

***BIC Regular Meeting
of
August 17, 2022***

Agenda Item 4d



Legislative Update

Ray Law, Legislative Affairs
August 17, 2022

State Bills: AB 2234 and SB 379

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: AB 2234 is in Senate Appropriations and SB 379 is in Assembly Appropriations.

Local Legislative Update: Hearing on the 2022 Climate Action Plan

File No. 220249 : Hearing on the Building Operations Component of the 2022 Climate Action Plan.

Status: The hearing was held on July 18, 2021 and was heard and filed.

Local Legislative Update: Upcoming Hearing on ADU and SB 9

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.

Local Legislative Update: Residential Hotel Unit Conversion and Demolition Ordinance

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.

Status: The proposed ordinance was introduced on July 20 and was assigned under the 30-day rule to the Land Use and Transportation Committee.



THANK YOU

Department of Building Inspection Legislative Update
Building Inspection Commission Meeting, August 17, 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. 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 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 under the 30-day rule 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. 190946 – Ordinance amending the Administrative Code to add a definition of Tourist or Transient Use under the Residential Hotel Unit Conversion Ordinance.

STATUS: The proposed ordinance was considered by the BIC on June 17, 2020 and recommended for approval. It was continued to the call of the chair at the Land Use Committee. The sponsor requested that this item remain active for an additional six months. On July 15, 2022, this legislation was filed pursuant to Board Rule 3.40 and was replaced by legislation no. 220815.

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 under the 30-day rule 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. 210699/ ORD 208-21 – Ordinance amending the Planning Code to clarify the requirements for applications to construct Accessory Dwelling Units under the City's local Accessory Dwelling Unit approval process; amending the Administrative Code to clarify that landlords may not remove tenant housing services without just cause and that issuance of a building permit does not constitute just cause; making findings as required by the Tenant Protection Act of 2019.

STATUS: The proposed ordinance was signed by Mayor Breed on November 12, 2021.

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. 210536/ ORD. 155-21– Ordinance amending the Health Code to 1) lower the threshold from 250,000 to 100,000 square feet of gross floor area for requiring that new buildings be constructed, operated, and maintained using specified alternate water sources for required non-potable uses; 2) exempt certain affordable housing projects and property uses from that requirement; 3) require that certain categories of new buildings use specific sources of non-potable water for specific purposes; 4) require that new developments with multiple buildings install an alternate water source system serving the entire development; 5) modify certain administrative review fees; and 6) require the payment of

excess use charges and penalties for failure to properly use and maintain alternate water source systems; amending the Business and Tax Regulations Code to update certain annual license fee amounts for operating alternate water source systems

STATUS: The ordinance was signed by Mayor Breed on October 8, 2021.

File No. 201151/ ORD 144-21 – Ordinance amending the Environment Code and the Public Works Code to require transporters of construction and demolition debris to obtain a temporary or annual permit from the Department of Environment for their vehicles and debris boxes and to require facilities that process such debris to register with the Department of Environment.

STATUS: The ordinance was signed by Mayor Breed on September 24, 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.

CALBO (California Building Officials State Bill Tracking (as of August 02, 2022)

Note: This list includes selected state bills that CALBO is actively tracking.

[AB 916](#) ([Salas D](#)) **Zoning: accessory dwelling units: bedroom addition.**

Introduced: 2/17/2021

Last Amended: 6/23/2022

Status: 8/1/2022-From committee: Be ordered to second reading pursuant to Senate Rule 28.8.

Location: 8/1/2022-S. SECOND READING

Summary:

Would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of reconfiguring existing space to increase the bedroom count within an existing dwelling unit. The bill would apply these provisions only to a permit application for no more than 2 additional bedrooms within an existing dwelling unit. The bill would specify that these provisions are not to be construed to prohibit a local agency from requiring a public hearing for a proposed project that would increase the number of dwelling units within an existing structure. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities.

