Not later than 60 days following the effective date of this ordinance, the Building Official shall notify in writing by certified mail the owner of each building within the scope of this section. The notice shall contain a copy of this section, a commentary on it and a notice of intent form. The notice of intent shall be designed to elicit information regarding proposed water supply connections, pumps, risers and existing partial sprinkler systems. The notice of intent shall include a tentative schedule for phasing the installation of the complete sprinkler system.

3412.27.5.1 Deferred notice. If a building within the scope of this section is not discovered by the Building Official until after the deadline for notification, the building owner shall be notified within 30 days of such discovery.

Failure to receive notification does not exempt a building owner from compliance with this section.

3412.27.6 Authority of Building Official. The Building Official, in consultation with the San Francisco Fire Marshal, may approve modifications and alternate methods and materials when it is clearly evident that a reasonable degree of fire safety is provided. In such cases, the Building Official may:

1. Consider alternative protection based on nationally recognized standards, principles and tests, and generally recognized and well-established methods of fire protection;
2. Waive specific individual requirements if it can be shown that such requirements are not physically possible, require disproportionate effort or pose an undue hardship with little increase in life safety and that a practical alternate cannot be provided; and
3. Grant necessary extensions of time when it can be shown that the specific time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance may be approved by the Building Official based on the showing of good cause and on approval of an acceptable, systematic, progressive plan of correction.

3412.27.7 Appeal of high-rise sprinkler requirements. Application may be made to the Board of Examiners in accordance with Section 105A.1 for approval of alternate methods, materials or types of construction or for variances from the provisions of this section.

3412.27.8 Implementation. The requirements stated in Section 3412.27.2 shall be accomplished by the following steps. Failure to complete any step within the required time frame is a violation of this code, and the Building Official shall have the power to abate the building in accordance with Section 102A.

3412.27.8.1 Step 1. Notice of intent. The owner shall submit a properly completed Department-provided notice of intent to the Building Official not later than three years after the effective date of this requirement.

EXCEPTION: No notice of intent is required if an approved sprinkler system is completed prior to the deadline above.

3412.27.8.2 Step 2. Water supply. The owner shall install the system riser, including floor-control valves, and shall connect it to the approved automatic water supply not later than five years after the effective date of this ordinance. For purposes of this section, an automatic water supply shall consist of a connection to the public water works system and, if required by hydraulic analysis, installation of a fire pump.

3412.27.8.3 Step 3. Piping and sprinklers. The owner shall complete the sprinkler system, including required electrical monitoring, not later than 12 years after the effective date of this ordinance.

3412.27.8.4 Revise the following section:

3412.27.8.4 Installation. The installation of all fire alarm equipment shall be in accordance with the Electrical Code and the California Fire Code.

NOTE : THE ABOVE SECTION IS REPLACED BY THE FOLLOWING SECTION :

COMMENT 1:

**Name: David Leung-DBI
Date: February 9, 2010**

**Comments/Findings:
SECTION 3414– EXISTING HIGH-RISE BUILDINGS [SFM]**

SECTION 3412.27 ~~3414.27~~ — Automatic Sprinkler System – Existing High-rise Buildings

~~3412.27.1~~ ~~3414.27.1~~ . Replace this section with the following sections:

~~3412.27.1~~ ~~3414.27.1~~ General. Regardless of any other provisions of this code, every existing high-rise building as defined in Section 403.11.1 shall be provided with an approved automatic fire sprinkler system conforming to NFPA 13.

Existing high-rise buildings that are also qualified historical buildings as defined in California Health and Safety Code Section 18950 shall be provided with an approved automatic fire sprinkler system when and as required by the State Historical Building Code.

EXCEPTIONS:

- 1.** An apartment house, condominium or other building used as a Group R, Division 2 Occupancy as defined in this code excluding tourist hotels as defined in Section 41.4(r) of the San Francisco Administrative Code.
- 2.** A mixed-use occupancy building containing a Group R, Division 1 or Group R,

Division 2 Occupancy.

~~3412.27.2~~ 3414.27.2 Additional. The following additional requirements shall also apply:

~~3412.27.2.1~~ 3414.27.2.1 Valves and devices. A sprinkler control valve and a waterflow detecting device shall be provided at the lateral connection to the riser for each floor.

~~3412.27.2.2~~ 3414.27.2.2 Signals. A separate and distinct supervisory signal shall be provided to indicate a condition that will impair the satisfactory operation of the sprinkler system. This shall include, but not be limited to, monitoring control valves, fire pump power supplies and pump running conditions. Such supervisory signals shall be annunciated at a constantly attended building security control center; when that location is not under constant supervision by qualified personnel, the signals shall be transmitted to a remote monitoring station in accordance with NFPA 72.

~~3412.27.2.3~~ 3414.27.2.3 Water supply. The minimum water supply requirement for the sprinkler shall be determined without regard to inside hose stream demand.

~~3412.27.2.4~~ 3414.27.2.4 Standpipe conversion. Existing standpipes may be converted to sprinkler risers, provided that they are hydrostatically tested for two hours at not less than 50 psi (345 Pa) in excess of the maximum pressure to be maintained in the system.

~~3412.27.2.5~~ 3414.27.2.5 Supports. Additional hangers, braces or other attachments for support of existing standpipes which have been converted in accordance with Section **~~3412.27.2.4~~ 3414.27.2.4** shall be provided if they are necessary to meet the requirements of NFPA 13. The installation of additional flexible fittings in such risers is not required.

~~3412.27.2.1~~ 3414.27.2.1 Pipe material. Any type pipe which has been listed by an approved testing agency for use in automatic sprinkler installations may be used when installed in accordance with its listing limitations.

~~3412.27.3~~ 3414.27.3 Permissible omissions. The following features required in new high-rise buildings are not required in systems installed under the provisions of this section:

1. Redundant fire pump;
2. Secondary on-site supply of water;
3. More than one fire department connection;
4. Connection of the system to two risers on each floor. Hydraulic calculations may consider all risers in service;
5. In a Group R, Division 1 or R-2 Occupancy building, sprinklers in bathrooms and closets.

See Section 903.3.1.1.1 for additional permissible sprinkler omissions.

~~3412.27.4~~ 3414.27.4 Effective date. The effective date of these requirements shall be January 01, 2008.

~~3412.27.5~~ 3414.27.5 Notification. Not later than 60 days following the effective date of this ordinance, the Building Official shall notify in writing by certified mail the owner of each building within the scope of this section. The notice shall contain a copy of this section, a commentary on it and a notice of intent form. The notice of intent shall be designed to elicit information regarding proposed water supply connections, pumps, risers and existing partial

sprinkler systems. The notice of intent shall include a tentative schedule for phasing the installation of the complete sprinkler system.

~~3412.27.5.1~~ 3414.27.5.1 **Deferred notice.** If a building within the scope of this section is not discovered by the Building Official until after the deadline for notification, the building owner shall be notified within 30 days of such discovery.

Failure to receive notification does not exempt a building owner from compliance with this section.

~~3412.27.6~~ 3414.27.6 **Authority of Building Official.** The Building Official, in consultation with the San Francisco Fire Marshal, may approve modifications and alternate methods and materials when it is clearly evident that a reasonable degree of fire safety is provided. In such cases, the Building Official may:

1. Consider alternative protection based on nationally recognized standards, principles and tests, and generally recognized and well-established methods of fire protection;
2. Waive specific individual requirements if it can be shown that such requirements are not physically possible, require disproportionate effort or pose an undue hardship with little increase in life safety and that a practical alternate cannot be provided; and
3. Grant necessary extensions of time when it can be shown that the specific time periods are not physically practical or pose an undue hardship. The granting of an extension of time for compliance may be approved by the Building Official based on the showing of good cause and on approval of an acceptable, systematic, progressive plan of correction.

~~3412.27.7~~ 3414.27.7 **Appeal of high-rise sprinkler requirements.** Application may be made to the Board of Examiners in accordance with Section 105A.1 for approval of alternate methods, materials or types of construction or for variances from the provisions of this section.

~~3412.27.8~~ 3414.27.8 **Implementation.** The requirements stated in Section 3412.27.2 shall be accomplished by the following steps. Failure to complete any step within the required time frame is a violation of this code, and the Building Official shall have the power to abate the building in accordance with Section 102A.

~~3412.27.8.1~~ 3414.27.8.1 **Step 1. Notice of intent.** The owner shall submit a properly completed Department- provided notice of intent to the Building Official not later than three years after the effective date of this requirement.

EXCEPTION: No notice of intent is required if an approved sprinkler system is completed prior to the deadline above.

~~3412.27.8.2~~ 3414.27.8.2 **Step 2. Water supply.** The owner shall install the system riser, including floor-control valves, and shall connect it to the approved automatic water supply not later than five years after the effective date of this ordinance. For purposes of this section, an automatic water supply shall consist of a connection to the public water works system and, if required by hydraulic analysis, installation of a fire pump.

~~3412.27.8.3~~ 3414.27.8.3 **Step 3. Piping and sprinklers.** The owner shall complete the sprinkler system, including required electrical monitoring, not later than 12 years after the effective date of this ordinance.

