

***BIC Regular
Meeting of
April 17, 2024***

Agenda Item 4c

Department of Building Inspection Legislative Update

Building Inspection Commission Meeting, April 17, 2024

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

Ordinances and Resolutions

File No. 231005 – Ordinance amending the Building Code to extend the deadlines 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 regarding the disability access improvement program.

STATUS: The ordinance was introduced on September 26, 2023 and referred to the Building Inspection Commission for a public hearing and recommendation. The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on October 18, 2023. The ordinance passed its first reading at the Board of Supervisors on April 2, 2024.

File No. 240297 – Duplicate ordinance (to File no. 231005) amending the Building Code to extend the deadlines 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 regarding the disability access improvement program.

STATUS: The ordinance was introduced on March 25, 2024 and referred to the Building Inspection Commission for a public hearing and recommendation.

File No. 240110 – Ordinance (duplicated from File No. 230310 below) amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City’s local, discretionary approval program; making findings 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

STATUS: The ordinance was duplicated from File No. 230310 on February 12, 2024 in Land Use Committee and recommended for approval with modifications by the Building Inspection Commission on March 20, 2024.

File No. 230310 – Ordinance amending the Administrative Code, Building Code, Business and Tax Regulations Code, and Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings; 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 adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302.

STATUS: The ordinance was introduced on March 20, 2023 and assigned to the Land Use Committee. After further amendments to the Planning Code, this ordinance was re-referred to the Planning Commission.

File No. 231224 – Ordinance amending the Housing Code to authorize occupants of residential dwelling units to sue to enforce the prohibition on substandard housing conditions.

STATUS: The ordinance was introduced on November 28, 2023 and referred to the Youth Commission.

File No. 230862-2 – Ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024; and affirming the Planning Department’s determination under the California Environmental Quality Act.

STATUS: The Building Inspection Commission recommended the ordinance to the Budget & Finance Committee on December 13, 2023. At the request of the Mayor’s Office, the Budget & Finance Committee continued the ordinance to a date to be determined.

Hearings

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 is tentatively scheduled for January 22, 2024.

File No. 240319 – Hearing on the Mayor’s budgetary decision to protect and strengthen the City’s (1) homelessness, crisis response and shelter services, (2) preserve healthy Single Room Occupancy (SRO) and supportive housing with adequate staffing, service levels and resident services to prevent substandard housing, and (3) eviction prevention and anti-displacement measures; and requesting the Department of Homelessness and Supportive Housing, Mayor’s Office of Housing and Community Development, and Department of Building Inspection to report.

STATUS: The hearing request was introduced on April 1, 2024 and was assigned to the Budget and Appropriations Committee for a hearing on April 17, 2024.

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. 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.

Recently Enacted Legislation

File No. 231163 – Ordinance amending the Fire Code to require filing with the Fire Department records of five-year inspection of fire sprinkler systems and annual inspection of fire alarm and detection systems, mandate a filing fee to ensure that the costs of providing for such filings are recovered without producing revenue that is significantly more than such costs, and require a minimum five feet access from the public-right-of-way to residential structures on newly subdivided lots; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

STATUS: The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on January 17, 2023, which recommended the ordinance to the Board of Supervisors. The ordinance passed on its final reading at the Board of Supervisors on February 6, 2024, was signed by the Mayor on February 16, 2024 and became effective March 17, 2024.

File No. 231125 – Ordinance amending the local findings included by reference in the following Ordinances: 1) 2022 San Francisco Building Code (Ordinance No. 225-22); 2) 2022 San Francisco Green Building Code (Ordinance No. 227-22); 3) 2022 San Francisco Mechanical Code (Ordinance No. 228-22); 4) San Francisco Plumbing Code (Ordinance No. 230-22); and directing the Clerk of the Board to forward the Ordinance to the California Building Standards Commission as required by State law.

STATUS: After the Building Inspection Commission’s approval, the ordinance was introduced by the department on November 7, 2023 and referred to the Land Use Committee, which recommended the ordinance to the Board of Supervisors. The ordinance passed on its final reading at the Board of Supervisors on January 23, 2024, was signed by the Mayor on February 1, 2024 and is now in effect.

File No. 231130 – Ordinance amending the Existing Building Code to require buildings with 15 or more stories to conduct and submit supplemental inspection reports that will focus on windows and exterior glass surfaces to identify any defective or damaged materials that may cause glass failure; and affirming the Planning Department’s determination under the California Environmental Quality Act.