Position: Watch

[AB 2221](#) ([Quirk-Silva D](#)) **Accessory dwelling units.**

Introduced: 2/15/2022

Last Amended: 8/1/2022

Status: 8/1/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/30/2022-S. APPR.

Summary:

The Planning and Zoning Law, among other things, provides for the creation of accessory dwelling units by local ordinance, or, if a local agency has not adopted an ordinance, by ministerial approval, in accordance with specified

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standards and conditions. Current law requires a local ordinance to require an accessory dwelling unit to be either attached to, or located within, the proposed or existing primary dwelling, as specified, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling. This bill would specify that an accessory dwelling unit that is detached from the proposed or existing primary dwelling may include a detached garage.

Position: Watch

SB 897 ([Wieckowski D](#)) **Accessory dwelling units: junior accessory dwelling units.**

Introduced: 2/1/2022

Last Amended: 8/1/2022

Status: 8/1/2022-From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-A. APPR.

Summary:

The Planning and Zoning Law authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Current law authorizes a local agency to impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, and maximum size of a unit. This bill would require that the standards imposed on accessory dwelling units be objective. For purposes of this requirement, the bill would define "objective standard" as a standard that involves no personal or subjective judgment by a public official and is uniformly verifiable, as specified. The bill would also prohibit a local agency from denying an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

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Position: Oppose

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

Introduced: 2/15/2022

Last Amended: 6/23/2022

Status: 6/23/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/22/2022-S. APPR.

Summary:

Would require a local agency to compile a list of information needed to approve or deny a postentitlement phase permit, as defined, 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. The bill would define "local agency" for these purposes to mean a city, county, or city and county.

Position: Oppose

[AB 2097](#) ([Friedman D](#)) Residential, commercial, or other development types: parking requirements.

Introduced: 2/14/2022

Last Amended: 6/23/2022

Status: 7/27/2022-In committee: Hearing postponed by committee.

Location: 6/22/2022-S. APPR.

Summary:

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among

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Note: This list includes selected state bills that CALBO is actively tracking.

other mandatory elements, a land use element, and a conservation element. Current law also permits variances to be granted from the parking requirements of a zoning ordinance for nonresidential development if the variance will be an incentive to the development and the variance will facilitate access to the development by patrons of public transit facilities. This bill would prohibit a public agency, in a county with a population of 600,000 or more, from imposing or enforcing a minimum automobile parking requirement, on any of specified residential, commercial, or other development types if the project is located within 1/2 mile of public transit, as defined. The bill would also prohibit a public agency, in a county with a population of less than 600,000, and a city with a population of 75,000 or more, from imposing or enforcing a minimum automobile parking requirement on specified residential, commercial, or other development types if the project is located within 1/4 mile of public transit. For a city with a population of less than 75,000, or a county with a population of less than 600,000, the bill would authorize that city or county to adopt an ordinance or resolution that applies certain prohibitions regarding the above-described parking requirements within its boundaries. When a project provides parking voluntarily, the bill would authorize a public agency to impose specified requirements on the voluntary parking.

Position: Oppose

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

Introduced: 1/31/2022

Status: 6/28/2022-Read second time. Ordered to third reading.

Location: 6/28/2022-S. THIRD READING

Summary:

Under current law, willful or deliberate disregard by a licensed contractor of various state building, labor, and safety laws constitutes a cause for disciplinary action by the board. Current law provides for related disciplinary

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proceedings, requires the board to promulgate regulations covering the assessment of civil penalties under those disciplinary provisions, and authorizes a civil penalty not to exceed \$30,000 for specified violations. This bill would provide that the list of violations that constitute cause for a disciplinary action by the board includes a willful or deliberate disregard of any state or local law relating to the issuance of building permits, and would authorize a civil penalty not to exceed \$30,000 for any violation included on that above-specified list.

Position: Support

SB 379 (Wiener D) Residential solar energy systems: permitting.