~~3412.27.8.4~~ 3414.27.8.4 **Revise the following section:**

~~3412.27.8.4~~ 3414.27.8.4 **Installation.** The installation of all fire alarm equipment shall be in

accordance with the **Electrical Code** and the California Fire Code.
 [Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 2:
 Name: CAC Structural Subcommittee
 Date:

Comments/Findings:

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 3:
 Name: Code Advisory Committee
 Date:

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

SECTION 3422 — EXISTING BUILDINGS OR OTHER STRUCTURES LOCATED ON A MILITARY BASE SELECTED FOR CLOSURE

COMMENT 1:

Name: David Leung-DBI

Date: February 9, 2010

Comments/Findings:

Section 3422. Add the following section:

SECTION 3422 — EXISTING BUILDINGS OR OTHER STRUCTURES LOCATED ON A MILITARY BASE SELECTED FOR CLOSURE

3422.1 General. As authorized by California Health and Safety Code Section 18941.7, a building or other structure that is located on a military base selected for closure by action of the federal Defense Base Closure and Realignment Commission, including Naval Station Treasure Island (including Yerba Buena Island) and Hunters Point Naval Shipyard, may comply with the requirements of this code in a graduated manner over a period not to exceed three years, provided that:

1. The building or structure is in existence at the time the military base is selected for closure by action of the federal Defense Base Closure and Realignment Commission;
2. The building or structure will be safe for its intended use and occupancy;
3. The building or structure is under a lease from the federal government to either the City and County of San Francisco or the Redevelopment Agency of the City and County of San Francisco (the "Redevelopment Agency");
4. The building or structure will be subleased by the City and County of San Francisco or Redevelopment Agency to either a private party, to the City and County of San Francisco or to the Redevelopment Agency; and
5. The building or structure meets the code compliance inspection and graduated compliance plan requirements set forth below.

3422.2 Presubleasing Code Compliance Inspections. Before the City and County of San Francisco or the Redevelopment Agency enters into any sublease of a building or structure, the public entity proposing to enter into the sublease shall request the Building Official and the San Francisco Fire Marshal (the "Fire Marshal") to inspect, or cause to be inspected, the building or structure for compliance with applicable codes, in accordance with the provisions of this Section 3422. The Building Official and the Fire Marshal shall issue a written report containing their findings on the compliance of

the building or structure to the agency proposing to enter into the sublease. The Building Official and the Fire Marshal may, in their discretion, issue the compliance report jointly or separately.

3422.2.1 Applicable codes. The Building Official and the Fire Marshal shall evaluate the building or structure, including any alterations or changes in use if known, using the codes in effect at the time of original construction. If a determination of what codes were in effect at the time of original construction cannot be made, the Building Official and the Fire Marshal shall jointly determine which codes are appropriate for evaluation of the building or structure for the purposes herein.

3422.2.2 Notice to proposed subtenants. The Redevelopment Agency or the City and County of San Francisco agency proposing to enter into a sublease shall notify the proposed subtenant of the final compliance inspection reports for such building or structure by (a) attaching a copy of the final reports of the Building Official and Fire Marshal to the sublease; or (b) providing a copy of such reports to the subtenant and referencing such delivery in the sublease.

3422.3 Graduated Code Compliance Plan and Timetable.

3422.3.1 Buildings with no change in occupancy or use and no anticipated alterations.

3422.3.1.1 Complying building or structure. If, after performing the inspections required by Section 3406.2, the Building Official and the Fire Marshal concur that the building or structure complies with the applicable codes and will not be hazardous to life safety, fire safety, health or sanitation based on its intended use and occupancy, the Building Official, with the approval of the Fire Marshal, will issue a Certificate of Final Completion and Occupancy.

3422.3.1.2 Remedial work required. If, after performing the inspection required by Section 3406.2, the Building Official and the Fire Marshal determine that remedial work is required so that the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation, such work must be performed pursuant to building permits issued by the Department. All such remedial work shall either comply with current codes or be approved by the Building Official and the Fire Marshal as providing equivalent public safety. The Building Official, with the approval of the Fire Marshal, shall determine that the building or structure is safe for occupancy as evidenced by the issuance of a Temporary Certificate of Occupancy or a Certificate of Final Completion and Occupancy. Such issuance shall not be a precondition to the execution of leases or subleases.

3422.3.1.3 Graduated compliance plan. A graduated plan of compliance with the applicable codes may be approved upon the concurrence of the Building Official and the Fire Marshal, provided that:

1. The Building Official and the Fire Marshal have issued a written determination that, in their respective opinions, the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation. This determination may, in the discretion of the Building Official and the Fire Marshal, be issued jointly or separately;

2. The time for full compliance with the applicable codes does not exceed a period of three years from the date that the City and County of San Francisco or the Redevelopment Agency enters into a sublease;

3. All required remedial work either complies with current codes or is approved by the Building Official and the Fire Marshal as providing equivalent public safety; and

4. A Temporary Certificate of Occupancy is issued by the Building Official, with the approval of the Fire Marshal, setting forth the approved graduated compliance plan and a timetable for full compliance with the applicable codes. The compliance plan may be amended only with the joint approval of the Building Official and the Fire Marshal. In no event may the time allowed for full code compliance extend beyond the three-year period.

3422.3.2 Buildings with no change in occupancy or use but with planned alterations.

3422.3.2.1 Complying building or structure. If, after performing the inspection required by Section 3422.2, the Building Official and the Fire Marshal concur that the building or structure meets current requirements for the new occupancy and will not be hazardous to life safety, fire safety, health or sanitation based on its intended use and occupancy, the Building Official, with the approval of the Fire Marshal, shall cause a Certificate of Final Completion and Occupancy to be issued.

3422.3.2.2 Remedial work required. If, after performing the inspection required by Section 3406.2, the Building Official and the Fire Marshal determine that remedial work is required so that the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation, such work must be done in conjunction with any planned alterations. A Temporary Certificate of Occupancy or a Certificate of Final Completion and Occupancy shall be issued by the Building Official, with the approval of the Fire Marshal. Such issuance shall not be a precondition to the execution of leases or subleases.

3422.3.2.3 Graduated compliance plan. A graduated plan for compliance with the applicable codes may be approved with the concurrence of the Building Official and the Fire Marshal, provided that:

1. The Building Official and the Fire Marshal have issued a written determination that, in their respective opinions, the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation. This determination may, in the discretion of the Building Official and the Fire Marshal, be

issued jointly or separately;

2. The time for full compliance with the applicable codes does not exceed a period of three years from the date that the City and County of San Francisco or Redevelopment Agency enters into a sublease;

3. All new work either complies with current codes or is approved by the Building Official and the Fire Marshal as providing equivalent public safety; and

4. A Temporary Certificate of Occupancy setting forth the approved graduated compliance plan with a timetable for full compliance with the applicable codes is issued by the Building Official, with the approval of the Fire Marshal. The compliance plan and timetable may be amended only with the joint approval of the Building Official and the Fire Marshal. In no event may the time allowed for full code compliance extend beyond the three-year period.

3422.3.3 Building with a change in occupancy or use but no anticipated alterations.

3422.3.3.1 Complying building or structure. If, after performing the inspection required by Section 3406.2, the Building Official and the Fire Marshal concur that the building or structure meets current requirements for the new occupancy and will not be hazardous to life safety, fire safety, health or sanitation based on its intended use and occupancy, the Building Official, with the approval of the Fire Marshal, shall cause a Certificate of Final Completion and Occupancy to be issued.

3422.3.3.2 Remedial work required. If, after performing the inspection required by Section 3406.2, the Building Official and the Fire Marshal determine that remedial work is required so that the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation, such work must be performed pursuant to building permits issued by the Department. All remedial work shall either comply with current codes or be approved by the Building Official and the Fire Marshal as providing equivalent public safety. The building or structure may not be occupied until the Building Official, with the approval of the Fire Marshal, has caused the issuance of a Certificate of Final Completion and Occupancy.

3422.3.3.3 Graduated compliance plan. A graduated plan of compliance with the applicable codes may be approved with the concurrence of the Building Official and the Fire Marshal, provided that:

1. The Building Official and the Fire Marshal have issued a written determination that, in their respective opinions, the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation. This determination may, in the discretion of the Building Official and the Fire Marshal, be issued jointly or separately;

2. The time for full compliance with the applicable codes does not exceed a

period of three years from the date that the City and County of San Francisco or the Redevelopment Agency enters into a lease;

3. All required remedial work either complies with current codes or is approved by the Building Official and the Fire Marshal as providing equivalent public safety; and

4. A Temporary Certificate of Occupancy is issued by the Building Official, with the approval of the Fire Marshal, setting forth the approved graduated compliance plan and a timetable for full compliance with the applicable codes. The compliance plan and timetable may be amended only with the joint approval of the Building Official and the Fire Marshal. In no event may the time allowed for full code compliance extend beyond the three-year period.

3422.3.4 Buildings with a change in occupancy or use and with planned alterations.

3422.3.4.1 Complying building or structure. If, after performing the inspection required by Section 3422.2, the Building Official and the Fire Marshal concur that the building or structure meets current requirements for the new occupancy and will not be hazardous to life safety, fire safety, health or sanitation based on its intended use and occupancy, the Building Official shall cause, with the approval of the Fire Marshal, the issuance of a Certificate of Final Completion and Occupancy upon completion and approval of the planned alteration work.

3422.3.4.2 Remedial work required. If, after performing the inspection required by Section 3422.2, the Building Official and the Fire Marshal concur that remedial work is required so that the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation, that work must be done in conjunction with any planned alterations. The building or structure must meet current code requirements for the new occupancy. All remedial work must either comply with current codes or be approved by the Building Official and the Fire Marshal as providing equivalent public safety. The building or structure may not be occupied until the Building Official, with the approval of the Fire Marshal, has caused a Certificate of Final Completion and Occupancy to be issued.

