BIC Regular Meeting
of
March 15, 2023

Agenda Item 14d

Department of Building Inspection Legislative Update

Building Inspection Commission Meeting, March 15, 2023

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 ON CURRENT AND UPCOMING LEGISLATION

Ordinances

File No. 230134 – Ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document; and clarifying that the bonding requirement applies to projects that submitted an application for a building permit or a complete preliminary permit application pursuant to California Government Code, Section 65941.1, on or after June 6, 2022.

STATUS: The proposed ordinance was introduced on February 7, 2023 and assigned to the Land Use and Transportation Committee with a 30-day rule waiver. The Code Advisory Committee recommended the ordinance to the Building Inspection Commission with comments and an alternative motion on March 8, 2023.

File No. 230212 – Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May, and to indicate that the Planning Code and Building Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May; 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 Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

STATUS: The proposed ordinance was introduced on February 28, 2023 and assigned to the Land Use and Transportation Committee under the 30-day rule. The Code Advisory Committee recommended the ordinance to the Building Inspection Commission with comments on March 8, 2023.

File No. 230167 – Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act.

STATUS: The proposed ordinance was introduced on February 14, 2023 and assigned to the Rules Committee under the 30-day rule.

File No. 220878-2 – 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 was introduced on November 29, 2022 and assigned to the Land Use and Transportation Committee. The ordinance was heard by the BIC on January 18, 2023 and recommended for approval. The Planning Commission recommended approval with modifications on February 7, 2023. The Land Use and Transportation Committee amended the ordinance in committee on March 7, 2023 and recommended it as amended to the Board of Supervisors.

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. The Land Use and Transportation Committee referred the ordinance to the Board of Supervisors without recommendation on February 27, 2023. The ordinance passed on first reading on March 7, 2023.

Hearings

File No. 230147 – Hearing to review the Budget and Legislative Analyst's policy analysis report on repurposing commercial real estate for residential use to address the City's need to produce additional affordable and market rate housing and commercial vacancies, particularly in the Downtown office market.

STATUS: The hearing request was introduced on February 7, 2022 and was assigned to the Land Use and Transportation Committee. The hearing has not been scheduled.

File No. 221257 – Hearing regarding updates on the findings of the joint Department of Building Inspection (DBI) and Planning investigation into Building Code and Planning Code violations, including potential illegal conversions of the Twitter Headquarters located at 1355 Market Street as reported on by Forbes Magazine and potential labor and human rights violations of immigrant workers; and requesting Department of Building Inspection, the Zoning Administrator and Planning Enforcement, Office of Labor Standards Enforcement and Human Rights Commission to report.

STATUS: The hearing request was introduced on December 6, 2022 and was assigned to the Land Use and Transportation Committee. The hearing has not been scheduled.

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 Inspection 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. A request was filed with the Clerk of the Board for the matter to remain active until April 30, 2023.

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.

Recently Passed Legislation

File No. 230153 – Resolution urging the Planning Department to report on potential candidates for adaptive reuse in the Downtown core; urging the Planning Department and Department of Building Inspection to issue public facing criteria for members of the public and stakeholder property owners on potential office conversion to residential eligibility; and urging the Planning Department, City Controller and Treasurer Tax Collector to investigate private market restraints on adaptive reuse, including shareholder and REIT agreements that restrict conversion or the offering of commercial space for competitive rates, and local, state and federal tax policies that disincentivize the productive or adaptive reuse of properties that would otherwise be ripe for conversion.

STATUS: The proposed resolution was referred for adoption without committee reference and was adopted by the Board of Supervisors on February 14, 2023.

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 ordinance was signed by the Mayor on November 17, 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 ordinances were signed by the Mayor on November 10, 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 ordinance was signed by Mayor Breed on November 12, 2021.

State Bills Tracking List from CALBO

(as of March 10, 2023)

Bills that CALBO Supports

AB 1236 (**Grayson** D) **Fire protection: residential fire sprinklers.**

Introduced: 2/16/2023

Status: 2/17/2023-From printer. May be heard in committee March 19.

