

BOARD of SUPERVISORS



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

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair, Land Use and Transportation Committee

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 14, 2020

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, September 15, 2020

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, September 14, 2020. This item was acted upon at the Committee Meeting on Monday, September 15, 2020, at 1:30 p.m., by the votes indicated.

Item No. 77 **File No. 200785**

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Aaron Peskin - Aye
Supervisor Ahsha Safai - Aye
Supervisor Dean Preston - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy
Anne Pearson, Deputy City Attorney
Kristen Jensen, Deputy City Attorney

File No. 200785 Committee Item No. 1
Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date September 14, 2020
Board of Supervisors Meeting Date September 22, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

- SBC Response 072920
- Referral BIC 072920
- Public Comment 081420
- BIC Response 082120
- Comm Rpt Memo 091020
- _____
- _____
- _____
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- _____
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- _____

Completed by: Erica Major Date September 10, 2020
Completed by: Erica Major Date September 14, 2020

1 [Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline]

2

3 **Ordinance amending the Existing Building Code to extend the date for completion of**
4 **work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.**

5

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.

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

14

15 Section 1. On August 19, 2020, the Building Inspection Commission conducted a
16 public hearing on this ordinance pursuant to Charter Section D3.750-5.

17

18 Section 2. The Existing Building Code is hereby amended by revising Chapter 5E, to
19 read as follows:

20

Chapter 5E

21

MANDATORY EARTHQUAKE RETROFIT OF WOOD-FRAME BUILDINGS

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* . * . * . *

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SECTION 505E – PROGRAM IMPLEMENTATION AND ADMINISTRATION; FEE

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1 **505E.2 Compliance Deadlines.**

2 **TABLE 5E-A**
 3 **Compliance Deadlines (in years¹)**

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| 5 6 7 8 9 Tier Compliance | Submission of Screening Form and Optional Evaluation Form | 10 11 12 13 14 15 Submittal of Permit Application with Plans for Seismic Retrofit Work | Completion of Work And Issuance of CFC ² |
|---|--|--|---|
| I | 1 | 2 | 4 |
| II | 1 | 3 | 5 |
| III | 1 | 4 | 6 |
| IV | 1 | 5 | <u>7 September</u> <u>15, 2021</u> |

16 1 All time periods are in years measured from 90 days after the operative date of
 17 this Chapter.

18 ~~2 All time limits and extensions of San Francisco Building Code Chapter 1A are~~
 19 ~~applicable, except that all work is to be completed by December 31, 2020, as recommended in~~
 20 ~~California Health & Safety Code Section 19160(l).~~

21

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

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.

7

8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By: /s/ JUDITH BOYAJIAN
11 JUDITH BOYAJIAN
12 Deputy City Attorney

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LEGISLATIVE DIGEST

[Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline]

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

Existing Law

Chapter 5E of the Existing Building Code mandates the earthquake retrofit of wood-frame buildings. Section 505E.2 has a Table with compliance deadlines for four compliance tiers, including a deadline for completion of the work. Tier IV is the last category of buildings to be retrofitted and the work must be completed by September 15, 2020, seven years from the operative date of the mandate.

Amendments to Current Law

This ordinance will extend the deadline for completion of the work for Tier IV buildings until September 15, 2021.

Background Information

Extending the compliance deadline for the final category of wood-frame buildings during the COVID-19 pandemic will allow for greater flexibility of property owners to work with their commercial tenants to complete this retrofitting work during a time when it will have as little impact to those tenants as possible.

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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

London N. Breed
Mayor

August 21, 2020

COMMISSION

Angus McCarthy
President

Sam Moss
Vice-President

Alysabeth
Alexander-Tut
Kevin Clinch
Jonathan Jacobo
Jason Tam

Sonya Harris
Secretary

Patrick O’Riordan
Interim 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. 200785

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

The Building Inspection Commission met and held a public hearing on August 19, 2020 regarding File No. 200785 on the proposed amendment to the Existing Building Code referenced above. The Commissioners voted unanimously to **recommend approval** of the proposed Ordinance.

| | | | |
|----------------------------|-----|---------------------|-----|
| President McCarthy | Yes | Vice-President Moss | Yes |
| Commissioner Clinch | Yes | Commissioner Jacobo | Yes |
| Commissioner Tam | Yes | | |
| Commissioner Alexander-Tut | Yes | | |

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

Sincerely,

Sonya Harris
Commission Secretary

cc: Patrick O'Riordan, Interim Director
Mayor London N. Breed
Supervisor Rafael Mandelman
Board of Supervisors



CITY AND COUNTY OF SAN FRANCISCO
LONDON BREED, MAYOR

OFFICE OF SMALL BUSINESS
REGINA DICK-ENDRIZZI, DIRECTOR

July 29, 2020

Ms. Angela Calvillo, Clerk of the Board
City Hall Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

RE: BOS File No. 200785 – Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline

Small Business Commission Recommendation to the Board of Supervisors: **Support**

Dear Ms. Calvillo,

On July 27, 2020 the Small Business Commission (SBC or Commission) heard BOS File No. 200785 – Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline. Tom Temprano, Legislative Aide to Supervisor Rafael Mandelman provided the SBC with an overview of the legislation. After discussion, the SBC voted (7-0) to recommend that the Board of Supervisors support the legislation.