3422.3.4.3 Graduated compliance plan. A graduated plan of compliance with the applicable codes may be approved with the concurrence of the Building Official and the Fire Marshal, provided that:

1. The Building Official and the Fire Marshal have issued a written determination that, in their respective opinions, the intended use and occupancy of the building or structure will not be hazardous to life safety, fire safety, health or sanitation. This determination may be issued jointly or separately, in the discretion of the Building Official and the Fire Marshal;

2. The time for full compliance with the applicable codes does not exceed a period of three years from the date that the City and County of San Francisco or the

Redevelopment Agency enters into a sublease;

3. All new work either complies with current codes or is approved by the Building Official and the Fire Marshal as providing equivalent public safety; and

4. A Temporary Certificate of Occupancy is issued by the Building Official, with the approval of the Fire Marshal, setting forth the approved graduated compliance plan and a timetable for full compliance with the applicable codes. The compliance plan and timetable may be amended only with the joint approval of the Building Official and the Fire Marshal. In no event may the time allowed for full code compliance extend beyond the three-year period.

3422.4 Enforcement.

3422.4.1 Notices of violation and orders to abate. The Department and the Fire Department shall provide to the Redevelopment Agency or City and County of San Francisco agency that has entered into a sublease a copy of any notice of violation or order to abate served upon a subtenant. The manner of service shall be as otherwise required by law.

3422.4.2 Revocation of certificate of final completion and occupancy. In the event that the Building Official or Fire Marshal issues an order to abate code violations and the order is not complied with during the time provided therein, the Building Official may, in writing, revoke the Certificate of Final Completion and Occupancy.

3422.5 Fees. The Department and the Fire Department may charge the Redevelopment Agency or other appropriate City and County of San Francisco agencies fees for actual time and materials expended in responding to requests for inspection and performing other tasks associated with the graduated compliance plan program. Fees for permits and other services shall be as set forth in the San Francisco Building Code and San Francisco Fire Code.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 2:

Name: CAC Structural Subcommittee
Date:

Comments/Findings:

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 3:

Name: Code Advisory Committee
Date:

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			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

SECTION 3423 — WORK PRACTICES FOR LEAD-BASED PAINT ON PRE-1979 BUILDINGS AND STEEL STRUCTURES

COMMENT 1:

Name: David Leung-DBI
Date: February 9, 2010

Comments/Findings:

Section 3423. Add the following new section:

SECTION 3423 — WORK PRACTICES FOR LEAD-BASED PAINT ON PRE-1979 BUILDINGS AND STEEL STRUCTURES

[Amended 10-7-2003 by Ord. No. 245-03; 5-25-2004 by Ord. No. 98-04; 2-1-2005 by Ord. No. 31-05]

3423.1 General. Any buildings, structures, and properties on which the original construction was completed on or before December 31, 1978, or any steel structures to which lead-based paint disturbance or removal, including surface preparation, additions, alterations, repairs, or demolitions are made, shall comply with the requirements of this section.

3423.1.1 Purpose, intent and scope.

3423.1.1.1 Purpose. The purpose of this section is to ensure that any person undertaking activities that result in the disturbance or removal of interior or exterior lead-based paint on pre-1979 buildings, structures and properties and on steel structures uses work practices that minimize or eliminate the risk of lead contamination of the environment.

3423.1.1.2 Intent. The intent of this section is to encourage safe work practices for activities resulting in the disturbance or removal of lead-based paint while providing a reasonable level of health and safety for the occupants and the public at large.

3423.1.1.3 Scope.

3423.1.1.3.1 Interior. The requirements of this section apply to any activity resulting in the disturbance or removal of lead-based paint in the interior of pre-1979 buildings, structures and properties or portions thereof with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3. The requirements of this section with regard to the interior of a facility shall include, but are not limited to, residential-based family child-care facilities licensed by the State of California.

3423.1.1.3.2 Exterior. The requirements of this section apply to any activity resulting in the disturbance or removal of lead-based paint on the exterior of any pre-1979 buildings, structures and properties and any steel structures.

3423.2 Definitions. Except as otherwise specified herein, the terms used in this section shall have the same meanings as those set forth in Chapter 2 of this code.

ACCREDITED LABORATORY means a laboratory that operates within the EPA National Lead Laboratory Accreditation Program.

ADJACENT PROPERTIES means properties that adjoin the regulated area, including but not limited to properties next to and at the corners of lot lines.

CERTIFIED LEAD INSPECTOR/ASSESSOR means any person licensed or certified by the California Department of Health Services (DHS), as authorized by the United States Environmental Protection Agency (EPA), in accordance with 40 CFR Part 745, subparts L or Q, to perform risk assessment and/or lead-based paint inspection.

CLEARANCE INSPECTION means an on-site limited investigation using visual observation and sampling techniques performed by an independent certified lead inspector/assessor to verify the absence of lead-based paint hazards, as specified in Title 17, California Code of Regulations, Division 1, Chapter 8: Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards. Any analytical testing of sample(s) collected during such inspection shall be performed by an accredited laboratory.

COMMON AREA means any interior part of a multi-unit residential building that is accessible to all occupants, including but not limited to: corridor, hallways, lobbies, laundry rooms, storage areas, stairways, porches and interior play areas.

CONTAINMENT AND BARRIER SYSTEMS refers to various measures that prevent the migration of work debris beyond the regulated area, and usually includes the use of disposable polyethylene plastic sheeting that is at least 6 mils thick (or two layers each 3 mils thick) to protect the ground, floor or other interior surfaces, and to seal off windows, doors and ventilation openings.

CONTRACTOR means any person, whether or not in possession of a valid State contractor's license, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does, by himself or herself or by or through others, any action that may or will disturb or remove lead-based paint. For purpose of this section, "contractor" shall also include subcontractors.

DISTURB OR REMOVE LEAD-BASED PAINT means any action that creates friction, pressure, heat or a chemical reaction upon any lead-based paint on an interior or exterior surface so as to abrade, loosen, penetrate, cut through or eliminate

paint from that surface. This term shall include all demolition and surface preparation activities that are performed upon any surface containing lead-based paint.

EXTERIOR means the outside of a building or steel structure and the areas around it within the boundaries of the property, including without limitations the outside of any detached structures, including but not limited to outside and common walls, stairways, fences, light wells, breezeways, sheds, and garages.

HEPA means a high efficiency particulate air filter.

INTERIOR means the inside of a building, including but not limited to the inside of any detached structures, interior common walls, common areas, and overhangs (projections).

LEAD means metallic lead and all inorganic compounds of lead.

LEAD-BASED PAINT or LEAD PAINT means (1) any paint, varnish, shellac, or other coating on surfaces with lead in excess of 1.0 mg/cm² (milligram per square centimeter) as measured by x-ray fluorescence (XRF) detector or laboratory analysis or in excess of 0.5 percent by weight, also expressed as 5,000 ppm (parts per million), 5,000 mg/g (micrograms per gram), or 5,000 mg/kg (milligrams per kilogram) as measured by laboratory analysis; or (2) any paint, varnish, shellac, or other coating found in the interior or on the exterior of pre-1979 buildings, structures, or properties or on the exterior of any steel structures, unless such paint, varnish, shellac or other coating is shown, by a lead-based paint testing, that it does not have the characteristics specified in (1).

LEAD-BASED PAINT TESTING means testing of surfaces, by laboratory analysis of bulk sample or measurement using x-ray fluorescence detector, to determine the presence of lead-based paint performed by an independent certified lead inspector/assessor. Where laboratory analysis is used as a method of testing bulk paint samples, the laboratory shall be an accredited laboratory.

PERSON shall have the same meaning as that defined in Chapter 2 of this code and shall also include any department, agency, or commission of the City and County of San Francisco, and State or federal agencies and departments to the extent allowable by law.

PRE-1979 BUILDING means any building whose original construction was completed on or before December 31, 1978.

PROHIBITED PRACTICES means any work practice that disturbs or removes lead-based paint using any of the following methods: (1) open flame burning or torching; (2) heat guns without containment and barrier systems, or operating above 1,100 degrees Fahrenheit (611.1 degrees Celsius) or causing the charring of paint; (3) hydroblasting or high-pressure washing without containment and barrier systems;

(4) dry manual sanding or scraping, or machine sanding or grinding, or abrasive blasting or sandblasting without containment and barrier systems or a HEPA vacuum local exhaust tool.

REGULATED AREA means an area in the interior of any pre-1979 buildings, structures or properties with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3; or on the exterior of any pre-1979 buildings or any steel structures, in which work is being performed that disturbs or removes lead-based paint, and to which access is restricted in order to prevent migration of work debris. "Regulated area" shall also include any area contaminated with work debris as a result of a breach or lack of containment and barrier system, which constitutes a violation of the requirement set forth in Section 3423.4.2.

RESPONSIBLE PARTY means either (1) the owner of the property where the owner or the owner's employees or persons otherwise under the control of the owner are performing the activities regulated under this section; or (2) the owner and the contractor where the owner has entered into a contract with another to carry out the activities regulated under this section.

STEEL STRUCTURE means any structure that is not a building and which has exterior surfaces made of steel or other metal, such as bridges, billboards, walkways, water towers, steel tanks and roadway or railway overpasses.

WORK DEBRIS means any debris, including without limitations paint chips and dust, resulting from any activity that disturbs or removes lead-based paint.

REGULATED AREA means an area in the interior of any pre-1979 buildings, structures or properties with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3; or on the exterior of any pre-1979 buildings or any steel structures, in which work is being performed that disturbs or removes lead-based paint, and to which access is restricted in order to prevent migration of work debris. "Regulated area" shall also include any area.³ General Prohibitions.

No person shall disturb or remove lead-based paint through the use of prohibited practices, or in any other way that generates work debris during demolition or work on the interior of Occupancy Group E for Day Care and Group R, Divisions 1 and 3 or exterior of any pre-1979 buildings or any steel structure except in accordance with the requirements of this section.

