

***BIC Regular Meeting
of
September 20, 2023***

Agenda Item 7d

Department of Building Inspection Legislative Update
Building Inspection Commission Meeting, September 20, 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. 230764 – Ordinance amending the Planning Code to 1) modify the annual indexing of certain development impact fees, with the exception of inclusionary housing fees; 2) provide that the type and rates of applicable development impact fees, with the exception of inclusionary housing fees, shall be determined at the time of project approval; 3) exempt eligible development projects in PDR (Production, Distribution, and Repair) Districts, and the C-2 (Community Business) and C-3 (Downtown Commercial) Zoning Districts from all development impact fees for a three-year period; 4) allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy; and 5) adopt the San Francisco Citywide Nexus Analysis supporting existing development impact fees for recreation and open space, childcare facilities, complete streets, and transit infrastructure and making conforming revisions to Article 4 of the Planning Code; **amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge.**

STATUS: The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on July 19, 2023, which recommended the ordinance to the full Board of Supervisors. The ordinance passed 10-1 on its final reading by the Board of Supervisors on September 5, 2023 and is awaiting the Mayor’s signature.

File No. 230559 – Ordinance amending the Planning, Building, and Fire 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 Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire 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.

STATUS: The Building Inspection Commission recommended approval of the ordinance with modification to the Land Use Committee on July 19, 2023, which recommended the ordinance to the full Board of Supervisors. The ordinance passed unanimously on its second reading by the Board of Supervisors on September 5, 2023 and is awaiting the Mayor’s signature.

File No. 230703 – Ordinance amending the Electrical Code to require electrical and communications work installations be performed by contractors with specific certifications under the California Labor Code; and affirming the Planning Department’s determination under the California Environmental Quality Act.

STATUS: The ordinance was introduced on June 6, 2023, assigned to the Land Use Committee and referred to the Building Inspection Commission for a public hearing and recommendation. Supervisor Chan has requested this ordinance be continued.

File No. 230862– Ordinance amending the Building Code to allow the Department of Building Inspection to waive the annual registration fee for Vacant or Abandoned Commercial Storefronts; and affirming the Planning Department’s determination under the California Environmental Quality Act.

STATUS: The ordinance was introduced on July 25, 2023 and referred to the Building Inspection Commission for a public hearing and recommendation.

Hearings

File No. 230112 – Hearing on strategies for apartment building fire prevention and support for victims, including current City protocols and resources available for those facing displacement; and requesting the San Francisco Fire Department and the Human Services Agency to report.

STATUS: The hearing request was introduced on January 31, 2023 and was assigned to the Government Audit and Oversight Committee. The hearing was held on September 7.

File No. 230464 – Hearing to discuss San Francisco's efforts to prepare for, respond to, recover from a large earthquake, and a status update on pre-disaster hazard mitigation (retrofit programs under the Earthquake Safety Implementation Program), strengthening of city-owned buildings, and the Tall Buildings Safety Strategy, as well as post-disaster response (post-disaster building safety inspection and emergency response); and requesting the Department of Building Inspection, Office of Emergency Management, and Office of Resilience and Capital Planning to report.

STATUS: The hearing request was introduced on April 18, 2023 and was assigned to the Public Safety and Neighborhood Services Committee. The hearing has not been scheduled.

File No. 230302 – Hearing to review the monitoring and oversight of City and County of San Francisco contracts with Tenants and Owners Development Corporation (TODCO) and review the number of historical complaints filed against TODCO buildings; and requesting the Department of Homelessness and Supportive Housing, Mayor’s Office of Housing and Community Development, Department of Building Inspection, and Planning Department to report.

STATUS: The hearing request was introduced on March 14, 2023 and was assigned to the Government Audit and Oversight Committee. The hearing has been postponed to a date to be determined.

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, 2023 and was assigned to the Land Use and Transportation Committee. The hearing was held on April 3, 2023.

File No. 230331 – Hearing on emergency safety response, department coordination, and mitigation strategies on high-rise window breaks as a result of increased storms; and requesting the Department of Building Inspection, Department of Emergency Management, and Fire Department to report.

STATUS: The hearing request was introduced on March 28, 2023 and was assigned to the Public Safety and Neighborhood Services Committee. The hearing request has been filed and will not move forward.

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. 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. The hearing request was filed and will not move forward.

