

***BIC Regular Meeting  
of  
October 19, 2022***

***Agenda Item 4d***

## Department of Building Inspection Legislative Update

### Building Inspection Commission Meeting, October 19, 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 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 are on the agenda for the Land Use and Transportation Committee meeting on October 17, 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.

**File No. 220241** - Ordinance amending the Building Code to prohibit construction projects in buildings with any residential rental units, where the project would require the suspension of water or utility service to residential tenants, without the property owner providing alternative sources of water and power or reaching agreement with tenants, and to require installation of temporary insulation to mitigate noise and disruption to impacted residential tenants; adopting findings of local conditions under the California Health and Safety Code; and affirming the Planning Department’s determination under the California Environmental Quality Act.

**STATUS:** Assigned to the Land Use and Transportation Committee. Hearing date not set.

**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.

# State Bills List from CALBO (as of October 14, 2022)

Note: Includes selected state bills that CALBO (California Building Officials) is tracking.

## **Bills that CALBO supported:**

### **AB 1721 (Rodriguez D) Seismic retrofitting: soft story multifamily housing.**

**Introduced:** 1/27/2022

**Last Amended:** 5/19/2022

**Status:** 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was S. G.O. on 6/8/2022)

**Location:** 7/5/2022-S. DEAD

### **AB 1747 (Quirk D) Contractors: disciplinary action.**

**Introduced:** 1/31/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 757, Statutes of 2022.

**Location:** 9/29/2022-A. CHAPTERED

### **AB 1858 (Quirk-Silva D) Substandard buildings.**

**Introduced:** 2/8/2022

**Status:** 5/20/2022-Failed Deadline pursuant to Rule 61(b)(8). (Last location was A. APPR. SUSPENSE FILE on 5/11/2022)

**Location:** 5/20/2022-A. DEAD

### **AB 1873 (Boerner Horvath D) Personal Income Tax Law: Corporation Tax Law: credits: electric vehicle charging stations.**

**Introduced:** 2/8/2022

**Status:** 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was REV. & TAX on 2/18/2022)

**Location:** 8/31/2022-A. DEAD

# State Bills List from CALBO (as of October 14, 2022)

Note: Includes selected state bills that CALBO (California Building Officials) is tracking.

**AB 2811 (Bennett D) California Building Standards Commission: recycled water: nonpotable water systems.**

**Introduced:** 2/18/2022

**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E.S. & T.M. on 3/17/2022)

**Location:** 4/29/2022-A. DEAD

**AB 2829 (Low D) Certified Access Specialist Inspection Grant Program.**

**Introduced:** 2/18/2022

**Last Amended:** 4/20/2022

**Status:** 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was APPR. SUSPENSE FILE on 5/11/2022)

**Location:** 8/31/2022-A. DEAD

**SB 855 (Newman D) Childhood Drowning Data Collection Pilot Program.**

**Introduced:** 1/19/2022

**Last Amended:** 8/23/2022

**Status:** 9/29/2022-Approved by the Governor. Chaptered by Secretary of State. Chapter 817, Statutes of 2022.

**Location:** 9/29/2022-S. CHAPTERED

**SB 1164 (Stern D) Energy: building energy efficiency: heating, ventilation, and air conditioning equipment: sale registry and compliance tracking system: compliance document data registry.**

**Introduced:** 2/17/2022

**Last Amended:** 6/29/2022

**Status:** 8/12/2022-Failed Deadline pursuant to Rule 61(b)(15). (Last location was APPR. SUSPENSE FILE on 8/3/2022)

**Location:** 8/12/2022-A. DEAD

# State Bills List from CALBO (as of October 14, 2022)

Note: Includes selected state bills that CALBO (California Building Officials) is tracking.