For purposes of this section, all paint on the exterior of any pre-1979 building or any steel structure shall be presumed to be lead-based paint. Any person seeking to rebut this presumption shall establish through lead-based paint testing, or other means satisfactory to the Director, that the paint on the building or steel structure in question is not lead-based paint. Exemption: Work that disturbs or removes lead-based paint from the interior of an owner-occupied pre-1979 dwelling unit shall be

exempted from the requirements for demolition or work on the interior of Occupancy Group R, Divisions 1 and 3, provided that such unit is not a licensed childcare facility. Notwithstanding this exemption, the responsible parties shall take all reasonable measures to prevent the migration of work debris from the interior of the owner-occupied dwelling unit to the outside of such unit which includes, without limitations, any interior common areas and the exterior of the building, during the course of any work that disturbs or removes lead-based paint.

3423.4 Performance Standards.

3423.4.1 Restrict access. Any person performing work subject to this section shall restrict access by third parties to the regulated area, except as authorized by this section or until the regulated area is cleaned in accordance with Section 3423.4.4. This subsection shall not apply to regulated areas that are required for access or egress during the course of the work, such as common areas, and where no alternative exists for access or egress, in which case dust generation and migration shall be controlled through the use of HEPA-attached tools or other feasible containment and barrier systems that allow for access or egress.

3423.4.2 Containment and barrier systems. Any person performing work subject to this section shall establish containment and barrier systems that contains the work debris within the regulated area.

3423.4.2.1 Protect ground. Any person performing exterior work subject to this section shall, to the maximum extent possible, protect the ground from contamination by work debris by laying 6 mil plastic (or two layers each 3 mil thick) on the ground extending at least 10 feet (3048 mm) from the work surface when possible.

3423.4.2.2 Protect floor and furnishings. Any person performing interior work subject to this section shall protect with the use of 6 mil plastic (or two layers each 3 mil thick) any floors and other interior horizontal surfaces, carpets, rugs, drapes, curtains, blinds, shades and furniture in the regulated areas from work debris when it is impracticable to remove such items from the regulated areas during the course of the work.

3423.4.3 Prevent migration. Any person performing work subject to this section shall make all reasonable efforts to prevent the migration of work debris beyond the established containment and barrier systems during the course of the work. Such efforts may include, but are not limited to, providing secure 6 mil plastic (or two layers each 3 mil thick) protective covering, bagging, shrouding, and/or other safe containment and barrier systems to prevent the migration of work debris; covering and sealing any windows, vent openings and doors in the regulated area to prevent migration; and instituting measures to prevent the tracking of dust from the regulated areas.

3423.4.4 Clean up standards. At the completion of any work that disturbs or removes

lead-based paint or when access to the regulated areas are required by State law or local ordinance during the course of such work, the responsible party shall:

3423.4.4.1 For interior work, make all efforts to remove all visible work debris from the regulated areas. Such efforts shall include but are not limited to wet clean with detergent any exposed interior horizontal hard surfaces in the regulated areas and HEPA vacuum the regulated areas.

3423.4.4.2 For exterior work, make all efforts to remove all visible work debris from the regulated areas.

3423.5 Notification Requirements.

3423.5.1 Notification to the Director. Except as otherwise authorized by this section, prior to the commencement of exterior work subject to this section, the owner or contractor shall provide written notice to the Director, either in person, by U.S. mail or by fax, of the following:

3423.5.1.1 The address and location of the project;

3423.5.1.2 The scope of work, including the specific location of the work to be performed;

3423.5.1.3 The methods and tools for paint disturbance and/or removal;

3423.5.1.4 The approximate age of the building or steel structure;

3423.5.1.5 The anticipated job start and completion dates for work subject to this section;

3423.5.1.6 Whether the building is residential or nonresidential, and whether it is owner-occupied or rental property;

3423.5.1.7 The dates by which the responsible party has or will fulfill any residential occupant or adjacent property notification requirements as described in Sections 3423.5.4, 3423.5.5 and 3423.5.6 below; and

3423.5.1.8 The name, address, telephone number and, if available, pager number of the party who will perform the specified work.

3423.5.1.9 The Director shall make available to the public a form containing blank spaces for the information required by Sections 3423.5.1.1 to 3423.5.1.8, inclusive.

3423.5.1.10 In lieu of the submission of the form set forth in Section 3407.5.1.9, the owner or contractor may submit the Lead Work Pre-Job Notification form required by the California Division of Occupational Health and Safety pursuant to Section 1532.1

of Title 8 of the California Code of Regulations.

3423.5.2 De minimis exemption. Any person performing exterior work that disturbs or removes less than 100 square feet or 100 linear feet of lead-based paint in total shall be exempted from the requirements of Section 3407.5.1.

3423.5.3 Sunset. Unless extended by the Board of Supervisors, the requirements of Section 3407.5.1 shall terminate two years from this effective date of this subparagraph.

3423.5.4 Post sign. Not later than the commencement of work subject to this section, the owner or, where the owner has entered into a contract with a contractor to perform work subject to this section, the contractor shall post signs in a location or locations clearly visible at the access points to interior regulated areas, such as at the entrances of the affected residential unit(s) or common areas, and in the case of exterior work, shall post signs in a location or locations clearly visible to adjacent properties stating the following:

LEAD WORK IN PROGRESS
PUBLIC ACCESS TO REGULATED AREA
PROHIBITED
POSTED IN ACCORDANCE WITH
SF BUILDING CODE SECTION 3407.5.4

3423.5.5 Requirements for sign. The sign required by Section 3407.5.4 shall be not less than 24 inches (609.6 mm) square and shall be in large boldface capital letters no less than ½ inch (12.7 mm) in size. The Director shall make available to the public a sign that complies with these requirements and states the required information in English, Chinese and Spanish. The sign required by this section shall remain in place until the work subject to this section has been completed. Where it is not possible to post signs in a conspicuous location or locations clearly visible at the access points to interior regulated areas, such as at the entrances of the affected residential unit(s) or common areas, and in the case of exterior work, in a location or locations clearly visible to the adjacent properties, the owner or, where the owner has entered into a contract with a contractor to perform work subject to this section, the contractor shall provide the notice in written form, such as a letter or memorandum, to the occupants of adjacent properties.

3423.5.6 Notice to residential occupants. Except as may be otherwise inconsistent with state law, where work subject to the requirements of this section is to be performed on a residential property or structure regulated by this section and occupied by one or more residential occupants, not less than three business days before work subject to this section is to commence, the owner shall provide the following information:

3423.5.6.1 The notice shall be in the form of a sign, letter or memorandum and shall

prominently state the following:

Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow State and local laws regulating work with lead-based paint. You may obtain information regarding State laws by calling the California Department of Health Services. You may obtain information regarding local laws, or report any suspected violations of these requirements, by calling the San Francisco Department of Building Inspection. In addition, you may obtain information regarding your rights as a tenant under the San Francisco Administrative Code, by calling the San Francisco Rent Stabilization Board. Finally, the owner of this property is required to provide residential occupants with a copy of the U.S. Environmental Protection Agency pamphlet titled "Protect Your Family From Lead-Based Paint in Your Home," unless the owner has previously provided this pamphlet to residential occupants.

The Director shall make available to the public a form that states the required information in English, Chinese and Spanish.

3423.5.7 Early commencement of work. An owner may commence, or may authorize a contractor to commence, work subject to this section less than three business days after providing notices required in Sections 3407.5.6 above when the owner determines that such work must be commenced immediately in order to correct life-safety hazards.

3423.5.8 Early commencement of work requested by residential occupant. Upon written request of residential occupant, an owner may commence, or authorize a contractor to commence, work subject to this section less than three business days after providing notices required in Section 3407.5.6.

3423.6 Inspection and Sampling.

3423.6.1 Authority to inspect. The Director is authorized to inspect the interior or exterior of any building or steel structure upon which work subject to the requirements of this section is being performed for the purpose of determining whether the work is being carried out in accordance with the requirements of this section. This inspection authority shall be exercised in accordance with Section 104.4 of this code.

3423.6.2 Response to complaint. Upon receiving a complaint, the Director shall (1) review the complaint; (2) determine whether a valid notification form has been filed with the Director for the property in compliance with the requirements of Section 3407.5.1; and (3) where deemed necessary by the Director, conduct an inspection at the job site within two business days to determine the validity of the complaint.

3423.6.3 Evaluation of complaint. When determining the validity of a complaint, if the Director is not able to observe the actual performance of any work practices constituting violations of Sections 3407.3, 3407.4 and/or 3407.5, the Director shall

investigate and consider the following:

3423.6.3.1 The containment and barrier systems, work measures and work tools being used by the responsible party;

3423.6.3.2 The color(s) of paint being disturbed or removed by the responsible party;

3423.6.3.3 The color(s), quantities, nature and locations of work debris;

3423.6.3.4 The color(s), locations and conditions of paint on buildings or steel structures adjacent to the regulated area, including without limitations adjacent properties, to determine if such paint could be a source of the work debris;

3423.6.3.5 Any work being performed on adjacent properties which could be a source of the work debris; and

3423.6.3.6 A record of clearance inspection of the regulated area performed after the completion of the work regulated under this section or records of any lead-based paint testing performed for the regulated area, if available; and

3423.6.3.7 Any other relevant evidence that the Director determines in the exercise of his or her discretion would help to determine whether a violation of this section has occurred.

3423.6.4 Authority of Director. The Director or the Director of the Department of Public Health may also collect paint, dust and soil samples from the property where the work is being performed and from adjacent properties in order to determine the validity of a complaint. The Director shall have the authority to order a clearance inspection of the regulated area if he or she determines that there has been a violation of the requirements of Section 3423.3 or 3423.4.

3423.7 Enforcement. In addition to the enforcement authorities granted to the Director by Chapter 1 of this code, whenever the Director determines that a violation of the provisions of this section has occurred, the Director may assess an administrative penalty against the responsible parties pursuant to Section 3423.8. The notice of penalty shall be served on the party against whom the penalty is being assessed. The notice of penalty shall be final and shall be adopted by the Director as a Director's Order if the responsible party fails to appeal the notice of penalty as provided for in Subsection 3423.8.