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. 230447 – Ordinance amending the Building and Planning Codes to create a temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings, waives applicable fees, and confers legal nonconforming status for awnings that do not comply with the Planning Code; 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 Building Inspection Commission recommended approval to the Land Use Committee on May 17, 2023. The Land Use Committee recommended the ordinance to the full Board of Supervisors with amendments (none of which effect the Building Code). The ordinance was passed by the Board of Supervisors, signed by the Mayor on July 20, 2023 and became effective August 19, 2023.

File No. 230374 – Ordinance amending the Building Code to outline the site permit application process, define and limit the scope of Building Official review of site permits, and require simultaneous interdepartmental review of site permits; and affirming the Planning Department’s determination under the California Environmental Quality Act.

STATUS: The Building Inspection Commission recommended modifications to the ordinance to the Land Use Committee on June 13, 2023. The Land Use Committee recommended the ordinance to the full Board of Supervisors. The ordinance was passed by the Board of Supervisors, signed by the Mayor on July 28, 2023 and became effective August 28, 2023.

File No. 230658 – Ordinance amending the Building Code to increase fees charged by the Department of Building Inspection by 15 percent.

STATUS: The Building Inspection Commission recommended approval of the ordinance to the Budget & Appropriations Committee, which recommended the ordinance to the full Board of Supervisors. The ordinance was passed by the Board of Supervisors as part of the FY23-24 budget, signed by the Mayor on July 28, 2023 and became effective August 28, 2023.

File No. 230371 – Ordinance amending the Planning Code to 1) facilitate residential uses Downtown by authorizing the conversion of non-residential uses to residential use in C (Commercial) zoning districts, and exempting such projects from requirements for rear yard, open space, streetscape improvements, dwelling unit exposure, bike parking, dwelling unit mix, and Intermediate Length Occupancy controls, permitting live work units in such project, streamlining administrative approvals for projects in the C-3 zoning district, and modifying the dimensional limits on exemptions to height restrictions for mechanical equipment, elevator, stair, and mechanical penthouses; 2) economically revitalize Downtown by adding Flexible Workspace as a defined use, authorizing large scale retail uses in the C-3 zoning district, allowing window displays in the C-3 zoning district, allowing Flexible Workspace as an active ground floor commercial use along certain street frontages in C-3 zoning districts, allowing accessory storage in any C zoning district, allowing the temporary installation for 60 days of certain signs in the C-3-R district, allowing temporary non-residential uses in vacant spaces for up to one year, reducing density limits for Residential Dwelling Units and Senior Housing in the C-2 zoning districts east of or fronting Van Ness/South Van Ness Avenue and north of Townsend Street, principally permitting Laboratory, Life Science, Agricultural and Beverage Processing, and Animal Hospitals in C-2 zoning districts, principally permitting Senior Housing, Residential Care Facilities, Outdoor Entertainment, Open Recreation Areas, Animal Hospitals, and Trade Schools in the C-3 zoning district, allowing formula retail as a ground floor use on Market Street, principally permitting office and design professional uses on the second floor and higher in the C-3-R zoning district, and requiring consideration of office vacancy in consideration of granting exceptions in the Transit Center Commercial Special Use District; 3) streamline sign permitting citywide and in the C-3 districts by allowing for the repair and rehabilitation of certain neon signs, and exempting existing business signs in the C-3 zoning district from certain zoning controls; 4) streamline Historic Preservation review of administrative certificates of appropriateness, and minor permits to alter for awnings, and Qualifying Scopes of Work, as may be delegated by the Historic Preservation Commission; 5) provide alternatives to on-site open space in certain C-3 districts by allowing for payment of an in lieu fee as an alternative to providing open space; **6) facilitate residential adaptive reuse by amending the Building Code to add standards for adaptive reuse of non-residential buildings;** and 7) principally permit formula retail and waive size limitations for such uses on a portion of Showplace Square Area (555-9th Street, Assessor’s Parcel Block No. 3781, Lot No. 003); 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 Building Inspection Commission recommended approval to the Land Use Committee on May 17, 2023, which recommended the ordinance to the full Board of Supervisors. The ordinance was passed by the Board of Supervisors, signed by the Mayor on July 5, 2023 and became effective August 4, 2023.

File No. 230212-2 – Ordinance amending the Planning, Building, and Fire 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, Building, and Fire 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 Board of Supervisors passed the ordinance, which was signed by the Mayor on June 2, 2023 and became effective on July 3, 2023.