Location: 2/16/2023-A. PRINT

AB 1445 (**Arambula** D) **The Neng Thao Drowning Prevention Safety Act.**

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Location: 2/17/2023-A. PRINT

AB 1505 (**Rodriguez** D) **Seismic retrofitting: soft story multifamily housing.**

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Location: 2/17/2023-A. PRINT

SB 306 (**Caballero** D) **Climate change: Equitable Building Decarbonization Program: Extreme Heat Action Plan.**

Introduced: 2/2/2023

Last Amended: 3/7/2023

Status: 3/7/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on E., U. & C.

Location: 2/15/2023-S. E. U., & C.

Position: Support if Amended

State Bills Tracking List from CALBO

(as of March 10, 2023)

SB 356 (**Archuleta D**) **Housing: Code Enforcement Incentive Program: Community Code Enforcement Pilot Program.**

Introduced: 2/8/2023

Status: 3/7/2023-Set for hearing March 21.

Location: 2/15/2023-S. HOUSING

SB 795 (**Stern D**) **Energy: building energy efficiency: heating, ventilation, and air conditioning equipment: sale registry and compliance tracking system: compliance document data repository.**

Introduced: 2/17/2023

Status: 3/1/2023-Referred to Com. on E., U. & C.

Location: 3/1/2023-S. E. U., & C.

Bills that CALBO Opposes

AB 42 (**Ramos D**) **Tiny homes: fire sprinkler requirements.**

Introduced: 12/5/2022

Status: 1/26/2023-Referred to Coms. on H. & C.D. and L. GOV.

Location: 1/26/2023-A. H. & C.D.

AB 704 (**Patterson, Jim R**) **Energy: building standards: photovoltaic requirements.**

Introduced: 2/13/2023

Status: 3/2/2023-Referred to Com. on NAT. RES.

Location: 3/2/2023-A. NAT. RES.

AB 772 (**Jackson D**) **Electric vehicle chargers.**

Introduced: 2/13/2023

Status: 3/2/2023-Referred to Com. on U. & E.

Location: 3/2/2023-A. U. & E.

State Bills Tracking List from CALBO

(as of March 10, 2023)

AB 932 (**Ting** D) **Planning and zoning: junior accessory dwelling units: application approval time period.**

Introduced: 2/14/2023

Status: 3/2/2023-Referred to Coms. on H. & C.D. and L. GOV.

Location: 3/2/2023-A. H. & C.D.

AB 1132 (**Friedman** D) **Solar energy systems: permit fees.**

Introduced: 2/15/2023

Status: 3/2/2023-Referred to Com. on L. GOV.

Location: 3/2/2023-A. L. GOV.
Position: Oppose Unless Amend

AB 1490 (**Lee** D) **Affordable housing development projects: adaptive reuse.**

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Location: 2/17/2023-A. PRINT

AB 1504 (**McCarty** D) **Planning and zoning: adoption of regulations: electric vehicle charging stations.**

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Location: 2/17/2023-A. PRINT

AB 1532 (**Haney** D) **Office conversion projects.**

Introduced: 2/17/2023

Status: 2/18/2023-From printer. May be heard in committee March 20.

Location: 2/17/2023-A. PRINT

State Bills Tracking List from CALBO

(as of March 10, 2023)

SB 745 (**Cortese** D) **The Drought-Resistant Buildings Act.**
Introduced: 2/17/2023
Status: 3/1/2023-Referred to Com. on HOUSING.
Location: 3/1/2023-S. HOUSING

Bills on CALBO's Watch List

AB 1114 (**Haney** D) **Planning and zoning: housing development projects: postentitlement phase permits.**
Introduced: 2/15/2023
Status: 3/2/2023-Referred to Coms. on L. GOV. and H. & C.D.

AB 529 (**Gabriel** D) **Adaptive reuse projects.**
Introduced: 2/8/2023
Status: 2/17/2023-Referred to Coms. on H. & C.D. and L. GOV.