Introduced: 2/10/2021

Last Amended: 6/20/2022

Status: 6/29/2022-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. Re-referred to Com. on APPR.

Location: 6/29/2022-A. APPR.

Summary:

Would require every city, county, or city and county to implement an online, automated permitting platform that verifies code compliance and issues permits in real time or allows the city, county, or city and county to issue permits in real time for a residential solar energy system, as defined, that is no larger than 38.4 kilowatts alternating current nameplate rating and a residential energy storage system, as defined, paired with a residential solar energy system that is no larger than 38.4 kilowatts alternating current nameplate rating.

Position: Neutral

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

Introduced: 2/8/2022

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Note: This list includes selected state bills that CALBO is actively tracking.

Status: 3/22/2022-In committee: Hearing for testimony only.

Location: 2/18/2022-A. REV. & TAX

Summary:

The Personal Income Tax Law and the Corporation Tax Law allow various credits against the taxes imposed by those laws. This bill would allow a credit against those taxes for each taxable year beginning on or after January 1, 2025, and before January 1, 2030, in an amount equal to 40% of the amount paid or incurred in qualified costs by a qualified taxpayer during the taxable year for the installation of specified electric vehicle supply equipment in a covered multifamily dwelling, subject to certain maximum credit amounts. The bill would define various terms for these purposes. The bill would repeal these provisions as of December 1, 2030.

Position: Support

AB 2075 (Ting D) Energy: electric vehicle charging standards.

Introduced: 2/14/2022

Last Amended: 5/2/2022

Status: 8/1/2022-From committee: Be ordered to second reading file pursuant to Senate Rule 28.8 and ordered to Consent Calendar.

Location: 8/1/2022-S. CONSENT CALENDAR

Summary:

Current law requires the California Building Standards Commission to adopt, approve, codify, and publish mandatory building standards for the installation of future electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development, as specified. Current law requires the California Building Standards Commission and the Department of Housing and Community Development, in proposing and adopting those mandatory building standards, to consult interested parties. This bill would specify the State Energy Resources Conservation and

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Note: This list includes selected state bills that CALBO is actively tracking.

Development Commission (Energy Commission) is an interested party that the California Building Standards Commission and the Department of Housing and Community Development are required to consult with in proposing and adopting those standards. The bill would require the California Building Standards Commission, as part of each triennial California Building Standards Code rulemaking cycle that commences on or after January 1, 2023, to convene a workshop or other collaborative process on electric vehicle charging infrastructure standards, and would require the Energy Commission, as part of its participation in the workshop or collaborative process, to incorporate the most recent update to a specified statewide assessment of electric vehicle charging infrastructure, any relevant electric load forecasts, and the statewide transportation electrification goals, as specified.

Position: Neutral

[SB 1482](#) ([Allen D](#)) Building standards: electric vehicle charging infrastructure.

Introduced: 2/18/2022

Last Amended: 6/30/2022

Status: 6/30/2022-Read second time and amended. Re-referred to Com. on APPR.

Location: 6/29/2022-A. APPR.

Summary:

The California Building Standards Law establishes the California Building Standards Commission within the Department of General Services. Current law requires the commission to approve and adopt building standards and to codify those standards in the California Building Standards Code. Current law requires the commission to adopt, approve, codify, and publish mandatory building standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development. Current law requires the Department of Housing and Community Development

CALBO (California Building Officials State Bill Tracking (as of August 02, 2022)

Note: This list includes selected state bills that CALBO is actively tracking.

to propose to the commission for consideration mandatory building standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and submit the proposed mandatory building standards. Current law requires the department and the commission, in proposing and adopting these standards, to actively consult with specified parties. This bill would instead require the commission and the Department of Housing and Community Development to research and develop, and would authorize the commission to adopt, approve, codify, and publish, mandatory building standards for the installation of electric vehicle charging infrastructure for parking spaces in multifamily dwellings and nonresidential development.