

***BIC Regular Meeting
of
April 19, 2023***

***Agenda Item 5
Summary***

Building Inspection Commission
April 19, 2023

Agenda Item #5

Review and approval of an ordinance requiring façade inspection reports by November 1, 2023, for tall buildings constructed after 1998.

File No. 230373 – 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.

Background

After a series of storms resulted in glass failures at several recently constructed high-rise buildings downtown, Mayor London Breed issued an emergency declaration on March 27, 2023 allowing the Building Official to require inspections of the façades of potentially hazardous buildings regardless of the inspection schedules prescribed in Chapter 5F. The proposed ordinance 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.

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.

Proposed Amendments to Existing 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.

***BIC Regular Meeting
of
April 19, 2023***

***Agenda Item 5
CAC Letter***



April 13, 2023

Building Inspection Commission
49 South Van Ness Avenue
San Francisco, CA 94103

Re: File No. 230373

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.

Honorable Members of the Commission:

The April 12, 2023 regular meeting of the full Code Advisory Committee (CAC) deliberated on the proposed ordinance File Number 230373 amending the San Francisco Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct inspections and submit façade inspection report on by November 1, 2023.

During the discussion of the proposed ordinance, the committee agreed that the cause of the glass failures needed to be understood prior to defining the requirements of the new ordinance. The study may determine if there is a common design flaw in the glazing attachment methods or in calculating wind design loads. The study could be used to focus future façade inspections on certain elements of the glazing system which may cause failures in future wind events.

Based on recommendations from the Structural Sub-committee a new Section 508F – Emergency Exterior Glazing System Inspection of Buildings 15 Stories or Greater was proposed to supersede the proposed language found in File Number 230373. See Attached

The full Code Advisory Committee passed a recommendation that a study be done on the six documented glass failures during the March wind storms by a qualified engineering firm and the proposed addition of Section 508F be held to after the study is produced.

Respectfully submitted,

A handwritten signature in blue ink that reads "Thomas Fessler".

Thomas Fessler
DBI Technical Services
Secretary to the Code Advisory Committee

cc. Patrick O'Riordan, C.B.O. Director
Neville Pereira, Deputy Director
Christine Gasparac, Deputy Director
Janey Chan, Manager
Stephen Harris, S.E, Chair, Code Advisory Committee

Attach: File No. 230212 and proposed Section 508F- Emergency Exterior Glazing System Inspection of Buildings 15 Stories or Greater

Chapter 5F

BUILDING FACADE INSPECTION AND MAINTENANCE – RETROACTIVE PROVISIONS

SECTION 501F – GENERAL REQUIREMENTS AND SCOPE

All façades of buildings of Construction Type I, II, III, or IV and which are five or more stories are required to be inspected periodically by a qualified professional who shall be a licensed architect or engineer retained by the property owner. The façades are required to be maintained in accordance with the criteria and procedures of this Chapter 5F. For buildings considered to be historic resources, the qualified professional shall have expertise in inspection and maintenance of historic resources. The requirements of this Chapter are retroactive and shall apply to and include buildings erected prior to the adoption of this Code. Qualifications of the qualified professional and inspection requirements are as detailed in the accompanying Administrative Bulletin.

SECTION 502F – DEFINITIONS

In addition to the definitions in Chapter 2 of this Code, the following definition shall apply for purposes of this Chapter.

Façade. All areas on the exterior of the building including all exterior walls and exterior wall covering, windows, balconies, cornices, parapets, architectural trim and embellishments, appurtenances, and all elements listed in Section 504F.3. The façade also includes walls supported at the roof level, such as penthouse walls and chimneys. A façade shall include walls and appurtenances in the interior of a building where such area has been converted from an exterior area by enclosing the area under a roof, skylight, or other covering.

Historic resource. A building designated pursuant to Articles 10 or 11 of the Planning Code or any building listed on, or determined eligible for listing on, the California Register of Historic Resources or the National Register of Historic Places, or that is a “qualified historical building” as defined in the California Historical Building Code.

Unsafe condition. A condition of a building that poses an imminent hazard to persons and/or property.

SECTION 503F – INSPECTION SCHEDULE

503F.1 Initial Inspection. Each building within the scope of this Chapter 5F shall be subject to an initial façade inspection pursuant to Section 504F. Inspection reports are subject to the requirements of Section 505F.

Exceptions:

1. Buildings for which a permit application for new construction was submitted after January 1, 1998 are exempt from requirement for an initial inspection. Buildings exempt from initial inspection pursuant to this exception shall begin periodic inspections 30 years from the issuance of the Certificate of Final Completion (CFC) for new construction.
2. Buildings for which comprehensive façade inspection and necessary maintenance, restoration, or replacement has been completed during the 10 (ten) years preceding the date of the required initial inspection report due date may apply to the Building Official for a waiver of the initial inspection.

Table 503F

Initial Inspection Schedule

Compliance Tier	Building Construction Completion Date ¹	Inspection Report Due Date
1	Building was constructed prior to 1910	December 31, 2021
2	Building was constructed from 1910 through 1925	December 31, 2023
3	Building was constructed from 1926 through 1970	December 31, 2025
4	Building was constructed after 1970	December 31, 2027

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

503F.3 Inspection in Response to Damage or Failure. Notwithstanding the Initial Inspection Schedule set forth in Table 503F or the Exceptions to the initial inspection requirements provided in Section 503F.1, the Department shall require an inspection of façades to be performed in the following circumstance: If façade elements required to be inspected under this Chapter 5F exhibit significant damage or failure as noted by Department staff or property owner or owner's agent, either during the normal passage of time or due to an earthquake or other event, then the property owner is required to obtain an inspection of the areas of damaged or failed elements and related building elements within 60 days unless the façade poses an unsafe condition. If the Building Official determines that there is an unsafe condition, the provisions of Section 102A shall apply.

SECTION 504F – FACADE INSPECTION AND MAINTENANCE CRITERIA AND PROCEDURES

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

504F.2 Method of Inspection. Inspections may include both general inspection and detailed inspection as detailed in the Administrative Bulletin.

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

1. Attached equipment such as communications equipment, pipes and ductwork;
2. Decorative elements such as urns, friezes, balustrades, and attached artwork;
3. Signs;
4. Fire escapes;
5. Flagpoles;
6. Vertical extensions such as vents;

7. Lights and other fixtures;
8. Hanging air conditioners and other devices;
9. Other elements that could pose a safety hazard if dislodged.

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

1. Walls within 36 inches of parallel, facing walls on the same or adjoining properties unless the space between the walls is accessible by means of a door;
2. Walls and appurtenances within exterior courts and yards enclosed by walls on all sides and where the bottom of the court is on grade, unless there is direct access to the court by means of a door;
3. Elements, as approved by the Director, that do not contribute to a safety hazard or that do not require regular maintenance.

SECTION 505F – INSPECTION REPORTS.

The qualified professional performing any inspection required by this Chapter 5F shall prepare an inspection report in conformity with Section 504D and the Administrative Bulletin adopted by the Department. The property owner or property owner's authorized agent shall submit a copy of the inspection report to both the property owner and the Department within the time required by Table 503F, provided, however, that the qualified professional shall report any unsafe conditions to the Department immediately notwithstanding the deadline in Table 503F.

Within 60 days of receipt of an inspection report, the Department shall confirm receipt of the report, provide review comments, if any, and confirm timelines and other requirements for maintenance actions and subsequent inspections.

SECTION 506F – FEES

The Standard Hourly Rates set forth in Table 1A-D shall be charged to compensate the Department for inspection report review, evaluation, and processing related to implementation and enforcement of this Chapter 5F.

SECTION 507F – ENFORCEMENT AND ABATEMENT.

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

SECTION 508F – EMERGENCY EXTERIOR GLAZING SYSTEM INSPECTION OF BUILDINGS 15 STORIES OR GREATER

In addition to the initial façade inspection, all buildings 15 stories or more, are required to be inspected by a qualified provisional who shall be a licensed architect or engineer retained by the property owner to perform inspection of the building's exterior glazing system pursuant to Section 504F.

The qualified professional performing any inspection required by this Chapter 5F shall prepare an inspection report in conformity with Section 504F and the Administrative Bulletin adopted by the Department. The property owner or property owner's authorized agent shall submit a copy of the inspection report to both the property owner and the Department by November 1, 2023 provided, however, that the qualified professional shall report any unsafe conditions to the Department immediately.

Exception:

Buildings for which an initial façade inspection report has been submitted to the Department per Section 503F are exempt from Section 508F.

DRAFT

***BIC Regular Meeting
of
April 19, 2023***

***Agenda Item 5
Legislation***

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
TDD/TTY No. (415) 554-5227

MEMORANDUM

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

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

DATE: April 10, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Peskin on April 10, 2023:

File No. 230373

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.

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.

cc: Patty Lee, Department of Building Inspection

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

2

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

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

11

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

13

14 Section 1. Findings

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

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

25

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.

7

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

10 By: /s/ Robb Kapla
11 ROBB KAPLA
 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

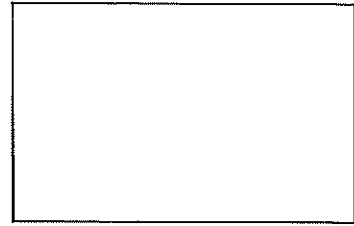
The Proposed Legislation would revise the exemption for buildings built after 1998 from a blanket exemption to one that only applies to buildings 14 stories or shorter. For buildings built after 1998 that are 15 stories or taller, the Proposed Legislation requires submission of the initial façade inspection 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.

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 [redacted] inquires..."
- 5. City Attorney Request
- 6. Call File No. [redacted] from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No. [redacted]
- 9. Reactivate File No. [redacted]
- 10. Topic submitted for Mayoral Appearance before the Board on [redacted]

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

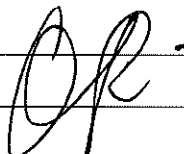
Subject:

[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:



Ordinance to Require Façade Inspection Reports for High Rise Buildings

Building Inspection Commission – Agenda Item #5

April 19, 2023

File No. 230373

Review and approval of an ordinance requiring façade inspection reports for buildings constructed after 1998 with 15 or more stories.

File No. 230373

The way it is now:

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, but buildings that received a building permit after 1998 are exempt.

Proposed amendments:

Revise the exemption for buildings built after 1998 from a blanket exemption to one that only applies to buildings 14 stories or shorter, and require an initial façade inspection report for buildings 15 stories or taller by November 1, 2023 or within six months of notification from DBI, whichever is sooner.

Code Advisory Committee Recommendations

- A study of recent window failures during winter storms by a qualified engineering firm, to determine if there is a common design flaw in glazing attachment methods or in calculating wind loads.
- That study informs the requirements for future façade inspections on certain elements of glazing systems which could cause failures in future wind events.
- Require the glazing-specific façade inspections for all buildings 15 stories or more.

DBI Staff Recommendation

DBI staff suggests the BIC make a recommendation of approval of File No. 230373 to the Board of Supervisors with the following conditions:

- DBI procure a study of all recent window failures by a qualified engineering firm to establish criteria for glazing system-specific façade inspections
- That criteria is used for the glazing system-specific façade inspections under proposed ordinance File No. 230373
- DBI staff suggests requiring buildings with 15 stories or more and built after 1998 to submit these inspection reports, as proposed in the ordinance.