AB 548 (**Boerner Horvath** D) **State Housing Law: inspection.**
Introduced: 2/8/2023
Status: 2/17/2023-Referred to Com. on H. & C.D.

Legislative Update

Carl Nicita, Legislative Affairs Manager

March 15, 2023

SF Board of Supervisors: Ordinances

File No. 230134: Ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document; and clarifying that the bonding requirement applies to projects that submitted an application for a building permit or a complete preliminary permit application on or after June 6, 2022.

Status: The proposed ordinance was introduced on February 7, 2023 and assigned to the Land Use and Transportation Committee with a 30-day rule waiver. The Code Advisory Committee recommended the ordinance to the Building Inspection Commission with comments and an alternative motion on March 8, 2023.

SF Board of Supervisors: Ordinances

File No. 230134: Ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for new awning installations applied for during the month of May (+ Planning Code amendments)

Status: The proposed ordinance was introduced on February 28, 2023 and assigned to the Land Use and Transportation Committee under the 30-day rule. The Code Advisory Committee recommended the ordinance to the Building Inspection Commission with comments on March 8, 2023.

SF Board of Supervisors: Ordinances

File No. 220878-2: Ordinance amending the Planning and Building Codes to increase fines and penalties for violations of Planning and Building Code provisions.

Status: The proposed was introduced on November 29, 2022. The ordinance was heard by the BIC on January 18, 2023 and recommended for approval. The Planning Commission recommended approval with modifications on February 7, 2023. The Land Use and Transportation Committee amended the ordinance in committee on March 7, 2023 and recommended it as amended to the Board of Supervisors.

SF Board of Supervisors: Ordinances

File No. 230167: Ordinance amending the Campaign and Governmental Conduct Code to create a Permit Prioritization Task Force responsible for recommending permit prioritization guidelines to the Department of Building Inspection, the Planning Department, and the Department of Public Works, requiring those departments to review and update their permit prioritization guidelines periodically, and requiring the commissions that oversee each department to approve the department's permit prioritization guidelines; and affirming the Planning Department's determination under the California Environmental Quality Act.

Status: The proposed ordinance was introduced on February 14, 2023 and assigned to the Rules Committee under the 30-day rule.

SF Board of Supervisors: Resolutions and Hearings

File No. 230153: Resolution urging the Planning Department to report on potential candidates for adaptive reuse in the Downtown core; urging the Planning Department and Department of Building Inspection to issue public facing criteria for members of the public and stakeholder property owners on potential office conversion to residential eligibility.

> **Status:** The proposed resolution was adopted by the Board of Supervisors on February 14, 2023.

File No. 230147: Hearing to review the Budget and Legislative Analyst's policy analysis report on repurposing commercial real estate for residential use to address the City's need to produce additional affordable and market rate housing and commercial vacancies, particularly in the Downtown office market.

> **Status:** The hearing request was introduced on February 7, 2022 and was assigned to the Land Use and Transportation Committee but has not been scheduled.

State Legislation

- **AB 1114 (Haney):** This bill would modify the definition of “postentitlement phase permits” to include permits without regard to whether they are nondiscretionary. The bill would require issuance of a postentitlement phase permit, defined as modified in this bill, for a housing development project to be a ministerial duty of the local agency with jurisdiction over the project, and apply time limits to complete reviews.

- **AB 1532 (Haney):** This bill would make an office to supportive housing conversion project a use by right in all areas regardless of zoning, defining “use by right” to mean that the city or county’s review of the office conversion may not require a conditional use permit, planned unit development permit, or other discretionary city or county review or approval.

State Legislation

- **AB 932 (Ting):** Existing law requires a permitting agency to either approve or deny an application for an ADU within 60 days from the date the local agency receives a completed application. This bill would change that time period to 45 days.

- **AB 1505 (Rodriguez):** This bill would appropriate $250,000,000 from the General Fund to the California Residential Mitigation Program for the purpose of implementing the Seismic Retrofitting Program for Soft Story Multifamily Housing.

THANK YOU