

File No. 231130

Committee Item No. 3

Board Item No. 18

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Transportation

Date: January 8, 2024

Board of Supervisors Meeting:

Date: January 23, 2024

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- BIC Transmittal – December 14, 2023
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- _____

Prepared by: John Carroll

Date: January 4, 2024

Prepared by: _____

Date: January 19, 2024

Prepared by: _____

Date: _____

1 [Existing Building Code - Supplemental Inspections for Tall Buildings]

2

3 **Ordinance amending the Existing Building Code to require buildings with 15 or more**
4 **stories to conduct and submit supplemental inspection reports; and affirming the**
5 **Planning Department’s determination under the California Environmental Quality Act.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

10

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

12

13 Section 1. Background and Findings.

14 (a) The Planning Department has determined that the actions contemplated in this
15 ordinance comply with the California Environmental Quality Act (California Public Resources
16 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
17 Supervisors in File No. 231130 and is incorporated herein by reference. The Board affirms
18 this determination.

19 (b) On December 13, 2023, at a duly noticed public hearing, the Building Inspection
20 Commission considered this ordinance in accordance with Charter Section 4.121D3.750-5
21 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the
22 Building Inspection Commission regarding the Commission’s recommendation is on file with
23 the Clerk of the Board of Supervisors in File No. 231130.

24 (c) No local findings are required under California Health and Safety Code Section
25 17958.7 because the amendments to the Existing Building Code contained in this ordinance

1 do not regulate materials or manner of construction or repair, and instead relate in their
2 entirety to administrative procedures for implementing and demonstrating compliance with the
3 code, which are expressly excluded from the definition of a “building standard” by California
4 Health and Safety Code Section 18909(c).

5 (d) To the extent the amendments contained in this ordinance lead to repair or
6 replacement of building materials and could be considered new “building standards”, the
7 Board of Supervisors hereby finds that, pursuant to California Health and Safety Code Section
8 17958.7, the unique topography of San Francisco results in tall buildings and dense
9 development over areas with high pedestrian traffic in a region with seismic hazards and
10 increasing storm intensity that warrants frequent inspection and maintenance of tall building
11 façades.

12
13 Section 2. Chapter 5F in the Existing Building Code is hereby amended by revising
14 Sections 503F (specifically, Sections 503F.1 and 503F.2, and adding Sections 503F.1.1 and
15 503F.1.2), ~~and~~ 504F (specifically, Sections 504F.1, 504F.2, and 504F.3, and adding Section
16 504F.5; including 504F.4 only for reference), and 507E, to read as follows:

17 **SECTION 503F – INSPECTION SCHEDULE**

18 **503F.1 Initial Inspection Types.**

19 **503F.1.1 Initial Comprehensive Inspection.** *All buildings within the scope of this Chapter 5F*
20 *shall conduct an initial comprehensive façade inspection pursuant to Section 504F and submit an*
21 *inspection report subject to the requirements of Section 505F within the timelines detailed in Table*
22 *503F.*

23 **503F.1.2 Initial Supplemental Inspection.** *All buildings 15 or more stories tall shall submit*
24 *an initial supplemental façade inspection report in accordance with the requirements of Section 504F*
25 *within six months of notification by the Department, or within the timelines detailed in Table 503F.*

1 ~~Buildings with 15 or more stories for which a permit application for new construction was submitted~~
 2 ~~after January 1, 1998 shall submit a façade inspection report within six months of notification by the~~
 3 ~~Department. After submitting the initial supplemental inspection report, periodic supplemental~~
 4 ~~inspection reports shall be conducted and submitted by building owners in accordance with Section~~
 5 ~~503F.2. All other buildings within the scope of this Chapter 5F shall be subject to an initial façade~~
 6 ~~inspection pursuant to Section 504F. Inspection reports are subject to the requirements of Section~~
 7 ~~505F.~~

8 Exceptions:

9 1. ~~Buildings with 14 or fewer stories for which a permit application for new construction~~
 10 ~~was submitted after January 1, 1998 are exempt from the requirement for an initial inspection.~~
 11 ~~Buildings exempt from initial inspection pursuant to this exception shall begin periodic inspections 30~~
 12 ~~years from the issuance of the Certificate of Final Completion (CFC) for new construction.~~

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

17 23. Notwithstanding the initial inspection schedules in this Chapter 5F or any other
 18 provision, the Building Official may require a façade inspection of any building that the
 19 Building Official finds may pose a health and safety hazard.

20 **Table 503F**
 21 **Initial Inspection Schedule**

| Compliance Tier | Building Construction Completion Date | <u>Comprehensive</u> Inspection Report Due Date¹ | <u>Supplemental</u> Inspection Report Due Date |
|------------------------|--|--|---|
|------------------------|--|--|---|

| | | | | |
|---|---|---|---|--------------------------|
| 1 | 1 | Building was constructed prior to 1910 | December 31, 2021 | <u>December 31, 2026</u> |
| 2 | 2 | Building was constructed from 1910 through 1925 | December 31, 2023 | <u>December 31, 2028</u> |
| 3 | 3 | Building was constructed from 1926 through 1970 | December 31, 2025 | <u>December 31, 2030</u> |
| 4 | 4 | Building was constructed from ^{after} 1970 through 1997 | December 31, 2027 | <u>December 31, 2032</u> |
| 5 | 5 | <u>Building was constructed after 1997</u> 1998 | <u>December 31 of the 30th year after receiving Certificate of Final Completion and Occupancy</u> | <u>April 30, 2024</u> |

1 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.