STATUS: The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on December 13, 2023, which recommended the ordinance to the Board of Supervisors. The ordinance passed on its final reading at the Board of Supervisors on January 30, 2024, was signed by the Mayor on February 9, 2024 and became effective March 10, 2024.

File No. 231118 – Resolution retroactively authorizing the Department of Building Inspection to accept and expend a grant in the amount of \$100,000 from the California Energy Commission for participation

in the California Automated Permit Processing Program and for costs associated directly with the adoption and maintenance of SolarAPP+, an online, automated solar permitting platform, for the period of September 1, 2023, through May 31, 2027.

STATUS: The resolution was introduced on October 24, 2023 and referred to the Budget and Finance Committee, which recommended the ordinance to the full Board of Supervisors. The resolution was adopted by the Board of Supervisors on January 23, 2024.

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, Board of Supervisors, was signed by the Mayor on September 15, 2023 and became effective on October 15, 2023.

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 final reading by the Board of Supervisors on September 5, 2023, was signed by the Mayor on September 15, 2023 and became effective on October 15, 2023.

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. 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.



Legislative Update

Christine Gasparac, Assistant Director

April 17, 2024

SF Board of Supervisors: Ordinances

File No. 240110: Ordinance amending the Planning Code to clarify the ministerial approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings and to permit certain ADUs in the rear yard under the City's local, discretionary approval program.

Status: A version of this ordinance was recommended by the Building Inspection Commission on October 18, 2023 and a duplicate file was reheard at the BIC and recommended for approval with modifications on March 20, 2024. There has been no further action.

SF Board of Supervisors: Ordinances

File No. 231005: Ordinance amending the Building Code to extend the deadlines for existing buildings with a place of public accommodation to comply with the Accessible Business Entrance Program; 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 regarding the disability access improvement program.

Status: The ordinance was introduced on September 26, 2023 and referred to the Building Inspection Commission for a public hearing and recommendation. The Building Inspection Commission recommended approval of the ordinance to the Land Use Committee on October 18, 2023. The ordinance passed its first reading at the Board of Supervisors on April 2, 2024.

File No. 240297: Duplicate ordinance to BOS file number 231005 above extending the deadlines to December 31, 2024.

Status: The ordinance was introduced on March 25, 2024 and referred to the Building Inspection Commission for a public hearing and recommendation. We plan to schedule this item for the May Commission meeting.

SF Board of Supervisors: Hearings

File No. 240319: Hearing on the Mayor's budgetary decision to protect and strengthen the City's (1) homelessness, crisis response and shelter services, (2) preserve healthy Single Room Occupancy (SRO) and supportive housing with adequate staffing, service levels and resident services to prevent substandard housing, and (3) eviction prevention and anti-displacement measures; and requesting the Department of Homelessness and Supportive Housing, Mayor's Office of Housing and Community Development, and Department of Building Inspection to report.

Status: The hearing request was introduced on April 1, 2024 and was assigned to the Budget and Appropriations Committee for a hearing on April 17, 2024.

SF Board of Supervisors: Hearings

File No. 240182: Hearing on the future of Union Square, the plan to attract a diversity of uses to the area, and the impact of Macy's closure on retail workers, security guards and other workers in the area; and requesting the Controller's Office, Office of Economic and Workforce Development, Planning Department, Building Inspection Department, Police Department, and Department of Labor Standards to report.

Status: The hearing request was introduced on February 27, 2024 and was assigned to the Land Use and Transportation Committee. The hearing is scheduled for May 13, 2024.

State Bills

- **AB 2433 (Quirk Silva)** the California Private Permitting Review and Inspection Act which would require Building Departments to post a schedule of fees on their website and allow applicants to hire private professionals at their own expense if there are delays in checking plans and specifications for building permits.
- **AB 2149 (Connolly)** this bill adds requirements to property owners with regulated gates including inspections every five years and maintaining documentation of certification from a professional, failure to comply could result in a civil penalty issued by a building official.

State Bills

- **AB 2934 (Ward)** this bill requires the Department of Housing and Community Development (HCD) to review the cost of residential construction related to building standards and review proposed updates to building standards every three years with the goal of reducing costs by 30%.
- **AB 2910 (Santiago)** this bill would authorize a city or county to adopt alternative building regulations for the conversion of commercial or industrial buildings to residential uses. It requires local governments to have a housing element compliant with law and to be designated pro-housing, before the city or county is authorized to adopt alternative building regulations. These alternative regulations would have to be submitted to the California Building Standards Commission.



THANK YOU