File No. 230373 – Ordinance amending the Existing Building Code to require buildings with 15 or more stories constructed after 1998 to conduct and submit façade inspection reports; and affirming the Planning Department's determination under the California Environmental Quality Act.

STATUS: The Board of Supervisors passed the ordinance, which was signed by the Mayor on May 26, 2023 and became effective on June 26, 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 Board of Supervisors passed the ordinance on May 26, 2023. The Mayor returned the ordinance unsigned, and it became effective June 26, 2023.

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 Board of Supervisors passed the ordinance, which was signed by the Mayor on April 21, 2023 and became effective May 22, 2023

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 Board of Supervisors passed the ordinance, which was signed by the Mayor signed on March 28, 2023 and became effective on April 28, 2023.

State Bills List from CALBO (as of September 13, 2023)

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

Bills that CALBO supports:

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

Introduced: 2/6/2023

Last Amended: 4/11/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/14/2023)(May be acted upon Jan 2024)

Location: 9/1/2023-S. 2 YEAR

Position: Support

[AB 582](#) ([Connolly D](#)) **Personal Income Tax: tax credits: fire-resistant home improvements.**

Introduced: 2/9/2023

Last Amended: 4/24/2023

Status: 5/18/2023-Joint Rule 62(a), file notice suspended. In committee: Held under submission.

Location: 5/17/2023-A. APPR. SUSPENSE FILE

Position: Support

[AB 1046](#) ([Lowenthal D](#)) **Alquist-Priolo Earthquake Fault Zoning Act: exemptions.**

Introduced: 2/15/2023

Last Amended: 6/15/2023

Status: 9/11/2023-Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 80. Noes 0.).

Location: 9/11/2023-A. ENROLLMENT

Position: Support

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

Introduced: 2/17/2023

Last Amended: 6/15/2023

Status: 9/12/2023-Enrolled and presented to the Governor at 2 p.m.

Location: 9/12/2023-A. ENROLLED

Position: Support

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

State Bills List from CALBO (as of September 13, 2023)

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

Introduced: 2/17/2023

Last Amended: 7/3/2023

Status: 8/24/2023-From Consent Calendar. Ordered to third reading.

Location: 8/24/2023-S. THIRD READING

Position: Support

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

Introduced: 2/8/2023

Last Amended: 4/24/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-S. 2 YEAR

Position: Support

[SB 795](#) ([Stern D](#)) Energy: building energy efficiency: heating, ventilation, and air-conditioning equipment sale registry and compliance tracking system: electronic statewide compliance documentation data repository.

Introduced: 2/17/2023

Last Amended: 7/12/2023

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023) (May be acted upon Jan 2024)

Location: 9/1/2023-A. 2 YEAR

Position: Support

[SB 837](#) ([Archuleta D](#)) Energy: building energy standards: sealed and unvented attics.

Introduced: 2/17/2023

Last Amended: 4/26/2023

Status: 9/7/2023-Enrolled and presented to the Governor at 4 p.m.

Location: 9/7/2023-S. ENROLLED

Position: Support

State Bills List from CALBO (as of September 13, 2023)

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

Bills that CALBO opposes:

[AB 42](#) ([Ramos D](#)) Tiny homes: temporary sleeping cabins: fire sprinkler requirements.

Introduced: 12/5/2022

Last Amended: 8/21/2023

Status: 9/7/2023-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Enrolled Text Released on 9/11/2023)

Location: 9/7/2023-A. ENROLLMENT

Position: Oppose

[AB 704](#) ([Patterson, Jim R](#)) Energy: building standards: photovoltaic requirements.

Introduced: 2/13/2023

Last Amended: 4/6/2023

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

Location: 5/19/2023-A. 2 YEAR

Position: Oppose

[AB 1132](#) ([Friedman D](#)) Solar energy systems: permit fees.

Introduced: 2/15/2023

Status: 9/6/2023-Read third time. Passed. Ordered to the Assembly. (Ayes 40. Noes 0.). In Assembly. Ordered to Engrossing and Enrolling.

Location: 9/6/2023-A. ENROLLMENT

Position: Oppose Unless Amend

[AB 1532](#) ([Haney D](#)) Office conversion projects.

Introduced: 2/17/2023

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was H. & C.D. on 3/23/2023)(May be acted upon Jan 2024)

Location: 4/28/2023-A. 2 YEAR

Position: Oppose

State Bills List from CALBO (as of September 13, 2023)

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

Selected Bills on CALBO's Watch List:

[AB 1114](#) (Haney D) Planning and zoning: housing development projects: postentitlement phase permits.

