

***BIC Regular Meeting
of
November 16, 2022***

Agenda Item 4d

Department of Building Inspection Legislative Update

Building Inspection Commission Meeting, November 16, 2022

DBI has compiled the following summary of legislation affecting the San Francisco Building Code from the Board of Supervisors, as well as from Code Advisory Committee meetings and recommendations.

UPDATES/CURRENT AND UPCOMING ORDINANCES

Hearing Items

File No. 220981 – Hearing to review the economic impact, real estate valuations and potential tax revenue loss, and City budget consequence of vacant office buildings and reduced daytime populations in the Economic Core, including the Financial District, SOMA and Embarcadero; and requesting the Office of Economic and Workforce Development, Assessor-Recorder, Department of Building Inspection, Controller’s Office, Small Business Commission, Planning Department, the City Economist, and Assessment Appeals Board to report.

STATUS: The hearing request was introduced on September 13, 2022 and was assigned to the Budget and Finance Committee.

File No. 220902 – Hearing on the permitting processes, time-frames, and systemic barriers experienced by small property owners building Accessory Dwelling Units (ADUs) under the local and state mandated programs; and the applications in the pipeline under California State Senate Bill No. 9 for duplex and quadplex construction from lot splits allowed in RH-1 zoned districts, including data on geographic distribution; and requesting the Planning Department and Department of Building Inspection to report.

STATUS: The hearing request was introduced on July 26, 2022 and was assigned to the Land Use and Transportation Committee.

File No. 210198 – Hearing on the City's electric vehicle fleet to determine when the City could be expected to have an all-electric fleet at the current rate, what are the departments’ projections for the next four years towards electrifying their fleet, and the status of each department’s charging stations; and requesting the Department of Environment, San Francisco Airport, Public Utilities Commission, Police Department, Department of Building Inspection, Port, City Administrator’s Office, and Real Estate Division to report.

STATUS: The hearing was held on May 5, 2022 at the Government Audit and Oversight Committee, and the item was continued to the call of the chair.

File No. 210954 – Hearing to receive progress updates on the seismic retrofit plan options for 301 Mission Street (also known as the Millennium Tower), based on public documents obtained by the Board of Supervisors and archived in File No. 160975; and requesting the Department of Building Inspections and project sponsor to present.

STATUS: A follow-up hearing was held at the January 6, 2022 meeting of the GAO committee. At the conclusion of the hearing, the item was continued.

File No. 210514 – Hearing on the oversight and safety of the construction conducted under the Mandatory Soft Story Retrofit Program to fully evaluate the concerns raised by the Structural Subcommittee of the Code Advisory Committee and the Structural Engineers Association of Northern

California, specifically, but not limited to, the risk of gas pipe ruptures; and requesting the Department of Building Inspection, Structural Subcommittee of the Code Advisory Committee, Board of Examiners, Pacific Gas and Electric Company, Structural Engineers Association of Northern California, and other subject matter experts to report. Assigned to Land Use and Transportation Committee.

STATUS: The hearing was held on June 7, 2021 and was continued to the call of the chair. On July 6, 2022, a request was filed with the Clerk of the Board to keep this item active.

File No. 220249 - Hearing on the Building Operations Component of the 2022 Climate Action Plan. The hearing is on the findings, strategies, and supporting actions of the Buildings Operations component of the City's 2022 Climate Action Plan; and requesting the Department of the Environment to report.

STATUS: The hearing was held on July 18, 2022, and this item was heard and filed.

File No. 220164 - Hearing on permitted and illicit cannabis cultivation in San Francisco, the City's efforts to address public safety and fire hazard impacts, and to incentivize permitted cannabis cultivation in appropriate locations; and requesting the Office of Cannabis, Police Department, Fire Department, Department of Building Inspection, and Planning Department to report.

STATUS: Introduced on February 15, 2022. Not scheduled.

Legislation

File No. 220970 – Ordinance amending the program established in Ordinance No. 143-21 waiving certain first-year permit, license, and business registration fees for certain businesses, retroactive to November 1, 2021, to 1) extend the program through June 30, 2023; 2) increase the gross receipts permissible for a business to qualify for the tax and fee waiver from \$2,000,000 to \$5,000,000; 3) remove the requirement that the business be located on the ground floor 4) expand the business types covered by the waiver from commercial businesses in certain Planning Code categories to all commercial businesses; 5) extend the period for refunds to the later of one year from the date of payment or June 30, 2023; 6) revise the procedures for challenging Tax Collector determinations that a business improperly claimed a waiver under this Ordinance; 7) increase the gross receipts above which the waiver would be retroactively revoked from \$10,000,000 to \$15,000,000 in the calendar year of, or in any calendar year during the three full calendar years following, the date the business commenced business within San Francisco or opened a new business location for commercial use; and 8) make other administrative and reporting changes, as defined herein.

STATUS: The proposed ordinance was introduced on September 13, 2022 and was approved by the Board of Supervisors on second reading on November 8, 2022.

File Nos. 220940, 220941, 220942, 220943, 22094, 220945 - Ordinances repealing the 2019 Building Code in its entirety and enacting a 2022 Building Code consisting of 2022 California Building Code and the 2022 California Residential Code, as amended by San Francisco; repealing the 2019 Existing Building Code in its entirety and enacting a 2022 Existing Building Code, as amended by San Francisco; repealing the 2019 Green Building Code in its entirety and enacting a 2022 Green Building Code consisting of the 2022 California Green Building Standards Code, as amended by San Francisco; repealing the 2019 Mechanical Code in its entirety and enacting a 2022 Mechanical Code consisting of the 2022 California Mechanical Code, as amended by San Francisco; repealing the 2019 Electrical Code in its entirety and enacting a 2022 Electrical Code consisting of the 2022 California Electrical Code, as amended by San

Francisco; repealing the 2019 Plumbing Code in its entirety and enacting a 2022 Plumbing Code consisting of the 2022 California Plumbing Code, as amended by San Francisco. For all of the above, adopting environmental findings and findings of local conditions under the California Health and Safety Code, providing for an operative date of January 1, 2023, and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission, as required by State law.

