

BOARD of SUPERVISORS



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MEMORANDUM

Date: April 10, 2023
To: Planning Department/Commission
From: Erica Major, Clerk of the Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 230373
Existing Building Code - Façade 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 Erica Major at Erica.Major@sfgov.org.

[Existing Building Code - Façade Inspections for Tall Buildings]

Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department’s determination under the California Environmental Quality Act.

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

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

Section 1. Findings

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

(b) On _____, at a duly noticed public hearing, the Building Inspection Commission considered this ordinance in accordance with Charter Section D3.750-5 and Building Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building 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 that would not otherwise be required under the California
9 Building Code and could be considered new “building standards”, the Board of Supervisors
10 hereby finds that, pursuant to California Health and Safety Code Section 17958.7, the unique
11 topography of San Francisco results in tall buildings and dense development over areas with
12 high pedestrian traffic in a region with seismic hazards and increasing storm intensity that
13 warrants frequent inspection and maintenance of tall building façades.

14
15 Section 2. The Existing Building Code is hereby amended by revising Section 503F.1,
16 to read as follows:

17 **503F.1 Initial Inspection.** Buildings with 15 or more stories for which a permit application
18 for new construction was submitted after January 1, 1998 shall submit a façade inspection report on or
19 before November 1, 2023 or within six months of notification by the Department, whichever is sooner.
20 All other ~~Each~~ buildings within the scope of this Chapter 5F shall be subject to an initial façade
21 inspection pursuant to Section 504F. Inspection reports are subject to the requirements of
22 Section 505F.

23 **Exceptions:**

24 1. Buildings with 14 or fewer stories for which a permit application for new
25 construction was submitted after January 1, 1998 are exempt from the requirement for an

1 initial inspection. Buildings exempt from initial inspection pursuant to this exception shall begin
2 periodic inspections 30 years from the issuance of the Certificate of Final Completion (CFC)
3 for new construction.

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

8 3. Notwithstanding the initial inspection schedules in this Chapter 5F or any other
9 provision, the Building Official may require a façade inspection of any building that the Building
10 Official finds may pose a health and safety hazard.

11
12 Section 3. Effective Date. This ordinance shall become effective 30 days after
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
15 of Supervisors overrides the Mayor's veto of the ordinance.

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

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8 APPROVED AS TO FORM:
9 DAVID CHIU, City Attorney

10 By: /s/ Robb Kapla
11 ROBB KAPLA
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Existing Building Code - Façade Inspections for Tall Buildings]

Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; 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. 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.

Amendments to Current Law

The Proposed Legislation would revise the exemption for buildings built after 1998 from a blanket exemption to one that only applies to buildings 14 stories or shorter. For buildings built after 1998 that are 15 stories or taller, the Proposed Legislation requires submission of the initial façade inspection report on November 1, 2023 or within six months of notification by the Department of Building Inspection, whichever is sooner. The Proposed Legislation would also clarify that the Building Official may require façade inspection from any building, regardless of inspection requirements in Chapter 5F, if the Official determines there is a potential health or safety hazard.

Background Information

After a series of storms battered the City and resulted in glass failures at several recently constructed high-rise buildings downtown, San Francisco Mayor London Breed issued an emergency declaration on March 27, 2023 that, among other things, allowed the Building Official to require inspections of the façades of potentially hazardous buildings regardless of the inspection schedules prescribed in Chapter 5F. The Proposed Legislation codifies this ability and provides a new compliance schedule for recently constructed high-rise buildings that otherwise would not require façade inspections for many years.

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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):

Supervisor Peskin

Subject:

[Existing Building Code - Façade Inspections for Tall Buildings]

Long Title or text listed:

Ordinance amending the Existing Building Code to require buildings with fifteen or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: []