## **Bills that CALBO opposed:**

**AB 970 (McCarty D) Planning and zoning: electric vehicle charging stations: permit application: approval.**

**Introduced:** 2/18/2021

**Last Amended:** 7/13/2021

**Status:** 10/8/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 710, Statutes of 2021.

**Location:** 10/8/2021-A. CHAPTERED

**AB 1124 (Friedman D) Solar energy systems.**

**Introduced:** 2/18/2021

**Last Amended:** 8/18/2021

**Status:** 9/23/2021-Approved by the Governor. Chaptered by Secretary of State - Chapter 235, Statutes of 2021.

**Location:** 9/23/2021-A. CHAPTERED

**AB 1674 (Voepel R) Building standards: photovoltaic requirements: accessory dwelling units.**

**Introduced:** 1/20/2022

**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was H. & C.D. on 1/27/2022)

**Location:** 4/29/2022-A. DEAD

**AB 1710 (Lee D) Residential and outdoor light-emitting diodes (LED) fixtures.**

**Introduced:** 1/26/2022

**Status:** 5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was A. PRINT on 1/26/2022)

**Location:** 5/6/2022-A. DEAD



# State Bills List from CALBO (as of October 14, 2022)

Note: Includes selected state bills that CALBO (California Building Officials) is tracking.

**AB 2234 (Rivas, Robert D) Planning and zoning: housing: postentitlement phase permits.**

**Introduced:** 2/15/2022

**Last Amended:** 8/18/2022

**Status:** 9/28/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 651, Statutes of 2022.

**Location:** 9/28/2022-A. CHAPTERED

**AB 2322 (Wood D) California building standards: fire resistance: occupancy risk categories.**

**Introduced:** 2/16/2022

**Last Amended:** 4/27/2022

**Status:** 9/13/2022-Approved by the Governor. Chaptered by Secretary of State - Chapter 284, Statutes of 2022.

**Location:** 9/13/2022-A. CHAPTERED

**AB 2430 (Grayson D) Tiny homes.**

**Introduced:** 2/17/2022

**Last Amended:** 4/6/2022

**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was H. & C.D. on 3/24/2022)

**Location:** 4/29/2022-A. DEAD

**SB 12 (McGuire D) Local government: planning and zoning: wildfires.**

**Introduced:** 12/7/2020

**Last Amended:** 6/6/2022

**Status:** 7/5/2022-Failed Deadline pursuant to Rule 61(b)(14). (Last location was A. H. & C.D. on 5/24/2022)

**Location:** 7/5/2022-A. DEAD

# State Bills List from CALBO (as of October 14, 2022)

Note: Includes selected state bills that CALBO (California Building Officials) is tracking.

**SB 1292 (Stern D) Land use: development restriction: fire hazard severity zones.**

**Introduced:** 2/18/2022

**Last Amended:** 3/16/2022

**Status:** 5/6/2022-Failed Deadline pursuant to Rule 61(b)(6). (Last location was S. HOUSING on 3/2/2022)

**Location:** 5/6/2022-S. DEAD

**SB 1332 (Becker D) Building performance standards.**

**Introduced:** 2/18/2022

**Last Amended:** 3/16/2022

**Status:** 8/31/2022-Failed Deadline pursuant to Rule 61(b)(18). (Last location was RLS. on 2/18/2022)

**Location:** 8/31/2022-S. DEAD

**SB 1430 (Melendez R) Energy: building standards: photovoltaic requirements.**

**Introduced:** 2/18/2022

**Status:** 4/29/2022-Failed Deadline pursuant to Rule 61(b)(5). (Last location was E. U., & C. on 3/9/2022)

**Location:** 4/29/2022-S. DEAD



# Legislative Update

Christine Gasparac, Assistant Director  
October 19, 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

Heard in Land Use Committee on Monday, October 17. We anticipate it will be forwarded to the full board for the first reading on October 25.

## SF Board of Supervisors: Ordinances (cont.)

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

**Status:** Recommended approval of adoption of proposed changes to the Building Code by the Code Advisory Committee on October 12. The proposed ordinance will be considered by the Building Inspection Commission today.

# SF Board of Supervisors: Hearings

**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.

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

**File No. 220902** : 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 has yet to be determined.

## State Legislation

**AB 2234:** This bill requires a local agency to process residential housing permits in a specified time period depending on the size of the development, establish a digital permitting system and develop model applications for reference.

**SB 379:** This bill requires local jurisdictions to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows local jurisdictions to issue permits in real time for a residential solar energy system with certain size.

**Status:** Both bills were signed by the Governor.



THANK YOU