

BOARD of SUPERVISORS



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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

- 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.

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 that will focus on**
5 **windows and exterior glass surfaces to identify any defective or damaged materials**
6 **that may cause glass failure; and affirming the Planning Department’s determination**
7 **under the California Environmental Quality Act.**

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

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

16 Section 1. Background and Findings.

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

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

1 (c) No local findings are required under California Health and Safety Code Section
2 17958.7 because the amendments to the Existing Building Code contained in this ordinance
3 do not regulate materials or manner of construction or repair, and instead relate in their
4 entirety to administrative procedures for implementing and demonstrating compliance with the
5 code, which are expressly excluded from the definition of a “building standard” by California
6 Health and Safety Code Section 18909(c).

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

14
15 Section 2. Chapter 5F in the Existing Building Code is hereby amended by revising
16 Sections 503F (specifically, Sections 503F.1 and 503F.2, and adding Sections 503F.1.1 and
17 503F.1.2) and 504F (specifically, Section 504F.1), to read as follows:

18 **SECTION 503F – INSPECTION SCHEDULE**

19 **503F.1 Initial Inspection Types.**

20 **503F.1.1 Initial Comprehensive Inspection.** *All buildings within the scope of this Chapter 5F*
21 *shall conduct an initial comprehensive façade inspection pursuant to Section 504F and submit an*
22 *inspection report subject to the requirements of Section 505F within the timelines detailed in Table*
23 *503F.*

24 **503F.1.2 Initial Supplemental Inspection.** *All buildings 15 or more stories tall shall submit*
25 *an initial supplemental façade inspection report in accordance with the requirements of Section 504F*

1 within six months of notification by the Department, or within the timelines detailed in Table 503F.
 2 ~~Buildings with 15 or more stories for which a permit application for new construction was submitted~~
 3 ~~after January 1, 1998 shall submit a façade inspection report within six months of notification by the~~
 4 ~~Department. After submitting the initial supplemental inspection report, periodic supplemental~~
 5 ~~inspection reports shall be conducted and submitted by building owners in accordance with Section~~
 6 ~~503F.2. All other buildings within the scope of this Chapter 5F shall be subject to an initial façade~~
 7 ~~inspection pursuant to Section 504F. Inspection reports are subject to the requirements of Section~~
 8 ~~505F.~~

9 Exceptions:

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

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

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

21 **Table 503F**

22 **Initial Inspection_s Schedule**

Compliance Tier	Building Construction Completion Date	<u>Comprehensive</u> Inspection Report Due Date¹	<u>Supplemental</u> Inspection Report Due Date
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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 1998</u>	<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 * * * *

23
24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3

4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10

11 APPROVED AS TO FORM:
12 DAVID CHIU, City Attorney

13

14 By: /s/ Robb Kapla
15 ROBB KAPLA
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[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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