503F.2 Periodic Inspection. Each building within the scope of this Chapter 5F shall be subject to a periodic inspection according to the provisions below:

1 1. ~~At~~ a frequency of 10 years after the required submittal date of an initial
2 comprehensive inspection report as outlined in Table 503F. Periodic inspections need not
3 include walls and appurtenances in the interior of a building where such area has been
4 converted from an exterior area by enclosing the area under a roof skylight or other covering
5 after an initial inspection and any subsequent necessary repair or stabilization.

6 2. Buildings with 15 or more stories that received a Certificate of Final Completion and
7 Occupancy (“CFC”) before January 1, 1998 shall submit supplemental inspection reports as outlined
8 in Section 504F, every 10 years after their initial supplemental inspection.

9 3. Buildings with 15 or more stories that received a CFC on or after January 1, 1998 shall
10 submit supplemental inspection reports as outlined in Section 504F, every five years after their initial
11 supplemental inspection. Once a building is required to submit comprehensive inspection reports every
12 10 years, the building shall alternate submitting comprehensive and supplemental inspection reports
13 every five years.

14 * * * *

15 **SECTION 504F – FACADE INSPECTION AND MAINTENANCE CRITERIA AND**
16 **PROCEDURES**

17 **504F.1 Inspection and Maintenance Procedures.** Inspections and maintenance shall
18 be conducted in accordance with procedures to be detailed in an Administrative Bulletin
19 adopted by the Department based on ASTM E 2270 *Standard Practice for Periodic Inspection*
20 *of Building Façades for Unsafe Conditions* or ASTM E 2841- *Standard Guide for Conducting*
21 *Inspections of Building Facades for Unsafe Conditions.*

22 **504F.2 Method of Inspection.** Inspections may include both general inspection and
23 detailed inspection as detailed in the Administrative Bulletin. Comprehensive building facade
24 inspections shall include general inspections and detailed inspections as defined by ASTM
25 E2270. As part of the supplemental façade inspection, a detailed inspection, per ASTM

1 E2270, is not mandatory and need not be undertaken unless considered necessary by the
2 qualified inspector.

3 **504F.3 Elements To Be Included in Comprehensive Inspections.** Inspections shall
4 include the façade elements listed in ASTM E 2270 and the following additional elements:

5 * * * *

6 9. Exterior glazing;

7 910. Other elements that could pose a safety hazard if dislodged.

8 **504F.4 Elements Exempt from Inspections.** Inspection is not required for the
9 following conditions:

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

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

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

17 **504F.5 Elements To Be Included in Supplemental Inspections.** Supplemental
18 inspection reports shall include 100% visual inspection of the exterior glazing by a qualified
19 professional unless the qualified professional confirms all of the following:

20 1. The building contains no spandrel glass;

21 2. The building maintains a maintenance log pertaining to glass and glazing
22 replacement or repairs, available for review by the qualified professional; and

23 3. The building has no history of glass breakage within the last five years.

24
25 **SECTION 507F – COMPLIANCE, ENFORCEMENT AND ABATEMENT.**

1 Buildings will not be deemed compliant with the requirements of this Chapter 5F until
2 reports are reviewed and accepted, and all associated fees have been paid.

3 The Director shall implement the procedures detailed in San Francisco Building Code
4 Section 102A, Unsafe Buildings, Structures or Property, and related abatement actions when
5 any of the requirements for façade inspection, reporting, mitigation, repair, or maintenance
6 ~~are not~~ are not met in a timely manner.

7
8 Section 3. Effective Date. This ordinance shall become effective 30 days after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12
13 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

22 By: s/ Robb Kapla
23 ROBB KAPLA
24 Deputy City Attorney

25
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REVISED LEGISLATIVE DIGEST
(Amended in Committee – January 8, 2024)

[Existing Building Code - Supplemental Inspections for Tall Buildings]

Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failures; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Existing Law

Chapter 5F of the Existing Building Code provides a schedule for owners of buildings that are five stories or taller to submit inspection reports documenting the safety of the façade of their buildings every 10 years. The Chapter provides that buildings that received their building permit after 1998 are exempt from the inspection schedule and instead must provide their initial inspection 30 years after receipt of their certificate of occupancy or after being alerted by the Department to conduct and submit an inspection report.

