

***BIC Regular Meeting  
of  
February 14, 2023***

***Agenda Item 12d***

**Department of Building Inspection Legislative Update**  
**Building Inspection Commission Meeting, February 14, 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/CURRENT AND UPCOMING ORDINANCES**

**Hearing Items**

**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.

**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.

**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.

### **Legislation**

**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.

**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 ordinance, originally introduced on July 26, 2022, was reintroduced 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.

**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. 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 at the February 15, 2023 Board of Supervisors meeting.

### **Recently Passed Ordinances**

**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 List from CALBO (as of February 10, 2023)

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

## Bills that CALBO supports:

**[AB 297](#) (Fong, Vince R) Wildfires: local assistance grant program: advance payments.**

**Introduced:** 1/26/2023

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

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

**Position:** Support, Pending

**[AB 468](#) (Quirk-Silva D) State building standards.**

**Introduced:** 2/6/2023

**Status:** 2/7/2023-From printer. May be heard in committee March 9.

**Location:** 2/6/2023-A. PRINT

**Position:** Support, Pending

**[AB 529](#) (Gabriel D) Adaptive reuse projects.**

**Introduced:** 2/8/2023

**Status:** 2/8/2023-Introduced. To print.

**Location:** 2/8/2023-A. PRINT

**Position:** Support, Pending

**[AB 548](#) (Boerner Horvath D) State Housing Law: inspection.**

**Introduced:** 2/8/2023

**Status:** 2/8/2023-Introduced. To print.

**Location:** 2/8/2023-A. PRINT

**Position:** Support, Pending

**[SB 49](#) (Becker D) Tax incentives: solar canopies.**

**Introduced:** 12/5/2022

**Status:** 1/18/2023-Referred to Com. on RLS.

**Location:** 12/5/2022-S. RLS.

**Position:** Support, Pending

# State Bills List from CALBO (as of February 10, 2023)

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

**[SB 83](#) (Wiener D) Public utilities: postentitlement phase permit applications: new construction.**

**Introduced:** 1/13/2023

**Status:** 1/25/2023-Referred to Com. on RLS.

**Location:** 1/13/2023-S. RLS.

**Position:** Support, Pending

**[SB 306](#) (Caballero D) Equitable Building Decarbonization Program: direct install program.**

**Introduced:** 2/2/2023

**Status:** 2/3/2023-From printer. May be acted upon on or after March 5.

**Location:** 2/2/2023-S. RLS.

**Position:** Support, Pending

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

**Introduced:** 2/8/2023

**Status:** 2/8/2023-Introduced. Read first time. To Com. on RLS. for assignment. To print.

**Location:** 2/8/2023-S. RLS.

**Position:** Support, Pending

## 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.

**Position:** Oppose, Pending

# State Bills List from CALBO (as of February 10, 2023)

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

**[AB 516](#) ([Ramos](#) D) Mitigation Fee Act: fees for improvements: timeline for expenditure.**

**Introduced:** 2/7/2023

**Status:** 2/8/2023-From printer. May be heard in committee March 10.

**Location:** 2/7/2023-A. PRINT

**Position:** Oppose, Pending

**[SB 233](#) ([Skinner](#) D) Energy: new zero-emission vehicles and electric vehicle supply equipment: bidirectional capability.**

**Introduced:** 1/24/2023

**Status:** 2/1/2023-Referred to Com. on RLS.

**Location:** 1/24/2023-S. RLS.

**Position:** Oppose, Pending

**[SB 294](#) ([Wiener](#) D) Housing development projects: floor area ratios.**

**Introduced:** 2/2/2023

**Status:** 2/3/2023-From printer. May be acted upon on or after March 5.

**Location:** 2/2/2023-S. RLS.

**Position:** Oppose, Pending



# Legislative Update

Carl Nicita, Legislative Affairs Manager  
February 14, 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.

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**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 ordinance was introduced on November 29, 2022. It was recommended for approval by the BIC on January 18, 2023 and by the Planning Commission with modifications on February 7, 2023.

# 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 referred for adoption without committee reference at the February 15, 2023 Board of Supervisors meeting.

**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.

# SF Board of Supervisors: Hearings

**File No. 221257:** Hearing regarding updates on the findings of the joint Department of Building Inspection 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 DBI, the Zoning Administrator and Planning Enforcement, Office of Labor Standards Enforcement and Human Rights Commission to report.

**Status:** This hearing request was filed on December 6 and assigned to the Land Use and Transportation Committee. The hearing date has not yet been scheduled.

# State Legislation

*The California State Legislature reconvened for the start of the 2023-2024 Legislative Session on January 4, 2023. Legislators have until February 17, 2023 to introduce bills.*

- **AB 529:** This bill would add the expansion of adaptive reuse projects to the list of specified pro-housing local policies.
- **AB 548:** This bill would require local enforcement agencies to develop policies and procedures for inspecting a building with multiple units if an inspector or code enforcement officer has determined that a unit is substandard or is in violation of the State Housing Law and that the defects or violations have the potential to affect other units of the building.
- **SB 83:** This bill would state the intent of the Legislature to require public utility companies to provide comments on postentitlement phase permit applications and connect new construction to the electrical grid within specified timeframes.



**THANK YOU**