

***BIC Meeting of  
April 17, 2013***

***Agenda Item #5b***

**DBI Legislative Tracker**  
**April 17, 2013 Update**

Per the BIC request for information about legislation, actually or potentially, affecting the San Francisco Building Code, below please find the most recent Summary of such legislation from the Board of Supervisors' Legistar Program, as well as from scheduled Code Advisory Committee meetings and recommendations:

**Ordinance No. 130119 -- Mandatory Seismic Retrofitting of Soft Story buildings** – The Mayor introduced this legislation at the Board on February 5<sup>th</sup>, with six co-sponsors, Supervisors Chiu, Wiener, Mar, Farrell, Breed and Yee. The legislation targets this type of wood framed building that is three or more stories, with five or more dwelling units, whose permit applications pre-date Jan. 1, 1978, which studies show are likely to collapse in a strong earthquake.

**STATUS:** As expected, the legislation passed unanimously on April 9<sup>th</sup>, starting a 60-day grace period clock. One these 60 days pass, the Mayor's Director of Earthquake Safety will provide a notification database of property owners with soft story wood frame buildings that are three or more stories, five or more units. Property owners will have one year to respond to the screening form in the notification, where an engineer or architect may verify that retrofitting work has already occurred and thus remove that address from the mandatory retrofit pool. The ordinance stipulates four risk levels and sets retrofit implementation timelines of four-seven years to comply. DBI also will post on its web site a list of buildings by street address where such notifications have been sent, and to generate reports upon request of completed mandatory seismic retrofits. DBI also will publish two additional Administrative Bulletins as part of the ordinance, one addressing procedures, forms, etc., and the second one detailing technical compliance criteria.

**121018 -- Ordinance amending Housing Code to require Grab Bars** in hotel common-use water closets and bathing facilities, and requiring a usable telephone jack/wiring in all units. Introduced by Supervisor Mar, and others, on Oct. 16<sup>th</sup>.

**STATUS:** This ordinance was passed unanimously and took legal effect on April 4. We are in a 60-day grace period to encourage SRO owners with these common bathing areas that are now required to obtain a building permit and to install these grab bars to improve tenant safety. Those owners acting to apply for the permit in this 60-day period, until June 14, will receive a plan review fee waiver from DBI and Planning; those acting after June 29 will be assessed standard fees. The Mayor's Office of Disability, and DBI Housing Inspection/Technical Services, are providing detailed information guidelines to facilitate owner compliance.

**Diaper Changing Tables Ordinance Update** – Supervisor David Chiu recently requested information from DBI and Planning about the numbers of public serving buildings (restaurants, medical offices, etc.) that are 5,000 square feet or more and covered by an ordinance passed in September 2005. That ordinance requires such buildings to install diaper changing tables in the rest room(s), so long as such an installation does not conflict with disability access requirements.

**STATUS:** Planning has provided the Supervisor with a list of buildings meeting the ordinance's criteria; DBI inspectors have informed the Supervisor we have never received a complaint about a suspected violation of this ordinance.

**Ordinance No. 130284 – Fee Waiver during May 2013:** Supervisor Katy Tang, who worked with former Sup. Carmen Chu on this same type of fee waiver ordinance as a way to encourage small business owners to replace awnings and pedestrian-level lighting during May 2013's observance of Small Business Month, as well as in support of Building Safety Month.

**Status:** The Code Advisory Committee reviewed the ordinance at its April meeting, and recommends BIC approval for the second consecutive year of this program. The Supervisor is making minor edits in the legislation, as recommended by CAC, and the ordinance will soon be heard in Land Use.

**Ordinance Updating Maher Toxic Cleanup Ordinance --** Planning, working closely with the Department of Public Health, the Mayor's Office, SF PUC, DPW and DBI, are working with the City Attorney to finalize language. The issuance of building permits would be affected by newly-proposed requirements for project applicants to first perform soils and/or groundwater tests for suspected environmental health hazards and to meet levels established/required by DPH if a project disturbs 50 or more cubic yards of soil.

**STATUS:** The Mayor's Office estimates the ordinance will be introduced on April 30, with Code Advisory Committee and BIC review in May, and a Land Use hearing in June. The new ordinance **could take effect by mid-July**. DBI has urged identification and any required Planning and DPH screening prior to beginning the permit issuance process, with DBI intake and plan review staff also available to double-check any project that may be located in this expanded Maher Toxics' zone (these will be sent immediately to Planning and DPH to confirm).