3423.8 Penalties.

3423.8.1 In addition to any other penalties authorized by law, the Director may impose administrative penalties for violations of this section. Such penalty shall not exceed \$500 per violation per day. In addition to the administrative penalties assessed pursuant to this section, the Director may assess additional fees to cover

the reasonable costs incurred in enforcing the administrative penalties. Penalties and fees assessed shall continue to accrue against the responsible party or parties until the violation of this section is abated or otherwise remedied in the judgment of the Director. Each day in which the violation continues unabated constitutes a separate and distinct violation.

3423.8.1.1 Use of penalty. Any administrative penalty and fee received by the Treasurer of the City and County of San Francisco shall be placed in the Building Inspection Fund and used to offset the Department's costs in connection with the administration and enforcement of this section.

3423.8.2 Appeal penalty. A responsible party may appeal the imposition of the administrative penalty by requesting, in writing, a Director's hearing. Such appeal shall be made within 15 business days from the issuance of the notice of penalty and shall specify grounds for appealing the imposition of the administrative penalty. Upon a timely request for a Director's hearing, the Director shall conduct an administrative hearing in accordance with Section 3423.9.

3423.8.2.1 Alternative penalty. The Director, in his or her discretion, may allow a responsible party found to be in violation of this section to attend a training course approved by the State of California Department of Health Services in lead-related construction supervision and project monitoring in lieu of paying an administrative penalty pursuant to Section 3423.8.1 in which case the penalty is stayed until such time that the responsible party provides proof of satisfactory completion of the course. The Director shall require proof of attendance and satisfactory completion of the course, including certification from the instructor or provider of the course before dismissing the penalty assessed against the person. Failure to provide such proof when requested by the Director shall result in the reinstatement of the assessed penalty against the responsible party.

3423.8.2.1.1 Applicability. The alternative penalty set forth in Section 3423.8.2.1 shall only be available to persons who have not previously completed such a training course and who have not been previously found by the Director to be in violation of this section.

3423.9 Administrative Enforcement Procedures.

3423.9.1 Action by the Director. If the responsible parties failed to comply with the notice of violation, Stop Work Order and/or notice of penalty issued pursuant to this code, the Director may:

3423.9.1.1 Refer the matter for a hearing in accordance to the provision of this subsection; or

3423.9.1.2 Issue another notice of violation, Stop Work Order, and/or notice of penalty, if appropriate; or

3423.9.1.3 In the case where the responsible party is a contractor, file a complaint with the State Contractor Licensing Board.

3423.9.2 Notice of hearing. Notice of any hearing conducted under this section shall be given in accordance with Chapter 1 of this code.

3423.9.3 Hearing. Any hearing held pursuant to this section shall be conducted in accordance with Chapter 1 of this code.

3423.9.4 Decision. Except as otherwise provided for in this subsection, any decision issued pursuant to this subsection shall be issued in accordance with Chapter 1 of this code.

3423.9.4.1 Where the order imposes administrative penalties, the order shall apprise the responsible parties of their rights to seek judicial review in the Superior Court of San Francisco pursuant to Section 1094.6 of the California Code of Civil Procedure.

3423.9.5 Posting and service of order. The Director's order shall be posted and served in accordance with Chapter 1 of this code.

3423.9.6 Appeal of order. Any person may appeal the nonmonetary portion of the Director's order issued pursuant to Section 3407.9.4, provided that such appeal is in writing and filed with the Abatement Appeals Board pursuant to Chapter 1 of this code. Upon the determination of the Clerk of the Abatement Appeals Board that all requirements to make an appeal have been met, the monetary portion of the Director's order shall be stayed pending the appeal.

3423.9.6.1 A responsible party against whom administrative penalties are imposed may seek judicial review of the monetary portion of the order by filing a writ of mandate with the Superior Court of San Francisco pursuant to Section 1094.6 of the California Code of Civil Procedure.

3423.9.7 Referral to the City Attorney's Office. If the responsible parties fail to comply with a final and nonappealable order, the Director may refer the order to the City Attorney's Office for civil prosecution. In any action brought by the City Attorney's Office to enforce a final and nonappealable order, the responsible party shall be liable for all costs and fees including, but are not limited, to attorneys fees incurred by the City.

3423.10 Miscellaneous.

3423.10.1 Method of service. Unless otherwise specified, any notices and orders issued pursuant to this section shall be served in accordance with Chapter 1 of this

code.

3423.10.2 Proof of service. The person serving the notice or order as provided herein shall file an affidavit or declaration thereof under the penalty of perjury, certifying the time and manner in which such notice was given. Such person shall also file therewith any receipt card of such notice or order if service was performed by certified mail.

3423.11 Remedies and Enforcement by City Officials.

3423.11.1 No obligation by City. In undertaking the enforcement of this section, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

3423.11.2 Discretionary duty. Subject to the limitations of due process, notwithstanding any other provision of this section, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the City, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

3423.12 Severability. If any section, paragraph, sentence, clause or phrase of this section is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this section. The Board of Supervisors declares that it would have passed each section, paragraph, sentence, clause or phrase of this section irrespective of the fact that any portion of this section could be declared unconstitutional, invalid or ineffective.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 2:

Name: CAC Structural Subcommittee
Date:

Comments/Findings:

Place an X in one of the following:

Retain as is:

Update as noted:

Revise:

Delete:

X

Place an X in one of the following:

More Restrictive:

Less Restrictive:

Neither more nor less:

X

COMMENT 3:

Name: Code Advisory Committee
Date:

Place an X in one of the following:

Retain as is:

Update as noted:

Revise:

Delete:

X

Place an X in one of the following:

More Restrictive:

Less Restrictive:

Neither more nor less:

X

SECTION 3423 — WORK PRACTICES FOR LEAD-BASED PAINT ON PRE-1979 BUILDINGS AND STEEL STRUCTURES

COMMENT 1:

Name: David Leung-DBI
Date: February 9, 2010

Comments/Findings:

Section 3423. Add the following new section:

SECTION 3423 — WORK PRACTICES FOR LEAD-BASED PAINT ON PRE-1979 BUILDINGS AND STEEL STRUCTURES

[Amended 10-7-2003 by Ord. No. 245-03; 5-25-2004 by Ord. No. 98-04; 2-1-2005 by Ord. No. 31-05]

3423.1 General. Any buildings, structures, and properties on which the original construction was completed on or before December 31, 1978, or any steel structures to which lead-based paint disturbance or removal, including surface preparation, additions, alterations, repairs, or demolitions are made, shall comply with the requirements of this section.

3423.1.1 Purpose, intent and scope.

3423.1.1.1 Purpose. The purpose of this section is to ensure that any person undertaking activities that result in the disturbance or removal of interior or exterior lead-based paint on pre-1979 buildings, structures and properties and on steel structures uses work practices that minimize or eliminate the risk of lead contamination of the environment.

3423.1.1.2 Intent. The intent of this section is to encourage safe work practices for activities resulting in the disturbance or removal of lead-based paint while providing a reasonable level of health and safety for the occupants and the public at large.

3423.1.1.3 Scope.

3423.1.1.3.1 Interior. The requirements of this section apply to any activity resulting in the disturbance or removal of lead-based paint in the interior of pre-1979 buildings, structures and properties or portions thereof with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3. The requirements of this section with regard to the interior of a facility shall include, but are not limited to, residential-based family child-care facilities licensed by the State of California.

3423.1.1.3.2 Exterior. The requirements of this section apply to any activity resulting in the disturbance or removal of lead-based paint on the exterior of any pre-1979 buildings, structures and properties and any steel structures.

3423.2 Definitions. Except as otherwise specified herein, the terms used in this section shall have the same meanings as those set forth in Chapter 2 of this code.

ACCREDITED LABORATORY means a laboratory that operates within the EPA National Lead Laboratory Accreditation Program.

ADJACENT PROPERTIES means properties that adjoin the regulated area, including but not limited to properties next to and at the corners of lot lines.

CERTIFIED LEAD INSPECTOR/ASSESSOR means any person licensed or certified by the California Department of Health Services (DHS), as authorized by the United States Environmental Protection Agency (EPA), in accordance with 40 CFR Part 745, subparts L or Q, to perform risk assessment and/or lead-based paint inspection.

CLEARANCE INSPECTION means an on-site limited investigation using visual observation and sampling techniques performed by an independent certified lead inspector/assessor to verify the absence of lead-based paint hazards, as specified in Title 17, California Code of Regulations, Division 1, Chapter 8: Accreditation, Certification and Work Practices for Lead-Based Paint and Lead Hazards. Any analytical testing of sample(s) collected during such inspection shall be performed by an accredited laboratory.

COMMON AREA means any interior part of a multi-unit residential building that is accessible to all occupants, including but not limited to: corridor, hallways, lobbies, laundry rooms, storage areas, stairways, porches and interior play areas.

CONTAINMENT AND BARRIER SYSTEMS refers to various measures that prevent the migration of work debris beyond the regulated area, and usually includes the use of disposable polyethylene plastic sheeting that is at least 6 mils thick (or two layers each 3 mils thick) to protect the ground, floor or other interior surfaces, and to seal off windows, doors and ventilation openings.

CONTRACTOR means any person, whether or not in possession of a valid State contractor's license, who undertakes to or offers to undertake to or purports to have the capacity to undertake to or submits a bid to, or does, by himself or herself or by or through others, any action that may or will disturb or remove lead-based paint. For purpose of this section, "contractor" shall also include subcontractors.