Introduced: 2/15/2023

Last Amended: 4/13/2023

Status: 9/12/2023-Enrolled and presented to the Governor at 2 p.m.

Location: 9/12/2023-A. ENROLLED

Summary:

Current law relating to housing development approval requires a local agency to compile a list of information needed to approve or deny a postentitlement phase permit, to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least 5 types of housing development projects in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024. Current law defines "postentitlement phase permit" to include all nondiscretionary permits and reviews filed after the entitlement process has been completed that are required or issued by the local agency to begin construction of a development that is intended to be at least 2/3 residential, excluding discretionary and ministerial planning permits, entitlements, and certain other permits and reviews. These permits include, but are not limited to, building permits and all interdepartmental review required for the issuance of a building permit, permits for minor or standard off-site improvements, permits for demolition, and permits for minor or standard excavation and grading. This bill would modify the definition of "postentitlement phase permit" to also include all building permits and other permits issued under the California Building Standards Code or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

Position: Watch

State Bills List from CALBO (as of September 13, 2023)

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

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

Introduced: 2/8/2023

Last Amended: 9/1/2023

Status: 9/12/2023-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 59. Noes 16.).

Location: 9/12/2023-A. ENROLLMENT

Summary:

Current law deems a building, portion of a building, or premises on which a building is located to be a substandard building if any one of specified conditions exists to the extent that it endangers the life, limb, health, property, safety, or welfare of the public or its occupants. Current law deems a building, portion of a building, or premises on which a building is located to be in violation of the State Housing Law if it contains lead hazards, as specified, that are likely to endanger the health of the public or the occupants. This bill would require local enforcement agencies, by January 1, 2025, 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 the inspector or code enforcement officer determines that the defects or violations have the potential to affect other units of the building, as specified. If the local enforcement agency determines the substandard condition could reasonably affect other units, the bill would require notice be given to the property owner, as specified, and the units reinspected to verify correction of the violations.

Position: Watch

AB 2234 requirements, effective January 1, 2024:

1. Compile lists that shall specify in detail what information is required from any applicant for a postentitlement phase permit. Lists may be revised but revised list cannot apply to any permit pending review.
2. Provide complete/approved application and an example of a complete set of postentitlement phase permits for at least five types of housing development projects in the jurisdiction, including, but not limited to, accessory dwelling unit, duplex, multifamily, mixed use, and townhome.
3. Make 1 and 2 available on the DBI website.

AB 1114 requirements for housing development approvals, effective January 1, 2024 (if the bill is signed by Governor Newsom):

Application Phase:

4. Determine whether an application is complete and provide written notice of this determination to the applicant no later than 15 business days after DBI received the application
5. If application deemed incomplete, DBI shall provide the applicant with a list of incomplete items and a description of how the application can be made complete. The list shall be limited to incomplete items that are included on the lists posted on DBI website (#1 listed above).
6. After receiving a notice that the application was incomplete, an applicant may cure and address the items that are deemed to be incomplete by DBI.
7. In the review of a resubmitted application, DBI shall not require the application to include an item that was not included in the list of incomplete items sent to the applicant.
8. DBI shall determine whether the resubmitted application has remedied all incomplete items listed in the original determination issued. Review of the resubmitted application is subject to the 15-day period.
9. If DBI does not make a timely determination, the application or resubmitted application shall be deemed to be complete.

Review Phase:

10. For housing development projects with 25 units or fewer, DBI shall complete review and do either of the following within 30 business days:
 - a. If DBI determines that the complete application is not compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions.
 - b. If DBI determines that the complete application is compliant, return the approved permit application on each permit requested.
11. For housing development projects with 26 units or more, DBI shall complete review and do either of the following within 60 business days:

- a. If DBI determines that the complete application is not compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions.
- b. If DBI determines that the complete application is compliant, return the approved permit application on each postentitlement phase permit requested.

12. Once DBI determines that a postentitlement permit is compliant with applicable permit standards, DBI shall not subject the postentitlement phase permit to any appeals or additional hearing requirements.

Exceptions to time limits:

If DBI makes written findings within the time limits specified based on substantial evidence in the record that the proposed postentitlement phase permit might have a specific, adverse impact on public health or safety and that additional time is necessary to process the application. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

If DBI requires review of the application by an outside entity, the review time limits shall be tolled until the outside entity completes the review and returns the application to the local agency, at which point DBI shall complete the review within the time remaining under the time limit.

