

REVISED LEGISLATIVE DIGEST

(3/12/2013, Substituted in Board)

[Building Code - Mandatory Seismic Retrofit Program - Wood-Frame Buildings; Optional Evaluation Form Fee]

Ordinance amending the Building Code to establish a Mandatory Seismic Retrofit Program for wood-frame buildings of three or more stories or two stories over a basement or underfloor area that has any portion extending above grade, and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978, and the building has not been seismically strengthened; establishing a fee for administering the program; adopting environmental findings and findings of local conditions under California Health and Safety Code, Section 17958.7; establishing an operative date; and directing the Clerk of the Board to forward the legislation to specified State agencies.

Existing Law

Among other things, the San Francisco Building Code regulates the construction and alteration of buildings and structures in the City and County of San Francisco and establishes the minimum structural, seismic, and other standards necessary to safeguard life and property. Minimum requirements are established by the California Building Code, but a local jurisdiction is authorized to modify the requirements if they are reasonably necessary because of local conditions.

Amendments to Current Law

The proposed legislation adds a new chapter to the San Francisco Building Code that would require mandatory seismic retrofitting of existing wood-frame buildings, including mixed-occupancy buildings that are three or more stories and contain five or more dwelling units for which a construction permit was applied for before January 1, 1978. An exception is made for a building that has been seismically strengthened within fifteen years prior to the legislation's operative date, which is 60 days from the date of passage. An administrative fee is imposed to cover services provided by the Building Department in implementing and enforcing the seismic retrofitting program.

The retrofit requirements allow the use of guidelines issued by the Federal Emergency Management Agency (FEMA) and other approved methodologies. The owner of a building subject to the mandatory retrofit program must engage an architect or engineer to prepare and submit to the Department of Building Inspection a Screening Form and optional Evaluation Form within one year from the operative date of the legislation. Buildings subject to the seismic retrofitting program are organized into four Compliance Tiers and all retrofitting work under the program must be completed within seven years from the legislation's operative date.

Background Information

California Health and Safety Code Sections 19161 and 19162 authorize local jurisdictions to identify buildings that are potentially hazardous to life in the event of an earthquake and to establish by ordinance retrofit standards for these buildings. Among the potentially hazardous buildings identified by the State Legislature are wood-frame, multi-unit residential buildings constructed before January 1, 1978 having soft, weak or open front wall lines (a “soft-story condition”). These conditions generally arise in a building because the first story has perimeter walls that have large openings for garage doors or windows, has few interior partitions, and/or is constructed of materials that have deteriorated over time. The State Legislature expressly found that residential buildings with a soft-story condition are particularly vulnerable to severe damage and collapse and that these buildings are an important component of the State’s housing stock in jeopardy of being lost in the event of an earthquake.

In a study commissioned by San Francisco’s Building Inspection Commission, Applied Technology Council (ATC) and a Public Advisory Committee looked at buildings in San Francisco that are vulnerable to collapse or severe damage in an earthquake and developed earthquake policy recommendations. The first policy report was published in February 2009 and focused on the City’s wood-frame structures that have five or more residential units, three or more stories, and were built before the adoption of codes regulating earthquake-resistant construction. The study determined that the possible collapse of many of these buildings represents one of the most significant earthquake impacts to San Francisco. The final ATC report issued on December 31, 2010 addressed other vulnerable building types.

In 2010, the San Francisco Planning and Urban Research Association (SPUR) published a white paper containing recommendations for how San Francisco can prepare for and rebound quickly from a major earthquake. The recommendations contained in the ATC study were strongly influenced by SPUR’s vision of city-wide mitigation actions to be taken to assure San Francisco’s speedy recovery after a future earthquake.

In early 2010, then Mayor Newsom convened a Soft-Story Retrofit Task Force with the aim of crafting a mandatory seismic retrofit program for weak-story buildings in San Francisco, including consideration of a phased implementation program and possible financing mechanisms. In 2011, Mayor Lee initiated the Earthquake Safety Implementation Program to implement recommendations and develop an ordinance for the retrofit of weak-story buildings. That work resulted in the mandatory seismic retrofit program established in this legislation.