DISTURB OR REMOVE LEAD-BASED PAINT means any action that creates friction, pressure, heat or a chemical reaction upon any lead-based paint on an interior or exterior surface so as to abrade, loosen, penetrate, cut through or eliminate

paint from that surface. This term shall include all demolition and surface preparation activities that are performed upon any surface containing lead-based paint.

EXTERIOR means the outside of a building or steel structure and the areas around it within the boundaries of the property, including without limitations the outside of any detached structures, including but not limited to outside and common walls, stairways, fences, light wells, breezeways, sheds, and garages.

HEPA means a high efficiency particulate air filter.

INTERIOR means the inside of a building, including but not limited to the inside of any detached structures, interior common walls, common areas, and overhangs (projections).

LEAD means metallic lead and all inorganic compounds of lead.

LEAD-BASED PAINT or LEAD PAINT means (1) any paint, varnish, shellac, or other coating on surfaces with lead in excess of 1.0 mg/cm² (milligram per square centimeter) as measured by x-ray fluorescence (XRF) detector or laboratory analysis or in excess of 0.5 percent by weight, also expressed as 5,000 ppm (parts per million), 5,000 mg/g (micrograms per gram), or 5,000 mg/kg (milligrams per kilogram) as measured by laboratory analysis; or (2) any paint, varnish, shellac, or other coating found in the interior or on the exterior of pre-1979 buildings, structures, or properties or on the exterior of any steel structures, unless such paint, varnish, shellac or other coating is shown, by a lead-based paint testing, that it does not have the characteristics specified in (1).

LEAD-BASED PAINT TESTING means testing of surfaces, by laboratory analysis of bulk sample or measurement using x-ray fluorescence detector, to determine the presence of lead-based paint performed by an independent certified lead inspector/assessor. Where laboratory analysis is used as a method of testing bulk paint samples, the laboratory shall be an accredited laboratory.

PERSON shall have the same meaning as that defined in Chapter 2 of this code and shall also include any department, agency, or commission of the City and County of San Francisco, and State or federal agencies and departments to the extent allowable by law.

PRE-1979 BUILDING means any building whose original construction was completed on or before December 31, 1978.

PROHIBITED PRACTICES means any work practice that disturbs or removes lead-based paint using any of the following methods: (1) open flame burning or torching; (2) heat guns without containment and barrier systems, or operating above 1,100 degrees Fahrenheit (611.1 degrees Celsius) or causing the charring of paint; (3) hydroblasting or high-pressure washing without containment and barrier systems;

(4) dry manual sanding or scraping, or machine sanding or grinding, or abrasive blasting or sandblasting without containment and barrier systems or a HEPA vacuum local exhaust tool.

REGULATED AREA means an area in the interior of any pre-1979 buildings, structures or properties with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3; or on the exterior of any pre-1979 buildings or any steel structures, in which work is being performed that disturbs or removes lead-based paint, and to which access is restricted in order to prevent migration of work debris. "Regulated area" shall also include any area contaminated with work debris as a result of a breach or lack of containment and barrier system, which constitutes a violation of the requirement set forth in Section 3423.4.2.

RESPONSIBLE PARTY means either (1) the owner of the property where the owner or the owner's employees or persons otherwise under the control of the owner are performing the activities regulated under this section; or (2) the owner and the contractor where the owner has entered into a contract with another to carry out the activities regulated under this section.

STEEL STRUCTURE means any structure that is not a building and which has exterior surfaces made of steel or other metal, such as bridges, billboards, walkways, water towers, steel tanks and roadway or railway overpasses.

WORK DEBRIS means any debris, including without limitations paint chips and dust, resulting from any activity that disturbs or removes lead-based paint.

REGULATED AREA means an area in the interior of any pre-1979 buildings, structures or properties with one of the following occupancy classifications: Group E for Day Care and Group R, Divisions 1 and 3; or on the exterior of any pre-1979 buildings or any steel structures, in which work is being performed that disturbs or removes lead-based paint, and to which access is restricted in order to prevent migration of work debris. "Regulated area" shall also include any area.³ General Prohibitions.

No person shall disturb or remove lead-based paint through the use of prohibited practices, or in any other way that generates work debris during demolition or work on the interior of Occupancy Group E for Day Care and Group R, Divisions 1 and 3 or exterior of any pre-1979 buildings or any steel structure except in accordance with the requirements of this section.

For purposes of this section, all paint on the exterior of any pre-1979 building or any steel structure shall be presumed to be lead-based paint. Any person seeking to rebut this presumption shall establish through lead-based paint testing, or other means satisfactory to the Director, that the paint on the building or steel structure in question is not lead-based paint. Exemption: Work that disturbs or removes lead-based paint from the interior of an owner-occupied pre-1979 dwelling unit shall be

exempted from the requirements for demolition or work on the interior of Occupancy Group R, Divisions 1 and 3, provided that such unit is not a licensed childcare facility. Notwithstanding this exemption, the responsible parties shall take all reasonable measures to prevent the migration of work debris from the interior of the owner-occupied dwelling unit to the outside of such unit which includes, without limitations, any interior common areas and the exterior of the building, during the course of any work that disturbs or removes lead-based paint.

3423.4 Performance Standards.

3423.4.1 Restrict access. Any person performing work subject to this section shall restrict access by third parties to the regulated area, except as authorized by this section or until the regulated area is cleaned in accordance with Section 3423.4.4. This subsection shall not apply to regulated areas that are required for access or egress during the course of the work, such as common areas, and where no alternative exists for access or egress, in which case dust generation and migration shall be controlled through the use of HEPA-attached tools or other feasible containment and barrier systems that allow for access or egress.

3423.4.2 Containment and barrier systems. Any person performing work subject to this section shall establish containment and barrier systems that contains the work debris within the regulated area.

3423.4.2.1 Protect ground. Any person performing exterior work subject to this section shall, to the maximum extent possible, protect the ground from contamination by work debris by laying 6 mil plastic (or two layers each 3 mil thick) on the ground extending at least 10 feet (3048 mm) from the work surface when possible.

3423.4.2.2 Protect floor and furnishings. Any person performing interior work subject to this section shall protect with the use of 6 mil plastic (or two layers each 3 mil thick) any floors and other interior horizontal surfaces, carpets, rugs, drapes, curtains, blinds, shades and furniture in the regulated areas from work debris when it is impracticable to remove such items from the regulated areas during the course of the work.

3423.4.3 Prevent migration. Any person performing work subject to this section shall make all reasonable efforts to prevent the migration of work debris beyond the established containment and barrier systems during the course of the work. Such efforts may include, but are not limited to, providing secure 6 mil plastic (or two layers each 3 mil thick) protective covering, bagging, shrouding, and/or other safe containment and barrier systems to prevent the migration of work debris; covering and sealing any windows, vent openings and doors in the regulated area to prevent migration; and instituting measures to prevent the tracking of dust from the regulated areas.

3423.4.4 Clean up standards. At the completion of any work that disturbs or removes

lead-based paint or when access to the regulated areas are required by State law or local ordinance during the course of such work, the responsible party shall:

3423.4.4.1 For interior work, make all efforts to remove all visible work debris from the regulated areas. Such efforts shall include but are not limited to wet clean with detergent any exposed interior horizontal hard surfaces in the regulated areas and HEPA vacuum the regulated areas.

3423.4.4.2 For exterior work, make all efforts to remove all visible work debris from the regulated areas.

3423.5 Notification Requirements.

3423.5.1 Notification to the Director. Except as otherwise authorized by this section, prior to the commencement of exterior work subject to this section, the owner or contractor shall provide written notice to the Director, either in person, by U.S. mail or by fax, of the following:

3423.5.1.1 The address and location of the project;

3423.5.1.2 The scope of work, including the specific location of the work to be performed;

3423.5.1.3 The methods and tools for paint disturbance and/or removal;

3423.5.1.4 The approximate age of the building or steel structure;

3423.5.1.5 The anticipated job start and completion dates for work subject to this section;

3423.5.1.6 Whether the building is residential or nonresidential, and whether it is owner-occupied or rental property;

3423.5.1.7 The dates by which the responsible party has or will fulfill any residential occupant or adjacent property notification requirements as described in Sections 3423.5.4, 3423.5.5 and 3423.5.6 below; and

3423.5.1.8 The name, address, telephone number and, if available, pager number of the party who will perform the specified work.

3423.5.1.9 The Director shall make available to the public a form containing blank spaces for the information required by Sections 3423.5.1.1 to 3423.5.1.8, inclusive.

3423.5.1.10 In lieu of the submission of the form set forth in Section 3407.5.1.9, the owner or contractor may submit the Lead Work Pre-Job Notification form required by the California Division of Occupational Health and Safety pursuant to Section 1532.1

of Title 8 of the California Code of Regulations.

3423.5.2 De minimis exemption. Any person performing exterior work that disturbs or removes less than 100 square feet or 100 linear feet of lead-based paint in total shall be exempted from the requirements of Section 3407.5.1.

3423.5.3 Sunset. Unless extended by the Board of Supervisors, the requirements of Section 3407.5.1 shall terminate two years from this effective date of this subparagraph.

3423.5.4 Post sign. Not later than the commencement of work subject to this section, the owner or, where the owner has entered into a contract with a contractor to perform work subject to this section, the contractor shall post signs in a location or locations clearly visible at the access points to interior regulated areas, such as at the entrances of the affected residential unit(s) or common areas, and in the case of exterior work, shall post signs in a location or locations clearly visible to adjacent properties stating the following:

LEAD WORK IN PROGRESS
PUBLIC ACCESS TO REGULATED AREA
PROHIBITED
POSTED IN ACCORDANCE WITH
SF BUILDING CODE SECTION 3407.5.4

3423.5.5 Requirements for sign. The sign required by Section 3407.5.4 shall be not less than 24 inches (609.6 mm) square and shall be in large boldface capital letters no less than ½ inch (12.7 mm) in size. The Director shall make available to the public a sign that complies with these requirements and states the required information in English, Chinese and Spanish. The sign required by this section shall remain in place until the work subject to this section has been completed. Where it is not possible to post signs in a conspicuous location or locations clearly visible at the access points to interior regulated areas, such as at the entrances of the affected residential unit(s) or common areas, and in the case of exterior work, in a location or locations clearly visible to the adjacent properties, the owner or, where the owner has entered into a contract with a contractor to perform work subject to this section, the contractor shall provide the notice in written form, such as a letter or memorandum, to the occupants of adjacent properties.

