

1 [Building Code - Building Façade Inspection and Maintenance and Establishing Fee]

2

3 **Ordinance amending the Building Code to require that 1) the façades of certain**  
4 **buildings having five or more stories be inspected periodically by a licensed architect**  
5 **or engineer; 2) inspection reports be submitted to the owner and the Department of**  
6 **Building Inspection according to an inspection and reporting schedule; 3) maintenance**  
7 **of the façades be conducted in accordance with an Administrative Bulletin that is**  
8 **based on a national standard; 4) establishing a fee to compensate the Department for**  
9 **review and related evaluation processing; 5) making findings, including environmental**  
10 **findings, and findings under the California Health and Safety Code; and 6) directing the**  
11 **Clerk of the Board of Supervisors to forward this Ordinance to the California Building**  
12 **Standards Commission upon final passage.**

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
14 **Additions to Codes** are in *single-underline italics Times New Roman font.*  
15 **Deletions to Codes** are in ~~*italics Times New Roman font.*~~  
16 **Board amendment additions** are in Arial font.  
17 **Board amendment deletions** are in ~~Arial font.~~  
18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
19 subsections or parts of tables.

20 Be it ordained by the People of the City and County of San Francisco:

21 Section 1. General Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.  
25 Said determination is on file with the Clerk of the Board of Supervisors in File No. 141118 and  
is incorporated herein by reference.

1 (b) The Building Inspection Commission considered this ordinance on February 17,  
2 2016 at a duly noticed public hearing, pursuant to Charter Section D3.750-5.

3  
4 Section 2. Findings under the California Health and Safety Code Sections 17958.7 and  
5 18941.5. The Board of Supervisors hereby finds that the following local conditions apply:

6 (a) California Building Code Section 3401.2 requires that buildings and structures  
7 be maintained in safe condition. This ordinance provides guidance as to what façade  
8 maintenance is considered appropriate based on national standards.

9 (b) The purpose of this ordinance is to promote public safety and welfare by  
10 reducing the risk of death or injury that may result from the effects of deterioration on exterior  
11 façades of buildings. The inspections and maintenance required by this ordinance will help  
12 protect historic buildings and will reduce damage in earthquakes, contributing to the City's  
13 resiliency goals.

14 (c) In Section 19160 of the California Health and Safety Code, the Legislature  
15 declared that because of the generally acknowledged fact that California will experience  
16 moderate to severe earthquakes in the foreseeable future, increased efforts to reduce  
17 earthquake hazards should be encouraged and supported.

18 (d) Section 19161 of the California Health and Safety Code authorizes each city,  
19 city and county, or county to assess the earthquake hazard in its jurisdiction and identify  
20 buildings that may be potentially hazardous to life in the event of an earthquake. Section  
21 19161 states that potentially hazardous buildings include those with "exterior parapets or  
22 ornamentation that may fall."

23  
24 Section 3. The Building Code is hereby amended by adding Chapter 16E, to read as  
25 follows:

1 Chapter 16E

2 **BUILDING FAÇADE INSPECTION AND MAINTENANCE - RETROACTIVE**

3 **PROVISIONS**

4 **SECTION 1601E – GENERAL REQUIREMENTS AND SCOPE**

5 All façades of buildings of Construction Type I, II, III, or IV and which are five or more stories  
6 are required to be inspected periodically by a qualified professional who shall be a licensed architect  
7 or engineer retained by the property owner. The façades are required to be maintained in accordance  
8 with the criteria and procedures of this Chapter 16E. For buildings considered to be historic resources,  
9 the qualified professional shall have expertise in inspection and maintenance of historic resources. The  
10 requirements of this Chapter are retroactive and shall apply to and include buildings erected prior to  
11 the adoption of this Code. Qualifications of the qualified professional and inspection requirements are  
12 as detailed in the accompanying Administrative Bulletin.

13 **SECTION 1602E – DEFINITIONS**

14 In addition to the definitions in Chapter 2 of this Code, the following definition shall apply for  
15 purposes of this Chapter.

16 **Façade.** All areas on the exterior of the building including all exterior walls and exterior wall  
17 covering, windows, balconies, cornices, parapets, architectural trim and embellishments,  
18 appurtenances, and all elements listed in Section 1604E.3. The façade also includes walls supported at  
19 the roof level, such as penthouse walls and chimneys. A façade shall include walls and appurtenances  
20 in the interior of a building where such area has been converted from an exterior area by enclosing the  
21 area under a roof, skylight, or other covering.

22 **Historic resource.** A building designated pursuant to Articles 10 or 11 of the Planning Code or  
23 any building listed on, or determined eligible for listing on, the California Register of Historic  
24 Resources or the National Register of Historic Places, or that is a “qualified historical building” as  
25 defined in the California Historical Building Code.

1 Unsafe condition. A condition of a building that poses an imminent hazard to persons and/or  
2 property.

3 **SECTION 1603E – INSPECTION SCHEDULE**

4 **1603E.1 Initial Inspection.** Each building within the scope of this Chapter 16E shall be subject to an  
5 initial façade inspection pursuant to Section 1604E. Inspection reports are subject to the requirements  
6 of Section 1605E.

7 **Exceptions:**

8 1. Buildings for which a permit application for new construction was submitted after January  
9 1, 1998 are exempt from requirement for an initial inspection. Buildings exempt from initial inspection  
10 pursuant to this exception shall begin periodic inspections 30 years from the issuance of the Certificate  
11 of Final Completion (CFC) for new construction.