An applicant and DBI may mutually agree to an extension of any time limit but DBI shall not require an agreement as a condition of accepting the application for, or processing of a permit, unless the agreement is obtained for the purpose of permitting concurrent processing of related approvals or an environmental review on the same housing development project.

Revisions

When DBI finds that a complete application is noncompliant (10a and 11a above), and DBI provides the applicant with a list of items that are noncompliant and a description of how the application can be revised, the applicant may attempt to remedy the application through revisions.

Once submitted, the revisions are subject to the timelines of a new application (i.e. 30 or 60-day review depending on project size).

The law does not place limitations on the amount of feedback that DBI may provide or revisions that DBI may request of an applicant.

Appealing DBI's determinations

If the permit application is determined to be incomplete, or denied or determined to be noncompliant, DBI shall provide a process for the applicant to appeal that decision in writing to the governing body.

For housing development projects with 25 units or fewer, DBI shall provide a final written determination by not later than 60 business days after receipt of the applicant's written appeal.

For housing development projects with 26 units or more, a DBI shall provide a final written determination by not later than 90 business days after receipt of the applicant's written appeal.

Legislative Update

Carl Nicita, Legislative Affairs Manager
September 20, 2023

SF Board of Supervisors: Ordinances in Effect

Ordinance 139-23: Temporary amnesty program for unpermitted awnings that streamlines the application process to legalize awnings and waives applicable fees.

Ordinance 154-23: Site permit application process limiting the scope of review of site permits and requiring simultaneous interdepartmental review of electronically submitted applications for site permits.

Ordinance 174-23: 15 percent across the board increase to DBI fees.

SF Board of Supervisors: Recently Passed Legislation

File No. 230764: Ordinance amending the Planning Code to change the way that the City sets, imposes, and collects the various development impact fees that are required; and amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge.

Status: The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on July 19, 2023, which recommended the ordinance to the full Board of Supervisors. The ordinance passed 10-1 on its second reading by the Board of Supervisors on September 5, 2023 and is with the Mayor for signature.

SF Board of Supervisors: Recently Passed Legislation

File No. 230559: Ordinance amending the Planning, Building, and Fire 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 Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers are keyed to permit application in May rather than permit issuance in May.

Status: The Building Inspection Commission recommended approval of the ordinance with modification to the Land Use Committee on July 19, 2023, which recommended the ordinance to the full Board of Supervisors. The ordinance passed unanimously on its second reading by the Board of Supervisors on September 5, 2023 and is with the Mayor for signature.

SF Board of Supervisors: Ordinances

File No. 230703: Ordinance amending the Electrical Code to require electrical and communications work installations be performed by contractors with specific certifications under the California Labor Code.

Status: The ordinance was introduced on June 6, 2023, assigned to the Land Use Committee and referred to the Building Inspection Commission for a public hearing and recommendation. Supervisor Chan has requested this ordinance be continued.

File No. 230862: Ordinance amending the Building Code to allow the Department of Building Inspection to waive the annual registration fee for Vacant or Abandoned Commercial Storefronts; and affirming the Planning Department's determination under the California Environmental Quality Act.

Status: The ordinance was introduced on July 25, 2023 and referred to the Building Inspection Commission for a public hearing and recommendation.

SF Board of Supervisors: Hearings

File No. 230112: Hearing on strategies for apartment building fire prevention and support for victims, including current City protocols and resources available for those facing displacement; and requesting the San Francisco Fire Department and the Human Services Agency to report.

Status: The hearing request was introduced on January 31, 2023 and was assigned to the Government Audit and Oversight Committee (GAO). The hearing was held on September 7 and continued to the call of the GAO chair.

State Legislation

Sept. 14: Last day for each house to pass bills

Oct. 14: Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14

AB 1114 (Haney)

Requirements for housing development approvals, effective January 1, 2024 (if the bill is signed by Governor Newsom):

- Determine completeness of permit application no later than 15 business days after DBI received the application.
- For projects with 25 units or fewer, DBI shall complete review within 30 business days.
 - If the complete application is not code compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions.
 - If the complete application is compliant, issue permit.
- For projects with 26 units or more, DBI shall complete review within 60 business days.
 - If the complete application is not code compliant, return in writing a full set of comments to the applicant with a comprehensive request for revisions.
 - If the complete application is compliant, issue permit.



THANK YOU