**Ordinance No. 120488 – Bottle-filling stations.** Amends the Environment Code to require new/remodeled buildings with drinking fountains to provide bottle-filling stations; requires DBI to do public outreach to inform customers, as well as to keep a log of installations during the first three years of the program, and to report annually to the Board of Supervisors on the total number of such installations, with no revenue source identified to cover DBI costs.

**STATUS:** Supervisor Chiu has sent a revised ordinance expected to be heard in Land Use in May and to take effect July 1. DBI's CAC has requested clarification on whether the new ordinance essentially requires the installation of a combination unit that is a water fountain and bottle-filling station, and thus continues to meet existing building code requirements to provide a water fountain based upon occupant load. CAC and BIC may review in May.

**Fee Deferral Program –** As required by Planning and Building code amendments adopted as an ordinance in 2010, to help project sponsors manage the severe capital challenges caused by the economic recession, Planning will be holding a hearing to consider a recommendation to the Board to continue, terminate or modify the fee deferral program. DBI's role will continue to be to collect such impact fees, and/or to track those projects requesting deferral until issuance of the first construction documents.

**STATUS:** Planning is expected to hold this hearing in late April or early May.

**CEQA Reform** – Following a Land Use hearing on April 8 of Sup. Wiener's proposed changes to clarify and simplify what many regard as a confusing situation, the Committee continued until April 22 its vote to forward this matter to the full Board. Sup. Kim has alternative legislation that differs significantly from changes proposed by Sup. Wiener. DBI will continue to monitor this closely given how invocation of CEQA issues may delay permit issuance.

**State Legislation** – In an effort to be apprised of, and involved in, proposed State legislation that may affect the Department, we continue to track bills that CALBO monitors in the Senate and. New CALBO updates include:

**AB 1801 - Campos (D)**

*Land Use: Fees: Energy Systems* Amends existing law relating to fees for land use and building permits. Prohibits a city, county, or city and county from basing the calculation of the fee charged for solar energy system on the valuation of the system, or any other factor not directly associated with the cost to issue the permit, or the calculation of the fee on the valuation of the property or the improvement, materials, or labor costs. Requires the local entities to identify each fee assessed on the applicant on the applicant invoice.

Status: Signed by Governor. Effective January 1, 2013.

**AB 2114 - Smyth (R)**

*Swimming Pool Safety* Requires a swimming pool, spa, or public wading pool that is subject to safety provisions to have at least two circulation suction outlets per pump, and be separated by a distance of at least three feet in any dimension between the suction outlets, or to be designed with a specified configuration. Requires building permits to require all outlets for a pool, toddler pool, or spa to be upgraded with an antientrapment covering. Provides updated requirements for pools with a suction outlet.

Status: Signed by Governor. Effective January 1, 2013.

**SB 1186 - Steinberg (D)**

*Disability Access: CASp* Requires an attorney to provide written advisory to a building owner or tenant with each complaint or settlement demand for any construction-related accessibility claim. Provides that a violation may subject the attorney to disciplinary action. Requires notification that leased or rental property has been inspected by an access specialist. Updates the responsibilities of the State Commission on Disability Access. Provides for construction liability. Relates to an alternative method of compliance.

**Specifics:** 4467. (a) On and after January 1, 2013, and until December 31, 2018, any applicant for a local business license or equivalent instrument or permit, and from any applicant for the renewal of a business license or equivalent instrument or permit, shall pay an additional fee of one dollar (\$1) for that license, instrument, or permit, which shall be collected by the city, county, or city and county that issued the license, instrument, or permit.

(b) The city, county, or city and county shall retain 70 percent of the fees collected under this section, of which up to 5 percent of the retained moneys may be used for related administrative costs of this chapter. The remaining moneys shall be used to fund increased certified access specialist (CASp) services in that jurisdiction for the public and to facilitate compliance with construction-related accessibility requirements. The highest priority shall be given to the training and retention of certified access specialists to meet the needs of the public in the jurisdiction as provided in Section 55.53 of the Civil Code.

(c) The remaining 30 percent of all fees collected under this section shall be transmitted on a quarterly basis to the Division of the State Architect for deposit in the Disability Access and Education Revolving Fund established under Sections 4465 and 4470. The funds shall be transmitted within 15 days of the last day of the fiscal quarter. The Division of the State Architect shall develop and post on its Internet Web site a standard reporting form for use by all local jurisdictions. Up to 75 percent of the collected funds in the Disability Access and Education Revolving Fund shall be used to establish and maintain oversight of the CASp program and to moderate the expense of CASp certification and testing.