STATUS: The proposed ordinances were introduced on September 13, 2022 and were approved by the Board of Supervisors on second reading on November 1, 2022.

File No. 220878 - Ordinance amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions; clarify that violations affecting more than one unit in a building constitute multiple violations for purposes of assessing penalties; adding factors to consider in determining the appropriate amount of civil penalties; establishing penalties for residential units merged, constructed, or divided without required permits or approvals; establishing penalties for violations involving illegal demolition and enhancement of penalty amounts for certain buildings by age or historic status; providing additional notices for Responsible Parties; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and eight priority policies of the Planning Code, Section 101.1 and findings of public necessity, convenience, and welfare under Planning Code, Section 302.

STATUS: The proposed ordinance was introduced on July 26, 2022 and was assigned to the Land Use and Transportation Committee.

File No. 220815 - Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion and Demolition Ordinance; to set the term of tenancy for such use at less than seven days, for two years after the effective date of this Ordinance, and, after that two-year period, at less than 30 days; to provide an amortization period applicable to hotels currently regulated under the Ordinance; to provide a process by which the owners or operators of regulated hotels can request that the amortization period be longer, on a case-by-case basis; to amend the definition of Permanent Resident, from a person who occupies a room for at least 32 days to one who occupies a room for at least 30 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

STATUS: The proposed ordinance was introduced on July 20, 2022 and was assigned to the Land Use and Transportation Committee.

File No. 220038 – Ordinance amending the San Francisco Fire Code to require automatic sprinkler systems in existing high-rise buildings

STATUS: The proposed ordinance was introduced on January 11, 2022 and was assigned to the Land Use and Transportation Committee. This item was heard at the April 13 Code Advisory Committee and the April 20 Building Inspection Commission meetings. The BIC recommended amendments to the sponsor to align the existing Building Code with the new Fire Code. The BIC transmittal letter was received by the Board on May 19, 2022.

Recently Passed Ordinances

File No. 211297 – Ordinance amending the Police Code to add Article 33O to require owners and covered contractors on certain residential construction projects to maintain a labor compliance bond

and to condition release of such bond on specified labor standards compliance for work on the project; and amending the Building Code to require owners of such projects to file a labor compliance bond as a condition of receiving a permit for construction.

STATUS: The ordinance was signed by Mayor Breed on May 6, 2022.

File No. 220193 - Settlement of Lawsuit - Dennis Richards, Rachel Swann, Six Dogs, LLC - \$1,800,000. Ordinance authorizing settlement of the lawsuit filed by Dennis Richards, Rachel Swann and Six Dogs, LLC against the City and County of San Francisco for \$1,800,000; the lawsuit was filed on February 21, 2020, in United States District Court, Case No. 20-cv-01242-JCS; entitled Dennis Richards, et al. v. Department of Building Inspection, et al.; the lawsuit involves alleged civil rights violations and claims that the Department of Building Inspection revoked building permits to retaliate against persons critical of the Department.

STATUS: The settlement was signed by Mayor Breed on April 22, 2022.

File No. 210934/ ORD 204-21 – Ordinance amending the Building Code to extend the time by approximately two years for existing buildings with a place of public accommodation to comply with the requirement to have all primary entries and paths of travel into the building accessible to persons with disabilities or to receive a City determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; to extend the period for granting extensions from those deadlines; and to extend the time for the Department of Building Inspection’s Report to the Board of Supervisors.

STATUS: The proposed ordinance was signed by Mayor Breed on November 12, 2021.

File No. 210741/ ORD 143-21– Ordinance waiving certain first-year permit, license, and business registration fees for businesses that commence engaging in business within the City from November 1, 2021 through October 31, 2022, have estimated first-year San Francisco gross receipts of \$2,000,000 or less, and have a registered business location that is for storefront commercial use and not formula retail uses; and refunding any waived fees paid to the City.

STATUS: The ordinance was signed by Mayor Breed on September 17, 2021.



Legislative Update

Christine Gasparac, Assistant Director
November 16, 2022

SF Board of Supervisors: Ordinances

2022 Code Adoption Ordinances

Six proposed ordinances to update the Building Code, Green Building Code, Mechanical Code, Electrical Code and Plumbing Code

Approved by the Board of Supervisors on second reading on November 1. They were signed by the Mayor on November 10.

SF Board of Supervisors: Ordinances (cont.)

- Proposed ordinance to amend the first-year permit, license and business registration fees for certain businesses. Makes the changes retroactive to November 1, 2021 and expands the eligible businesses and increases the gross receipts qualifiers.

Status: Approved by the Board of Supervisors on second reading on November 8

- Proposed Ordinance amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions

Status: The Building Inspection Commission recommended approval at its October 19 meeting. The ordinance is pending in the Land Use and Transportation Committee

SF Board of Supervisors: Hearings

- Hearing to review the economic impact, real estate valuations and potential tax revenue loss and City budget consequence of vacant office buildings and reduced daytime populations in the Economic Core.

Status: This hearing was assigned to the Budget and Finance Committee and hearing date has yet to be determined

- Hearing on Accessory Dwelling Units (ADUs) under local and state-mandated programs, and the applications in the pipeline under California State Senate Bill No. 9 for duplex and quadplex construction.

Status: This hearing was assigned to the Land Use Committee and hearing date is set for December 5



THANK YOU