3423.5.6 Notice to residential occupants. Except as may be otherwise inconsistent with state law, where work subject to the requirements of this section is to be performed on a residential property or structure regulated by this section and occupied by one or more residential occupants, not less than three business days before work subject to this section is to commence, the owner shall provide the following information:

3423.5.6.1 The notice shall be in the form of a sign, letter or memorandum and shall

prominently state the following:

Work is scheduled to be performed beginning [date] on this property that may disturb or remove lead-based paint. The persons performing this work are required to follow State and local laws regulating work with lead-based paint. You may obtain information regarding State laws by calling the California Department of Health Services. You may obtain information regarding local laws, or report any suspected violations of these requirements, by calling the San Francisco Department of Building Inspection. In addition, you may obtain information regarding your rights as a tenant under the San Francisco Administrative Code, by calling the San Francisco Rent Stabilization Board. Finally, the owner of this property is required to provide residential occupants with a copy of the U.S. Environmental Protection Agency pamphlet titled "Protect Your Family From Lead-Based Paint in Your Home," unless the owner has previously provided this pamphlet to residential occupants.

The Director shall make available to the public a form that states the required information in English, Chinese and Spanish.

3423.5.7 Early commencement of work. An owner may commence, or may authorize a contractor to commence, work subject to this section less than three business days after providing notices required in Sections 3407.5.6 above when the owner determines that such work must be commenced immediately in order to correct life-safety hazards.

3423.5.8 Early commencement of work requested by residential occupant. Upon written request of residential occupant, an owner may commence, or authorize a contractor to commence, work subject to this section less than three business days after providing notices required in Section 3407.5.6.

3423.6 Inspection and Sampling.

3423.6.1 Authority to inspect. The Director is authorized to inspect the interior or exterior of any building or steel structure upon which work subject to the requirements of this section is being performed for the purpose of determining whether the work is being carried out in accordance with the requirements of this section. This inspection authority shall be exercised in accordance with Section 104.4 of this code.

3423.6.2 Response to complaint. Upon receiving a complaint, the Director shall (1) review the complaint; (2) determine whether a valid notification form has been filed with the Director for the property in compliance with the requirements of Section 3407.5.1; and (3) where deemed necessary by the Director, conduct an inspection at the job site within two business days to determine the validity of the complaint.

3423.6.3 Evaluation of complaint. When determining the validity of a complaint, if the Director is not able to observe the actual performance of any work practices constituting violations of Sections 3407.3, 3407.4 and/or 3407.5, the Director shall

investigate and consider the following:

3423.6.3.1 The containment and barrier systems, work measures and work tools being used by the responsible party;

3423.6.3.2 The color(s) of paint being disturbed or removed by the responsible party;

3423.6.3.3 The color(s), quantities, nature and locations of work debris;

3423.6.3.4 The color(s), locations and conditions of paint on buildings or steel structures adjacent to the regulated area, including without limitations adjacent properties, to determine if such paint could be a source of the work debris;

3423.6.3.5 Any work being performed on adjacent properties which could be a source of the work debris; and

3423.6.3.6 A record of clearance inspection of the regulated area performed after the completion of the work regulated under this section or records of any lead-based paint testing performed for the regulated area, if available; and

3423.6.3.7 Any other relevant evidence that the Director determines in the exercise of his or her discretion would help to determine whether a violation of this section has occurred.

3423.6.4 Authority of Director. The Director or the Director of the Department of Public Health may also collect paint, dust and soil samples from the property where the work is being performed and from adjacent properties in order to determine the validity of a complaint. The Director shall have the authority to order a clearance inspection of the regulated area if he or she determines that there has been a violation of the requirements of Section 3423.3 or 3423.4.

3423.7 Enforcement. In addition to the enforcement authorities granted to the Director by Chapter 1 of this code, whenever the Director determines that a violation of the provisions of this section has occurred, the Director may assess an administrative penalty against the responsible parties pursuant to Section 3423.8. The notice of penalty shall be served on the party against whom the penalty is being assessed. The notice of penalty shall be final and shall be adopted by the Director as a Director's Order if the responsible party fails to appeal the notice of penalty as provided for in Subsection 3423.8.

3423.8 Penalties.

3423.8.1 In addition to any other penalties authorized by law, the Director may impose administrative penalties for violations of this section. Such penalty shall not exceed \$500 per violation per day. In addition to the administrative penalties assessed pursuant to this section, the Director may assess additional fees to cover

the reasonable costs incurred in enforcing the administrative penalties. Penalties and fees assessed shall continue to accrue against the responsible party or parties until the violation of this section is abated or otherwise remedied in the judgment of the Director. Each day in which the violation continues unabated constitutes a separate and distinct violation.

3423.8.1.1 Use of penalty. Any administrative penalty and fee received by the Treasurer of the City and County of San Francisco shall be placed in the Building Inspection Fund and used to offset the Department's costs in connection with the administration and enforcement of this section.

3423.8.2 Appeal penalty. A responsible party may appeal the imposition of the administrative penalty by requesting, in writing, a Director's hearing. Such appeal shall be made within 15 business days from the issuance of the notice of penalty and shall specify grounds for appealing the imposition of the administrative penalty. Upon a timely request for a Director's hearing, the Director shall conduct an administrative hearing in accordance with Section 3423.9.

3423.8.2.1 Alternative penalty. The Director, in his or her discretion, may allow a responsible party found to be in violation of this section to attend a training course approved by the State of California Department of Health Services in lead-related construction supervision and project monitoring in lieu of paying an administrative penalty pursuant to Section 3423.8.1 in which case the penalty is stayed until such time that the responsible party provides proof of satisfactory completion of the course. The Director shall require proof of attendance and satisfactory completion of the course, including certification from the instructor or provider of the course before dismissing the penalty assessed against the person. Failure to provide such proof when requested by the Director shall result in the reinstatement of the assessed penalty against the responsible party.

3423.8.2.1.1 Applicability. The alternative penalty set forth in Section 3423.8.2.1 shall only be available to persons who have not previously completed such a training course and who have not been previously found by the Director to be in violation of this section.

3423.9 Administrative Enforcement Procedures.

3423.9.1 Action by the Director. If the responsible parties failed to comply with the notice of violation, Stop Work Order and/or notice of penalty issued pursuant to this code, the Director may:

3423.9.1.1 Refer the matter for a hearing in accordance to the provision of this subsection; or

3423.9.1.2 Issue another notice of violation, Stop Work Order, and/or notice of penalty, if appropriate; or

3423.9.1.3 In the case where the responsible party is a contractor, file a complaint with the State Contractor Licensing Board.

3423.9.2 Notice of hearing. Notice of any hearing conducted under this section shall be given in accordance with Chapter 1 of this code.

3423.9.3 Hearing. Any hearing held pursuant to this section shall be conducted in accordance with Chapter 1 of this code.

3423.9.4 Decision. Except as otherwise provided for in this subsection, any decision issued pursuant to this subsection shall be issued in accordance with Chapter 1 of this code.

3423.9.4.1 Where the order imposes administrative penalties, the order shall apprise the responsible parties of their rights to seek judicial review in the Superior Court of San Francisco pursuant to Section 1094.6 of the California Code of Civil Procedure.

3423.9.5 Posting and service of order. The Director's order shall be posted and served in accordance with Chapter 1 of this code.

3423.9.6 Appeal of order. Any person may appeal the nonmonetary portion of the Director's order issued pursuant to Section 3407.9.4, provided that such appeal is in writing and filed with the Abatement Appeals Board pursuant to Chapter 1 of this code. Upon the determination of the Clerk of the Abatement Appeals Board that all requirements to make an appeal have been met, the monetary portion of the Director's order shall be stayed pending the appeal.

3423.9.6.1 A responsible party against whom administrative penalties are imposed may seek judicial review of the monetary portion of the order by filing a writ of mandate with the Superior Court of San Francisco pursuant to Section 1094.6 of the California Code of Civil Procedure.

3423.9.7 Referral to the City Attorney's Office. If the responsible parties fail to comply with a final and nonappealable order, the Director may refer the order to the City Attorney's Office for civil prosecution. In any action brought by the City Attorney's Office to enforce a final and nonappealable order, the responsible party shall be liable for all costs and fees including, but are not limited, to attorneys fees incurred by the City.

3423.10 Miscellaneous.

3423.10.1 Method of service. Unless otherwise specified, any notices and orders issued pursuant to this section shall be served in accordance with Chapter 1 of this

code.

3423.10.2 Proof of service. The person serving the notice or order as provided herein shall file an affidavit or declaration thereof under the penalty of perjury, certifying the time and manner in which such notice was given. Such person shall also file therewith any receipt card of such notice or order if service was performed by certified mail.