The Commission applauded this legislation and extended their appreciation to the sponsor's office. Specifically, they observed that this proposal is responsive to specific recommendations for small business support that the [Commission made to the Economic Recovery Task Force](#) to extend the Soft Story deadline. The Commission also discussed whether property owners would be required to notify tenants of planned retrofit work in a specific timeframe. The sponsor's office noted that this particular legislation does not. The Commission suggested that it be contemplated in trailing legislation.

Ultimately, the Commission voted unanimously to support the legislation.

Thank you for considering the Commission's recommendation. Please feel free to contact me should you have any questions.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

cc: Rafael Mandelman, Member, Board of Supervisors
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Patrick O'Riordan, Interim Director, Department of Building Inspection
Lisa Pagan, Office of Economic and Workforce Development
Erica Major, Clerk, Land Use and Transportation Committee

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MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: July 29, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Mandelman on July 21, 2020:

File No. 200785

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

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: Erica.Major@sfgov.org.

c: John Murray, Department of Building Inspection
Patty Lee, Department of Building Inspection

Member, Board of Supervisors
District 3



City and County of San Francisco

AARON PESKIN

DATE: September 10, 2020

TO: Angela Calvillo
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation
Committee

RE: Land Use and Transportation Committee
COMMITTEE REPORTS

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request they be considered by the full Board on Tuesday, September 15, 2020, as Committee Reports:

200673 Planning Code - Conversion of Certain Limited Restaurants to Restaurants - North Beach Neighborhood Special Use District

Ordinance amending the Planning Code to allow certain Limited Restaurants in the North Beach Special Use District to convert to Restaurants that may apply for liquor licenses; and affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1.

200785 Existing Building Code - Mandatory Earthquake Retrofit - Compliance Deadline

Ordinance amending the Existing Building Code to extend the date for completion of work for the seismic retrofitting of Tier IV wood-frame buildings to September 15, 2021.

200852 Planning Code, Zoning Map - Rezone Certain Industrial Parcels

Ordinance amending the Planning Code and Zoning Map to rezone certain parcels in Industrial Use Districts to Production, Distribution, and Repair and other Use Districts; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of

COMMITTEE REPORT MEMORANDUM

Land Use and Transportation Committee

Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare under Planning Code, Section 302.

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, September 14, 2020, at 1:30 p.m.

/s/ Aaron Peskin

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Major, Erica \(BOS\)](#)
Subject: FW: Proposed change to Soft Story Tier IV deadline (File No. 200785)
Date: Friday, August 14, 2020 8:36:31 AM

From: Serina Calhoun <serina@sync-arch.com>

Sent: Thursday, August 13, 2020 12:45 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Johnson, Milicent (CPC) <milicent.johnson@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>

Cc: O'Riordan, Patrick (DBI) <patrick.oriordan@sfgov.org>

Subject: Proposed change to Soft Story Tier IV deadline

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon,

I am a local architect with a small office in Hayes Valley. I am writing today in STRONG SUPPORT of your proposed legislation to extend the Tier IV soft story deadline for one additional year.

September 15th is rapidly approaching and I have several clients who are not able to proceed with their construction due to permit delays on both their soft story plans/revisions and also on associated ADU permits.

Property safety is critical, especially to me as an architect. But right now, permit delays are adding 4-6 months to the most basic of applications. I have several projects with both soft story and ADU scope combined, but our ADU approvals have slowed to almost a stand-still since the Covid Shut-down. My clients in the Tier IV category are very concerned about having a violation notice posted on their buildings in a time when so many tenants are failing to pay rent. In addition, property tenants are now all working from home and the disruption from construction noise is a major issue. We are finding tenants asking for construction to be slowed down, or limited to portions of the day so they can continue to work without disruption even for a portion of each day. Obviously, that results in construction delays, making a deadline in just 1 month almost impossible to achieve for many property owners.

I urge you to support this important, common-sense legislation so we can make our buildings safer, but in a time limit that takes the Covid impacts into consideration.

Thank you so much,

Serina Calhoun
Principal Architect
syncopated architecture
415-558-9843

[Placemakers PRO](#) is dedicated to helping you provide higher quality service to your clients AND save time while you're doing it! Try out our time saving [Property Information Map](#)! And, please follow us on [LinkedIN](#) to stay updated!

-

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

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

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only