12 2. Buildings for which comprehensive façade inspection and necessary maintenance,  
13 restoration, or replacement has been completed during the 10 (ten) years preceding the date of the  
14 required initial inspection report due date may apply to the Building Official for a waiver of the initial  
15 inspection.

16 **Table 1603E**

17 **Initial Inspection Schedule**

| <b><u>Compliance Tier</u></b> | <b><u>Building Construction<br/>Completion Date<sup>1</sup></u></b> | <b><u>Inspection Report Due Date</u></b> |
|-------------------------------|---|--|
| <u>1</u>                      | <u>Building was constructed prior<br/>to 1910</u>                   | <u>December 31, 2021</u>                 |
| <u>2</u>                      | <u>Building was constructed from<br/>1910 through 1925</u>          | <u>December 31, 2023</u>                 |
| <u>3</u>                      | <u>Building was constructed from<br/>1926 through 1970</u>          | <u>December 31, 2025</u>                 |

|   |  |                          |
|---|--|--------------------------|
| 4 | <u>Building was constructed after<br/>1970</u> | <u>December 31, 2027</u> |
|---|--|--------------------------|

<sup>1</sup>Building construction date refers to the date the Department issued the Certificate of Completion for the original building or other Department documentation showing the date of completion of the original construction, regardless of the dates of any additions or alterations.

**1603E.2 Periodic inspection.** Each building within the scope of this Chapter 16E shall be subject to a periodic inspection at a frequency of 10 years after the required submittal date of an initial inspection report as outlined in Table 1603E. Periodic inspections need not include walls and appurtenances in the interior of a building where such area has been converted from an exterior area by enclosing the area under a roof, skylight or other covering after an initial inspection and any subsequent necessary repair or stabilization.

**1603E.3 Inspection in response to damage or failure.** Notwithstanding the Initial Inspection Schedule set forth in Table 1603E or the Exceptions to the initial inspection requirements provided in Section 1603E.1, the Department shall require an inspection of façades to be performed in the following circumstance:

If façade elements required to be inspected under this Chapter 16E exhibit significant damage or failure as noted by Department staff or property owner or owner’s agent, either during the normal passage of time or due to an earthquake or other event, then the property owner is required to obtain an inspection of the areas of damaged or failed elements and related building elements within 60 days unless the façade poses an unsafe condition..

**SECTION 1604E – FACADE INSPECTION AND MAINTENANCE CRITERIA AND PROCEDURES**

**1604E.1 Inspection and maintenance procedures.** Inspections and maintenance shall be conducted in accordance with procedures to be detailed in an Administrative Bulletin adopted by the Department

1 based on ASTM E 2270 Standard Practice for Periodic Inspection of Building Façades for Unsafe  
2 Conditions.

3 **1604E.2 Method of inspection.** Inspections may include both general inspection and detailed  
4 inspection as detailed in the Administrative Bulletin.

5 **1604E.3 Elements to be included in inspections.** Inspections shall include the façade elements listed  
6 in ASTM E 2270 and the following additional elements:

7 1. Attached equipment such as communications equipment, pipes and ductwork;

8 2. Decorative elements such as urns, friezes, balustrades, and attached artwork;

9 3. Signs;

10 4. Fire escapes;

11 5. Flagpoles;

12 6. Vertical extensions such as vents;

13 7. Lights and other fixtures;

14 8. Hanging air conditioners and other devices;

15 9. Other elements that could pose a safety hazard if dislodged.

16 **1604E.4 Elements exempt from inspections.** Inspection is not required for the following conditions:

17 1. Walls within 36 inches of parallel, facing walls on the same or adjoining properties unless  
18 the space between the walls is accessible by means of a door;

19 2. Walls and appurtenances within exterior courts and yards enclosed by walls on all sides and  
20 where the bottom of the court is on grade, unless there is direct access to the court by means of a door.

21 3. Elements, as approved by the Director, that do not contribute to a safety hazard or that do  
22 not require regular maintenance.

23 **1605E. INSPECTION REPORTS**

24 The qualified professional performing any inspection required by this Chapter 16E shall  
25 prepare an inspection report in conformity with Section 1604E and the Administrative Bulletin adopted

1 by the Department. The property owner or property owner's authorized agent shall submit a copy of  
2 the inspection report to both the property owner and the Department within the time required by Table  
3 1603E, provided, however, that the qualified professional shall report any unsafe conditions to the  
4 Department immediately notwithstanding the deadline in Table 1603E.

5 Within 60 days of receipt of an inspection report, the Department shall confirm receipt of the  
6 report, provide review comments, if any, and confirm timelines and other requirements for maintenance  
7 actions and subsequent inspections.

8 **1606E. FEES**

9 The Standard Hourly Rates set forth in Table 1A-D shall be charged to compensate the  
10 Department for inspection report review, evaluation, and processing related to implementation and  
11 enforcement of this Chapter 16E.

12  
13 Section 4. Effective Date. This ordinance shall become effective 30 days after  
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
16 of Supervisors overrides the Mayor's veto of the ordinance.

17  
18 Section 5. Directions to the Clerk. The Clerk of the Board of Supervisors is hereby  
19 directed to forward a copy of this ordinance to the California Building Standards Commission  
20 upon final passage.

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

23 By: \_\_\_\_\_  
24 JUDITH A. BOYAJIAN  
25 Deputy City Attorney

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