(d) Each city, county, or city and county shall make an annual report, commencing March 1, 2014, to the Legislature and to the Chairs of the Senate and Assembly Committees on Judiciary, and the Chair of the Senate Committee on Budget and Fiscal Review and the Chair of the Assembly Committee on Budget, of the total fees collected in the previous calendar year and of its distribution, including the moneys spent on administrative services, the moneys spent to increase CASp services, the moneys spent to fund programs to facilitate compliance, and the moneys transmitted to the Disability Access and Education Revolving Fund. A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795.

**Legislative Intent:** There have been questions raised in regards to whether the new \$1 add-on fee can be applied to building permits. Click [here](http://www.calbo.org/documents/SB%201186%20-%20Author's%20Letter.pdf) <link:<http://www.calbo.org/documents/SB%201186%20-%20Author's%20Letter.pdf>> to view a letter of intent from Senator Darrell Steinberg's office. The letter explains that the new fee is *not* intended to apply to building permits.

Status: Signed by Governor. Effective January 1, 2013.

**SB 1222 - Leno (D) Solar Energy: Permits** Requires that permit fees for rooftop solar energy systems by a city, county, city and county, or charter city not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed a specified amount per kilowatt level maintained.

**Specifics:** This bill would require permit fees for rooftop solar energy systems, as specified, by a city, county, city or county, or charter city to not exceed the estimated reasonable cost of providing the service for which the fee is charged, which cannot exceed \$500 plus \$15 per kilowatt for each kilowatt above 15kW for residential rooftop solar energy systems, and \$1,000 plus \$7 per kilowatt for each kilowatt between 51kW and 250kW, plus \$5 for every kilowatt above 250kW, for commercial rooftop solar energy systems, unless certain conditions are met. Status: Signed by Governor. Effective January 1, 2013.

**All of the following also have been signed by the Governor and became effective January 1, 2013.**

AB296PavingMaterials- [http://leginfo.ca.gov/cgi-bin/postquery?bill\\_number=ab\\_296&sess=PREV&house=B&author=skinner](http://leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_296&sess=PREV&house=B&author=skinner)

AB 1612 - Admin. Practices - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1601-1650/ab\\_1612\\_bill\\_20120923\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_1601-1650/ab_1612_bill_20120923_chaptered.pdf)

AB 1750 - Rainwater Capture Act - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1701-1750/ab\\_1750\\_bill\\_20120925\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_1701-1750/ab_1750_bill_20120925_chaptered.pdf)

AB 2030 - Building Standards - Press Boxes - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_2001-2050/ab\\_2030\\_bill\\_20120919\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_2001-2050/ab_2030_bill_20120919_chaptered.pdf)

AB 2041 - Regulations - Adoption - Disability Access - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_2001-2050/ab\\_2041\\_bill\\_20120928\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_2001-2050/ab_2041_bill_20120928_chaptered.pdf)

AB 2249 - Solar Water Heating and Efficiency Act - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_2201-2250/ab\\_2249\\_bill\\_20120927\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_2201-2250/ab_2249_bill_20120927_chaptered.pdf)

AB 2314 - Real Property: Blight - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_2301-2350/ab\\_2314\\_bill\\_20120827\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_2301-2350/ab_2314_bill_20120827_chaptered.pdf)

AB 2697 - Committee on HCD - Omnibus Act - [http://leginfo.ca.gov/pub/11-12/bill/asm/ab\\_2651-2700/ab\\_2697\\_bill\\_20120929\\_chaptered.pdf](http://leginfo.ca.gov/pub/11-12/bill/asm/ab_2651-2700/ab_2697_bill_20120929_chaptered.pdf)

SB 1394 - Dwelling Safety - Carbon Monoxide/Smoke Detectors - [http://leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_1394&sess=PREV&house=B&author=lowenthal](http://leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1394&sess=PREV&house=B&author=lowenthal)

SB 1520 - State Gov. - Admin. Efficiency - [http://leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sb\\_1520&sess=PREV&house=B&author=calderon](http://leginfo.ca.gov/cgi-bin/postquery?bill_number=sb_1520&sess=PREV&house=B&author=calderon)