3423.11 Remedies and Enforcement by City Officials.

3423.11.1 No obligation by City. In undertaking the enforcement of this section, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

3423.11.2 Discretionary duty. Subject to the limitations of due process, notwithstanding any other provision of this section, whenever the words "shall" or "must" are used in establishing a responsibility or duty of the City, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

3423.12 Severability. If any section, paragraph, sentence, clause or phrase of this section is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this section. The Board of Supervisors declares that it would have passed each section, paragraph, sentence, clause or phrase of this section irrespective of the fact that any portion of this section could be declared unconstitutional, invalid or ineffective.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
			X	
Place an X in one of the following:	More Restrictive:	Less Restrictive:	Neither more nor less:	
			X	

COMMENT 2:

Name: CAC Structural Subcommittee
 Date:

Comments/Findings:

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
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COMMENT 3:

Name: Code Advisory Committee
 Date:

Place an X in one of the following:	Retain as is:	Update as noted:	Revise:	Delete:
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SECTION 3424 — ASBESTOS INFORMATION AND NOTICE

COMMENT 1:

Name: David Leung-DBI
Date: February 9, 2010

Comments/Findings:

Section 3424. Add the following section:

SECTION 3424 — ASBESTOS INFORMATION AND NOTICE

3424.1 Definitions. For the purpose of this chapter the following definitions shall apply:

ASBESTOS means naturally occurring fibrous hydrated mineral silicates, chrysotile, crocidolite, amosite, fibrous tremolite, fibrous anthophyllite and fibrous actinolite.

ASBESTOS-CONTAINING CON-STRUCTION MATERIAL means any manufactured construction material, including structural, mechanical and building material, which contains more than one percent asbestos by weight.

ASBESTOS-RELATED WORK means any activity which by disturbing asbestos-containing construction materials may release asbestos fibers into the air and which is not related to its manufacture, the mining or excavation of asbestos-bearing ore or materials, or the installation or repair of automotive materials containing asbestos.

MISCELLANEOUS MATERIAL means interior building material on structural components, structural members or fixtures, such as floor and ceiling tiles, and does not include surfacing material or thermal system insulation.

NONRESIDENTIAL BUILDING means any building as defined in this code except:

1. A building which is used exclusively as a single-dwelling unit or multiple-dwelling units and is not occupied as a mixed residential-commercial use;
2. A building owned or operated by the state or federal government and exempt from the building permit requirements under Section 105.2;
3. A school building as defined in 15 U.S.C. 2642.

SURFACING MATERIAL means material in a building that is sprayed-on, troweled-on or otherwise applied to surfaces, such as acoustical plaster on ceilings and fireproofing materials on structural members or other materials on surfaces for

acoustical, fireproofing or other purposes.

THERMAL SYSTEM INSULATION means material in a building applied to pipes, fittings, boilers, breeching, tanks, ducts or other interior structural components to prevent heat loss or gain, or water condensation, or for other purposes.

TRANSFER OF TITLE means the conveyance of title to real property by one or more persons as a result of sale or exchange, and including the execution of a real property sales contract as defined in Section 2985 of the California Civil Code and any change in ownership described in subdivisions (c) and (h) of Section 61 and subdivision (c) of Section 64 of the California Revenue and Taxation Code, with the following exceptions:

1. Transfers pursuant to court order, including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers pursuant to a writ of execution, transfers by a trustee in bankruptcy, transfers by eminent domain or transfers resulting from a decree for specific performance;
2. Transfers to a mortgage by a mortgagor in default, transfers to a beneficiary of a deed of trust by a trustor in default, transfers by any foreclosure sale after default in an obligation secured by a mortgage, or transfer by a sale under a power of sale after a default in an obligation secured by a deed of trust or secured by any other instrument containing a power of sale;
3. Transfers by a fiduciary in the course of the administration of a guardianship, conservatorship or trust;
4. Transfers from one co-owner to one or more co-owners;
5. Transfers made to a spouse, or to a person or persons in the linear line of consanguinity of one or more of the transferors;
6. Transfers between spouses resulting from a decree of dissolution of a marriage or a decree of legal separation or from a property settlement agreement incidental to such decrees;
7. Transfers by the State Controller in the course of administering the Unclaimed Property Law, Chapter 7 (commencing with Section 1500) of Title 10 of Part 3 of the Code of Civil Procedure;
8. Transfers under the provisions of Chapter 7 (commencing with Section 3691) and Chapter 8 (commencing with Section 3771) of Part 6 of Division 1 of the Revenue and Taxation Code;
9. Transfers resulting by operation of law;

10. Transfers by which title to real property is reconveyed pursuant to a deed of trust.

3424.2 Asbestos Information Notice.

3424.2.1 Nonresidential disclosure. The seller of any nonresidential building, except a nonresidential building for which a building permit to erect the structure was filed with the Department on or after January 1, 1979, shall disclose to the buyer, prior to transfer of title, what efforts, if any, the seller has made to determine if the building contains asbestos-containing construction materials and provide relevant documentation of these efforts.

3424.2.2 Knowledge of seller. The seller of any nonresidential building, except a nonresidential building for which a building permit to erect the structure was filed with the Department on or after January 1, 1979, who knows that the nonresidential building contains asbestos-containing construction materials, shall provide notice to the buyer prior to transfer of title of the following:

1. The existence of, conclusions from and a description or list of the contents of any survey conducted to determine the existence and location of asbestos-containing construction materials within the nonresidential building. The seller shall provide copies of any documentation of the final survey results, including any documentation of the inspector's, laboratory's or consultant's asbestos inspection qualifications and state certification.
2. Locations within the nonresidential building identified by the survey or known to the seller where asbestos-containing construction materials in the form of surfacing material, thermal system insulation or miscellaneous material are present.
3. Any final operation and management plans prepared for the seller by consultants, agents or employees of the seller identifying procedures or handling restrictions to minimize or prevent disturbance, release or exposure to the asbestos-containing construction material.
4. Results of any bulk sample analysis or air monitoring conducted for or by the seller or within the seller's control, including reference to sampling and laboratory procedures utilized, and copies of the laboratory reports, monitoring data and sampling procedures.
5. Information in a final survey or other document prepared for the seller by consultants, agents or employees of the seller that (a) assesses the condition of asbestos-containing construction material in the form of surfacing material, thermal system insulation or miscellaneous material; or (b) evaluates the potential for

exposure to building occupants.

3424.3 Asbestos-Related Work Sign Posting and Affidavits. In addition to any other requirements for notice set forth in this code, any person filing an application for a building permit to perform work in an apartment house or a residential hotel [as defined in Section 41.4(p) of the San Francisco Administrative Code], which work includes asbestos-related work as defined in this code, shall comply with the following requirements:

3424.3.1 Sign posting. Prior to commencement and for the duration of any asbestos-related work, post a sign readable at 20 feet (6.096 m) at each noncontiguous location where any asbestos-related work is performed in the apartment house or residential hotel, or in any appurtenant buildings thereto and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities, stating "Danger - Asbestos. Cancer and Lung Hazard. Keep Out." Notwithstanding this requirement, if an owner or contractor of the owner subject to the requirements of California Labor Code Sections 6501.5 et seq., and regulations promulgated pursuant there-to, is in compliance with the requirements for posting locations of asbestos-related work, such owner or contractor shall be deemed to have complied with this requirement.

3424.3.2 Time of posting. Unless the requirement for plans and specifications is waived by the Director of the Department pursuant to Section 106.1, provide a notice at least 72 hours prior to commencement of any asbestos-related work to the residential tenants in the building. The notice shall advise the residential tenants of the nature of the asbestos-related work to be performed, the date and time the work is scheduled to commence, the specific location or locations in the building where the work will occur, the name and address of the person or firm performing the work and the name and telephone number of a person to contact on site if the residential tenant has questions or concerns. The notice shall be provided in one of the following ways: [Amended 10-7-2003 by Ord. No. 245-03]

1. At least 72 hours prior to commencement and for the duration of any asbestos-related work, post a notice containing the required information in a conspicuous common area of the apartment house or residential hotel measuring 15 inches by 15 inches (381 mm x 381 mm); or
2. Mail, by first-class registered mail, a notice containing the required information to each person who rents or leases residential space in the apartment house or residential hotel, postmarked at least five days plus 72 hours prior to commencement of any asbestos-related work; or
3. Personally deliver a notice containing the required information to each person who rents or leases residential space in the apartment house or residential hotel, at least 72 hours prior to commencement of the asbestos-related work.

3424.3.2.1 Affidavits. The applicant shall thereafter submit an affidavit signed under

penalty of perjury stating that the notice has been posted in the building or mailed or personally delivered to each person who rents or leases residential space in the building. See Chapter 1 Fee Table for Affidavit Record Maintenance, for fee to defray the cost of maintaining records of said affidavits. If there is reason to believe that the notice was not posted, mailed or personally delivered as required, the Director shall investigate the matter, shall provide the applicant an opportunity to respond to any complaint of noncompliance, shall determine whether the requirements of this section have been substantially met and shall revoke the permit if it is determined they have not been substantially met.

3424.3.3 Apartment house and residential hotel exclusions. Notwithstanding the definitions of apartment house or residential hotel [as defined in Section 41.4(p) of the San Francisco Administrative Code], those terms shall not include:

1. Any "school building" as defined in 15 U.S.C. Section 2642 as that section read on January 1, 1989;
2. Any "building" as defined in California Health and Safety Code Section 25920, as that section read on September 27, 1989; or
3. The residential area of any multi-use building where the asbestos-related work is to occur solely in a commercial area, the commercial and residential areas of the building do not share supply air or return air handling systems, and the commercial area does not contain facilities supplied in connection with the use or occupancy of the residential area.

NOTE: Contact Bay Area Air Quality Management District for pre-permit requirements for demolition and alteration work and other requirements for asbestos related work.

[Note: To carryover 2007 San Francisco Amendments to 2010.

Recommend to be brought to the full CAC committee for further action.]

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COMMENT 2:

Name: CAC Structural Subcommittee

Date:				
Comments/Findings:				
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COMMENT 3:				
Name: Code Advisory Committee				
Date:				
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