Amendments to Current Law

The Proposed Legislation would require all buildings 15 stories or taller (“tall buildings”) to conduct supplemental inspections in between comprehensive inspections. Supplemental inspections will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure. For tall buildings built in or after 1998 that have not submitted an initial comprehensive façade report, supplemental inspections will start in 2024 and will be required every 5 years until the comprehensive inspection report requirement begins (30 years after the building’s construction). After that, supplemental inspections will take place in between comprehensive inspections such that the buildings alternate between submitting comprehensive and supplemental reports every five years.

Background Information

After a series of storms battered the City and resulted in glass failures at several recently constructed high-rise buildings in the early months of 2023, the Board adopted legislation amending Chapter 5F to allow immediate inspection of buildings where failures occurred and directing the Department of Building Inspection to report back on the causes of those failures. Based on those inspections and the report’s finding that most glass failures could have been detected and mitigated before storm conditions arose through visual inspections, the Department of Building Inspection recommended instituting supplemental inspection reports for tall buildings every five years even for newer tall buildings that are not required to conduct comprehensive façade inspection reports for several more years. .

FILE NO. 231130

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BUILDING INSPECTION COMMISSION (BIC)

**Department of Building Inspection
49 South Van Ness Avenue, 5th Floor San Francisco, California 94103**

Voice (628) 652 -3510

December 14, 2023

London N. Breed
Mayor

COMMISSION

Alysabeth
Alexander-Tut
Interim President

Evita Chavez
Bianca Neumann
Earl Shaddix
Angie Sommer
Kavin Williams

Sonya Harris
Secretary

Monique Mustapha
Asst. Secretary

Patrick O’Riordan,
C.B.O., Director

Ms. Angela Calvillo
Clerk of the Board
Board of Supervisors, City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

RE: File No. 231130

Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports; and affirming the Planning Department’s determination under the California Environmental Quality Act.

The Code Advisory Committee (CAC) considered this Ordinance on November 8, 2023 and voted unanimously to recommend that the Building Inspection Commission adopt the ordinance File No. 231130 with additional proposed changes to the San Francisco Existing Building Code Sections 504F.2 through 504F.6.

The Building Inspection Commission met and held a public hearing on December 13, 2023 regarding the proposed amendment to the Existing Building Code contained in Board File No. 231130. The Commissioners voted unanimously to **recommend approval of the ordinance, with the additional proposed changes recommended by the CAC and Department of Building Inspection staff.**

| | |
|---------------------------------|-----|
| Interim President Alexander-Tut | Yes |
| Commissioner Chavez | Yes |
| Commissioner Neumann | Yes |
| Commissioner Shaddix | Yes |
| Commissioner Sommer | Yes |
| Commissioner Williams | Yes |

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,

A handwritten signature in blue ink that reads "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" being more prominent than the last name "Harris".

Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Director
Mayor London N. Breed
Supervisor Aaron Peskin
Board of Supervisors

Further Amendments Requested by DBI Staff

DBI staff recommend the following additional amendments to the proposed ordinance:

- Assert in Chapter 5F Section 504F.2 that comprehensive facade inspections must include a general inspection and detailed inspection per ASTM E 2770, Items 10.3 and 10.4, respectively, but detailed inspections per ASTM E2270, Item 10.4 are not mandatory for the supplemental inspections unless considered necessary by the qualified inspector.
- Specify the minimum elements of supplemental inspection reports in Section 504F.5 (100 percent visual inspection of the exterior glazing).
- Add an exemption to the supplemental inspection requirement if a qualified professional attests to the following: (1) the building does not have spandrel glass, (2) the property owner maintains a maintenance log pertaining to glass and glazing replacement or repairs, available for review by the qualified professional, and (3) the building is without a history of glass breakage within the last 5 years.

If the Building Inspection Commission agrees, DBI staff will ask Board President Aaron Peskin, the sponsor of this ordinance, to incorporate these suggested amendments in the ordinance.

Code Advisory Committee Recommendation

The Code Advisory Committee met November 8, 2023 and voted unanimously to make a recommendation to the BIC to recommend approval of the proposed ordinance with staff's requested additional amendments.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: November 8, 2023
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 231130
Existing Building Code - Supplemental Inspections for Tall Buildings

California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)

Ordinance / Resolution

Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

11/28/2023

A handwritten signature in black ink, appearing to read "John Carroll".

Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)

General Plan Planning Code, Section 101.1 Planning Code, Section 302

Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)

(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

Historic Preservation Commission

Landmark (*Planning Code, Section 1004.3*)

Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)

Mills Act Contract (*Government Code, Section 50280*)

Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
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MEMORANDUM

TO: Patrick O’Riordan, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: John Carroll, Assistant Clerk
Land Use and Transportation Committee

DATE: November 8, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors’ Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on October 31, 2023:

File No. 231130

Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure; and affirming the Planning Department’s determination under the California Environmental Quality Act.

The proposed ordinance is being transmitted pursuant to Charter, Section D3.750-5, for public hearing and recommendation. It is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Please forward me the Commission’s recommendation and reports at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: john.carroll@sfgov.org.

c:
Offices of Chair Melgar and Supervisor Peskin
Patty Lee, Department of Building Inspection

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
 Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: