

***BIC Regular Meeting
of
December 13, 2023***

Agenda Item 5



November 16, 2023

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

Re: File No. 231130 Existing Building Code – Supplemental Inspections for Tall Buildings

Honorable Members of the Commission:

November 8, 2023 the Code Advisory Committee (CAC) convened to review proposed changes to San Francisco Existing Building Code File No. 23 Supplemental Inspections for Tall Buildings. After discussing the proposed changes, the committee voted unanimously to recommend the Building Inspection Commission adopt the ordinance with the additional proposed Sections 504F.2 through 504F.6, once the city attorney includes those sections into File No.231130.

Respectfully submitted,

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

Thomas Fessler
DBI Technical Services Division
Secretary to the Code Advisory Committee

cc. Patrick O'Riordan, C.B.O. Director
Christine Gasparac, Assistant Director
Janey Chan, Manager
Ned Finnie, AIA, Chair, Code Advisory Committee
Carl Nicita, Legislative Affairs

Attach: File No.231130 and proposed Sections 504F.2 through 504F.6

Requested additions to the draft ordinance:

504F.2 Method of Inspection. Inspections may include both general inspection and detailed inspection as detailed in the Administrative Bulletin. ~~*Comprehensive facade inspections shall include a general inspection and detailed inspection per ASTM E 2770, Items 10.3 and 10.4, respectively. As part of the supplemental façade inspections, detailed inspections, per ASTM E2270, Item 10.4, are not mandatory and need not be undertaken unless considered necessary by the qualified inspector.*~~

504F.3 Elements ~~T~~o Be Included in Comprehensive Inspections. Inspections shall include the façade elements listed in ASTM E 2270 Items 10.3 and 10.4 and the following additional elements: ***

504F.5 Elements To Be Included in Supplemental Inspections.
ASTM E2770, Item 10.3 General Inspection, shall include 100 percent visual inspection of the exterior glazing.

504F.6 Buildings Exempt from Supplemental Inspections.
Buildings with 15 or more stories subject to 503F.2 are exempt from submitting a periodic supplemental inspection report where the following are attested by a qualified professional each time a periodic supplemental inspection report is due:

1. The building is without spandrel glass;
2. The building maintains a maintenance log *pertaining to glass and glazing replacement or repairs*, available for review by the qualified professional.;
- 2.3. The building is without a history of glass breakage within the last 5 years.;
- ~~3.1. The building maintains a maintenance log, available for review by the qualified professional.~~

Additional consideration:

Adding a definition of “Compliance” to SFEB Chapter 5F to mean inspection report has been submitted, reviewed, accepted and invoice for review paid.

Agenda Item #5

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

Background

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 of Supervisors adopted legislation amending Chapter 5F to require immediate inspection of buildings 15 or more stories built after 1998.

The Department of Building Inspection (DBI) hired Wiss, Janney, Elstner Associates, Inc. (WJE) to investigate the glass failures and provide recommendations for potential inclusion in the Façade Inspection Program. Based on WJE’s finding that most glass failures could have been detected and mitigated before storm conditions arose through visual inspections, DBI recommended instituting supplemental inspection reports for buildings 15 or more stories every five years, including newer buildings that are not required to conduct comprehensive façade inspection reports for several more 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 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 DBI to conduct and submit an inspection report.

Amendments to Existing Law in the Ordinance

The ordinance would require all buildings 15 stories or taller 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.

Further Amendments Requested by DBI Staff

DBI staff recommend the following additional amendments to the proposed ordinance:

- Assert in Chapter 5F Section 504F.2 that comprehensive facade inspections must include a general inspection and detailed inspection per ASTM E 2770, Items 10.3 and 10.4, respectively, but detailed inspections per ASTM E2270, Item 10.4 are not mandatory for the supplemental inspections unless considered necessary by the qualified inspector.
- Specify the minimum elements of supplemental inspection reports in Section 504F.5 (100 percent visual inspection of the exterior glazing).
- Add an exemption to the supplemental inspection requirement if a qualified professional attests to the following: (1) the building does not have spandrel glass, (2) the property owner maintains a maintenance log pertaining to glass and glazing replacement or repairs, available for review by the qualified professional, and (3) the building is without a history of glass breakage within the last 5 years.

If the Building Inspection Commission agrees, DBI staff will ask Board President Aaron Peskin, the sponsor of this ordinance, to incorporate these suggested amendments in the ordinance.

Code Advisory Committee Recommendation

The Code Advisory Committee met November 8, 2023 and voted unanimously to make a recommendation to the BIC to recommend approval of the proposed ordinance with staff's requested additional amendments.

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

2
3 **Ordinance amending the Existing Building Code to require buildings with ~~fifteen-15~~ or**
4 **more stories to conduct and submit supplemental inspection reports; and affirming the**
5 **Planning Department's determination under the California Environmental Quality Act.**

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 Section 1. Background and 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 (c) No local findings are required under California Health and Safety Code Section
17958.7 because the amendments to the Existing Building Code contained in this ordinance

1 do not regulate materials or manner of construction or repair, and instead relate in their
2 entirety to administrative procedures for implementing and demonstrating compliance with the
3 code, which are expressly excluded from the definition of a “building standard” by California
4 Health and Safety Code Section 18909(c).

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

12
13 Section 2. Chapter 5F in the Existing Building Code is hereby amended by revising
14 Sections 503F (specifically, Sections 503F.1 and 503F.2, and adding Sections 503F.1.1 and
15 503F.1.2) and 504F (specifically, Section 504F.1), to read as follows:

16 **SECTION 503F – INSPECTION SCHEDULE**

17 **503F.1 Initial Inspection Types.**

18 **503F.1.1 Initial Comprehensive Inspection.** *All buildings within the scope of this Chapter 5F*
19 *shall conduct an initial comprehensive façade inspection pursuant to Section 504F and submit an*
20 *inspection report subject to the requirements of Section 505F within the timelines detailed in Table*
21 *503F.*

22 **503F.1.2 Initial Supplemental Inspection.** *All buildings 15 or more stories tall shall submit*
23 *an initial supplemental façade inspection report in accordance with the requirements of Section 504F*
24 *within six months of notification by the Department, or within the timelines detailed in Table 503F.*
25 *~~Buildings with 15 or more stories for which a permit application for new construction was submitted~~*

1 ~~after January 1, 1998 shall submit a façade inspection report within six months of notification by the~~
 2 ~~Department. After submitting the initial supplemental inspection report, periodic supplemental~~
 3 ~~inspection reports shall be conducted and submitted by building owners in accordance with Section~~
 4 ~~503F.2. All other buildings within the scope of this Chapter 5F shall be subject to an initial façade~~
 5 ~~inspection pursuant to Section 504F. Inspection reports are subject to the requirements of Section~~
 6 ~~505F.~~

7 Exceptions:

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

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

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

19 **Table 503F**
 20 **Initial Inspection Schedule**

| Compliance Tier | Building Construction Completion Date | <u>Comprehensive</u> Inspection Report Due Date ¹ | <u>Supplemental</u> Inspection Report Due Date |
|-----------------|---------------------------------------|--|--|
|-----------------|---------------------------------------|--|--|

| | | | | |
|---|---|---|---|--------------------------|
| 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 By: /s/ Robb Kapla
14 ROBB KAPLA
Deputy City Attorney

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Ordinance to Require Supplemental Façade Inspection Reports for Buildings 15 or More Stories

Building Inspection Commission – Agenda Item #5

December 13, 2023

Background

- Broken glass from 7 high rises were reported after the March 2023 storms.
- Legislation was passed to allow DBI to require buildings 15+ stories post 1998 to perform a façade inspection and submit a report within 6 months of DBI notification.
- Code Advisory Committee recommended investigation for more targeted actions.

Background

- DBI hired Wiss, Janney, Elstner Associates, Inc. (WJE) to investigate the glass failures and provide recommendations for potential inclusion in the Façade Inspection program.
- WJE investigated 7 buildings; 31 panes of broken glass investigated.
- Findings showed that 30 breakages were likely caused by issues that could have been identified and mitigated prior to the storms.

WJE's Key Recommendations

Facade designers/contractors: Avoid the use of spandrel glass, tempered glass, insulation against glass.

Building Owners: To reduce risk to public, there is a need for better detection, review, documentation, and prompt action by building owners.

City: Update the Facade Inspection and Maintenance Program (FIMP) to require a supplemental visual inspection of all glazed openings at the 5-year point between periodic facade inspections for:

- 15+ stories
- With spandrel glass or history of breakage in past 5 years
- Un-repaired issues which may result in a falling hazard

Recently Passed Ordinance

- Requires façade inspection for buildings 15+ stories, post 1998.
- Six months to complete inspection once notified by DBI.
- Process detailed in a DBI Information Sheet.
- 100 percent visual inspection of the exterior glazing.

Proposed Ordinance to Require Supplemental Inspections

- Requires all buildings 15+ stories 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.

Proposed Ordinance to Require Supplemental Inspections

- For buildings 15+ 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 (alternate between submitting comprehensive and supplemental reports every five years).

Further Amendments Requested by DBI Staff

DBI staff recommend the following additional amendments to the proposed ordinance:

- Assert in Chapter 5F Section 504F.2 that comprehensive facade inspections must include a general inspection and detailed inspection per ASTM E 2770, Items 10.3 and 10.4, respectively, but detailed inspections per ASTM E2270, Item 10.4 are not mandatory for the supplemental inspections unless considered necessary by the qualified inspector.
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If the Building Inspection Commission recommends, DBI staff will request Board of Supervisors President Aaron Peskin, the sponsor of this ordinance, to incorporate these amendments.

Code Advisory Committee Recommendation

The Code Advisory Committee met on November 8, 2023 and made a unanimous recommendation to the BIC to recommend approval of the ordinance, including staff's requested amendments.



THANK YOU